



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Approved  
**File created:** 6/17/2022      **In control:** City Council  
**On agenda:** 6/21/2022      **Final action:** 6/21/2022  
**Title:** Granting a Special Use Permit, for Parking Lot Modifications to an existing day care for a site located at 5331 Bennett Road, 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

Date	Ver.	Action By	Action	Result
6/21/2022	1	City Council		
6/21/2022	1	City Council		
6/21/2022	1	City Council		

**Zoning & Planning Committee**

**Granting a Special Use Permit, for Parking Lot Modifications to an existing day care for a site located at 5331 Bennett Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and waivers; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

By application (SUP-3007-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for Parking Lot Modifications for an existing Daycare, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On May 12, 2022, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit for Parking Lot Modifications for an existing Daycare for a site located at 5331 Bennett Road, in the City of Toledo, Lucas County, Ohio.

On June 15, 2022, Toledo City Council, Planning and Zoning Committee reviewed, and recommended approval a request for a Special Use Permit for Parking Lot Modifications for an existing Daycare for a site located at 5331 Bennett Road, 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 Parking Lot Modifications for an existing Daycare for a site located at 5331 Bennett Road, 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:

LEGAL DESCRIPTION:

7 9 11 SW ¼ E 472.09 FT N 455 FT PT BE T HENRY W BRUNINGS MAYFAIR PLACE PL 1 & 2 & W OF RD

SECTION 2. That the approval of the Special Use Permit, for a residential facility-small in a multifamily zoning district 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.

Engineering Services

1. 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.
2. 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.
3. 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.
4. The applicant shall verify the drainage connection to the city sewer. An original plan can be submitted or the applicant can hire a sewer locating service and coordinate for the city to be present to verify the results.

Sewer & Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
6. 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.
7. 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.
  - a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
  - b. Construction BMPs shall be in place prior to the start of construction activities.

8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
10. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants> ; a list of invasive plants and alternative species can be downloaded from [OIPC Alternatives to Invasive Plant Species](#)
11. 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.

#### Transportation

12. Bicycle parking is required per TMC 1107.0900.
13. Two auto and one van accessible parking spots are required with a 5' loading aisle for auto and 8' loading aisle for van per TMC 1107.1700.
14. 25' wide driveway is required between the parking lots for two-way traffic per TMC 1107.1911.

#### Plan Commission

15. Per TMC§1104.0703(B), a Day Care Center must have building frontage on a major street. Staff recommends approval of a waiver. Bennett Road is not a major street; however, site is existing.
16. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation.
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.
18. Per TMC§1104.0700(F), a paved off-street area for dropping off and picking up persons in care at the facility must be provided and approved by the Division of Transportation. Not acceptable as submitted. A revised site plan shall be submitted depicting a pickup/drop-off location.
19. Per TMC§1107.0300, Day Care Centers require one (1) parking space per six (6) person capacity, or one (1) per four hundred (400) square feet, whichever is greater. Plan Commission staff supports a variance to the number of spaces required as the site is existing and the applicant is looking to decrease the total number of parking spaces by one (1). Calculations indicate that the site requires seventy-four (74) parking spaces. Staff recommends approval of a waiver to allow sixty-three (63) spaces.
20. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. Not acceptable as depicted on site plan. One (1) additional car accessible space shall be depicted on a revised site plan.

21. Per TMC§1107.0400, Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. Not acceptable as depicted, a minimum of seven (7) bicycle parking spaces are required and shall be depicted on a revised site plan.
22. 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 or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities.
23. 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)).
24. 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.
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. Waiving Section 1104.0703(B) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5331 Bennett Road, in the City of Toledo, Lucas County, Ohio.

Chapter 1104 Use Regulations

Sec. 1104.0703(B)- A Day Care Center must have building frontage on a major street.

Approve a waiver to allow a Day Care Center to not be located on a major street. Site is existing and was previously a school.

SECTION 4. Waiving Section 1107.0304 of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5331 Bennet Road, in the City of Toledo, Lucas County, Ohio.

Chapter 1107 Parking, Loading, and Access

Sec. 1107.0304 - Day Care Centers require one (1) parking space per six (6) person capacity, or one (1) per four hundred (400) square feet, whichever is greater.

Approve a waiver to the number of spaces required as the site is existing and the applicant is looking to decrease the total number of parking spaces by one (1).

SECTION 5. 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 6. 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