

GENERAL INFORMATION

Subject

Request	-	Appeal of Minor Site Plan Review for amendment to day care center
Location	-	3006 Monroe Street
Applicant	-	Lakeila Carter 3006 Monroe Street Toledo, OH 43606
Engineer	-	John Weithman P.O. Box 216 Genoa, OH 43406

Site Description

Zoning	-	CR-SO / Regional Commercial - Shopping Center Sign Control Overlay
Area	-	±7.33 Acres
Frontage	-	±367' along Monroe Street ±360' along Detroit Avenue
Existing Use	-	Swayne Field Shopping Center
Proposed Use	-	Swayne Field Shopping Center

Area Description

North	-	Gas Station and U-Haul / CR, IL and IG
South	-	McDonald's, Monroe Street, commercial and retail / CR and CO
East	-	Detroit Avenue, commercial and single-family homes / CR and RM36
West	-	Retail and restaurant / IL

Parcel History

SPR-53-21	-	Minor Site Plan Review for day care center at 3006 Monroe Street (Administratively approved on 1/28/22).
-----------	---	--

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- | | | |
|----------|---|--|
| M-11-07 | - | Text amendment for building design standards, Monroe Street Corridor Urban Neighborhood Overlay (PC approved 11/1/07; CC approved 12/11/07 via Ord. 811-07). |
| Z-238-76 | - | Amendment to existing C-4 shopping center plan for Swayne Field Shopping Center (PC approved 10/14/76; CC approved 11/2/76 via Ord. 824-76). |
| M-39-54 | - | Text amendment for building design standards, Monroe Street Corridor Urban Neighborhood Overlay (PC approved 11/1/07; CC approved 12/11/07 via Ord. 811-07). |

Applicable Plans and Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan
- Monroe Street Corridor Urban Neighborhood Overlay (UNO) District

STAFF ANALYSIS

The applicant is requesting an appeal of the administratively reviewed and disapproved Minor Site Plan Review for a site located at 3006 Monroe Street. The site is located in the Swayne Field Shopping Center that is situated northwest of the intersection of Monroe Street and Detroit Avenue, and is occupied by a day care center. Surrounding land uses include predominately commercial and retail uses. In addition there are also single-family homes to the east across Detroit Avenue.

The existing day care center was administratively reviewed and approved with eight (8) conditions on January 28, 2022 in Plan Case SPR-53-21. The Applicant has submitted a new site plan for an amendment to this approval to relocate the outdoor area for the day care center. Currently the day care center is located in the eastern most tenant space of the shopping center, and the outdoor area is located to the west of the shopping center. The Applicant is requesting to relocate the outdoor area to the east of the shopping center so that it is immediately adjacent to the day care center. The Applicant is requesting this relocation because the location of the existing outdoor area has become a concern to both day care staff and the building owner. Per the Applicant, with the warmer weather, the area is frequently occupied with questionable trash, bottles, cans and people. Staff members police the area each day prior to the children entering the area.

STAFF ANALYSIS (cont'd)

Staff administratively reviewed the Minor Site Plan Review and disapproved the proposed amendment to relocate the outdoor area based on safety concerns. The relocated outdoor area as proposed will be located along Detroit Avenue within 27 feet of the curb. Detroit Avenue is classified by the City of Toledo as a principal arterial and is a U.S. Highway consisting of four lanes and a turn lane. The speed limit is 45 miles per hour. Due to the close proximity to Detroit Avenue, the location of the outdoor area poses a safety risk for the children who will be using it.

The Applicant is proposing to install 48 inch high traffic barricades along the east side of the outdoor area as well as a landscape buffer between Detroit Avenue and the outdoor area, as a means to provide a safe and secure recreation area. Chain link fencing that is 42 inches high is proposed on the north and south side of the outdoor area, connecting to the traffic barricades to create an enclosed outdoor area. Per TMC§1105.0302 the proposed 48 inch high barricades are not permitted in the front yard along Detroit Avenue. A Board of Zoning Appeals waiver would need to be secured to allow the 48 inch high barricades in the front yard. While barricades are provided on the east, there are none proposed for the north or south. In addition, staff also has concerns as to the feasibility of providing the required landscape buffer as the area is currently paved.

The Plan Commission reviewed the appeal request at their regular scheduled meeting on July 11, 2024. At that time the Applicant requested a deferral to allow them time to gather additional documentation and to meet with staff to discuss concerns. Staff met with the Applicant and the property manager on July 17, 2024. Staff noted that the concerns occurring at the current location of the outdoor area seem to be a property maintenance issue. The property manager indicated that it is cost prohibitive to have a person police the site all day, every day. The site is cleaned-up on a daily basis. They have also had police at the site to assist with removing persons loitering at the site. While staff understands the situation, there are still concerns with the proposed relocation of the outdoor area due to its close proximity to Detroit Avenue.

The owner of the shopping center will be receiving funds from the City to make improvements to the shopping center. Improvements to the shopping center should reactivate the the site and help curtail current issues that are occurring. As a temporary solution, staff is supportive of allowing the outdoor area to be temporarily relocated to the area along the east side of the building. Following completion of improvements, the outdoor area would then need to be relocated back to the current location at the west side of the building. Barriers, fencing and landscaping will need to be installed at the temporary location to ensure it is as safe as possible. Specific time periods and required installations are outlined in the conditions at the end of this report.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission **approve** the Appeal of Minor Site Plan Review for amendment to the day care center at 3006 Monroe Street, Plan Case SPR-27-24 with the following **nine (9) conditions**:

STAFF RECOMMENDATION (cont'd)

1. The outdoor area may be temporarily relocated from the west side of the building, as approved in SPR-53-21, to the east side of the building, as submitted in SPR-27-24, for a period of no more than two (2) years from the date of this approval to allow for the completion of planned improvements to the Swayne Field Shopping Center as a whole.
2. For any reason the planned improvements to the Swayne Field Shopping Center do not move forward and the outdoor area has already been temporarily relocated, the outdoor area shall be moved back to the west side of the building, as approved in SPR-53-21, within six (6) months of notice from the Director of the Toledo City Plan Commission.
3. In the event the outdoor area is not relocated back to the west side of the building, as approved in SPR-53-21, in the time periods noted in either of the above two conditions as applicable, the Applicant will be considered in violation of this Site Plan Review approval in SPR-27-24 and enforcement actions will be taken.
4. Concrete vehicle control barriers, a 42 inch tall chain link fence, and a Type B landscape buffer shall be installed around the proposed outdoor area with final review and approval at the discretion of the Director of the Toledo City Plan Commission.
5. If concrete vehicle control barriers greater than 42 inches in height are to be installed, a variance from the Board of Zoning Appeals (BZA) shall be secured prior to installation.
6. Bicycle parking slots shall be installed per Condition #1 of the approval of the Minor Site Plan Review for a day care center at 3006 Monroe Street sent on January 28, 2022 (PC Ref# SPR-53-21).
7. All conditions of the approval for SPR-53-21 shall remain in effect.
8. 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.
9. No permits shall be issued until arrangement satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

REF: SPR-27-24. . . August 8, 2024

APPEAL OF MINOR SITE PLAN REVIEW
TOLEDO CITY PLAN COMMISSION

REF: SPR-27-24

DATE: August 8, 2024

TIME: 2:00 P.M.

LK

Three (3) sketches

ZONING & LAND USE

SPR-27-24

