



## Legislation Details (With Text)

**File #:** O-342-21      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 6/17/2021      **In control:** Zoning & Planning Committee12324  
**On agenda:** 6/22/2021      **Final action:** 6/22/2021  
**Title:** Granting a Special Use Permit, for a Day Care Center for a site located at 874 Orchard Street, 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: Zoning & Planning Committee 6/16/2021, 3. Audio: City Council June 22, 2021

| Date      | Ver. | Action By    | Action                                          | Result |
|-----------|------|--------------|-------------------------------------------------|--------|
| 6/22/2021 | 1    | City Council | Dispense with the rules of Council requiring... | Pass   |
| 6/22/2021 | 1    | City Council | declare emergency                               | Pass   |
| 6/22/2021 | 1    | City Council | passage                                         | Pass   |

Zoning & Planning Committee

**Granting a Special Use Permit, for a Day Care Center for a site located at 874 Orchard Street, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-3008-21) 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 874 Orchard Street, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On May 13, 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 874 Orchard Street, in the City of Toledo, Lucas County, Ohio.

On June 16, 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 874 Orchard Street, 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 874 Orchard Street, in the City of Toledo, Lucas County, Ohio 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 I: Lot number one hundred forty-six (146) and the Northeasterly ten (10) feet of Lot number one hundred forty-seven (147) in Thayer's Addition to the City of Toledo, Lucas County, Ohio, in accordance with Volume 4 of Plats, page 11.

Parcel II: The Southwesterly thirty (30) feet of Lot number one hundred forty-seven (147) in Thayer's Addition to the City of Toledo, Lucas County, Ohio, in accordance with Volume 4 of Plats, page 11.

Parcel III: Lots numbered one hundred forty-eight (148), one hundred forty-nine (149) and one hundred fifty (150) in Thayer's Addition to the City of Toledo, Lucas County, Ohio, in accordance with Volume 4 of Plats, page 11.

Parcel IV: Lots numbered one hundred fifty-one (151) and one hundred fifty-two (152) in Thayer's Addition to the City of Toledo, Lucas County, Ohio, in accordance with Volume 4 of Plats, page 11, excepting therefrom the West seventeen (17) feet of Lot number one hundred fifty-two (152).

(Tax Parcel: 1502214)

SECTION 2. That the approval of the Special Use Permit, for a Day Care Center for a site located at 874 Orchard Street, in the 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: 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 Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

Division of Transportation

6. Wheel stops required at all parking spots that abut sidewalks, buildings and property lines per TMC§1107
7. Bicycle parking spaces required per TMC§1107.0300.
8. All parking spaces need to be a minimum of nine (9) feet by eighteen (18) feet, and clearly dimensioned per TMC§1107.
9. All parking space striping must be striped the full length of the parking spot and must meet TMC 1107.
10. Two (2) car and two (2) van accessible parking spaces must meet the minimum dimension requirements. (9) feet by eighteen (18) feet with abutting five (5) foot aisle for car and eight (8) foot aisle for van per TMC§1107
11. Dumpster location must be shown per TMC 1107.

### Fire Prevention

12. 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.
13. Approved Premises identification is required.

### Sewer and Drainage Services

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

### Environmental Services

16. 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.
17. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.

18. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
19. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.  
[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)
20. 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.

#### Plan Commission

21. A decorative fence shall be installed to replace the existing chain-link fence along the Orchard Street and Broadway Street frontages and surrounding the existing playground. This fence shall be comprised of heavy gauge metal or other decorative material. Fencing shall be anchored by two (2) brick or masonry columns flanking the entrance to the site along Broadway Street and one (1) column at the corner of Broadway Street and Orchard Street. Staff recommends additional brick or masonry columns supporting fencing, as well as additional landscaping around the perimeter of the site, as approved by the Plan Director. The location, height, and materials for this fencing shall be shown in a revised site plan.
22. No new 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.
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 11, nays 0.

Passed: June 22, 2021, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

June 22, 2021  
Wade Kapszukiewicz  
Mayor