



Legislation Text

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File #: O-223-23, Version: 1

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Zoning & Planning Committee

**Granting a Special Use Permit, for Parking Lot Modifications to an existing Daycare Center, for a site located at 3901 Shadylawn Drive, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

SUMMARY & BACKGROUND:

By application (SUP-1004-23) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for Parking Lot Modifications to an existing Daycare Center, for a site located at 3901 Shadylawn Drive, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 9, 2023, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for Parking Lot Modifications to an existing Daycare Center, for a site located at 3901 Shadylawn Drive, in the City of Toledo, Lucas County, Ohio.

On April 12, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for Parking Lot Modifications to an existing Daycare Center, for a site located at 3901 Shadylawn Drive 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 Parking Lot Modifications to an existing Daycare Center, for a site located at 3901 Shadylawn Drive 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:

GRANT 580 SE 555.87 FT NE 450 FT OF N 98.16 AC PT S OF GLENDALE AVE

SECTION 2. That the approval of the Special Use Permit for Parking Lot Modifications to an existing Daycare Center, for a site located at 3901 Shadylawn Drive 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.
4. A stormwater submittal will not be required for this site plan, which indicates a total of less than 2,500 square feet of new earthwork. If the site plan were to change and have an increased amount of earthwork, the applicant will need to coordinate with the Plan Commission to receive additional site plan review and a determination of whether a stormwater review and approval would also be required.
5. In absence of a stormwater submittal the applicant remains responsible for ensuring the following stormwater requirements are met:
  - New site work must not direct drainage across a private property line.
  - During construction, stormwater pollution shall be prevented with the basic erosion and sediment control practices.

#### 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.

#### Division of Transportation

11. Bicycle parking is required to be shown per TMC§1107.0900.
12. All driveway widths and drive aisles must be a minimum of twenty-five (25) feet where two-way traffic is established per TMC§1107.191.

13. Ground painted directional arrows are required to indicate where one-way and two-way traffic pattern is established.

#### Sewer & Drainage

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

15. 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.

#### Plan Commission

16. Per TMC§1107.1901 Off-street parking lots and loading areas must be designed with an appropriate means of vehicular access to a street, place, or alley in a manner that will least interfere with traffic movement and shall be subject to the approval of the Division of Transportation.

17. TMC§1104.0703(B) *Location* - A Day Care Center must have building frontage on a major street shall be waived to allow the existing day care center without frontage on a major street.

18. 17. Per TMC§1107.1903(F) 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.

19. 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.

20. A revised site plan shall be submitted depicting the entire site including the existing parking lot and outdoor play area.

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);
- 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. 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;

- d. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
  - 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.
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. Waiving Section 1104 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 3901 Shadylawn Drive, in the City of Toledo, Lucas County, Ohio.

Chapter 1104 - Use Regulation

Sec. 1104.0703 - Day Care Center

TMC§1104.0703(B) - Location

- 1. A Day Care Center must have building frontage on a major street.

Approve a waiver to allow a Daycare Center without frontage on a major street.

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

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council