



Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Approved

**File created:** 6/16/2023      **In control:** City Council

**On agenda:** 6/27/2023      **Final action:** 6/27/2023

**Title:** Granting a Special Use Permit, for a Daycare Center for a site located at 1776 and 1810 Tremainsville Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Video: City Council 6/27/2023, 3. Video: Agenda Review 6/20/2023

| Date      | Ver. | Action By    | Action     | Result |
|-----------|------|--------------|------------|--------|
| 6/27/2023 | 1    | City Council | Suspension | Pass   |
| 6/27/2023 | 1    | City Council | Emergency  | Pass   |
| 6/27/2023 | 1    | City Council | Passage    | Pass   |

Zoning & Planning Committee

**Granting a Special Use Permit, for a Daycare Center for a site located at 1776 and 1810 Tremainsville Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-3003-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Daycare Center for a site located at 1776 and 1810 Tremainsville Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On May 11, 2023, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Daycare Center for a site located at 1776 and 1810 Tremainsville Road, in the City of Toledo, Lucas County, Ohio.

On June 14, 2023 Toledo City Council Planning and Zoning Committee reviewed and referred without recommendation a request for a Special Use Permit for a Daycare Center for a site located at 1776 and 1810 Tremainsville Road, in the 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 Daycare Center for a site located at 1776 and 1810 Tremainsville Road, in the 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:

Parcel no 07-05184

Harris Subdivision Lot 2

Parcel no 07-05201

HARRIS SUBDIVISION LOT 3 & 4...SE 40 FT NW 120 FT FRT BY 100 FT ON SE LINE 95 FT DEEP ON NW LINE EXC IRREG PCE MEAS W 25.67 FT W LINE EXC IRREG PCE MEAS W

SECTION 2. That the approval of a Special Use Permit, for a Daycare Center for a site located at 1776 and 1810 Tremainsville Road, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 25 conditions as follows:

The following twenty-five (25) 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. 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.
2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

Contact (419) 245-1341 for inspection of above-mentioned items.

#### Division of Sewer and Drainage Services

4. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. S&DS requires that the existing 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 (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

#### Division of Environmental Services

6. Applicant shall maintain compliance with the City of Toledo’s Stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.

7. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
9. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from [https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives\\_to\\_ohio\\_invasive\\_plant\\_species.pdf](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
10. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Asbestos and the Anti-Noise Laws.

#### Fire Prevention

11. It appears this building will undergo a change of use. This will require compliance with all Building, Mechanical, Electrical, Plumbing, Fire Sprinkler and Fire Alarm code requirements.
12. Approved Premises identification is required.
13. Key box(es) for access to buildings and areas restricted by fences and gates, etc.

#### Division of Transportation:

14. In parking lots or garages, accessible parking spaces must be located on the shortest accessible route to the accessible entrance per ADA.

#### Plan Commission

15. The ADA parking shall be moved to the location of the loading spaces closer to the entrance of the building.
16. Per TMC§1107.1906 All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
17. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available to the Type A Day Care. Acceptable as depicted on site plan.
18. Sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at any one time. A Type B landscape buffer shall be provided around the outdoor space. Acceptable as depicted on site plan.
19. One (1) van accessible parking space shall be required. Acceptable as depicted on site plan.
20. A paved off-street area for dropping off and picking up persons in care at the facility must be provided and approved by the Division of Transportation; Acceptable as depicted on site plan.
21. 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 play area. This buffer shall 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. Applicant has the option to request credit for the existing tree under TMC§1108.0407(B). Perimeter landscaping must be provided along any parking lot area adjacent to a street, place or driveway, visible from an immediately adjacent property. Not acceptable as depicted. Applicant shall provide a continuous shrub around the parking lot at 1810 Tremainsville with a minimum height of eighteen (18) inches 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.
    - a. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval.
    - b. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
    - 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.
22. 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.
23. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
24. 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.
25. 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. 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 4. 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 10, nays 0.

Passed: June 27, 2023, as an emergency measure: yeas 10, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

June 27, 2023  
Wade Kapszukiewicz  
Mayor