



Legislation Text

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File #: O-479-19, Version: 1

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Zoning & Planning Committee

**Granting a Special Use Permit, for a Type A Day Care for a site located at 4856 Airport Highway, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-6002-18) filed with the City of Toledo Central Permit Center, a request for a Type A Day Care for the property located at 4856 Airport Highway, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On August 8, 2019, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Type A Day Care for the property located at 4856 Airport Highway, in the City of Toledo, Lucas County, Ohio.

On September 18, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Type A Day Care for the property located at 4856 Airport Highway, 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 Type A Day Care for the property located at 4856 Airport Highway, 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. 20-92661

WESTGATE LOT 226 EXC PT IN RD

SECTION 2. That the approval of the Special Use Permit for a Type A Day Care for the property located at 4856 Airport Highway, in the City of Toledo, Lucas County, Ohio; be subject to compliance with the 23 conditions as follows:

The following twenty-three (23) 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.

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

#### Fire Prevention

5. Approved premises identification is required.

#### Division of Environmental Services

6. 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.
7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.
9. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives\\_to\\_ohio\\_Invasive\\_Plant\\_Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/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.

#### Division of Transportation

11. If the applicant intends to use the parking on the adjacent property at 4850 Airport Highway, an access agreement must be provided.

Plan Commission

12. 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 a first floor day care occupancy area of 554 square feet. A limit of fifteen (15) children are permitted to be in care at any given time.
13. 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. The site plan submitted depicts an outdoor play area with 3,000 square feet.
14. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
15. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a 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 (if applicable).
16. 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.
17. 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.
18. 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. Shall be noted on building 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. 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’.

- d. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details.
  - e. The location, height and materials for any fencing to be installed and maintained; not acceptable as depicted on site plan. A split-rail fence with a maximum height of forty-two inches (42”) shall be installed in the front yard along the eastern property line to prevent cross access.
1. Plan Commission staff does have some concern with additional vehicles backing out onto Airport Highway and recommends that the applicant consider an access agreement with a neighboring property to mitigate potential safety issues.
  2. 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.
  3. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
  4. 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.
  5. 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 12, nays 0.**

**Passed: October 1, 2019, as an emergency measure: yeas 12, nays 0.**

**Attest:**

**Gerald E. Dendinger**  
**Clerk of Council**

**Matt Cherry**  
**President of Council**

**Approved: October 1, 2019**

**Wade Kapszukiewicz**  
**Mayor**