

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

REF: SUP-6004-23
DATE: July 13, 2023

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 5253 Bennett Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday 13, 2023 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	5253 Bennett Road
Applicant	-	Patricia Crawford-Cole 1249 Hidden Ridge Road, Suite 1 Toledo, OH 43615
Owner	-	Precious Blood Church 5253 Bennett Road Toledo, OH 43615
Architect	-	Larry A. Miller Lam & Associates 2722 N Holland Sylvania Road Toledo, OH 43560

Site Description

Zoning	-	RS6 / Single-dwelling Residential
Area	-	± 1.5 acres
Frontage	-	± 291' along Bennett, Road ± 193' along Sandralee Drive
Existing Use	-	Church
Proposed Use	-	Day Care Center

GENERAL INFORMATION (cont'd)

Area Description

North	-	RS6, POS / Mayfair Pre-School, Single-family Homes, Open Space
South	-	RS6 / Single-family Homes
East	-	RS6 / Single-family Homes
West	-	RS6 / Single-family Homes

Parcel History

No previous case history

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit to open a Day Care Center at 5253 Bennett Road. The ±1.5-acre site is zoned RS6 Single-dwelling Residential and currently contains a church. Surrounding land uses include single-family homes, the Mayfair Pre-School and open space to the north, single family homes, to the south, west and east. The applicant is proposing to operate out of the existing church building. A special Use Permit is required because the day care is open for enrollment.

Day Care Center Requirements

Per **TMC§1104.0703(B)**, a Day Care Center must have frontage on a major street. According to the Toledo-Lucas County Major Streets and Highways Plan, Bennett Road does not qualify as a major street. The applicant shall obtain a waiver to allow a day care center at a site without frontage on a major street. Additionally, in accordance with **TMC§1104.0703(D)&(E)**, the facility is required to provide at least thirty-five (35) square feet of usable indoor space for each person in care and sixty (60) square feet of outdoor space for each person in care using the outdoor area at any one time. The site plan submitted depicts a fenced play area that is ±1200 square feet, which is enough to accommodate the maximum number of individuals allowed in care.

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 6-person capacity, as well as one (1) bicycle parking stall per 10 parking spaces. The site plan depicts fifty-two (52) parking spaces, three (3) van accessible spaces and three (3) spaces for drop-off and pick-up located at the entrance of the building. The site plan also shows four (4) bicycle parking spaces. Per **TMC§1107.0902(C)** up to two vehicle parking spaces required under this chapter may be used for bicycle parking.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

Per **TMC§1107.1202(A)(1)**, parking is not allowed within the front yard in residential districts except detached houses, attached houses and duplexes where parking is allowed in the driveway. The submitted site plan depicts the required parking spaces for the day care center in the front yard of the site along Sandralee Drive which is under a Residential Zoning district. The applicant is requesting a waiver from this requirement due to site limitations.

Landscaping

As required under **TMC§1104.0701(E)**, sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at any time. Additionally, a Type B landscape buffer shall be provided around the outdoor space in accordance with **TMC§1108.0203(F)**. 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. Furthermore, **TMC§1108.0202** requires a minimum of fifteen feet (15') of landscaped frontage greenbelt along public rights-of-way. 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.

The site plan submitted depicts the outdoor play area in the back of the property and fenced in using a six-foot (6') tall solid privacy fence to screen the area. The site plan also shows nine (9) shrubs and two (2) trees to be planted in addition to existing trees and shrubs on the property. Applicant has the option to request credit for the existing trees under **TMC§1108.0407(B)(9)**. The submitted site plan does not show the required frontage greenbelt landscaping along Sandralee Drive.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for single family land uses. Single Family land uses may also include libraries, schools, churches, and community centers. Daycare centers are a compatible use for this designation and the proposed Special Use Permit conforms to the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-6004-23, a Special Use Permit for a Day Care Center at 5253 Bennett Road, to 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)** – *Review & Decision-Making Criteria*], and

PLAN COMMISSION RECOMMENDATION (cont'd)

2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics [TMC§1111.0706(C) – *Review & Decision-Making Criteria*].

The Toledo City Plan Commission recommends approval of the following three (3) waivers:

Chapter 1104 – Use Regulations

Sec. 1104.0703 – Day Care Center

TMC§1104.0703(B) – Location

1. A Day Care Center must have building frontage on a major street.

Approve a waiver to allow a Day Care Center without frontage on a major street because the building is established at this location, and a day care is an appropriate use in this building.

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;

Approve a waiver to allow parking in the front yard setback. This is an existing parking lot and areas for parking on site are limited.

Chapter 1108 – Landscape and Screening

Sec. 1108.0202 landscape Standards

TMC§1108.0202(B) – Frontage Greenbelt

3. Frontage greenbelts shall be a minimum width of fifteen-feet (15'). For properties over five (5) acres and/or those with over five-hundred feet (500') of frontage, the frontage greenbelt shall be a minimum of thirty feet (30') wide measured perpendicular from the street or place right of way abutting the property.

