

Gibbons, Julie

From: Harper, Yvonne
Sent: Thursday, January 11, 2018 4:29 PM
To: *City Council
Cc: Harrison, Christopher
Subject: 3384 Elm
Attachments: 3384 Elm.pdf

Good Evening Colleagues

I have been working with a young lady by the name Charrisse Curry who has own business of Day Care for the last 4 years. Her business has grown and she has the opportunity to increase her business – she has found a vacant building locate **3384 Elm** formerly the Toledo Public Credit Union. Her friend has purchased (3384 Elm) it solely for her business. We have ran into an issue – because it is not on a main street – she needs a special waiver for business. I am in support of the young woman and her business – it will be coming to council in about 4 - 6 weeks – and I am asking for your support. I have attached a picture of the building for you to review.

Thank You

Yvonne Harper, Council D4

3384 Elm former Toledo Public School Credit Union



Gibbons, Julie

From: Dendinger, Gerald
Sent: Wednesday, January 17, 2018 8:22 PM
To: Gibbons, Julie
Subject: Fw: Appeal for 3384 Elm St

From: Charrisse Curry <currycharrisse@yahoo.com>
Sent: Wednesday, January 17, 2018 6:57 PM
To: Dendinger, Gerald; Gibbons, Thomas; Harrison, Christopher; Harper, Yvonne
Subject: Appeal for 3384 Elm St

Hello

I am contacting you to appeal the decision made for 3384 Elm St. I do not agree with the original decision made by the Plan Commission on 1/11/18 for case SPR-71-17 to the City Council. At this time, I would like to file a formal appeal for you to reconsider your decision. Please consider we provide a service the community needs. We strive to serve the community and this location we will allow us to fulfill is obligation.

Thanks for your attention in this manner. I look forward to receiving your response.

Sincerely
Charrisse M Curry

Parcel no 12-12491 and 12-12494

POMEROYS LAGRANGE MANOR EX TENSION LOT 8 and POMEROYS LAGRANGE
MANOR EX TENSION LOT 9



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: January 12, 2018
REF: SPR-71-17

TO: President Matt Cherry and Members of Council, City of Toledo
FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary
SUBJECT: Appeal of Administrative Disapproval of a Minor Site Plan Review for a New Day Care Center.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 11, 2018 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Appeal of administrative disapproval of a Minor Site Plan Review for a new day care center
Location	-	3384 Elm Street
Applicant	-	Charrisse Curry 2644 Heatherwyck Ct #3 Toledo, Ohio 43614
Engineer	-	Earl W. Coger Coger/Shambarger Architect, Inc 4427 Talmadge Road, Suite H Toledo, OH 43623

Site Description

Zoning	-	CO / Office Commercial
Area	-	± 0.16 acres
Frontage	-	± 60' along Elm Street ± 114' along Lake Street
Existing Use	-	Vacant Credit Union
Proposed Use	-	Day Care Center

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GENERAL INFORMATION (cont'd)

Area Description

North	-	Thurgood Marshall Buidling (TPS) / RS6
South	-	Single-family home / RD6
East	-	Single-family home / RS6
West	-	Single-family home / RD6

Parcel History

Z-274-83	-	Zone Change from R-3 to C-2 (Planning Commission recommended disapproval on February 2, 1984. City Council approved C-2 zoning on February 21, 1984.)
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Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting an appeal of an administrative disapproval of a Minor Site Plan Review for a new Day Care Center at 3384 Elm Street. The ±0.16 acre site is zoned CO Office Commercial and was the former home to the TPS Teachers Credit Union. Surrounding land uses include the former TPS Administrative Offices (Thurgood Marshall Buidling) to the north and one or two-family homes to all other sides of the subject site.

Use Regulations

The applicant currently operates a Type "B" Family Day Care on Central Avenue and would like to expand by converting the commercial building at 3384 Elm Street into a day care center. A site plan review is required for a Day Care Center. Prior to the adoption of the 2004 version of the City of Toledo Zoning Code, Day Care Centers were required to have frontage on a "Major Street", as defined in the "Major Street and Highway Plan", which remains in effect today. The applicant was notified that the site was not located on a "Major Street" and therefore did not comply with the City of Toledo Day Care Center regulations. As a result, the applicant's minor site plan review was disapproved allowing for an appeal to the City Plan Commission.

