



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



DATE: August 8, 2019

REF: SUP-6002-19

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Request for a Special Use Permit for a Type "A" Family Day Care at 4856 Airport Highway.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, August 8, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Type "A" Family Day Care
Location	-	4856 Airport Highway
Applicant	-	Vonetta Lee 4856 Airport Highway Toledo, OH 43615
Engineer	-	John A. Weithman P.O. Box 216 Genoa, OH 43430

Site Description

Zoning	-	RS12 / Single-Dwelling Residential
Area	-	± 0.14 acres
Frontage	-	± 50' along Airport Highway
Existing Use	-	Type "B" Family Day Care
Proposed Use	-	Type "A" Family Day Care

Area Description

North	-	Single-dwelling homes / RS12
South	-	Swan Creek Metropark / RS12
East	-	Single-dwelling homes and fire department / RS12
West	-	Single-dwelling homes / RS12

GENERAL INFORMATION (cont'd)

Parcel History

No records on file.

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 a Type "A" Family Day Care at 4856 Airport Highway. The ±0.14-acre site is zoned RS12 Single-Dwelling Residential and operating as an existing Type "B" Day Care. The applicant resides in the home and currently cares for six (6) children at a time, twenty-four (24) hours per day, seven (7) days per week. The applicant is requesting the Special Use Permit to be able to provide care for more children and to employ an additional staff person. There appears to be discrepancies in the dimensions of the submitted site plan. Applicant shall submit a revised site plan with dimensions drawn to scale.

Use Regulations

Pursuant to TMC§1104.0701(C), Type "A" Family Day Cares are only permitted in residential zoning districts when located along a major street, as defined in the "Toledo-Lucas County Major Street and Highway Plan". Airport Highway (State Route 2) is designated on a major street. The property is also located on the edge of a residential neighborhood with undeveloped land to the west and a Metropark to the south. As a result, the proposed location is in compliance with the applicable regulation.

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*, a Type "A" Family Day Care is required to have one (1) parking space in addition to the requirement for the dwelling. The minimum number of off-street parking spaces required for a detached house is two (2) spaces per dwelling unit. Calculations conclude that a total of three (3) parking spaces are required for the proposed Type "A" Day Care. The site plan submitted depicts an area available for two (2) parking space separate from the garage and therefore in compliance with the minimum number of off-street parking spaces.

STAFF ANALYSIS (cont'd)

Additionally, pursuant to TMC§1104.0701(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. The Division of Transportation has reviewed the site plan and does not object to the approval of the day care in the residential district. The applicant indicated that traffic for the Type “B” Day Care has not been a problem. However, Plan Commission staff does have some concern with additional vehicles backing out onto Airport Highway and staff recommends that the applicant consider an access agreement with a neighboring property to mitigate potential safety issues.

Landscaping

For Type “A” Day Cares, sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at one time. The fenced in outdoor space depicted on the site plan allows for the maximum number of children permitted in a Type “A” Day Care.

A ten foot (10') Type B landscape buffer shall be provided around the outdoor play area. Four (4) trees and fifteen (15) shrubs are required per 100 linear feet. A privacy fence may substitute for shrub regulations. There appears to be a discrepancy in the dimensions on the site plan. Staff measurements for the outdoor play area show dimensions of fifty feet (50') by seventy feet (70') bounded by a six foot (6') fence. In order to meet the Type B landscaping requirements per TMC§1108.0203 – *Buffer and Screening Requirements*, ten (10) trees shall be placed within the buffer. A landscaping plan shall be submitted depicting the location of the trees and the type of material used for the fencing.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area as single-family residential land uses. The single-family residential land use district was intended to accommodate the development of single-dwelling units on individual lots. 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. Additional uses may include libraries, schools, churches, and community centers. The proposed use is in compliance with the Toledo 20/20 Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-6002-19, a Special Use Permit for a Type “A” Family Day Care at 4856 Airport Highway, 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).

PLAN COMMISSION RECOMMENDATION (cont'd)

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 recommends approval of SUP-6002-19, a Special Use Permit for a Type "A" Family Day Care at 4856 Airport Highway, to Toledo City Council subject to the following **twenty-three (23)** 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 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.

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

PLAN COMMISSION RECOMMENDATION (cont'd)

Fire Prevention

5. Approved premises identification is required.

Division of Environmental Services

6. 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.
7. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.
9. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/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.

Division of Transportation

11. If the applicant intends to use the parking on the adjacent property at 4850 Airport Highway, an access agreement must be provided.