Approve a waiver to allow a solid evergreen hedge to screen parking in the front of the property along Sandralee Drive instead of the required fifteen-foot (15') frontage because the parking is established at this location

The Toledo City Plan Commission recommends approval of SUP-6004-23, a Special Use Permit for a Day Care Center at 5253 Bennett Road subject to the following **twenty-five (25)** conditions.

PLAN COMMISSION RECOMMENDATION (cont'd)

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. 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 Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

Division of Sewer and Drainage Services

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

6. 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.
7. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

9. 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
10. 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

11. It appears that this building may undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
12. Approved Premises identification is required.
13. Key box(s) for access to buildings and areas restricted by fences, gates, etc.

Division of Transportation

14. Sidewalk is required on Bennett Road at driveway per **TMC§1107.1300**.

Plan Commission

15. **TMC§1104.0703(B) Location** – A Day Care Center must have building frontage on a major street. Applicant shall obtain a waiver from **TMC§1104.0703(B)** to allow a day care center without frontage on a major street.
16. Per **TMC§1107.1202(A)(1)**, parking is not allowed within the front yard in residential districts except detached houses, attached houses and duplexes where parking is allowed in the driveway. **Not acceptable as depicted on site plan. Applicant shall obtain a waiver from TMC§1107.1202(A)(1).**
17. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

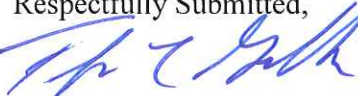
Plan Commission (cont'd)

18. 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.**
19. One (1) van accessible parking space shall be required. **Acceptable as depicted on site plan.**
20. 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.**
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)**. **Acceptable as depicted.**
 - b. **TMC§1108.0202** requires a minimum of fifteen feet (15') of landscaped frontage greenbelt along public rights-of-way. 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. **Not acceptable as depicted. Applicant shall obtain a waiver to the minimum fifteen-foot (15') frontage greenbelt along Sandralee Drive. Applicant shall provide a solid evergreen hedge to screen parking in the front of the property along Sandralee Drive.**
 - c. 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.
 - d. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- e. Landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition.
 - f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
 - g. 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.
22. 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.
23. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
24. 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.
25. 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.

