



Legislation Details (With Text)

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Type: Ordinance **Status:** Mayor's Office
File created: 5/17/2019 **In control:** City Council
On agenda: 5/28/2019 **Final action:** 5/28/2019
Title: Granting a Special Use Permit for a Type A Family Day Care for a site located at 4560 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and waivers and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report, 2. Audio: City Council Meeting 5/28/2019

Date	Ver.	Action By	Action	Result
5/28/2019	1	City Council	Dispense with the rules of Council	Pass
5/28/2019	1	City Council	declare emergency	Pass
5/28/2019	1	City Council	pass	Pass

Zoning & Planning Committee

Granting a Special Use Permit for a Type A Family Day Care for a site located at 4560 Hill Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and waivers and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-2002-19) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for a Type A Family Day Care for a site located at 4560 Hill Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On April 11, 2019, the Toledo City Plan Commission recommended approval for a Special Use Permit for a Type A Family Day Care for a site located at 4560 Hill Avenue, in the City of Toledo, Lucas County, Ohio.

On May 15, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Type A Family Day Care for a site located at 4560 Hill Avenue, 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 Family Day Care for a site located at 4560 Hill Avenue, 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. 20-00087

2 1 SE 1/4 W 82.50 FT S 180 FT W 1/2 E 1/2 EXC PT IN RD

SECTION 2. That the approval of the Special Use Permit for a Type A Family Day Care for a site located at 4560 Hill Avenue, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 26 conditions as follows:

The following twenty-six (26) 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: ph. 419-245-1341

Roadway: ph. 419-245-1344

Water: ph. 419-936-2163

Stormwater Drainage: 419-245-3221; 419-245-1338

Sanitary Sewers: ph. 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.

Division of Engineering Services

5. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a stormwater plan review by the Division of Engineering Services. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site plan review and approval will be required by the Division of Engineering Services, subject to the rules and regulations of the City of Toledo including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements, and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

Sewer and Drainage Services

6. S&DS requires all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
7. S&DS requires that the 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Prevention

8. Premise identification shall be on the side of the building fronting the street or road.

Division of Environmental Services

9. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
11. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
12. 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 stormwater impacts from the modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
13. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
14. Applicant shall maintain compliance with the City of Toledo and 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.

Plan Commission

15. A revised site plan shall be submitted depicting the existing right-of-way/roadway easement along Hill Avenue.
16. 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. The site plan submitted depicts an outdoor play area with 264 square feet which will only accommodate four (4) persons at one time. A revised site plan shall be submitted depicting a larger outdoor area if more than four (4) persons intend to use the outdoor area.

17. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
18. 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).
19. 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)).
20. 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.
21. 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.
22. 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 Type “B” Landscape Buffer shall be a minimum of ten-feet (10’) in width with a minimum of four (4) trees and fifteen (15) shrubs for every 100 linear feet. A solid privacy fence, wall, or berm six-feet (6’) to eight-feet (8’) in height may be used and can substitute for shrub requirements. Not acceptable as depicted on site plan. A Type “B” Landscape Buffer shall be installed around the outdoor play area and depicted on a completed landscaping 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. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; shall be noted on a completed landscaping plan.
 - d. The location, height and materials for any fencing to be installed and maintained; not acceptable as depicted on site plan. A solid wood privacy fence shall be installed around the outdoor play area in the Type “B” Landscape Buffer and shall be depicted on a completed landscaping plan; and
 - e. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties)

- 23. 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.
- 24. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 25. 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.
- 26. 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