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STAFF ANALYSIS (cont'd)

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*, a Day Care Center is required to have one (1) parking space per six (6) person-capacity or one (1) space for 400 square feet, whichever is greater. Based on the calculations provided with the site plan review application, the 1,782 square foot building will accommodate thirty-four (34) students. The parking requirement would be based on thirty-four (34) students and require six (6) spaces. The site plan submitted depicts an area available for three (3) on-site parking spaces located on the east side of the property. These spaces are accessed from existing alley which has historically been blocked with concrete dividers. The site plan indicates “Permanent Alley Closure” in the area of the alley where the southern property line is extended. Staff found no indication that this alley was granted a closure or vacated in the past. The Division of Transportation does not object to the alley being used for access to the parking area as proposed. Furthermore, the applicant has indicated that an alternative parking plan will be submitted allowing for the applicants use of the Thurgood Marshall Building parking lot located directly to the north of the subject property.

Landscaping

The site currently has a mature shrub at the corner of the property in addition to mature foundation plantings along the entire Lake Street frontage. The submitted site plan makes no indication that the existing landscaping will be modified. The applicant is proposing to remove a portion of the existing asphalt in the area of the proposed on-site parking to install a five (5) foot landscape buffer. New street trees are indicated on the proposed plan along Lake Street. Any work including the installation of street trees within the public right-of-way would not be counted towards frontage greenbelt or landscaping requirements. Any work within the public right-of-way would require coordination and/or approval with the City of Toledo Division of Parks, Recreation and Forestry. Staff recommends that all landscaping improvement be fully made on the subject property.

As required under TMC§1104.0703(E), sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at any one (1) time. Additionally, a Type B landscape buffer shall be provided around the outdoor space in accordance with TMC§1108.0203(F). A Type B buffer is defined as a landscape area that is a minimum of ten-feet (10') in width and consists of four (4) canopy trees and fifteen (15) shrubs installed every 100 linear feet. The site plan does not depict any landscaping with the exception of chain link fencing around the outdoor play area. Furthermore, the area denoted for outdoor play space is approximately 1,100 square feet in area. Based on a proposed student population of thirty-four (34), this only reserves thirty-two (32) square feet of outdoor play space if all students were to be outside at any one (1) time.

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STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

Based on the existing nature of this site, staff recommends that the proposed five (5) foot landscape buffer be extended along the entire front of the outdoor play space, therefore bringing the site further into compliance with landscaping requirements of TMC§1104.0703(E). Staff recommends that a combination of trees and shrubs be installed within the buffer. Furthermore, due to the play space location in the front of the building, staff discourages the use of chain link fencing. If this application would be approved, staff recommends that the outdoor play space be defined by decorative fencing. Other acceptable materials include vinyl or wood fencing applications.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area as single-family residential land uses. The single-family residential land use district was intended to accommodate the development of single dwelling units on individual lots. The single-family residential district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. Additional uses may include libraries, schools, churches, and community centers.

The proposed day care center is defined as a commercial use due to its larger student populations and traffic generation. As a result, a day care center would not conform to the future land use designation. In addition the proposed day care center is not located on a major street, as defined in the "Major Streets and Highway Plan". Therefore, staff recommends disapproval of the request because the proposed use does not comply with the future land use designation in addition to all applicable provisions of the Zoning Code. Additionally, the Division of Transportation discourages the approval of the day care in a residential area due to the traffic associated with Day Care Center and day-to-day activities.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SPR-71-17, an appeal of administrative disapproval of a Minor Site Plan Review for a new day care center at 3384 Elm Street to Toledo City Council for the following three (3) reasons:

1. The proposed use does not comply with all applicable provisions of this Zoning Code (TMC§1111.0706(B) – *Review & Decision Making Criteria*).

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PLAN COMMISSION RECOMMENDATION (cont'd)

2. The request is not compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC§1111.0706(C) – *Review & Decision-Making Criteria*); and
3. The Division of Transportation discourages the approval of the day care in a residential area due to the traffic associated with Day Care Centers and their day-to-day activities.

