



## Legislation Text

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**File #:** O-503-22, **Version:** 1

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### Zoning & Planning Committee

**Granting a Special Use Permit, for a Daycare Center for a site located at 3104 Nebraska 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-6007-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Daycare Center for the property located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 11, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Daycare Center for the property located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio.

On September 14, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Daycare Center for the property located at 3104 Nebraska Avenue, 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 the property located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio 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:

BRENTWOOD HEIGHTS LOT 70 EXC WLY 2 FT

SECTION 2. That the approval of the Special Use Permit, for a Daycare Center for the property located at 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 19 conditions as follows:

The following nineteen (19) 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 One Stop Shop, (419) 245-1220.

#### Fire Prevention

4. It appears that this building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
5. Approved Premises identification is required.

#### Division of Transportation

6. Sidewalk is required to be the full length of the property on Underwood Ave. per TMC 1107.1300.

#### Plan Commission

7. The applicant shall provide Plan Commission staff with the number of children the Department of Jobs and Family Services approves to be in care at the site.
8. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation. Acceptable as depicted on site plan. The site plan submitted depicts an occupancy area of 1,510 square feet.
9. 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. However, only nine (9) children shall use the outdoor play area at any one time.
10. Parking Schedule “A” (TMC§1107.0304) states that Day Care Centers must have one (1) parking space per six (6) person capacity or one (1) space per 400 square feet, whichever is greater. Acceptable as depicted. Note the applicant shall have no more than twenty-four (24) individuals on site at one time due to parking limitations.
11. 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.
12. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
13. A minimum of two (2) bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300). Shall be depicted on revised site plan.

14. No free-standing signs greater than forty-two inches (42”) from grade are permitted - any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine - Sign Code. Existing banner signage may remain and shall be maintained without expansion.
15. 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. A Type “B” Landscape Buffer is required around the outdoor play area. The buffer shall be a minimum of ten feet (10’) in width with ten (10) trees and either fencing or shrubs. The location, height and materials for any fencing to be installed and maintained shall be indicated. Not acceptable as depicted on site plan. One (1) additional tree shall be provided around the play area and depicted on a revised site plan.
  - b. Perimeter landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public right-of-ways. A minimum of at least one canopy tree must be provided for each 30 linear feet, plus a continuous shrub with a minimum height of 18 inches. Acceptable as depicted.
  - c. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code. Dumpster enclosure details shall be provided on a revised site plan.
  - d. Topsoil must be back filled to provide positive drainage of the landscape area.
  - e. 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.
  - f. 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; not acceptable as depicted, all species and location of shrubs shall be identified on a revised landscape plan.
  - g. The location, height and materials for any fencing to be installed and maintained; Pursuant to TMC§1105.0302(A)(1), fences may not exceed 3½ feet in height in the required front setback. Additionally, per TMC§1105.0303, the use of barbed wire, razor wire, concertina wire or the like shall not be permitted in the front yard setback and not anywhere along a street right-of-way; not acceptable as depicted, height and fencing material shall be indicated on a revised site plan,
  - h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and,
  - i. The location, lighting and size of any signs.

- 16. 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. The Special Use Permit shall be reviewed after one (1) year for compliance.
- 17. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 18. 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.
- 19. 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 3104 Nebraska Avenue, in the City of Toledo, Lucas County, Ohio:

Chapter 1105 Accessory Uses

Sec. 1105.0204(B) - The coverage of driveways, open air parking, detached garages and carports may not occupy more than 50 percent of the total rear yard in a Residential district.

Approve a waiver to allow the rear yard to be paved in excess of 50%. The paved area will accommodate the required parking for a Day Care Center.

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