

GENERAL INFORMATION

Subject

- | | | |
|-------------------|---|--|
| Request | - | Special Use Permit for expansion of a Day Care Center |
| Location | - | 1219 Warwick Avenue |
| Applicant / Owner | - | Quality Time Daycare
2324 Dorr Street
Toledo, OH 43607 |
| Architect | - | Architecture by Design
5622 Mayberry Square
Sylvania, OH 43560 |

Site Description

- | | | |
|--------------|---|---|
| Zoning | - | CR (Regional Commercial) & RD6 (Duplex Residential) |
| Area | - | ±0.34 acres |
| Frontage | - | ±90 feet along Dorr Street
±164 feet along Warwick Avenue
±44 feet along Pelee Street |
| Existing Use | - | Day Care Center & Vacant |
| Proposed Use | - | Day Care Center |

Area Description

- | | | |
|-------|---|--|
| North | - | Calvary Cemetery /RS6 (Single-Dwelling Residential) |
| South | - | Single-Dwelling Homes / RD6 (Duplex Residential) |
| East | - | Day Care Centers, Single-Dwelling Homes / CR (Regional Commercial) & RD6 (Duplex Residential) |
| West | - | Non-Residential Drug & Alcohol Treatment Facility & Manufacturing / CR & IG (General Industrial) |

Parcel History

- | | | |
|----------|---|---|
| Z-121-61 | - | Request for permanent Zoning for the area roughly bounded by Dorr, Shirley, Avondale, and Pelee (P.C. rec'd approval 5/25/61) |
| V-975-01 | - | Request to Vacate an alley between Pelee Avenue and Warwick Avenue (P.C. approved 2/14/02; Case withdrawn) |

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

SPR-1-21	-	Minor Site Plan Review for new buildings at 2337-2343 Dorr Street (Admin. approved 4/14/21)
SPR-49-21	-	Minor Site Plan Review for a Day Care Center at 2337-2343 Dorr Street (Admin. approved 12/3/21)
V-590-22	-	Vacation of a 14' x 120' alley lying adjacent to lots 384 through 387 and lot 802 within the Extension of Norwood Plat (P.C. rec'd approval 1/13/23; Council approved 5/22/24 (Ord. 247-24))

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for an expansion of a Day Care Center at 1219 Warwick Avenue. The ±0.34-acre site is zoned CR (Regional Commercial) and RD6 (Duplex Residential). The Day Care Center was originally approved by SPR-49-21 in the CR (Regional Commercial) zoned portion of the site – which permits day care centers by-right. The applicant has since purchased the RD6 (Duplex Residential) portion of the site and wishes to expand the Day Care Center use into that portion. Day Care Centers are permitted in RD6 (Duplex Residential) districts subject to a Special Use Permit. To the North of the site is the Calvary Cemetery, to the South of the site are single-dwelling homes, to the East is are more day care centers and single-dwelling homes, and to the West is a non-residential drug and alcohol treatment facility and manufacturing.

Parking and Circulation

The applicant is not proposing any changes to the parking lot; however, there are a number of deficiencies on the site which are non-compliant with the approved SPR-49-21 site plan. As such, Parking and Circulation has been re-reviewed.

TMC§1107.0300 *Off-street parking Schedule "A"* requires a minimum of seven (7) off-street parking spaces for the day care center. Seven (7) off-street parking spaces have been provided.

The applicant has provided one (1) accessible parking space as required by TMC§1107.1700. These spaces must be identified with signs and pavement markings identifying them as reserved for persons with disabilities. A sign has been shown on the site plan, but has not yet been provided as required by SPR-49-21. The sign must be posted directly in front of the parking space at a height of no less than sixty (60") inches and no more than seventy-two inches (72") above pavement level.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

A minimum of one (1) bicycle parking space per ten (10) automobile parking spaces is required pursuant to TMC§1107.0300 *Off-Street Parking Schedule "A"*. When bicycle parking spots are required, the minimum number of slots that must be provided is two (2). A two-slot bicycle rack has been shown on the site plan, but has not yet been provided as required by SPR-49-21.

