



Legislation Text

File #: O-156-23, **Version:** 1

Zoning & Planning Committee

Granting a Special Use Permit, for a Day Care Center for a site located at 1822 Upton 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-12002-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Day Care Center, for a site located at 1822 Upton Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 9, 2023, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Day Care Center, for a site located at 1822 Upton Avenue, in the City of Toledo, Lucas County, Ohio.

On March 15, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit, for a Day Care Center, for a site located at 1822 Upton 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 Day Care Center, for a site located at 1822 Upton Avenue, 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. 12-04214
PARKSIDE LOT 58

SECTION 2. That the approval of a Special Use Permit, for a Day Care Center, for a site located at 1822 Upton Avenue, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 30 conditions as follows:

The following thirty (30) 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, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

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

Sewer & Drainage Services

4. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
5. 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.

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 infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
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
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.

Fire Prevention

11. Plans for interior remodeling have been submitted to the Building Department for this location. A correction letter was issued. We are waiting for revisions to be code-compliant.

Division of Transportation

12. One van accessible parking space with an 8' loading area and accessible parking signage is required per TMC 1107.1702 & TMC 1107.1704.
13. Bicycle parking is required per TMC 1107.0900.
14. All off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, asphalt or other dust-free material per TMC 1107.1906. (Grass and dirt are not permitted for driveway and parking areas.)
16. All parking spaces are required to be a minimum of 9'x18' per TMC§1107 .1911.3

Plan Commission

17. A Day Care Center must have building frontage on a major street. Not acceptable as submitted. The Applicant shall obtain a waiver of TMC§1104.0703(B) to allow the Day Care Center to be located on Upton Avenue.
18. Per TMC§1104.0703(D)&(E), the facility is required to provide thirty-five (35) square feet of useable indoor space for each person in care and sixty (60) square feet of useable outdoor space for each person in care using the outdoor area at any time. Acceptable as depicted on site plan submitted.
19. Per TMC§1107.0304 a Day Care Center is required to have one (1) parking space per six (6) person-capacity or one (1) parking space per 400 square feet, whichever is greater. A total of three (3) parking spaces are required for the site. The site plan submitted depicts an area available for three (3) parking spaces stacked on a single vehicle width driveway. Not acceptable as depicted.
20. A cross-access easement and/or a shared-parking easement shall be recorded for the adjacent driveway at 1818 Upton Avenue to be used as parking.
21. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. One (1) van accessible space is required. Not acceptable as depicted. One (1) van accessible space shall be shown on a revised site plan.
22. Per TMC§1107.0400, Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. Not acceptable as depicted. One (1) bicycle parking space is required and shall be depicted on a revised site plan.
23. Per TMC§1107.1202, 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. Not acceptable as

depicted. The proposed 20'x5' concrete pad in front of the house is not permitted to be used as parking.

24. 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 or to a stormwater treatment facility subject to the regulations and approval of the Department of Public Utilities.
25. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)).
26. 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 outdoor space. 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. Acceptable as depicted on site plan submitted.
 - b. Topsoil must be back filled to provide positive drainage of the landscape areas.
 - 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. 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.
 - e. Canopy trees must be a minimum of twelve-feet (12') in overall height or a minimum caliper of two-inches (2") and evergreen trees must be a minimum of five-feet (5').
 - f. The location, height, and materials for any fencing to be installed and maintained;
 - g. The location and direction of any proposed lighting (any lighting is to be directed away from adjacent residential properties).
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. 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.
30. 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 1104.0703 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1822 Upton Avenue, in the City of Toledo, Lucas County, Ohio.

Chapter 1104 Use Regulations

Sec. 1104.0703 - Day Care Center

B. Location

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

Approve a waiver to allow a Day Care Center to be located off of 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 9, nays 0.

Passed: March 21, 2023, as an emergency measure: yeas 9, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

March 21, 2023
Wade Kapszukiewicz
Mayor