

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: May 14, 2021

REF: SUP-3008-21

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 874 Orchard St

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 13, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	874 Orchard Street
Applicant	-	Western Ave Baptist Church, DBA Mosaic Ministries 860 Orchard Street Toledo, OH 43609
Contact Person	-	Dave Kaiser, Pastor 860 Orchard Street Toledo, OH 43609
Engineer	-	Midwest Church Design + Construction 634 Eckel Road Perrysburg, OH 43551

Site Description

Zoning	-	RD6 / Duplex Residential
Area	-	± 1.00 acres
Frontage	-	± 159' along Broadway Street ± 194' along Orchard Street
Existing Use	-	Mosaic Ministries Community Center
Proposed Use	-	Day Care Center
Neighborhood Org.	-	Broadway Corridor Coalition

GENERAL INFORMATION (cont'd)

Area Description

North	-	Single and Two-family Dwellings / RD6
East	-	Eclectic Mixed Use / CS
South	-	Vacant Commercial Property / CS
West	-	Two-family Dwellings / RD6

Parcel History

SUP-5006-19	-	Special Use Permit for a school. Approved via Ord. 403-19. Has not been implemented.
Z-4087-94	-	Zone Change from R-3 Two-Family Residential to C-3 Commercial
M-1-17	-	Assist, review, and adoption of the Old South End Master Plan. (Originally Adopted on 1/31/1984 by Ord. 64-84. Last updated on 12/12/04 by Ord. 827-04)

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Old South End Master Plan
- C-6 Viva South Toledo Neighborhood Business District

STAFF ANALYSIS

The applicant, Western Ave Baptist Church of Toledo (doing business as Mosaic Ministries), is requesting a Special Use Permit to operate Head Start and Early Head Start program to benefit children in the neighborhood up to five years old. This is classified in the zoning code as a Day Care Center; a Day Care Center is a permitted use in this zoning district subject to the approval of a Special Use Permit. The building is existing and owned by the applicant. Surrounding land uses include single and two-family homes to the north and west, as well as an eclectic variety of commercial and mixed use structures with scattered vacancies along Broadway Street to the south and east.

STAFF ANALYSIS (cont'd)

Parking and Circulation

The site is currently accessed via one (1) curb cut from Broadway Street to the east. The site plan calls for the existing asphalt to remain, and for new striping within the parking lot. 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. Additionally, one (1) bike parking slot is required for every ten (10) parking spaces. The building is approximately 10,000 square feet, and would require at least 25 parking spaces. The site plan depicts thirty-seven (37) parking spaces for the day care center, which is a permissible and sufficient quantity of parking. Another ten (10) parking spaces are reserved for 1623 Broadway Street. This shared parking agreement was accomplished as a part of a SUP-3002-19, the case managing the relocation of Mosaic Ministries.

Landscaping

The site was developed before the 2004 zoning code, so full compliance with the new landscaping requirements is not needed. TMC§1114.0500 requires future changes to bring a site closer into compliance with the 2004 code. The existing structure and parking lot occupy the entire site, therefore the applicant proposed to add additional landscaping along Orchard Street, which is acceptable. Additionally, as listed in condition #21, decorative fencing must be installed along Orchard Street and along Broadway Street.

Broadway Corridor/Old South End Overlay

The property is located within the Broadway Corridor/Old South End Master Plan which was adopted in 2017 to replace the Corridor Overlay Plan updated for the VIVA South CDC in 2004. The Old South End Master Plan highlights the Orchard Street Node. Key elements of the concept which can be achieved by this application include:

- Reconfiguration of the intersection of Broadway and Orchard to improve safety and create green space around the Mosaic Ministries and Early Childhood Center. (Note- this is the site of this application)
- Enhanced right-of-way landscaping and new gateway element.