At least one (1) main entrance of any commercial, mixed-use, or institutional building shall face and open directly onto a five-foot (5') wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route. A five-foot (5') wide connecting walkway has been shown on the site plan, but has not yet been provided as required by SPR-49-21.

Landscaping and Screening

An extensively landscaped frontage greenbelt is required along all public rights-of-way. At least one (1) tree must be provided for every thirty feet (30') of lot frontage, rounded up. The site has ±90 feet of frontage on Dorr Street, which requires three (3) trees. Four (4) trees are shown and have been provided. The site has ±164 feet of frontage on Warwick Avenue, which requires six (6) trees. Five (5) trees are shown on the site plan. An additional tree will be required on Warwick Avenue as a condition of approval. The site has ±44 feet of frontage on Pelee Street, which requires two (2) trees. One (1) tree is shown on the site plan. An additional tree will be required on Pelee Street as a condition of approval.

If a parking lot is proposed in the front of the property, the frontage greenbelt shall include a solid evergreen hedge planting to screen the parking lot so that no headlights of any vehicles can be seen from the public street. The parking lot has been constructed on the corner of Warwick and Dorr as shown on the site plan. The approved SPR-49-21 landscape plan showed a solid evergreen hedge consisting of Sunburst St. John's Wort along Dorr Street. Most of the hedge was instead planted with deciduous rose bushes. The site plan shows these rose bushes being relocated and replaced with evergreen Sunburst St. John's Wort. SPR-49-21 approved the frontage greenbelt along Warwick Avenue without a solid evergreen hedge. The frontage greenbelt along Warwick Avenue was also approved at five-foot (5') wide instead of the normally required fifteen-foot (15') wide. This is acceptable due to the residential nature of Warwick Avenue in contrast with the arterial nature of Dorr Street.

A ten-foot (10') Type B landscape buffer, consisting of a minimum of four (4) canopy trees for each 100 linear feet, is required around required outdoor activity spaces for day cares. A ten-foot (10') buffer is provided along the southern property line, five-foot six-inch (5'6") landscape buffers are provided along Pelee and Warwick, and no landscape buffer is provided to the north. A five-foot six-inch (5'6") frontage greenbelt / landscape buffer is acceptable along Warwick Avenue as a continuation of the frontage greenbelt to the north. The five-foot six-inch (5'6") width frontage greenbelt / landscape buffer along Pelee Street is acceptable as it, along with the proposed fence, is responsive to its contextual setback along Pelee Street.

STAFF ANALYSIS (cont'd)

Landscaping and Screening (cont'd)

A landscape buffer will not be required between the detention area and the outdoor activity area; however, a Type A landscape buffer is required along the property line with 2345 Dorr Street near Pelee Street. With the proposed six-foot (6') privacy fence, the Type A landscape buffer is required to be ten feet (10') in width and consist of at least four (4) trees and fifteen (15) shrubs. One (1) tree and five (5) shrubs shall be required instead due to its small size, adjacency to the frontage greenbelt along Pelee Street, and adjacency to a zero-lot-line wall.

Fences

Fences may not exceed three and a half feet (3'6") in height in the front yard. The front yard is defined as the area between the front property line and the primary structure. It is easy to determine the front yard along Dorr Street and Warwick Avenue, but it is difficult to determine the front yard along Pelee Street. Per TMC §1105.0301(C), if the site does not have a primary structure, the area between the front property line and the required front setback is defined as the front yard. The normally-required front setback along Pelee Street is twenty-five feet (25'); however, the applicant may use a contextual front setback per TMC§1106.0205(B)(4) to reduce that setback to the front setback of adjacent lots to the north and south. As such, the proposed six-foot (6') wooden privacy fence is acceptable as depicted and a variance is not required.