Plan Commission

12. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation. **Acceptable as depicted on site plan. The site plan submitted depicts a first floor day care occupancy area of 554 square feet. A limit of fifteen (15) children are permitted to be in care at any given time.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

13. 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. The site plan submitted depicts an outdoor play area with 3,000 square feet.**
14. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
15. 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 (**if applicable**).
16. 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. **Acceptable as depicted on site plan.**
17. No 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.
18. 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. A Type "B" Landscape Buffer is required around the outdoor play area. The buffer shall be a minimum of ten feet (10') in width with ten (10) trees and either fencing or shrubs. The location, height and materials for any fencing to be installed and maintained shall be indicated. **Shall be noted on-building 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. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches and evergreen trees must be a minimum of 5'.
 - 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- e. The location, height and materials for any fencing to be installed and maintained; **not acceptable as depicted on site plan. A split-rail fence with a maximum height of forty-two inches (42") shall be installed in the front yard along the eastern property line to prevent cross access.**
19. Plan Commission staff does have some concern with additional vehicles backing out onto Airport Highway and recommends that the applicant consider an access agreement with a neighboring property to mitigate potential safety issues.
20. 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.
21. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
22. 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.
23. 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,



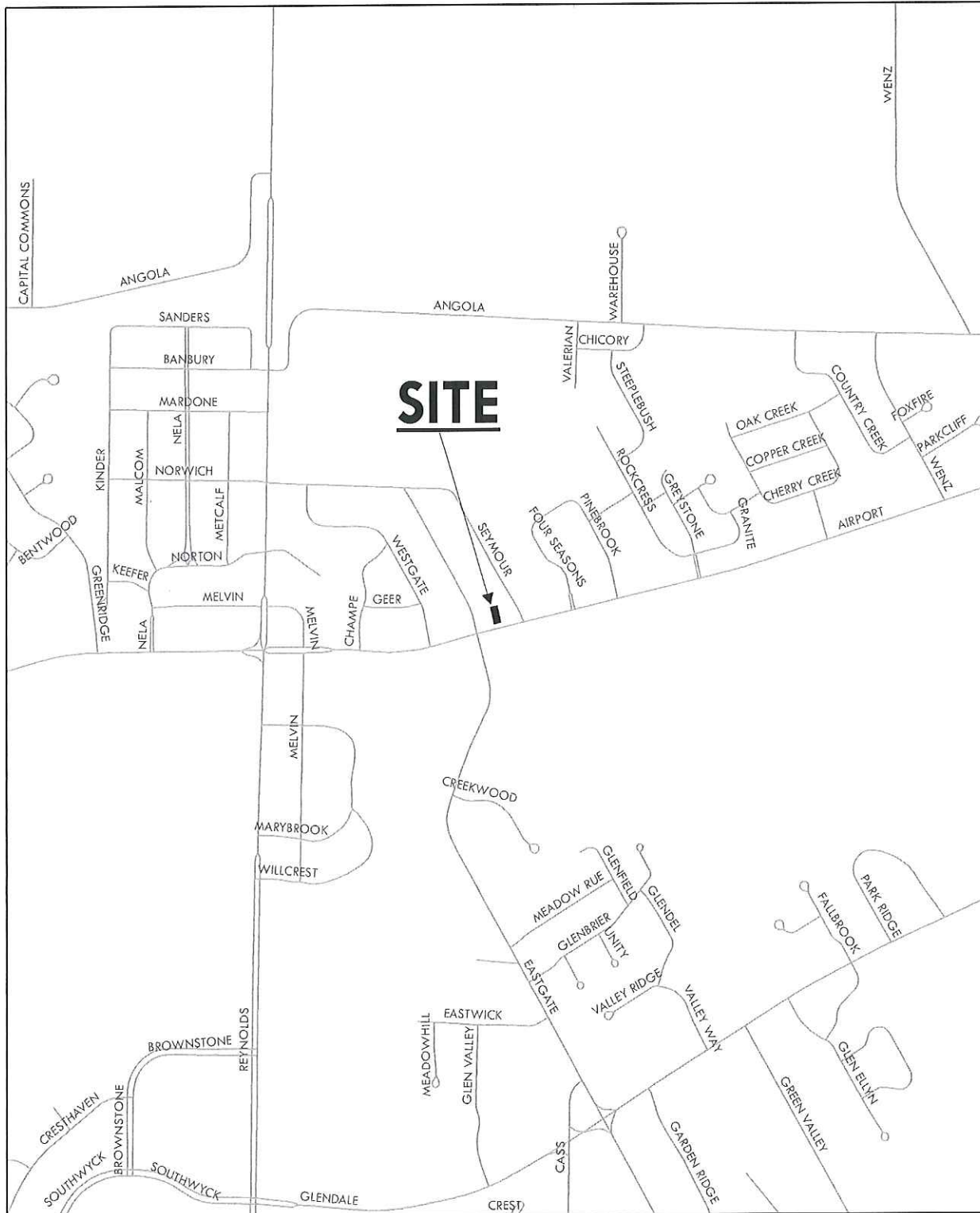
Thomas C. Gibbons
Secretary

Five (5) sketches follow

Cc: Vonetta Lee, 4856 Airport Highway, Toledo OH 43615
John A. Weithman, P.O. Box 216, Genoa OH 43430
Lisa Cottrell, Administrator
Dana Doubler, Planner

