



Legislation Details (With Text)

File #: O-157-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 3/15/2023 **In control:** City Council
On agenda: 3/21/2023 **Final action:** 3/21/2023
Title: Granting a Special Use Permit, for a Type A Day Care for a site located at 5532 Douglas Road, 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

Date	Ver.	Action By	Action	Result
3/21/2023	1	City Council	Suspension	Pass
3/21/2023	1	City Council	Emergency	Pass
3/21/2023	1	City Council	Passage	Pass

Zoning & Planning Committee

Granting a Special Use Permit, for a Type A Day Care for a site located at 5532 Douglas Road, in the City of Toledo, Lucas County, Ohio; subject to certain conditions and a waiver; and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-12005-22) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit, for a Type A Day Care, for a site located at 5532 Douglas Road, in the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 9, 2023, the Toledo City Plan Commission recommended approval for the request for a Special Use Permit, for a Type A Day Care, for a site located at 5532 Douglas Road, in the City of Toledo, Lucas County, Ohio.

On March 15, 2023 Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit, for a Type A Day Care, for a site located at 5532 Douglas 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 a Type A Day Care, for a site located at 5532 Douglas 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:

Parcel no. 23026014

FERNDAL LOT 5 & S 12 FT LOT 4

SECTION 2. That the approval of a Special Use Permit, for a Type A Day Care, for a site located at 5532 Douglas Road, 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. 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
3. 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.

Division of Sewer and Drainage Services

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

Division of Environmental Services

7. 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 storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
8. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
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 https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf

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.

Fire Prevention

12. This will require compliance with all Building, Mechanical, Electrical, Plumbing, Fire Sprinkler and Fire Alarm code requirements.
13. The Daycare shall be in compliance with Ohio Department of Commerce Type A family daycare facility inspection standard checklist.

Division of Transportation:

14. If one has not been established, a cross access agreement is required with the adjacent property owner to the south.

Plan Commission

15. Per TMC§1107.1906 All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
16. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available to the Type A Day Care. 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. One (1) van accessible parking space shall be required. Acceptable as depicted on site plan.
19. 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; Acceptable as depicted on site plan.
20. TMC 1107.1202.A.1 *Parking Setbacks - Residential Districts*, which prohibits the location of parking spaces within the front yard (other than a driveway), shall be waived to permit the parking spaces as shown on the site plan.
21. 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. Per TMC§1108.0203(F), a Type B landscape buffer shall be provided around the play area. This buffer shall be a minimum of ten-feet (10') in width and consist of

four (4) canopy trees and fifteen (15) shrubs installed every 100 linear feet. Pursuant to TMC§1108.0203(D)(2), a fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for the shrub requirements. Applicant has the option to request credit for

the existing tree under TMC§1108.0407(B).

- b. 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.
 - a. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval.
 - b. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
 - c. 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; List of new species to be planted not submitted.
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. Waiving Section 1107.1200 (A) of the Toledo Municipal Code for the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 5532 Douglas Road, in the City of Toledo, Lucas County, Ohio.

Chapter 1107 - Parking, Loading, and Access

Sec. 1107.1200 - Location

TMC§1107.1202(A) - Setbacks in Residential Districts

- 1. No parking space may be located within the front yard, except that parking spaces for detached houses, attached houses, and duplexes may be located on a driveway;
- 3. Off-street parking spaces are prohibited within required landscape buffers;

Approve a waiver to allow parking in the front yard setback and in the required frontage greenbelt. Areas for parking on site are limited.

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 9, nays 0.

Passed: March 21, 2023, as an emergency measure: yeas 9, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

March 21, 2023
Wade Kapszukiewicz
Mayor