



## Legislation Details (With Text)

**File #:** O-524-19      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Failed  
**File created:** 10/18/2019      **In control:** City Council  
**On agenda:** 10/29/2019      **Final action:** 10/29/2019  
**Title:** Granting a Special Use Permit, for a Type A Daycare for a site located at 2946 East Lincolnshire Boulevard, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: ZPC 10/16/2019, 3. Audio: TCPC 9/12/2019, 4. Audio: Agenda Review 10/22/2019, 5. Audio: City Council October 29, 2019

Date	Ver.	Action By	Action	Result
10/29/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
10/29/2019	1	City Council	declare emergency	Pass
10/29/2019	1	City Council	passage	Fail

Zoning & Planning Committee

**Granting a Special Use Permit, for a Type A Daycare for a site located at 2946 East Lincolnshire Boulevard, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-7005-19) 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 2946 East Lincolnshire Boulevard, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 12, 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 2946 East Lincolnshire Boulevard, in the City of Toledo, Lucas County, Ohio.

On October 16, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for a Type A Daycare for a site located at 2946 East Lincolnshire Boulevard, 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 2946 East Lincolnshire Boulevard, 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. 22-33197

LINCOLNSHIRE PLAT 3 LOT 62

SECTION 2. That the approval of the Special Use Permit for a Type A Daycare for a site located at 2946 East Lincolnshire Boulevard, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 17 conditions as follows:

The following seventeen (17) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

#### 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

#### Sewer & Drainage

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

#### Fire Prevention

4. Approved premises identification is required.
5. The daycare shall be in compliance with the Department of Commerce Type A family daycare facilities inspection standard checklist.

#### Transportation

6. According to the Toledo Municipal Code, a minimum of three parking spaces is required for Type-A daycares. The garage is permitted to be included in the available parking total; however the measurements of the driveway cannot sufficiently meet Toledo Municipal Code requirements to accommodate two vehicles maneuvering the remaining area.

7. Due to the traffic generated by the day-to-day activities associated with Type-A daycares, such as parking, parent drop-off/pick-up, etc. the Division of Transportation discourages the approval of daycares in residential areas.

#### Plan Commission

8. 35 square feet of useable space per person in care must be regularly available for the day care operation. TMC 1104.0701.D.
9. 60 square feet of useable outdoor space must be provided for each person in care using the outdoor space at any one time. A Type B landscape buffer shall be provided around the outdoor space with twelve (12) trees and forty four (44) shrubs and a solid privacy fence. TMC 1104.0701.E. Fencing is acceptable. Landscaping shall be submitted on a revised plan with plant species and material size details.
10. In a residential zoning district, a Type A Family Day Care must have building frontage on a major street. East Lincolnshire is not classified as a major street per the Major Street and Highway Plan. Applicant must obtain a waiver of TMC 1104.0701.C. in order to operate.
11. Group Living facilities, Type A Day Care Home, and Nonresidential Drug and Alcohol Centers that are subject to this spacing requirement Section in the Use Table of Sec. 1104.0100, must be at least 500 feet from a site with any other Group Living facilities, Type A Day Care Home, and Nonresidential Drug and Alcohol Center that is subject to this spacing requirement TMC 1104.1001. In no case may more than one facility subject to this Section be located on the same block TMC 1104.1002. A spacing violation exists within 500 feet and the same block. Applicant must obtain a waiver of TMC 1104.1001 and 1104.1002 in order to operate.
12. A paved area for dropping off and picking up persons in care at the facility must be provided with the approval of the Division of Transportation. TMC 1004.0701.F. The area shall be compliant with all driveway and parking requirements for residential districts TMC 1107.1202.A.
13. In residential zoning districts, the owner or lessee of the subject dwelling shall be both the licensee and the administrator of the Type A Home. Each licensee/administrator is limited to one (1) Type A Family Day Care facility in the City of Toledo. The Type A Home licensee/administrator shall be an individual person and resident domiciliary of the subject home. Applicant must obtain a waiver of TMC 1104.0701.A in order to operate.
14. 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.
15. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.

16. 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.
17. 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 4311 Dahlia Drive, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

1104.0701 Type A Family Day Care

A. Applicability

In residential zoning districts, the owner or lessee of the subject dwelling shall be both the licensee and the administrator of the Type A Home. Each licensee/administrator is limited to one (1) Type A Family Day Care facility in the City of Toledo. The Type A Home licensee/administrator shall be an individual person and resident domiciliary of the subject home.

Approve a waiver to allow an operator to run multiple Type A Day Care locations within the City of Toledo.

Chapter 1104 Use Regulations

1104.0701 Type A Family Day Care

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 a Type A Day Care without frontage on a major street.

Chapter 1104 Use Regulations

1104.1000 Group Living and Day Care - Spacing

1104.1001 Group Living facilities, Type A Family Day Care Home and Nonresidential Drug and Alcohol Centers that are subject to this spacing requirement Section in the Use Table of Sec. 1104.0100, must be at least 500 feet from a site with any other Group Living facility, Type A Family Day Care Home, and Nonresidential Drug and Alcohol Center that is also subject to this spacing requirement.

&

1104.1002 In no case may more than one facility subject to this Section be located on the same block.

Approve a waiver to allow multiple facilities subject to spacing within 500' of each other and on the same block.

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 11, nays 0.

Failed: October 29, 2019, as an emergency measure: yeas 1, nays 10.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

October 29, 2019  
Wade Kapszukiewicz  
Mayor