Although the Toledo City Plan Commission recommended disapproval, conditions of approval are included and listed by agency of origin as Exhibit "A" for informational purposes.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

BH

Three (3) sketches follow
CC: Lisa Cottrell, Administrator
Bill Harbert, Planner

EXHIBIT "A"
Review Agency Conditions

The following **twenty (20)** 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: Joe Warnka 419-245-1341

Roadway: Tim Grosjean, ph. 419-245-1344

Water: Andrea Kroma, ph. 419-936-2163

Stormwater: Lorie Haslinger, ph. 419-245-3221; Andy Stepnick, ph. 419-245-1338

Sanitary Sewers: Mike Elling, ph. 419-936-2276

Sewer & Drainage Services

2. Recommend that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
3. Recommend 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 Prevention

4. Site shall comply with local Fire Prevention Bureau regulations.

Environmental Services

5. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
6. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
7. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

EXHIBIT "A" (cont'd)

Environmental Services (cont'd)

8. 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 sources of pollutant in the stormwater runoff, including but not limited to long-term operation and maintenance of both structural and non-structural Best Management Practices.
9. 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 Asbestos and Anti-Noise Laws.

Division of Transportation

10. Due to day-to-day activities. e.g., parent drop-off/pick-up, associated with daycares, the Division of Transportation discourages Type A and daycare centers in residential areas.
11. A shared parking agreement shall be formalized with Toledo Public Schools for use of their parking area.

Plan Commission

12. Applicant shall obtain a waiver to **TMC§1104.0701(C)**, in order to allow for the Day Care Center to be located off of a major street.
13. Applicant shall submit an Alternative Access and Parking Plan to the Director of Planning in accordance with **TMC§1107.1400**, in order to allow for three (3) of the six (6) required parking spaces to be located on the Thurgood Marshall building site.
14. Applicant shall submit a revised site plan that removes "Permanent Alley Closure" from the southeast portion of the site.
15. Applicant shall submit a revised plan that removes "new street trees" from the public right-of-way along Lake Street. In the future, the applicant may work with the City of Toledo Division of Parks, Recreation and Forestry concerning street tree installation.
16. Applicant shall retain all existing accent and foundation landscaping.
17. A detailed site, lighting, sign, fencing and three (3) 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:

EXHIBIT "A" (cont'd)

Plan Commission (cont'd)

- a. A Type B Landscape Buffer is required around the outdoor play area. This buffer shall contain a 42 inch high decorative fence or other approved fencing with a combination of four (4) canopy trees and fifteen (15) shrubs for every 100 linear feet; **shall be noted on completed landscaping plan.**
- 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.
- 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **shall be noted on completed landscaping plan.**
- d. The location, height and materials for any fencing to be installed and maintained; **shall be noted on completed landscaping plan;** and
- e. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties)

18. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. **Landscaping shall be installed and maintained indefinitely.**
19. 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.
20. 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.



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



January 12, 2018

Charrisse Curry
2644 Heatherwyck Ct #3
Toledo, Ohio 43614

RE: Appeal of Administrative Disapproval of a Minor Site Plan Review for a New Day Care Center.

Dear Ms. Curry:

The Toledo City Plan Commission on January 11, 2018 disapproved an appeal of administrative disapproval of a Minor Site Plan Review for a new day care center at 3384 Elm Street for the following three (3) reasons:

1. The proposed use does not comply with all applicable provisions of this Zoning Code (TMC§1111.0706(B) – *Review & Decision Making Criteria*).
2. The request is not compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use’s operation) (TMC§1111.0706(C) – *Review & Decision-Making Criteria*); and
3. The Division of Transportation discourages the approval of the day care in a residential area due to the traffic associated with Day Care Centers and their day-to-day activities.

Appeals of the Plan Commission's decision on this appeal of an administrative disapproval may be taken to City Council by filing a notice of appeal to the Planning Director and the Clerk of City Council. Appeals must be filed within ten (10) days of the Plan Commission's Decision.

If you should have any questions regarding this letter feel free to contact our office at 419-245-1200.

