



## Legislation Details (With Text)

**File #:** O-452-21      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 8/13/2021      **In control:** City Council  
**On agenda:** 8/17/2021      **Final action:** 8/17/2021  
**Title:** Granting a Special Use Permit, for a Type A Daycare for a site located at 2009 Airport Highway, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report, 2. Audio: City Council August 17, 2021

| Date      | Ver. | Action By    | Action | Result |
|-----------|------|--------------|--------|--------|
| 8/17/2021 | 1    | City Council |        |        |
| 8/17/2021 | 1    | City Council |        |        |
| 8/17/2021 | 1    | City Council |        |        |

Zoning & Planning Committee

**Granting a Special Use Permit, for a Type A Daycare for a site located at 2009 Airport Highway, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.**

### SUMMARY & BACKGROUND:

By application (SUP-5001-21) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Type A Daycare for a site located at 2009 Airport Highway, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On July 8, 2021, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Type A Daycare for a site located at 2009 Airport Highway, in the City of Toledo, Lucas County, Ohio.

On August 11, 2021, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for a Type A Daycare for a site located at 2009 Airport Highway, 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 Type A Daycare for a site located at 2009 Airport Highway, 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 no. 05-16461

FEARING HEIGHTS EXTN LOT 369 NE 10 FT & SW 30 F T LOT 370

SECTION 2. That the approval of the Special Use Permit, for a Type A Daycare for a site located at 2009 Airport Highway, in the City of Toledo, Lucas County, Ohio, shall be subject to compliance with the 23 conditions as follows:

The following twenty-three (23) 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: Loie Haslinger 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.

Sewer & Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
6. 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

7. The daycare shall be in compliance with the Department of Commerce Type A family daycare facilities inspection standard checklist.
8. Approved Premises identification is required.

### Environmental Services

9. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
10. 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.
11. 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.
12. 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)
13. 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

14. A paved area for dropping off and picking up persons in care at the facility must be provided with the approval of the Division of Transportation: not acceptable as depicted on site plan. Staff recommends the drop off - pick up of children to be conducted at the alley side of the property.
15. 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: not acceptable as depicted on site plan.
16. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation: acceptable as depicted on site plan.

17. 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.
18. 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: acceptable as depicted on site plan.
  - b. Topsoil must be back-filled to provide positive drainage of the landscape area.
19. If applicable, 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.
20. 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.
21. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
22. 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.
23. 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 1104.1001 and 1104.1002 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1869 Airport Highway, in the City of Toledo, Lucas County, Ohio:

Chapter 1104 Use Regulations

1104.1001 Spacing Requirements

Approve a waiver of the 500-foot radius spacing requirement from a site with any other Group Living Facility, Type A Family Day Care Home, and Non-Residential Drug and Alcohol Center

1104.1002 Spacing Requirements

Approve a waiver that limits the number of Group Living Facilities, Type A Family Day Care Homes, and Non-Residential Drug and Alcohol Centers to one per block

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 12, nays 0.

Passed: August 17, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

August 17, 2021  
Wade Kapszukiewicz  
Mayor