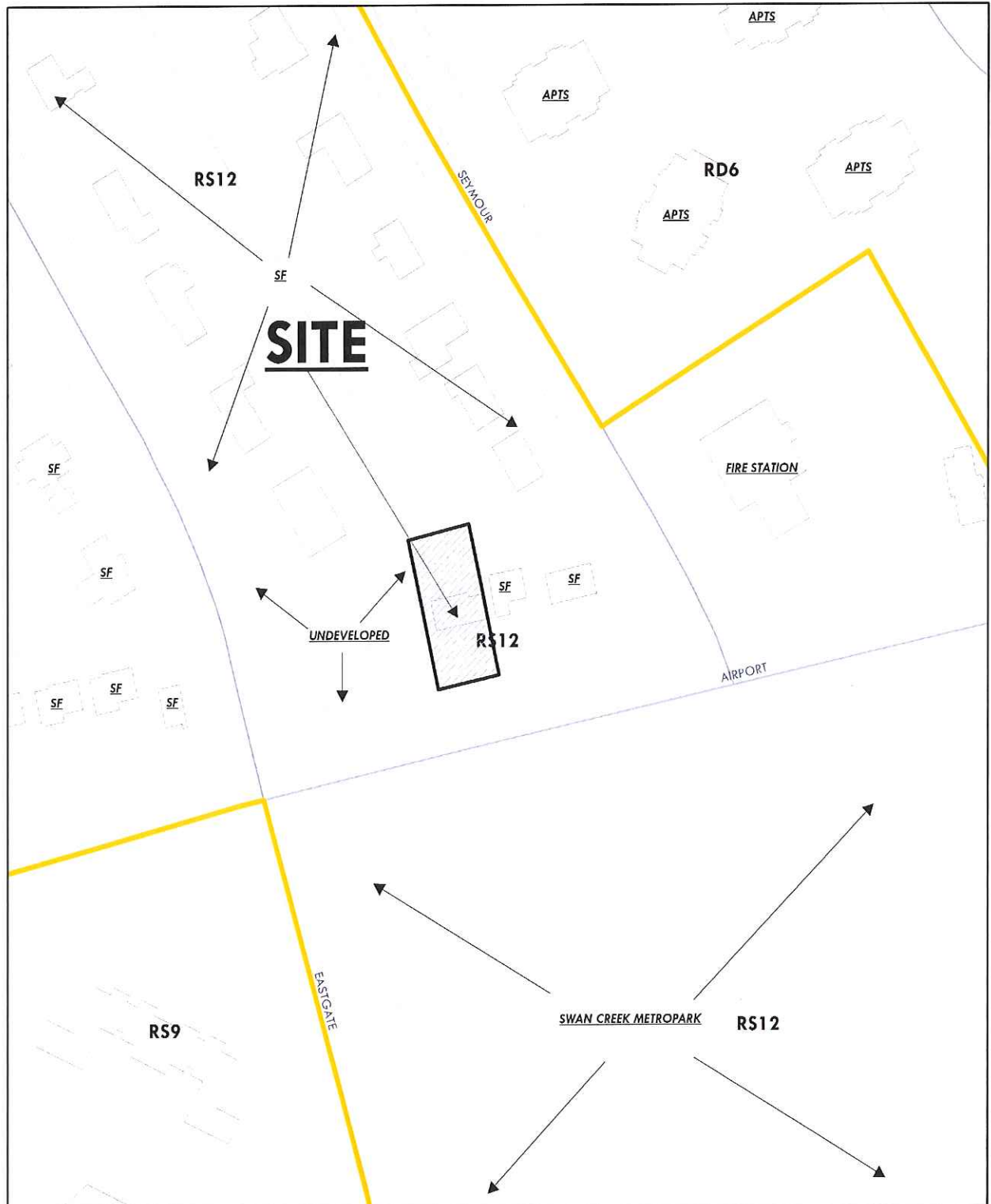
GENERAL LOCATION

SUP-6002-19
ID 140

