



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: February 11, 2022

REF: SUP-1001-22

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Special Use Permit for a Day Care Center at 1824 W Sylvania & 4012 Hearthstone

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 10, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	1824 W Sylvania Ave & 4012-4016 Hearthstone
Applicant	-	Tommy Jones 4680 Vallejo Drive Toledo, OH 43615
Engineer	-	Cenic Architecture 262 Jennings Road Rossford, OH 43460

Site Description

Zoning	-	CR / Regional Commercial RD6 / Duplex Residential
Area	-	± 0.43 acres
Frontage	-	±87' along Sylvania Ave ±170' along Hearthstone Place
Existing Use	-	Vacant Commercial
Proposed Use	-	Day Care Center

Area Description

North	-	Single and Two-Family Residential / RD6
South	-	Mixed Commercial / CR
East	-	Mixed Commercial / CR
West	-	Mixed Commercial / CR

GENERAL INFORMATION (Cont'd)

Parcel History

P-3-92 - Parking Lot Review at 1834 Sylvania Ave. Includes BZA-29-92 to allow an extension of the off-street parking area.

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Sylvania Avenue Commercial Corridor Plan (2012)

STAFF ANALYSIS

The applicant is requesting to open at Day Care Center in a commercial building along Sylvania Ave. The corner property is located at the terminus of Hearthstone Place, a residential side street. The ±0.43 acre site is zoned CR/Regional Commercial and RD6/Duplex Residential. Parcels to the north along Hearthose are also zoned RD6; surrounding commercial properties along Sylvania Ave share the CR classification. Because the northern-most parcel is under a residential zoning classification, a Special Use Permit is required for this Day Care Center.

Day Care Center Requirements

TMC§1104.0703 requires that a Day Care Center have frontage on a major street, provide a drop-off and pick-up area, as well as an outdoor play area surrounded by a Type B landscape buffer, and offer sufficient indoor space for the children in care. Sylvania Avenue is considered a Major Street according to the Toledo-Lucas County Major Street and Highway Plan. Staff has visited the site and been in communication with the applicant regarding the exact locations for the drop-off and pick-up area and the outdoor play area. The site offers sufficient space for these items to be met; a condition of final approval requires that the location of the fence and all landscaping surrounding the outdoor play area and the location of the drop-off area be fully shown and labeled on a revised site plan.

Parking and Circulation

Pursuant to TMC§1107.0304, a Day Care Center is required to have 1 parking space per 6 person capacity, as well as 1 bicycle parking stall per 10 parking spaces. The site plan offers 9 parking spaces. The applicant intends to purchase a bus for student transportation, which will reduce the need for additional parking. Because the ADA-accessible entrance is located at the rear of the building, handicap parking will need to be relocated to the rear, adjacent to this entrance. Bicycle parking will also need to be added on a revised site plan.

STAFF ANALYSIS (Cont'd)

Landscaping

The existing site is thoroughly landscaped with canopy trees along Hearthstone and mature evergreen trees to the north, buffering the site from adjacent residential properties. Site visits confirmed evergreen shrubs buffering the parking area to the north of the site from the adjacent residential property which were not included on the site plan. Per TMC§1108.0204, perimeter parking lot landscaping is required surrounding the front parking lot. As a condition of approval, all landscaping shall be shown on a revised site plan and be maintained indefinitely.

Building Design

The building is existing and no exterior modifications are proposed at this time. Staff has been in communication with the applicant regarding the possibility of installing murals on the garage doors facing Sylvania Avenue, and has recommended the applicant contact the Arts Commission of Greater Toledo for assistance.

Sylvania Avenue Commercial Corridor Plan

The Sylvania Avenue Commercial Corridor Plan (2012) outlined objectives for the Sylvania Ave corridor, including business development, wayfinding, and streetscape improvements. The reutilization of a vacant commercial building, as well as the maintenance and installation of landscaping will aid in meeting these objectives.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial uses. The proposed use of a Day Care Center is in line with this recommendation.

