



Legislation Text

File #: O-404-23, **Version:** 1

Zoning & Planning Committee

Granting a Special Use Permit, for a Daycare Center/ Pre-school for a site located at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; three waivers and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-3004-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Daycare Center/Pre-School for a site located at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street, 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 Special Use Permit, for a Daycare Center/ Pre-School for a site located at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street1, in the City of Toledo, Lucas County, Ohio.

On June 14, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and deferred a request for a Special Use Permit, for a Daycare Center/ Pre-School for a site located at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street, in the City of Toledo, Lucas County, Ohio;

On July 12, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent without a recommendation a request for a Special Use Permit, for a Daycare Center/ Pre-School for a site located at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street, 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/ Pre-School for a site located at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street, 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:

621 Miami St

Legal Description: Riverview Addition Lot 3

617 Miami St (former law office building)

Legal Description: Riverview Addition Lot 4 & S 17 Ft Lot 5

611 Miami St (house north of law office)

Legal Description: Riverview Addition Lot 5 N 16 Ft & Lots 6 & 7

4 Nevada St

Legal Description: Riverview Addition Lots 8 & 9 Exc E 80 Ft

8 Nevada St

Legal Description: Riverview Addition Lots 8 & 9 W 40 Ft E 80 Ft
12 Nevada St

Legal Description: Riverview Addition Lots 8 & 9 E 40 Ft

SECTION 2. That the approval of the Special Use Permit for a Daycare Center/Pre-School for the site located at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 38 conditions as follows:

The following thirty-eight (38) 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](https://toledo.oh.gov) search: Right of Way opening permit.

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

4. Stormwater planning on plan sheet A2 is adequate site planning for a Special Use Permit, but an engineering review and approval for construction permit requires submittal of the following items:
 - a. Items are listed on the regional SWP3 submittal coversheet
<https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
 - b. Plans according to the 2014 Infrastructure Requirements document found in the drop-down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>.
5. Following the stormwater review, additional items are needed for final approval:
 - a. As outlined on the regional SWP3 submittal cover sheet, including the requirement for a covenant to operate and maintain the post-construction stormwater controls.
 - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
 - c. Construction inspection and completion of obligations in the stormwater permit.

6. The underground detention system (UDS) is proprietary and outside the scope of the City's services for sewer inspection. The following notes shall be added to the plans:
 - a. The Contractor shall have the underground detention system manufacturer's representative on-site during the installation of the UDS. This representative shall advise the contractor as to the required installation procedures for the UDS.
 - b. The City of Toledo will be provided with an as-built signature by an Ohio P.E. representing the detention system manufacturer with the certification statement to the effect of: 'I certify that the underground detention system was installed in accordance with the manufacturer's installation requirements and that the underground detention system will function as designed in accordance with the contract documents.'
7. There is a public sewer in the alley parallel to Miami Street. No work shall limit access to this sewer.

Division of Sewer and Drainage Services

8. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
9. 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

10. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
 - a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
 - b. Construction BMPs shall be in place prior to the start of construction activities.
 - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
11. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
12. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and

increase infiltration, and to minimize amount of new and/or additional impervious surface on site.

13. 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](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
14. 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

15. The day care shall be in compliance with the Department of Commerce day care facilities inspection standard checklist.
16. The proposed new building will require compliance with all Building, Mechanical, Electrical, Plumbing, Fire Sprinkler and Fire Alarm code requirements.
17. Building plan approval and permits are required.

Division of Transportation

18. Bicycle parking is required per TMC 1107.0900.
19. Van accessible parking is required to be 9'x18' with an 8' loading aisle per TMC 1107.1701 & 1107.1911.
20. A 25' driveway Is required at Nevada St. when two-way traffic is being utilized per TMC 1107.1911.
21. The 22' driveway connecting to existing alley must be closed.
22. Painted ground arrows from parking lot to the 35' drive opening must be shown to prevent wrong way traffic flow.
23. "Do Not Enter" signage is required at the 35' drive opening to existing alley to prevent wrong way traffic flow.
24. If one has not already been established, a cross access agreement will be required at all parcels effected by the new parking areas and driveway from Nevada St. to the existing alley.