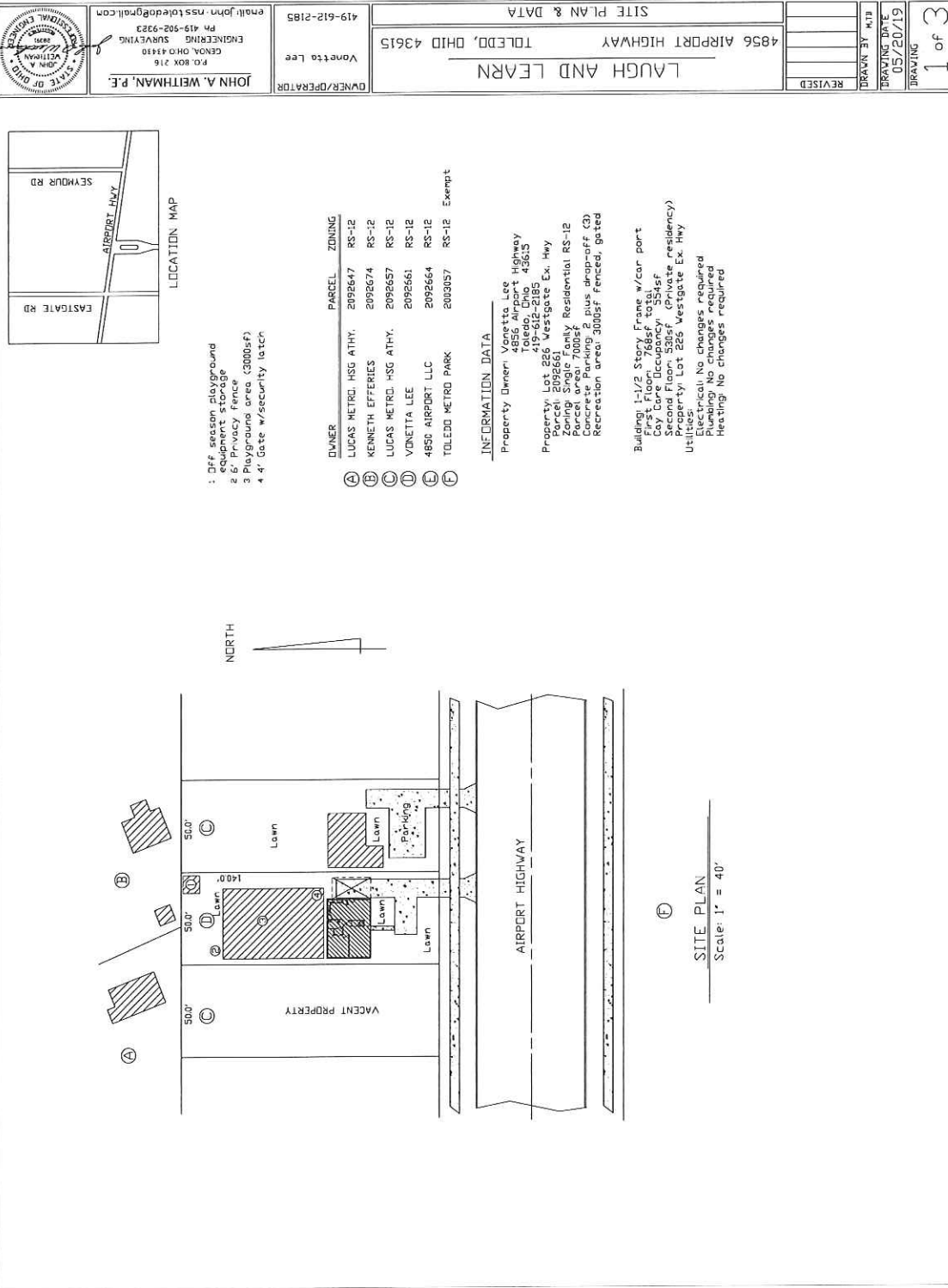
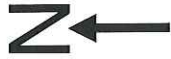


