



Legislation Text

File #: O-084-22, Version: 1

Zoning & Planning Committee

Granting a Special Use Permit for a Daycare Center for a site located at 1824 W. Sylvania Ave., and 4012-4016 Hearthstone, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-11001-21) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Daycare Center for a site located at 1824 W. Sylvania Ave., and 4012-4016 Hearthstone, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 13, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for a Daycare Center for a site located at 1824 W. Sylvania Ave., and 4012-4016 Hearthstone, in the City of Toledo, Lucas County, Ohio.

On February 16, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval a request for a Special Use Permit for a Daycare Center for a site located at 1824 W. Sylvania Ave., and 4012-4016 Hearthstone, 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 a site located at 1824 W. Sylvania Ave., and 4012-4016 Hearthstone, 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. 07-08011
HEARTHSTONE LOT 16 & W 17 FT 15 EXC ST
Parcel no. 07-08007
HEARTHSTONE LOT 15 E 48 FT EXC ST
Parcel no. 07-08004
HEARTHSTONE LOT 14
Parcel no. 07-08001
HEARTHSTONE LOT 13

SECTION 2. That the approval of the Special Use Permit for a Daycare Center for a site located at 1824 W. Sylvania Ave., and 4012-4016 Hearthstone, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 29 conditions as follows:

The following twenty-nine (29) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Division

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.
5. Contact (419) 245-1341 for inspection of above-mentioned items.
6. Owner is advised that a previous developer met stormwater management requirements by constructing a drainage system that includes a restricted outlet. The rear parking lot was designed to flood but only briefly during very heavy storms and immediately after. Routine preventative maintenance of the 4" restricted outlet is advised - contact the City for original plans and information about licensed sewer cleaners. Consider installing modern catch basin filter inserts which would allow for less routine maintenance and also prevent trash from flowing through the system and entering the receiving waterway.

Environmental Services

7. 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

10. 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
11. 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

12. One van accessible parking space with 8' loading aisle for van is required per TMC 1107.1701 & 1107.1702. Accessible parking must be the closest parking space available to the designated accessible entrance.
13. Bicycle parking is required per TMC 1107.0900
14. A 25' drive aisle is required for two-way traffic in rear of building per TMC 1107.1911
15. Wheel stops are required at all parking spots abutting sidewalk, property lines, planting strips or buildings per TMC 1107.1907

Fire and Rescue

16. 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.
17. Approved premises identification is required.

Plan Commission

18. Ownership of the subject property has changed hands after the submittal of this application. As a condition of approval, a copy of the lease agreement signed by all current property owners of the 3 subject parcels and the applicant shall be furnished to Plan Commission staff.
19. The front door closest to the handicap space is not handicap accessible because of concrete curbing. The location of the proposed handicap space shall be moved to the rear parking lot, adjacent to the ADA accessible entrance. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
20. The concrete sidewalk that leads to the proposed primary entrance at the rear of the building shall be extended to meet the current public sidewalk along Hearthstone Place, per TMC§1109.0103. Shall be shown on a revised site plan.
21. Litter receptacles, for the use of parking area users and others, must be provided in off-street parking areas per TMC§1107.1910. Shall be shown on a revised site plan.

22. Bicycle parking rack shall be provided. Shall be shown on a revised site plan.
23. Landscaping is required surrounding the perimeter of the parking lot(s), and between the site and the public right-of-ways, per TMC§1108.0202 and TMC§1108.0204. Site visits identified landscaping existing on the site, including shrubs to the north of the parking area at the northern perimeter of the site. As a condition of approval, new shrubs and/or other landscaping shall be installed to the west and south of the front (south) parking lot, between the parking lot and both public sidewalks. All existing and proposed landscaping shall be shown on a revised site plan. Landscaping shall be maintained indefinitely.
24. Dumpster location, if applicable, shall be shown on a revised site plan. Dumpster shall be screened with a combination of a solid wall/fence and landscaping.
25. No new free-standing signs greater than forty-two inches (42”) from grade are permitted, subject to the approval of the Planning Director.
26. 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.
27. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
28. 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.
29. 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 _____, 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