STAFF ANALYSIS (cont'd)

These goals will be partially achieved, and the site will be brought closer to compliance with Toledo Municipal Code's *Landscaping and Screening* standards from Chapter 1108 because of the applicant's improved landscaping and decorative fence which is required under condition #21.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for urban village development. Toledo 20/20 recommends for southside: enforcing the housing code aggressively; encouraging infill housing, where appropriate; and developing strong, economically viable and diverse neighborhood commercial activity along Broadway. The Future Land Use Map shows this site as Urban Village. A day care center is an appropriate use of an existing educational building to achieve these future goals.

Staff recommends approval of this Special Use Permit because the use meets the stated purpose of the zoning code, and is compatible with adjacent uses in terms of scale, site design, and operating characteristics. The site has historically been a school and will provide a service to the neighborhood. Additionally, the applicant will be bettering the layout of the site through landscape improvements.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-3008-21, a request for a Special Use Permit for a Day Care Center at 874 Orchard Street, to Toledo City Council for the following two (2) reasons:

1. The proposed use meets the stated purpose of this Zoning Code (TMC§1101.0400)
2. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics.

The Toledo City Plan Commission recommends approval of SUP-3008-21, a request for a Special Use Permit for a Day Care Center at 874 Orchard Street, to Toledo City Council subject to the following 26 conditions:

PLAN COMMISSION RECOMMENDATION (cont'd)
Division of Engineering Services

1. A pre-submittal meeting is not required, however one may be requested. Contact information is as follows:
Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
Right-of-Way and Inspection: Joe Warnka 419-245-1341
Roadway: Tim Grosjean 419-245-1344
Water: Andrea Kroma 419-936-2163
Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338
Sanitary Sewers: Mike Elling 419-936-2276
2. 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.
3. 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.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

Division of Transportation

6. Wheel stops required at all parking spots that abut sidewalks, buildings and property lines per TMC§1107
7. Bicycle parking spaces required per TMC§1107.0300.
8. All parking spaces need to be a minimum of nine (9) feet by eighteen (18) feet, and clearly dimensioned per TMC§1107.
9. All parking space striping must be striped the full length of the parking spot and must meet TMC 1107.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Transportation (cont'd)

10. Two (2) car and two (2) van accessible parking spaces must meet the minimum dimension requirements. (9) feet by eighteen (18) feet with abutting five (5) foot aisle for car and eight (8) foot aisle for van per TMC§1107
11. Dumpster location must be shown per TMC 1107.

Fire Prevention

12. It appears that this building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing Code requirements.
13. Approved Premises identification is required.

Sewer and Drainage Services

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

Environmental Services

16. 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.
17. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
18. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services (cont'd)

19. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
20. 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.

Plan Commission

21. A decorative fence shall be installed to replace the existing chain-link fence along the Orchard Street and Broadway Street frontages and surrounding the existing playground. This fence shall be comprised of heavy gauge metal or other decorative material. Fencing shall be anchored by two (2) brick or masonry columns flanking the entrance to the site along Broadway Street and one (1) column at the corner of Broadway Street and Orchard Street. Staff recommends additional brick or masonry columns supporting fencing, as well as additional landscaping around the perimeter of the site, as approved by the Plan Director. **The location, height, and materials for this fencing shall be shown in a revised site plan.**
22. 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.
23. 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.
24. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
25. 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.
26. 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.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Tom C. Gibbons". The signature is fluid and cursive, with the first name "Tom" and last name "Gibbons" clearly distinguishable.

