



Legislation Details (With Text)

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Title: Granting a Special Use Permit, for a Type A Daycare for a site located at 1822 Upton Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report, 2. Audio: Agenda Review 11/19/2019, 3. Audio: Zoning & Planning Committee 11/13/2019, 4. Audio: TCPC 10/10/2019

Date	Ver.	Action By	Action	Result
11/26/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
11/26/2019	1	City Council	declare emergency	Pass
11/26/2019	1	City Council	passage	Pass

Zoning & Planning Committee

Granting a Special Use Permit, for a Type A Daycare for a site located at 1822 Upton Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-8001-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Type A Daycare for a site located at 1822 Upton, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On October 10, 2019, the Toledo City Plan Commission recommended disapproval for the request for a Special Use Permit, for a Type A Daycare for a site located at 1822 Upton in the City of Toledo, Lucas County, Ohio.

On November 13, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Type A Daycare for a site located at 1822 Upton, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a Special Use Permit for a Type A Daycare for a site located at 1822 Upton, City of Toledo, Lucas County, Ohio; be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

Parkside lot 58

SECTION 2. That the approval of the Special Use Permit for a Type A Daycare for a site located at 1822 Upton, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 18 conditions as follows:

The following eighteen (18) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. A pre-submittal meeting is not required, however one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
Right-of-Way and Inspection: 419-245-1341
Roadway: 419-245-1344
Water: 419-936-2163
Stormwater Drainage: 419-245-3221; 419-245-1338
Sanitary Sewers: 419-936-2276

2. All proposed sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8” thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening. Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.
5. Contact (419) 245-1341 for inspection of above mentioned items.

Fire and Rescue Department

6. Approved Premises identification is required.

Division of Sewer and Drainage

7. The daycare shall be in compliance with the Department of Commerce Type A family daycare facilities inspection standard checklist.
8. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
9. S&DS requires that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past two (2) years. An electronic copy (DVD/memory

stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Plan Commission

10. A Day Care Center must have building frontage on a major street. Not acceptable as submitted. The Applicant shall obtain a waiver of TMC§1104.0703(B) to allow the Day Care Center to be located on Upton Ave.
11. Per TMC§1104.0703(D)&(E), the facility is required to provide thirty-five (35) square feet of useable indoor space for each person in care and sixty (60) square feet of useable outdoor space for each person in care using the outdoor area at any time.
12. Per TMC§1107.0304 a Type A Day Care is required to have one (1) parking space in addition to the requirement for the dwelling. The minimum number of off-street parking spaces required for a detached house is two (2) spaces per dwelling unit. A total of three (3) parking spaces are required for the site. The site plan submitted depicts an area available for two (2) parking spaces. One (1) additional parking space shall be shown on a revised site plan.
13. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot. Acceptable as depicted on site plan.
14. A detailed site, lighting, fencing and four (4) copies of a landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Per TMC§1108.0203(F), a Type B landscape buffer shall be provided around the outdoor space. Staff recommends this buffer be a minimum of ten-feet (10') in width and consist of four (4) canopy trees and fifteen (15) shrubs installed every 100 linear feet. Pursuant to TMC§1108.0203 (D)(2), a fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for the shrub requirements. Final approval shall be at the discretion of the Director. Shall be shown on a revised site plan.
 - b. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage.
 - c. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained; shall be indicated on revised site plan.
 - d. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches and evergreen trees must be a minimum of 5'.

- 15. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
- 16. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 17. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
- 18. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. Waiving the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1822 Upton Avenue, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

Sec. 1104.0701 Type A family Daycare Home

C. Location - In Residential zoning districts, a Type A Family Day Care must have building frontage on a major street.

Approve a waiver to allow the Type A Day to operate on Upton Avenue, a local roadway.

SECTION 4. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 5. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council