ZONING AND LAND USE

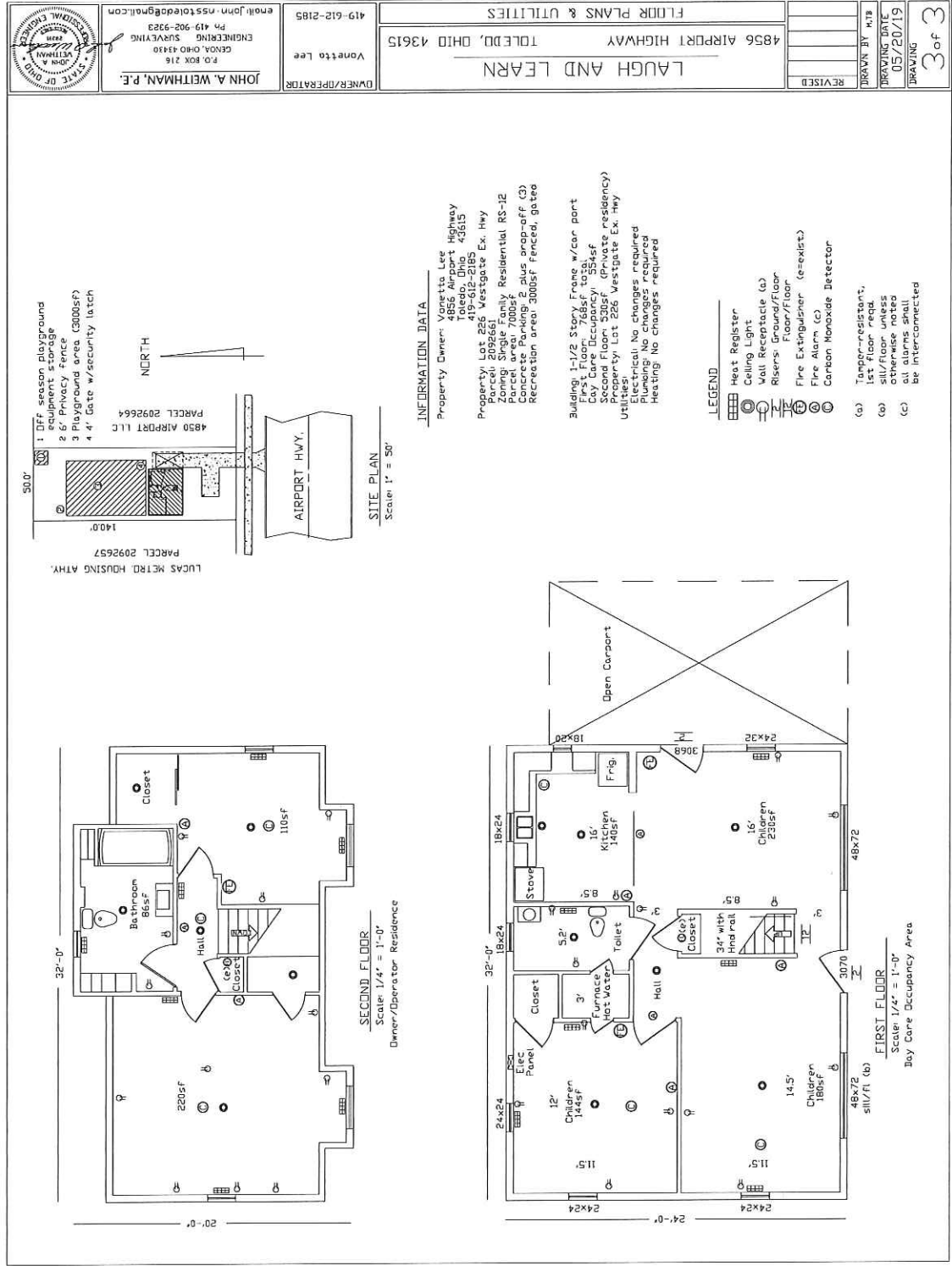
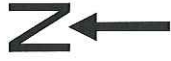
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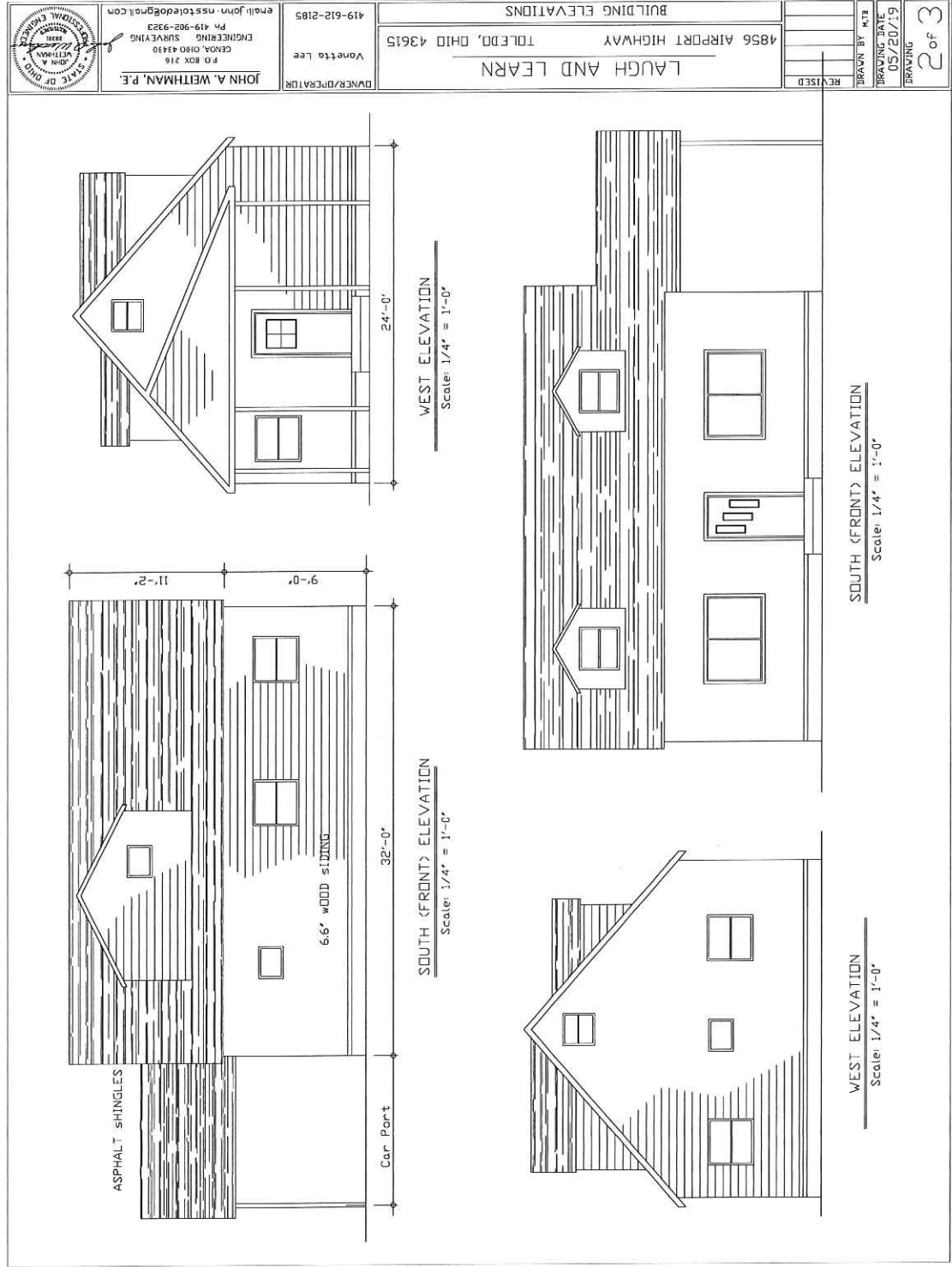


SUP-6002-19
ID 140



ELEVATIONS

SUP-6002-19
ID 140



Vonetta Lee
4856 Airport Highway
Toledo, Ohio
43615
Tel: 419-612-2185
E-mail: vonettalee@att.net

April 23rd 2019

Letter of Intent

Greetings

I am writing this missive of intent to confirm the purchase of my new residence located at 4856 Airport Highway, Toledo Ohio, 43615. This new property will be used for my new home also for my daycare/childcare center effective April 26th 2019. The total purchase price for the Property is \$89,000.00 USD, which was paid in full. The property sale was finalized on April 19th 2019 being free and clear of any known liens, charges or rights of others.

Currently I'm a Type B daycare provider, who cares for 6 kids at a time, 24hrs a day 7 days a week. The purpose of purchasing this new property is to provide me with a larger living/residential space which in turn will assist me in stepping up my daycare quality to a Type A. Being a Type A provider will allow me to cater to more kids than I currently have, and to employ more staff thus aiding in the development of my community.

Should you have any further questions or queries please don't hesitate to contact me on the number and email stated above.

Thanking you in anticipation.

Yours Respectfully
Vonetta Lee