



Legislation Details (With Text)

File #: O-227-21 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 4/16/2021 **In control:** City Council
On agenda: 4/27/2021 **Final action:** 4/27/2021

Title: Granting a Special Use Permit, for a Day Care Center for a site located at 411 E. Central Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Plan Commission Report, 2. Audio: Agenda Review April 20, 2021, 3. Audio: City Council April 27, 2021

Date	Ver.	Action By	Action	Result
4/27/2021	1	City Council	Dispense with the rules of Council requiring...	Pass
4/27/2021	1	City Council	declare emergency	Pass
4/27/2021	1	City Council	passage	Pass

Zoning & Planning Committee

Granting a Special Use Permit, for a Day Care Center for a site located at 411 E. Central Avenue, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-12009-20) 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 411 E. Central Avenue, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On March 11, 2021, 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 411 E. Central Avenue in the City of Toledo, Lucas County, Ohio.

On April 14, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent without recommendation a request for a Special Use Permit for a Day Care Center for a site located at 411 E. Central 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 Day Care Center for a site located at 411 E. Central 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 18-81011

7 9 24 LOT 5 ASSESSORS PLAT LOT 2 1 EXC W 17 FT & 22 & 23 & LOTS 26, 27 & 28 EXC ST

SECTION 2. That the approval of the Special Use Permit for a Day Care Center for a site located at 411 E. Central Avenue, in the City of Toledo, Lucas County, Ohio shall be subject to compliance with the 31 conditions as follows:

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: 419-245-3221; 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.
Contact (419) 245-1341 for inspection of above mentioned items.
5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities. Contact the Division of Water Distribution (419-936-2839) to verify backflow prevention requirements for this site.
6. The existing 1/2-inch diameter water service line cannot be reused and will be abandoned by the City of Toledo at the owner's expense.
7. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Water Distribution for review and approval.
8. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.

9. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
10. New water service taps will be installed by City of Toledo at the developer's expense.

Sewer & Drainage Services

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

13. 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.
14. Approved Premises identification is required.

Environmental Services

15. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
16. 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.
17. 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.
18. 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
19. 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.

Division of Transportation

- 20. Bike parking spaces required per TMC 1107.
- 21. One van accessible parking space with 8' loading aisle and 3 auto accessible parking spaces with 5' loading aisle is required per TMC 1107.
- 22. Wheel stops are required at all parking spaces abutting sidewalks, property lines, buildings, and planting areas per TMC 1107.

Plan Commission

- 23. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces; not acceptable as depicted on revised site plan.
- 24. The submitted site plan indicates eighty (80) off-street parking spaces. Two (2) of these is reserved for use by persons with physical disabilities. Pursuant to TMC§1107.1800, there must be three (3) auto and one (1) van accessible spaces: not acceptable as depicted on revised site plan.
- 25. 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.
- 26. Current dumpster and its location 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.
- 27. Per TMC§1108.0202 - *Frontage Greenbelts*, a greenbelt is required along all frontages that abut public right-of-ways. The frontage greenbelt shall include at least one (1) tree for every thirty feet (30') of lot frontage and shall also include grass and shrub plantings. Existing tree, fencing, and shrubs are not acceptable as shown in the site plan. The frontage greenbelt is approximately 280' including two (2) existing trees. Seven (7) more trees must be planted to be compliant.
- 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. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in

TMC§1111.0707 have not been met.

30. 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.

31. 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 12, nays 0.

Passed: April 27, 2021 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

April 28, 2021
Wade Kapszukiewicz
Mayor