PLAN COMMISSION RECOMMENDATION

The Plan Commission recommends approval of SUP-1001-22, a Special Use Permit for a Day Care Center at 1824 Sylvania Ave, to Toledo City Council for the following **two (2)** reasons:

1. The proposed use meets the stated purpose of this Zoning Code [TMC§1107.0706(A)]
2. The proposed use meets the objectives of the Sylvania Avenue Corridor Plan and the Toledo 20/20 Comprehensive Plan.

The Plan Commission further recommends that the Toledo City Plan Commission recommend approval of SUP-1001-22, a Special Use Permit for a Day Care Center at 1824 Sylvania Ave, to Toledo City Council subject to the following **twenty-nine (29)** conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

STAFF RECCOMENDATION (Cont'd)
Engineering Division

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: Joe Warnka 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 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.
6. Owner is advised that a previous developer met stormwater management requirements by constructing a drainage system that includes a restricted outlet. The rear parking lot was designed to flood but only briefly during very heavy storms and immediately after. Routine preventative maintenance of the 4" restricted outlet is advised – contact the City for original plans and information about licensed sewer cleaners. Consider installing modern catch basin filter inserts which would allow for less routine maintenance and also prevent trash from flowing through the system and entering the receiving waterway.

Environmental Services

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.

STAFF RECCOMENDATION (Cont'd)
Environmental Services (Cont'd)

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 the amount of new and/or additional impervious surface on the 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](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.

Division of Sewer and Drainage

Comments not received at time of print.

Division of Transportation

12. One van accessible parking space with 8' loading aisle for van is required per TMC 1107.1701 & 1107.1702. Accessible parking must be the closest parking space available to the designated accessible entrance.
13. Bicycle parking is required per TMC 1107.0900
14. A 25' drive aisle is required for two-way traffic in rear of building per TMC 1107.1911
15. Wheel stops are required at all parking spots abutting sidewalk, property lines, planting strips or buildings per TMC 1107.1907

Fire and Rescue

16. 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.
17. Approved premises identification is required.

STAFF RECCOMENDATION (Cont'd)

Water Distribution

Water Distribution recommends approval. No conditions.

Plan Commission

18. Ownership of the subject property has changed hands after the submittal of this application. As a condition of approval, a copy of the lease agreement signed by all current property owners of the 3 subject parcels and the applicant shall be furnished to Plan Commission staff.
19. The front door closest to the handicap space is not handicap accessible because of concrete curbing. The location of the proposed handicap space shall be moved to the rear parking lot, adjacent to the ADA accessible entrance. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
20. The concrete sidewalk that leads to the proposed primary entrance at the rear of the building shall be extended to meet the current public sidewalk along Hearthstone Place, per TMC§1109.0103. Shall be shown on a revised site plan.
21. Litter receptacles, for the use of parking area users and others, must be provided in off-street parking areas per TMC§1107.1910. Shall be shown on a revised site plan.
22. Bicycle parking rack shall be provided. Shall be shown on a revised site plan.
23. Landscaping is required surrounding the perimeter of the parking lot(s), and between the site and the public right-of-ways, per TMC§1108.0202 and TMC§1108.0204. Site visits identified landscaping existing on the site, including shrubs to the north of the parking area at the northern perimeter of the site. As a condition of approval, new shrubs and/or other landscaping shall be installed to the west and south of the front (south) parking lot, between the parking lot and both public sidewalks. All existing and proposed landscaping shall be shown on a revised site plan. Landscaping shall maintained indefinitely.
24. Dumpster location, if applicable, shall be shown on a revised site plan. Dumpster shall be screened with a combination of a solid wall/fence and landscaping.
25. No new free-standing signs greater than forty-two inches (42") from grade are permitted, subject to the approval of the Planning Director.
26. 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.
27. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

TO: President Cherry and Members of Council
February 11, 2022

REF: SUP-1001-22
Page 7

STAFF RECCOMENDATION (Cont'd)
Plan Commission (cont'd)

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. 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.

Respectfully Submitted,

Thomas C. Gibbons
Secretary

ML
Three (3) sketches follow

Cc: Tommy Jones; 4680 Vallejo Drive; Toledo, OH 43615
Cenic Architecture; 262 Jennings Road; Rossford, OH 43460
Lisa Cottrell, Administrator
Matt Lascheid, Planner