The front yard along Warwick Avenue is fifty-two feet eight inches (52'8") deep from the front property line to the building. As stated previously, fences may not exceed three and a half feet (3'6") in the front yard. The site plan proposes a six-foot (6') wooden privacy fence and a six-foot (6') security fence five feet six inches (5'6") from the front property line along Warwick. Staff is supportive of a Board of Zoning Appeals (BZA) variance from this requirement to allow fences to exceed three and a half feet (3'6") after a twenty-foot (20') setback from the front property line along Warwick Avenue. This would line up with the required twenty-foot (20') front yard setback along Warwick Avenue. If a variance is not granted by the BZA, fences must be brought down to three and a half feet (3'6") in the front yard.

Signs

SPR-49-21 condition thirty (30) stated that "A low-profile sign shall not exceed 42 inches in height above the grade elevation of the nearest right-of-way. The copy on the low-profile sign shall be limited to name and/or logo of the business establishment per TMC§1103.0708." A sixty-nine inch (69") high sign was constructed with name, address and graphics despite this condition. The site plan indicates the applicant intends to remove this nonconforming sign and provide a sign compliant with SPR-49-21. With the passage of the new sign code, staff recommends replacing this condition with one stating that the sign be replaced with a sign compliant with the new sign code. This will allow the applicant more flexibility with their new sign while simultaneously keeping the original intent of the condition.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

This SUP is required only for the southern RD6 zoned portion of this site and the proposal is only to expand the day care use from the northern to this southern portion. The Toledo 20/20 Plan Future Land Use Map targets this southern RD6 zoned portion for Single Family land uses. Single Family land uses typically include the development of single-dwelling units on individual lots and may also include libraries, schools, churches, and community centers that serve neighborhoods. 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. The proposed Day Care Center expansion is compatible with the Toledo 20/20 Plan as it is a use which serves the neighborhood.

Draft Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Plan Future Land Use Map targets the southern RD6 zoned portion of this site for Neighborhood Residential land uses. The Neighborhood Residential land use designation provides space for low- and medium-density housing demands in the city while making best use of neighborhoods with constraints such as narrow lots. These areas are primarily pedestrian-oriented. Low-impact institutional, public, and commercial uses such as churches, schools, parks, and day-cares are also appropriate and should be encouraged along busier corridors. The proposed Day Care Center expansion is consistent with the Draft Forward Toledo Plan as it is a low-impact day-care use along Dorr Street – a busier corridor.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-6001-24, a Special Use Permit for an expansion of a Day Care Center at 1219 Warwick Avenue, to the Toledo City Council, for the following two (2) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A)); and;
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B)).

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-6001-24, a Special Use Permit for an expansion of a Day Care Center at 1219 Warwick Avenue, to the Toledo City Council, subject to the following **twenty-seven (27)** conditions:

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

STAFF RECOMMENDATION (cont'd)

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 Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

Contact Taylor Heldman at (419) 245-1341 for inspection of above-mentioned items.

4. No stormwater engineering conditions if the only hardscape is the basketball area shown. If other hardscape is proposed, resubmit for additional review and comment.

Water Distribution

No comments or concerns.

Division of Sewer & 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 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 RECOMMENDATION (cont'd)

Division of 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 install permanent inlet filters with oil absorbent pillow in parking lot catch basins to treat stormwater.
10. 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.
11. 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
12. 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.

Bureau of Fire Prevention

No comments or concerns.

Division of Transportation

13. Sidewalk is required to be extended along Pelee Street to the south property line per TMC 1107.1300.
14. Wheel stops are required at all parking spots abutting property lines, sidewalks, buildings and planting strips per TMC 1107.1907.

