



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



REF: SUP-5001-19
DATE: June 19, 2019

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 an Adult Day Care Center at 2801 Tremainsville Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 13, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for an Adult Day Care Center
Location	-	2801 Tremainsville Road
Applicant	-	Kevin Braswell Sena's Quality Adult Care, LLC 2801 Tremainsville Rd Toledo, OH 43613
Architect	-	Tadd Stacy Architecture by Design 5622 Mayberry Square Sylvania, OH 43560

Site Description

Zoning	-	CR, RM36 / Regional Commercial and Multi-Dwelling Residential
Area	-	± .61 acres
Frontage	-	± 84' along Tremainsville Road. ±166' along Eldora Drive
Existing Use	-	Vacant Vocational Rehab Office
Proposed Use	-	Adult Day Care Center
Parking Required	-	1 Space per 6 person capacity or 1 per 400 sf. (7 Spaces)
Parking Proposed	-	26 Spaces
Neighborhood Org. Overlay	-	None

Area Description

North	-	CR Regional Commercial / Plumbing business
South	-	CR Regional Commercial, RM36 Multi-Family residential / Single-Family and Multi-Family Residential
East	-	CR Regional Commercial / Used Car Sales
West	-	RM36 Multi-Family Residential

Parcel History

None on Record

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 for an Adult Day Care Center at 2801 Tremainsville Road, at the corner of Tremainsville Road and Eldora Drive. The ± .61 acre site is split-zoned CR Regional Commercial and RM36 Multi-Dwelling residential, thus requiring a Special Use Permit, and is currently occupied by a vacant commercial building. The building was formerly occupied by a vocational business. Surrounding land uses include a plumbing business and multi-family residential to the north, a used car sales lot across Tremainsville Road to the east, single-family residential to the south, and multi-family residential to the west.

The applicant, Sena's Quality Adult Care LLC, intends to operate an Adult Day Care Center out of the existing building on site that will provide daily care, programs, and services for adults with development disabilities. There is a maximum occupant load of 26, although the likely number of occupants at any one time is less than ten.

Use Regulations for Day Care Centers

Per TMC§1104.0703(B), Day Care Centers must have building frontage on a major street. According to the Toledo-Lucas County Major Street and Highway Plan, Tremainsville Road is classified as major streets. Additionally, in accordance with TMC§1104.0703(D)&(E), the facility is required to provide thirty-five (35) square feet of useable indoor space for each person in care and sixty (60) square feet of useable outdoor space for each person in care using the outdoor area at any time. The site plan submitted did not depict any useable outdoor space. **As a condition of approval, a revised site plan shall be submitted which depicts the outdoor space and the amount of square feet available for each person.**

STAFF ANALYSIS (cont'd)

Parking and Circulation

The site is existing, and currently has twenty-six (26) spaces, including two (2) handicap parking spaces. Of these twenty-six (26) spaces, two (2) of them are located fully within the Tremainsville Road right-of-way and ten (10) of them are located partially within the Eldora Road right-of-way. **One condition of this application is that the applicant will replace the two (2) spaces within the right-of-way with landscaping.**

Pursuant to TMC§1107.0304 *Parking, Loading, and Access – Schedule A*, a Day Care Center is required to have one (1) parking space per 6-person capacity or one (1) parking space per 400 square feet, whichever is greater and one (1) bicycle parking slot per ten (10) parking spaces. The building is roughly 2555 square feet. Calculations conclude that a total of seven (7) parking spaces are required with one (1) accessible parking spaces for physically disabled persons and one (1) bicycle spaces. The site offers twenty-six (26) existing parking spaces. **An alternative parking plan, detailing the need for this many spaces, is not required because the site is existing. A condition which will require the applicant to replace the two (2) parking spaces located fully within the public right-of-way with landscaping will reduce this number to twenty-four (24) spaces.**

Pursuant to TMC§1104.0703(F) – *Drop-off/Pick-up Area*, a paved area for dropping off and picking up persons in care at the facility must be provided with the approval of the Division of Transportation. However, because the facility will be using a van to pick up and drop off patients, a pick-up/drop-off area is not necessary. **Staff recommends a waiver.**