Plan Commission

25. 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.
26. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available to the

Day Care Center. Acceptable as depicted on site plan.

27. 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. Not acceptable as depicted. The dimensions of the outdoor play area shall be provided on a revised site plan.
28. Per TMC§1107.1202(A)(1), parking is not allowed within the front yard in residential districts except detached houses, attached houses and duplexes where parking is allowed in the driveway. Not acceptable as depicted on site plan. Applicant shall obtain a waiver from TMC§1107.1202(A)(1).
29. One (1) van accessible parking space shall be required. Not acceptable as depicted on site plan. The accessible loading aisle shall be a minimum of eight feet (8') wide.
30. 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.
31. Per TMC§1107.0900, two (2) bike parking spaces are required. Not acceptable as depicted. Bike parking spaces shall be shown on a revised site plan.
32. Per TMC§1109.0502, steel is not an allowed building façade material for a parking garage. Acceptable as depicted on revised site plan. Garage shall be removed after the lease of the existing tenant of 611 Miami expires.
33. 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). Acceptable as depicted on site plan.
 - b. A fifteen-foot (15') greenbelt is required along Miami Street and Nevada Avenue. Nine (9) new and two (2) existing trees are indicated on Miami Street within an eighteen-foot (18') greenbelt which is compliant. There are three (3) trees and twenty-one (21) continuous shrubs indicated along Nevada Avenue in a four-foot greenbelt area. Not acceptable as depicted on site plan. Applicant shall obtain waiver from TMC§1108.0202(B)(3).
 - c. 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.

- d. 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.
- e. 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.
- f. Per TMC§1105.0302(A), fences may not exceed three and a half feet (3½') in height in the required front setback. Not acceptable as depicted on site plan. Applicant shall obtain a waiver from TMC§1105.0302(A).
- g. Fence shall be prefinished ornamental aluminum. Acceptable as depicted on site plan.
- h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

34. Parcels number 1325193, 1325287 and 1325184 shall be combined into a single lot.

35. 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.

36. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

37. 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.

38. 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 Section 1105.0302 (A) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1105 - Accessory Uses

Sec. 1105.0300 Fences and Hedges

TMC§1105.0302(A) - Commercial and Industrial Districts

- 1. Fences may not exceed three and a half feet (3½') in height in the required front setback

Approve a waiver to allow a six-foot (6') high fence in the required front setback along Miami Street. The fence is needed to prevent parents and students from entering the pre-school from the Miami Street side of the property while maintaining access to the existing front entry of the structure.

SECTION 4. Waiving Section 1107.1202(A) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 611, 617, 621

Miami Street and 4, 8, 12 Nevada Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1107 - Parking, Loading, and Access

Sec. 1107.1200 - Location

TMC§1107.1202(A) - Setbacks in Residential Districts

1. No parking space may be located within the front yard, except that parking spaces for detached houses, attached houses, and duplexes may be located on a driveway;
3. Off-street parking spaces are prohibited within required landscape buffers;

Approve a waiver to allow parking in the front yard setback and in the required frontage greenbelt. Areas for parking on site are limited.

SECTION 5. Waiving Section 1108.0202(B) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street, in the City of Toledo, Lucas County, Ohio.

Chapter 1108 - Landscape and Screening

Sec. 1108.0202 landscape Standards

TMC§1108.0202(B) - Frontage Greenbelt

3. Frontage greenbelts shall be a minimum width of fifteen feet (15'). For properties over five (5) acres and/or those with over five-hundred feet (500') of frontage, the frontage greenbelt shall be a minimum of thirty feet (30') wide measured perpendicular from the street or place right of way abutting the property.

Approve a waiver to allow to reduce required frontage greenbelt to four feet (4') for a portion of the frontage along Nevada Avenue due to limited space.

SECTION 6. 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 7. 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