Plan Commission

15. Off-street parking shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0304). A total of seven (7) parking spaces are required for this site. The submitted site plan shows seven (7) parking spaces. **Acceptable as depicted.**
16. Required spaces for persons with disabilities must be identified with signs and pavement markings identifying them as reserved for persons with disabilities. Signs must be posted directly in front of the parking space at a height of no less than 60 inches and no more than 72 inches above pavement level. **Acceptable as depicted on site plan.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

17. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A," (TMC§1107.0300). Minimum number of bicycle parking slots required is two (2). **Acceptable as depicted on site plan.**
18. At least one (1) main entrance of any commercial, mixed-use, or institutional building shall face and open directly onto a five-foot (5') wide connecting walkway to the street sidewalk without requiring pedestrians to walk around buildings or around parking lot outlines which are not aligned to a logical route. **Acceptable as depicted on site plan.**
19. 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 and approval of the Department of Public Utilities.
20. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way.
21. A detailed site, lighting, fencing and landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A fifteen-foot (15') buffer of landscaped frontage greenbelt is required along Dorr Street. At least one tree must be provided for every 30 feet of lot frontage. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way. **Acceptable as depicted on site/landscaping plan.**
 - b. A five-foot six-inch (5'6") buffer of landscaped frontage is required along Warwick Avenue. At least one tree must be provided for every 30 feet of lot frontage. A total of six (6) trees are required along Warwick Avenue on this site. **Not acceptable as depicted. An additional tree is required and shall be shown on a revised landscaping plan.**
 - c. A five-foot six-inch (5'6") buffer of landscaped frontage is required along Pelee Street. At least one tree must be provided for every 30 feet of lot frontage. A total of two (2) trees are required along Pelee Street on this site. **Not acceptable as depicted. An additional tree is required and shall be shown on a revised landscaping plan.**
 - d. A Type A landscape buffer is required along the northern property line abutting 2345 Dorr Street (Parcel# 11-31094). With a solid fence, one (1) tree and five (5) shrubs are required for this site. **Not acceptable as depicted. One (1) tree and five (5) shrubs are required and shall be shown on a revised landscaping plan.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- e. A Type B landscape buffer is required along the southern property line. Five (5) trees and eighteen (18) shrubs are required. **Not acceptable as depicted. An additional tree and eighteen (18) shrubs are required and shall be shown on a revised landscaping plan.**
 - f. Topsoil must be back filled to provide positive drainage of the landscape areas.
 - g. 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.
 - h. 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.
 - i. 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;
 - j. The location, height and materials for any fencing to be installed and maintained.
 - k. The location of any proposed lighting (lights are to be directed away from adjacent residential properties).
 - l. Unless a BZA waiver is granted, fences shall not exceed 3½ feet in the front yards along Dorr Street and Warwick Avenue. **Not acceptable as depicted. Staff recommends applicant obtain a BZA waiver to allow fences to exceed 3½ feet after a twenty-foot (20') setback along Warwick Avenue (the *required* front yard).**
22. The proposed replacement sign shall be compliant with the new sign code. **Sign does not need to meet previous condition requiring a low-profile 42" sign. It must instead be compliant with the new sign code.**
23. Applicant shall obtain appropriate sign permits for proposed signage.
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. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
25. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

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. 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.