Landscaping

The site was developed before the 2004 zoning code and therefore not required to completely comply with the landscape standards of the 2004 code. However, TMC§1114.0500 *Appearance Upgrade for Nonconforming Development*, requires future changes to bring a site closer into compliance with the 2004 code. **This is achieved through a condition of approval. The two (2) parking spaces which are located fully within the right-of-way, at the southeast corner of the property closest to the intersection of Tremainsville Road and Eldora Drive, shall be replaced with landscaping.** This landscaping shall include at least one tree. Landscaping shall also include one evergreen hedge or other low plantings to aid in screening the parking lot and shielding headlights of vehicles from the public street. **A landscaping plan depicting this is listed as a condition of approval.**

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan designates this property for neighborhood commercial uses. This includes small and medium scale commercial uses that serve neighborhoods. The proposed use is consistent with this designation.

Staff recommends approval of the Special Use Permit for this location because it is compatible with the established land uses along Tremainsville Road. The site capitalizes on an existing vacant building to provide a service to the neighborhood. Finally, the proposed use meets the purpose and all applicable provisions of the Zoning Code as outlined in TMC§1111.0706.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-5001-19, a Special Use Permit for a Day Care Center at 2801 Tremainsville Road, to Toledo City Council for the following three (3) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision Making Criteria*).
2. The proposed use complies with all applicable provisions of the Zoning Code (TMC§1111.0706(B) – *Review & Decision-Making Criteria*); and
3. The request is 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*).

The Toledo City Plan Commission makes the following recommendations to the Toledo City Council on the following waiver:

Chapter 1104 | Use Regulations

Sec 1104.0703.F Drop-off/Pick-up Area

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.

Approve a waiver not requiring a drop-off/pick-up area. Sena's Quality Adult Care will pick up at their homes in the morning using a shuttle van and drop them off in the evening.

PLAN COMMISSION RECOMMENDATION (cont'd)

The Toledo City Plan Commission recommends approval of SUP-5009-19, a Special Use Permit for a Day Care Center at 2801 Tremainsville Road, to the Toledo City Council subject to the following **twelve (12)** 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.

Division of Transportation

1. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)). **Need a revised site plan showing wheel stops.**

Plan Commission

2. A revised site plan shall be submitted addressing the Division of Transportations conditions of approval.
3. Per 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 time. **Not acceptable. A revised site plan shall be submitted depicting the outdoor space and the amount of square feet available for each person in care. Because this is an adult day care, a recreational area can include amenities such as picnic tables, and fencing is not required.**
4. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700; **acceptable as depicted on site plan.**
5. 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 as stated in TMC§1361.10.B.10 of the Building Code. The dumpster must be screened in accordance with TMC§1108.0200.G. **Need a revised plan showing location of dumpster and appropriate screening.**

PLAN COMMISSION RECOMMENDATION (cont'd)

6. A minimum of three (3) bicycle parking slots are required. **Need a revised site plan showing a bike rack.**
7. No new free-standing signs greater than forty-two inches (42") from grade are permitted – any proposed signage must meet the requirements of low-profile signs per Toledo Municipal Code Title Nine – Sign Code.
8. A detailed site, lighting, sign, 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. The two (2) parking spaces which are located fully within the right-of-way, at the southeast corner of the property closest to the intersection of Tremainsville Road and Eldora Drive, shall be replaced with landscaping. This landscaping shall include at least one tree, as well as evergreen shrubs or other low plantings to aid in screening the parking lot and shielding headlights of vehicles from the public street. **This shall be depicted on a 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;
 - d. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details. **The site is ± .61 acres. Landscaping plan must show appropriate irrigation.**
 - e. The location, height and materials for any fencing to be installed and maintained;
 - f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
 - g. The location, lighting and size of any signs.

PLAN COMMISSION RECOMMENDATION (cont'd)

9. 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.

10. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.

11. 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.

