

**GENERAL INFORMATION**

Subject

- Request - Special Use Permit for Parking Lot Modifications to Existing Daycare Center
- Location - 3901 Shadylawn Drive
- Applicant + Owner - Toledo Public School  
1609 North Summit Street  
Toledo, OH 43604
- Architect - Rusty Wilke  
One SeaGate, Park Level 118  
Toledo, OH 43604

Site Description

- Zoning - RS9 / Single-Dwelling Residential
- Area - ± 5.97 acres
- Frontage - ± 450' along shadylawn
- Existing Use - Daycare Center
- Proposed Use - Daycare Center

Area Description

- North - RS9 / Single family homes
- South - RS9 / Single family homes
- East - RS9 / Single family homes
- West - POS / Public Park

Parcel History

- Z-138-68 - Rezone a 12.64-acre parcel located North of Treelawn Drive from R-B Single Family Residence District to R-1 Single Family Residence District. PC approved 06/13/1968. Ord. 593-68
- M-11-73 - Review of proposed addition to Crossgates Elementary School. Plan Commission approved 06/14/1973

## GENERAL INFORMATION (cont'd)

### 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 in order to modify an existing parking lot at 3901 Shadylawn Drive by adding a bus drop-off and pick-up lane. The property is owned by the Toledo Public Schools (TPS) and occupied by the Crossgates Daycare Center. The ±5.97-acre site is Zoned RS9-Single-Dwelling Residential. The site is surrounded by single family homes to the north, south, and east and open space to the west. A Special Use Permit (SUP) is required to operate a daycare center in residential zoning districts, hence, the applicant is required to obtain a SUP to make any changes to the site.

### Parking and Circulation

Pursuant to **TMC§1104.0703** a daycare center is required to have a paved off-street area for dropping off and picking up persons in care at the facility and be approved by the Division of Transportation. The site plan shows a paved area for bus drop-off and pick-up.

### 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. The site plan submitted does not depict the outdoor play area. A revised site plan shall be submitted that meets these criteria.

### 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.

## STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-1004-23, a Special Use Permit for Parking Lot Modifications to Existing Daycare Center in at 3901 Shadylawn Drive, to Toledo City Council for the following two (2) reasons:

**STAFF RECOMMENDATION (cont'd)**

1. The proposed use meets the stated purpose of the Zoning Code [**TMC§1111.0706(B)** – *Review & Decision-Making Criteria*], and
2. The proposed use complies with all applicable provisions of this Zoning Code [**TMC§1111.0706(C)** – *Review & Decision-Making Criteria*].

The staff recommends that the Toledo City Plan Commission recommend approval of the following waiver to the Toledo City Council:

**Chapter 1104 – Use Regulation**

**Sec. 110.0703 – 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 Daycare Center without frontage on a major street.

The staff recommends that the Toledo City Plan Commission approve SUP-1004-23, a Special Use Permit for Parking Lot Modifications to Existing Daycare Center at 3901 Shadylawn Drive subject to the following **twenty-five (25)** conditions.

**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.
4. A stormwater submittal will not be required for this site plan, which indicates a total of less than 2,500 square feet of new earthwork. If the site plan were to change and have an increased amount of earthwork, the applicant will need to coordinate with the Plan Commission to receive additional site plan review and a determination of whether a stormwater review and approval would also be required.

**STAFF RECOMMENDATION (cont'd)**

Division of Engineering Services (cont'd)

5. In absence of a stormwater submittal the applicant remains responsible for ensuring the following stormwater requirements are met:
  - a. New site work must not direct drainage across a private property line.
  - b. During construction, stormwater pollution shall be prevented with the basic erosion and sediment control practices.

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.
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](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

No comments or concerns.

Division of Transportation

11. Bicycle parking is required to be shown per **TMC§1107.0900**.
12. All driveway widths and drive aisles must be a minimum of twenty-five (25) feet where two-way traffic is established per **TMC§1107.191**.

**STAFF RECOMMENDATION** (cont'd)

Division of Transportation (cont'd)

13. Ground painted directional arrows are required to indicate where one-way and two-way traffic pattern is established.

Sewer & Drainage

14. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
15. 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.

Plan Commission

16. Per **TMC§1107.1901** Off-street parking lots and loading areas must be designed with an appropriate means of vehicular access to a street, place, or alley in a manner that will least interfere with traffic movement and shall be subject to the approval of the Division of Transportation.
17. **TMC§1104.0703(B)** *Location* – A Day Care Center must have building frontage on a major street shall be waived to allow the existing day care center without frontage on a major street.
18. Per **TMC§1107.1903(F)** 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.**
19. 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.
20. A revised site plan shall be submitted depicting the entire site including the existing parking lot and outdoor play area.
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:

**STAFF RECOMMENDATION (cont'd)**

Plan Commission cont'd

- 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)**;
  - 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. 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;
  - d. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties);
  - e. 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.

REF: SUP-1004-23. . . March 9, 2023

SPECIAL USE PERMIT  
TOLEDO CITY PLAN COMMISSION  
REF: SUP-1004-23  
DATE: March 9, 2023  
TIME: 2:00 P.M.

CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: April 12, 2023  
TIME: 4:00 P.M.

ET  
Three (3) sketches follow



**ZONING & LAND USE**

**SUP-1004-23**