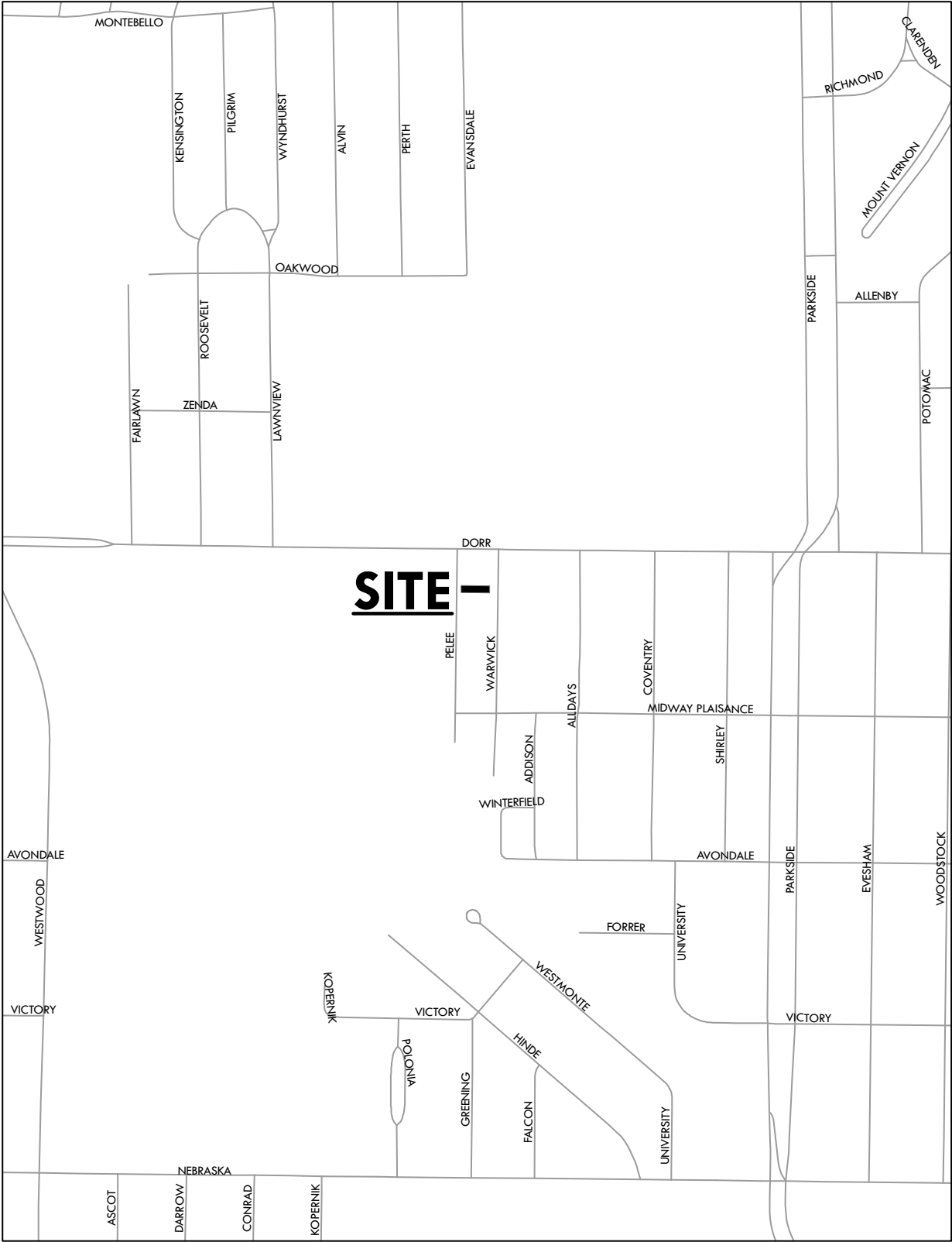
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-6001-24
DATE: August 8, 2024
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: September 10, 2024
TIME: 4:00 P.M.