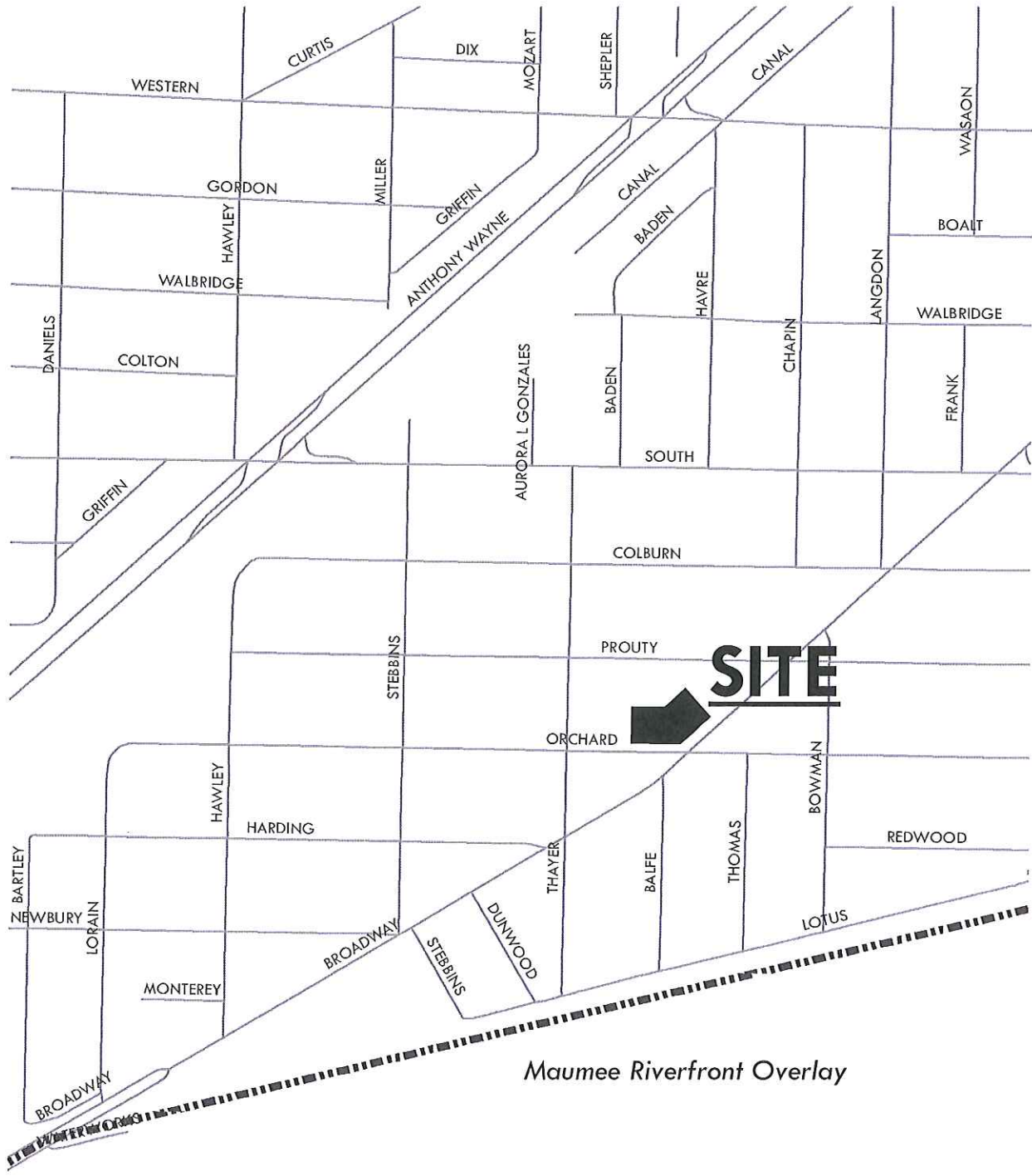
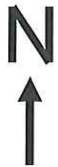
Thomas C. Gibbons
Secretary

Cc: Attn: Dave Kaiser; Mosaic Ministries; 860 Orchard Street; Toledo, OH 43609
Midwest Church Design + Construction; 634 Eckel Road; Perrysburg, OH 43551
Lisa Cottrell, Administrator
Matt Lascheid, Associate Planner