Sincerely

Thomas C. Gibbons
Director

Cc: Bill Harbert, Planner
Lisa Cottrell, Administrator
District 4 Councilwoman Yvonne Harper

GENERAL LOCATION

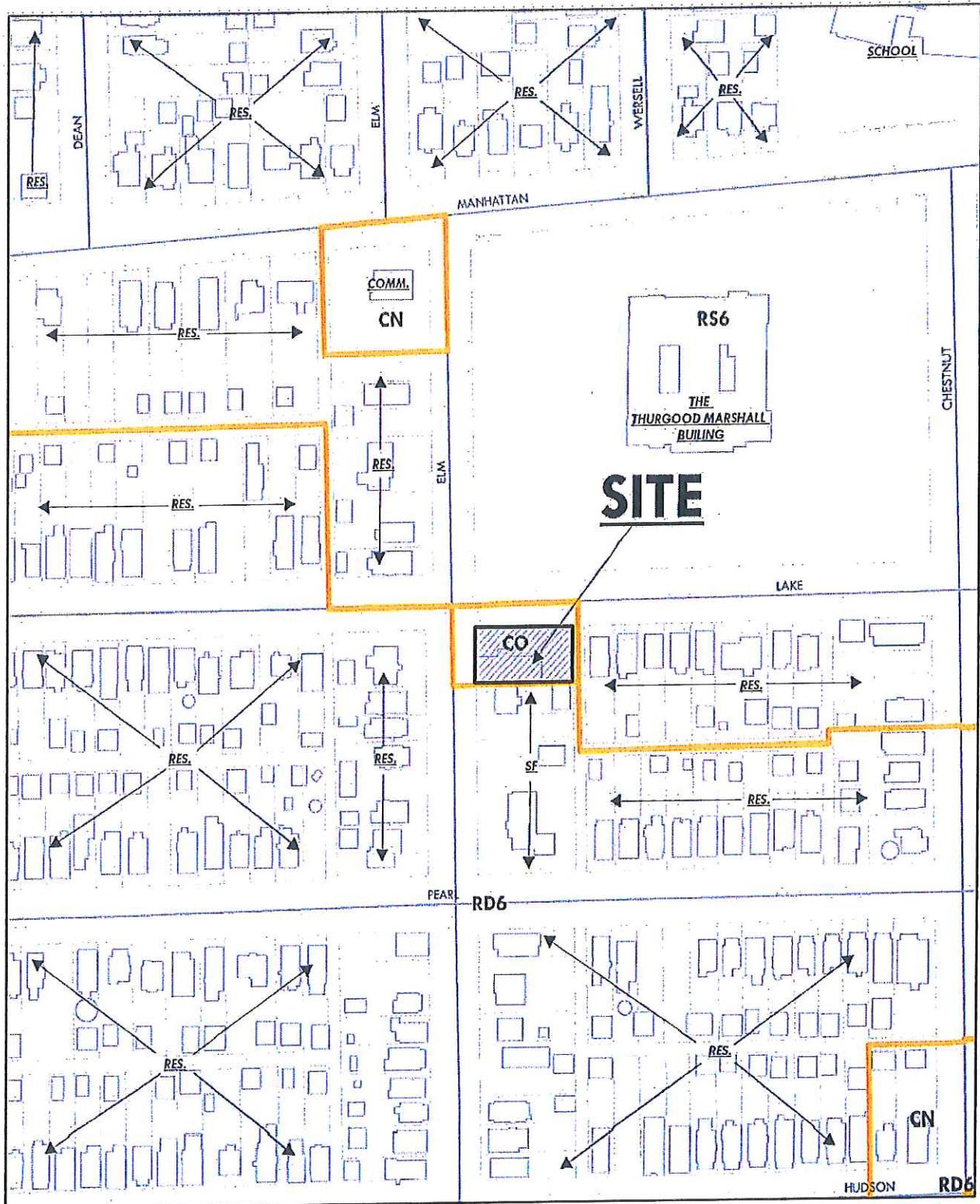
SPR-71-17
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ZONING & LAND USE

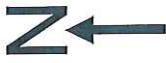
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SITE PLAN

SPR-71-17
ID 07



MINOR SITE PLAN REVIEW

