



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance	<b>Status:</b>		Approved	
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<b>On agenda:</b>	10/29/2019	<b>Final action:</b>		10/29/2019	
<b>Title:</b>	Granting a Special Use Permit, for a Daycare Center for a site located at 4311 Dahlia Drive, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Plan Commission Report, 2. Audio: ZPC 10/16/2019, 3. Audio: TCPC 9/12/2019, 4. Audio: Agenda Review 10/22/2019, 5. Audio: City Council October 29, 2019				

Date	Ver.	Action By	Action	Result
10/29/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
10/29/2019	1	City Council	declare emergency	Pass
10/29/2019	1	City Council	passage	Pass

### Zoning & Planning Committee

### **Granting a Special Use Permit, for a Daycare Center for a site located at 4311 Dahlia 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-7004-19) 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 4311 Dahlia Drive in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On September 12, 2019, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Daycare Center for a site located at 4311 Dahlia Drive in the City of Toledo, Lucas County, Ohio.

On October 16, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a request for a Special Use Permit for a Daycare Center for a site located at 4311 Dahlia Drive, 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 Daycare Center for a site located at 4311 Dahlia Drive, 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. 2335624

LEHMAN AVE SUBDN LOT 56 PRIVATE PARK

SECTION 2. That the approval of the Special Use Permit for a Daycare Center for a site located at 4311 Dahlia Drive, in the City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 32 conditions as follows:

The following thirty-two (32) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

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: 419-245-1338, 419-245-3221

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 Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

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.

6. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs) to provide sediment and erosion control during construction. Construction BMP's shall be designed and installed per the latest Ohio EPA General Stormwater NPDES permit.

#### Sewer & Drainage Services

7. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
8. S&DS requires that the private sanitary lines (after they have 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

9. 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.
10. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
11. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.
12. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.
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](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 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 Anti-Noise Laws.

#### Fire Prevention

15. Approved Premises identification is required.
16. The daycare shall be in compliance with the requirements set forth for in the Ohio Building Code and Ohio Fire Code for E Daycare facilities.

#### Transportation

17. Bicycle parking spaces required per TMC 1107.
18. Must provide accessible 9'x18' parking space with 8' aisle for van per TMC 1107.
19. Must provide accessible parking signage per TMC 1107.

Plan Commission

20. 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 Dahlia Drive.
21. The Lehman Avenue Subdivision Plat identifies the property as a "Private Park". A single lot replat is required in order to change the use. This is a subdivision regulation and is not subject to waiver procedures.
22. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation. Not acceptable as depicted on site plan. Usable indoor space shall be indicated on a revised site plan.
23. 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 2,000 square feet. A total of thirty-three (33) persons may use the outdoor space at any one time.
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. Acceptable as depicted on site plan.
25. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
26. A minimum of two (2) bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). Not depicted on site plan. A revised site plan depicting the location and number of bicycle parking slots shall be submitted.
27. 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.
28. 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, which shall be a minimum of ten feet (10') in width with six (6) trees and either fencing or shrubs. The location, height and materials for any fencing to be installed and maintained shall be indicated; not acceptable as depicted on

- site plan. Trees and fencing material shall be noted on a revised site plan.
- b. Landscape areas within the parking area shall be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing; acceptable as depicted on landscaping plan (if applicable).
  - c. Topsoil must be back filled to provide positive drainage of the landscape area;
  - d. 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.
  - 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; shall be indicated on revised site plan.
  - f. 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; not acceptable as depicted on site plan. Screening materials shall be indicated on a revised site plan.
  - g. 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'.
  - h. 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.
29. 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.
30. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
31. 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.
32. 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 the following section of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 4311 Dahlia Drive, in the City of Toledo, Lucas County, Ohio:

#### Chapter 1104 Day Care

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 the Day Care Center to operate on Dahlia Drive, a local roadway.

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 11, nays 0.

Passed: October 29, 2019, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

October 29, 2019  
Wade Kapszukiewicz  
Mayor