GENERAL LOCATION

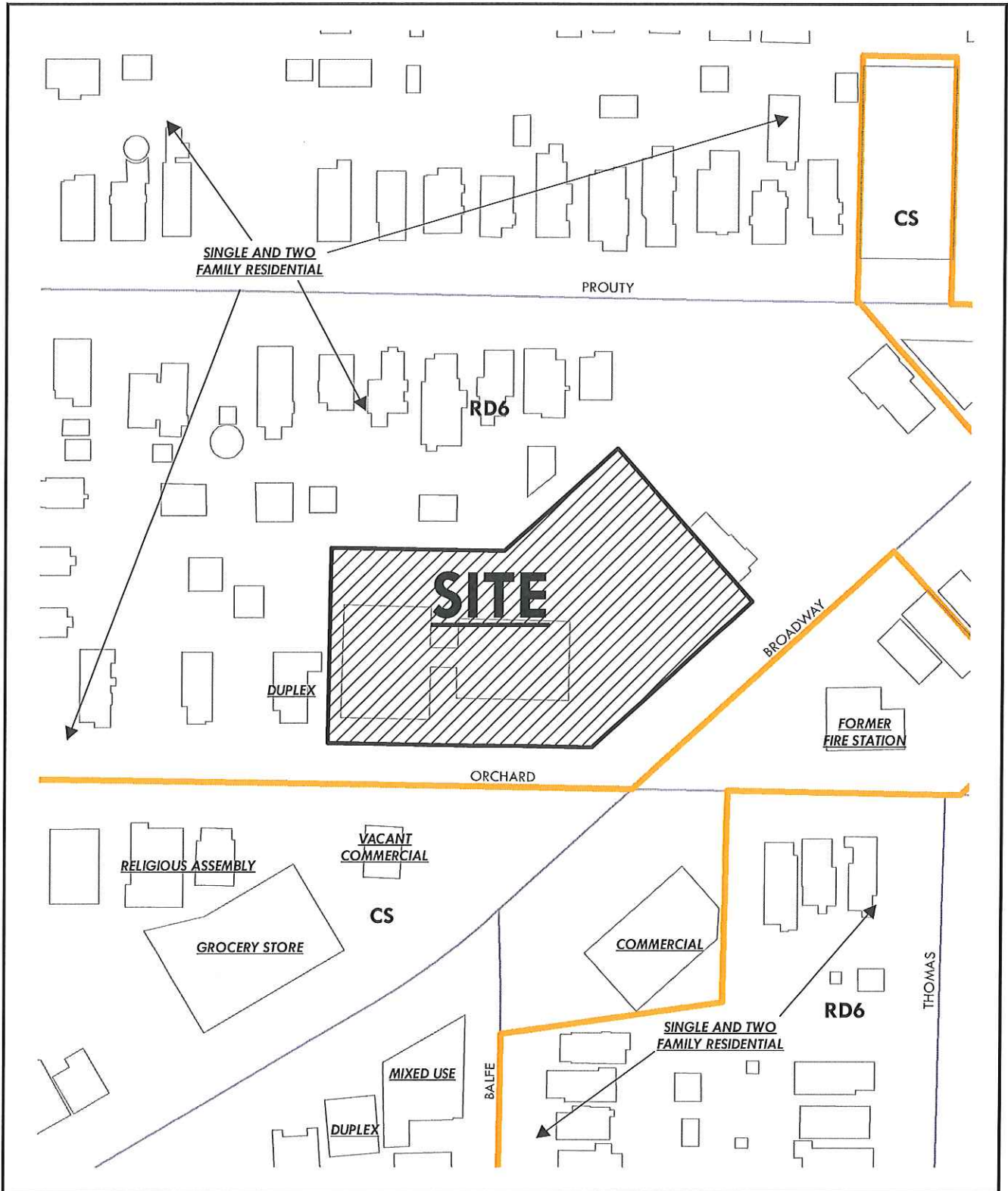
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ZONING AND LAND USE

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