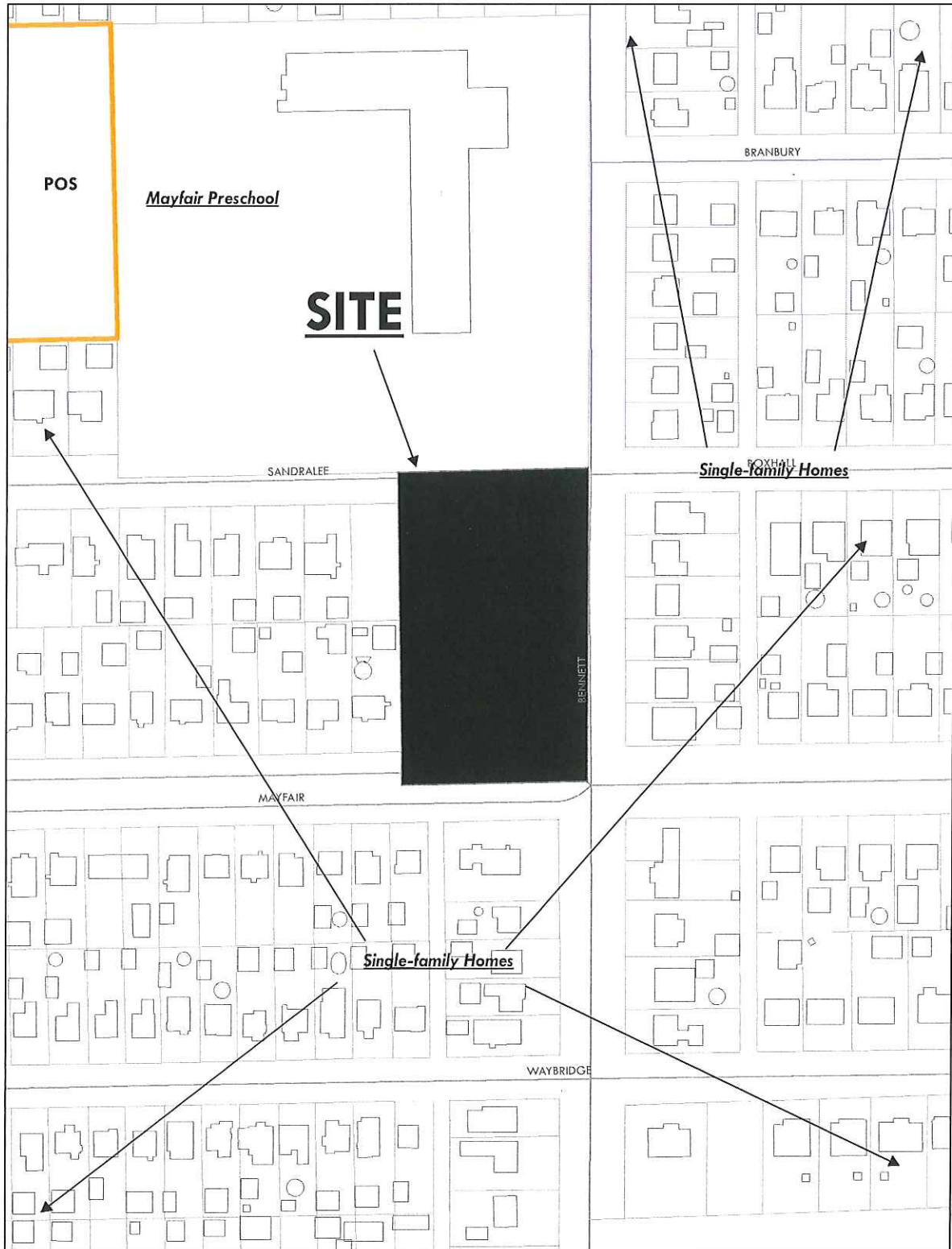
Respectfully Submitted,

Thomas C. Gibbons

Secretary.

ET
Four (4) sketches follow

ZONING & LAND USE

SUP-6004-23





SUP-6004-23

SITE PLAN

REVISION DATE:

THIS DRAWING IS THE PROPERTY OF LAM, INC. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF LAM, INC.

DATE: 4-22-23

SHEET: 5-2

LAYER: A HLINE EA ON H

LAM
Landscape Architecture
1230 6th St.
San Francisco, CA 94103
415.774.8888

DAYCARE @ RECROSS BLOOD CHURCH

PROPOSED DAYCARE PROPERTY:

PROPOSED DAYCARE BUILDING:
2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

SEMITIAL FOR:
2771 GARDEN ST.

ZONING DESCRIPTION:
R1.5 SINGLE-FAMILY RESIDENTIAL

TRAFFIC / ROAD:
27TH AVENUE

OWNER:
DAYCARE @ RECROSS BLOOD CHURCH

PROPERTY ADDRESS:
2771 GARDEN ST.

MAILING ADDRESS:
2771 GARDEN ST.

PARCEL ID # ADDRESS #:
001012201 2771 GARDEN ST.

LEGAL DESCRIPTION:
LOT 11 (PARTIAL)

ADJACENT PROPERTY INFORMATION:

ADJACENT LOT #1: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #2: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #3: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #4: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #5: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #6: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #7: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #8: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #9: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #10: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #11: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #12: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #13: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #14: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #15: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #16: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #17: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #18: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #19: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

ADJACENT LOT #20: 2771 GARDEN ST. (CORNER OF 27TH AND GARDEN ST.)

DAYCARE / ZONING REQUIREMENTS:

DESIGNATED OUTDOOR PLAY AREA:
7% OF TOTAL LOT AREA. TO BE PROVIDED AS A SEPARATE AREA FROM THE BUILDING AND TO BE ACCESSIBLE TO ALL CHILDREN.

LANDSCAPE BUFFER REQUIREMENTS:
A 10' BUFFER SHALL BE MAINTAINED BETWEEN THE BUILDING AND THE ADJACENT PROPERTY.

NEW DRIVE / DRIVEWAY:
A NEW DRIVEWAY SHALL BE PROVIDED TO ACCESS THE BUILDING FROM GARDEN ST.

PROVIDE BICYCLE PARKING:
A BICYCLE PARKING AREA SHALL BE PROVIDED AS PART OF THE SITE PLAN.

DUSTMATS / TRASH RECEPTACLE SCREENING:
DUSTMATS SHALL BE PROVIDED AT THE DRIVEWAY ENTRANCE.

OFF-STREET PARKING SPOTS:
OFF-STREET PARKING SPOTS SHALL BE PROVIDED AS PART OF THE SITE PLAN.

ACCESSIBLE PARKING AND SERVICE REQUIREMENTS:

RV PARKING SPACE SERVICE NOTE:
RV PARKING SPACES SHALL BE PROVIDED AS PART OF THE SITE PLAN.

SEMI-TRAILER ACCESSIBLE PARKING SPACES AND SERVICE:
SEMI-TRAILER ACCESSIBLE PARKING SPACES SHALL BE PROVIDED AS PART OF THE SITE PLAN.

ACCESSIBLE PARKING SPACES:
ACCESSIBLE PARKING SPACES SHALL BE PROVIDED AS PART OF THE SITE PLAN.

TRASH RECEPTACLE SCREENING:
TRASH RECEPTACLES SHALL BE PROVIDED AS PART OF THE SITE PLAN.

OFF-STREET PARKING SPOTS:
OFF-STREET PARKING SPOTS SHALL BE PROVIDED AS PART OF THE SITE PLAN.

RV PARKING SPA:

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14-6