AS
Three (3) sketches follow

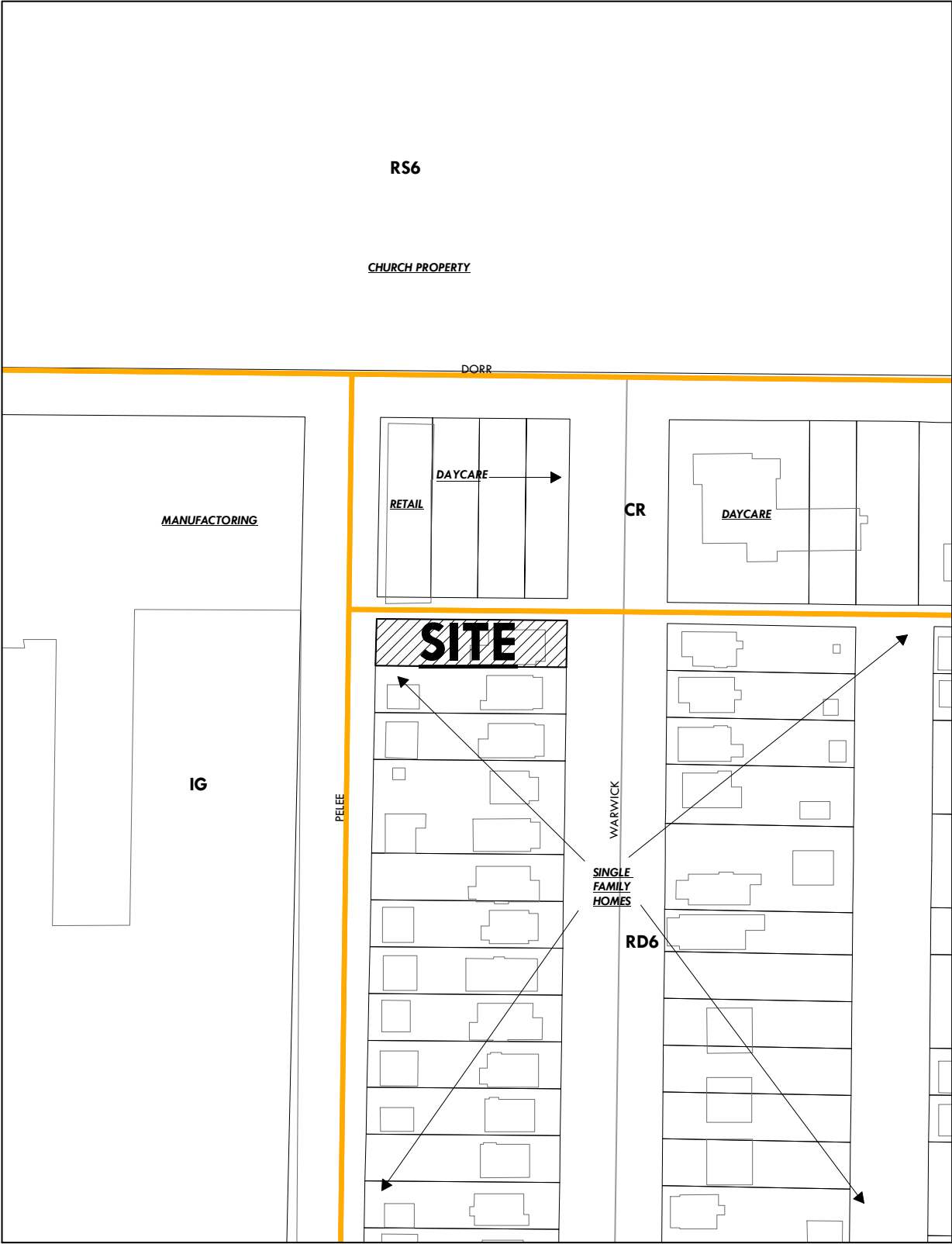
GENERAL LOCATION

SUP-6001-24
ID 47



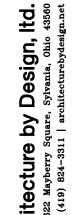
ZONING & LAND USE

SUP-6001-24
ID 47



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SITE PLAN AND DETAILS
 SPECIAL USE PERMIT FOR:
QUALITY TIME DAYCARE
 2343 DORR STREET / 1219 WARWICK AVENUE
 TOLEDO, OHIO 43607

20191	10/26/2021 R	04/03/2024 PERMIT AND REVISION	Δ
20191	09/26/2023	05/26/2023 PERMIT	Δ
20191	02/20/2023	02/20/2023 PERMIT	Δ
20191	11/09/2021	PERMIT	
20191	10/26/2021	OWNER REVIEW	
20191		DATE/REVISION:	
20191		Architecture by Design, Ltd. 2023	