12. 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

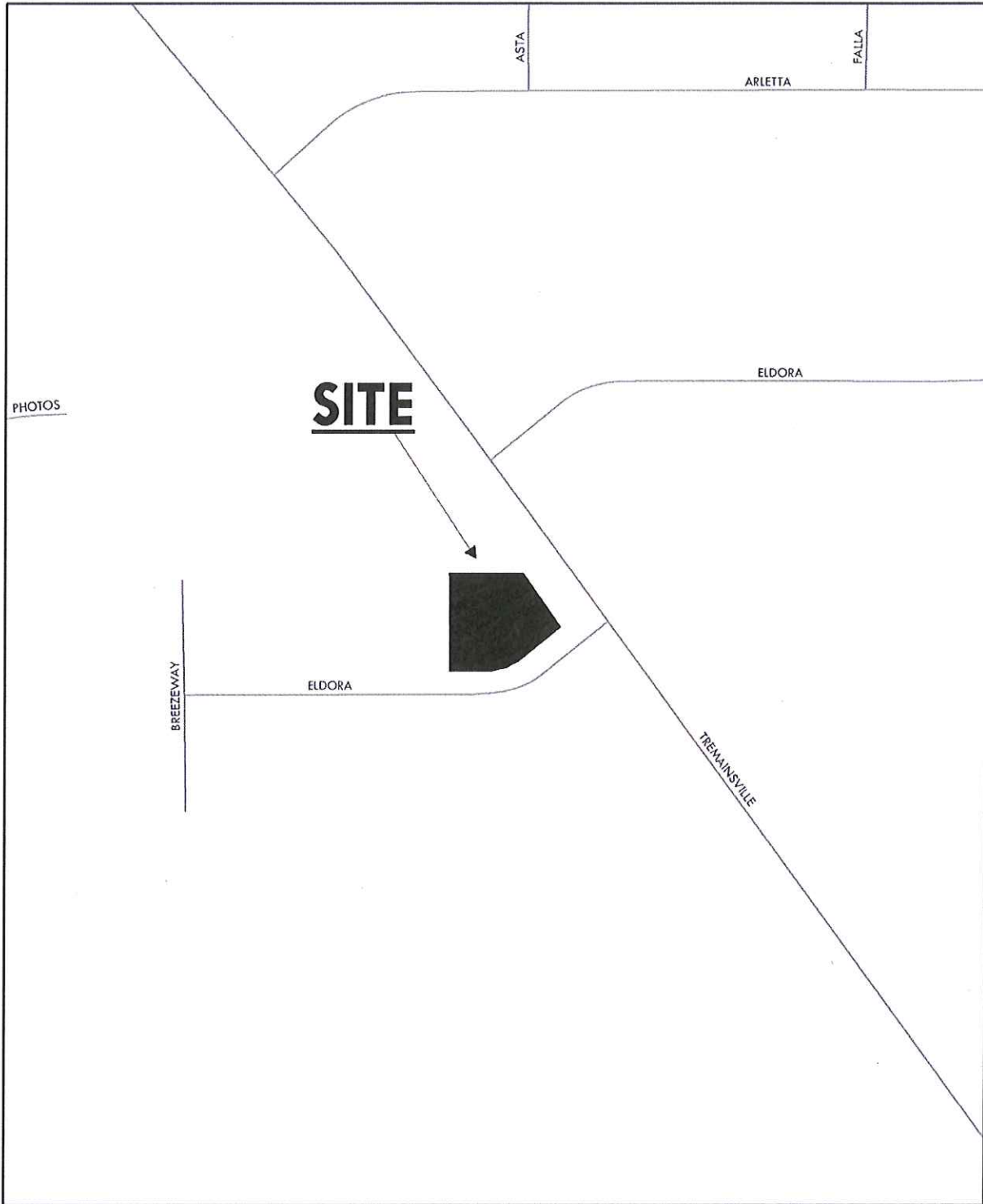
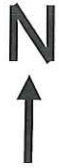
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Three (3) sketches follow

Cc: Sena's Quality Adult Care, 2801 Tremainsville Road, Toledo, OH 43613
Architecture by Design, 5622 Mayberry Square, Sylvania, OH 43560
Engineering Services
Sewer & Drainage
Environmental Services
Transportation
Fire Prevention
Lisa Cottrell, Administrator
Matt Lascheid, Associate Planner

GENERAL LOCATION

SUP-5001-19
ID 55



ZONING AND LAND USE

SUP-5001-19
ID 55

