

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: August 14 2020

REF: SUP-5001-20

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 Day Care Center at 1549 Pool St and 1546 Akron St

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, August 13, 2020 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Day Care Center at Pool & Akron
Location	-	1549 Pool Street and 1546 Akron Street
Applicant	-	Nicole Bores 5240 Turnberry Lane Sylvania, OH 43560
Architect	-	John A. Weithman P.O. Box 216 Genoa, OH 43430

Site Description

Zoning	-	RD6 / Duplex Residential
Area	-	±0.69 acres
Frontage	-	±111' along Oakdale Ave, ±121' along Pool St. and ±199' along Akron St
Existing Use	-	Vacant Church and Vacant Lot
Proposed Use	-	Day Care Center
Overlay	-	None

GENERAL INFORMATION (cont'd)

Area Description

- | | | |
|-------|---|---|
| North | - | Single family homes & Duplex Residential/ RD6 |
| | - | Single family homes & Duplex Residential / RD6 |
| East | - | Single family homes & Duplex Residential / RD6 |
| West | - | Single family homes & Duplex Residential RD6 & CR |

Parcel History

- | | | |
|----------|---|--|
| P-61-54 | - | Parking request approved for west side of Akron Street between Richford Street and Oakdale Avenue (P.C. approved on 9/07/1954). |
| P-17-60 | - | Parking request approved with conditions to front yard setback and provision of fencing and screening along south and west line of the parking area as indicated (P.C. approved w/cond. 12/01/1960). |
| V-515-01 | - | This request was a vacation portion of alley between Oakdale Avenue and Richford Street to add to the Church parking lot. The Church dedicated a portion of this lot for an alley turn-around with access to Akron Street (P.C. approved w/ cond. on 8/23/2001, <i>case withdrawn at C.C. Z&P committee</i>). |
| T-57-13 | - | Administratively approved lot split on July 03, 2013 for all of lot 86 and part of lot 87 in Stillman Browns Addition, City of Toledo, Lucas County, Ohio |

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a Day Care Center located at 1549 Pool Street and 1546 Akron Street. The site consists of two (2) parcels with ± 0.69 acres of total land area. The site is zoned RD6 Duplex Residential and is surrounded by single-family homes or multi-family units on the north, east, south, and to the west. A Special Use Permit for a Day Care Center is required when located in a residential zoning district. The proposed Day Care Center would be utilizing the building of the former United Methodist Church built in 1912. This case was postponed at the July 9, 2020 City Plan Commission hearing to allow the applicant additional time to address site plan issues.

Use Regulations

Pursuant to TMC§1104.0703(B), Day Care Centers are only permitted when located along a major street, as defined in the "Toledo-Lucas County Major Street and Highway Plan". Pool Street is not designated as a major street; however the additional frontage road Oakdale Avenue is a major road. As the business is located on Oakdale Avenue, the site is compliant with this criterion.

Day Care Centers require thirty-five (35) square feet of useable indoor space per person in care per TMC§1104.0703(D). The existing building on site has 10,012 square feet of area; however, the amount of this square footage available as useable indoor space is unclear. The applicant shall provide a revised plan providing this number and is listed as a condition of approval.

Day Care Centers also require sixty (60) square feet of useable outdoor space for each person in care using the outdoor area at any one time per TMC§1104.0703(E). A Type B landscape buffer shall be provided around the outdoor space (per TMC§1108.0203(F)). The site plan offers an 800 square foot outdoor space in the side yard setback along Pool Street and a 5,510 square foot outdoor space on the south side of the lot on 1546 Akron. This is acceptable to staff, provided that appropriate landscape/fence buffers are identified, and is listed as a condition of approval.

Parking and Circulation

The overall site consists of two (2) parcels which front on Oakdale Avenue and Akron Street. Each parcel is accessed via curb cuts along each of their respective frontages. Both sites are divided by a 10' alley which will be used to access the play area and employee parking along Akron Street. Staff has concerns with utilizing the public right-of-way to access the play area and employee parking. However, the operation characteristics for providing a safe and efficient procedure for the staff/children to traverse the alley shall be provided in accordance with the licensing protocols from the State of Ohio and listed as a condition of approval.

STAFF ANALYSIS (cont'd)

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*, a Day Care Center is required to have one (1) parking space per six (6) person capacity or one (1) per four hundred (400) square feet, whichever is greater. Square footage calculations of the building conclude that a total of twenty-five (25) parking spaces are required for the proposed Day Care Center. The site plan submitted depicts off-street parking with twenty (20) parking spaces including two (2) ADA accessible spaces. An alternative parking plan shall be submitted to the Director to rectify the lack of five (5) parking spaces and is listed as a condition of approval.

Additionally, 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. The Division of Transportation has reviewed the site plan and does not object to the approval of the Day Care Center.

Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A” (TMC§1107.0304). Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. Calculations conclude that a total of two (2) bicycle parking slots are required. The site plan submitted complies with this regulation.

Landscaping

For Day Care Centers, sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at one time (TMC§1104.0703(E)). The fenced in outdoor space depicted on the site plan is 6,310 square feet and allows for one hundred five (105) children at any one time.

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. Staff measurements are for two (2) outdoor play areas. The one located in the side yard at 1549 Pool Street show dimensions of fifty feet (50') by twenty feet (20') by bounded by a six foot (6') fence. The second outdoor play area located at 1546 Akron Street show dimensions of forty-five feet (45') deep by one hundred forty feet (140') wide. In order to meet the Type B landscaping requirements per TMC§1108.0203 – *Buffer and Screening Requirements*, twenty (20) trees shall be placed within the buffer. Thirteen (13) trees are indicated on the current site plan. To be compliant with Type B landscape buffer and additional seven (7) trees need to be included in an updated site plan as a condition of approval. **A variance of TMC 1105.0301 (B) is required to allow for a six (6) foot fence in the side play yard.**

Neighborhood Meeting

The applicant has used her Face Book page “A Village Educational Childcare” as a forum for public feedback as a way to gain public input.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for single family land uses. The residential duplex land use district was intended to accommodate the development of single-dwelling units and duplexes on individual lots. The 20/20 Plan recommends enforcing the housing code and encouraging walkability in East Toledo neighborhood district. The proposed use is in compliance with the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the Special Use Permit since the proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision-Making Criteria*). Staff also recommends the approval of the waiver of TMC§1104.0703(B) – *Day Care Center Location* as the site is a vacant, existing community building.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-5001-20, a request for a Special Use Permit for a Day Care Center at 1549 Pool Street and 1546 Akron Street, to the Toledo City Council for the following reason:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission further recommends approval of SUP-5001-20, a Special Use Permit for a Day Care Center at 1549 Pool Street and 1546 Akron Street, to Toledo City Council subject to the following **twenty-nine (29)** 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.

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: Andy Stepnick 419-245-1338; Lorie Haslinger 419-245-3221
Sanitary Sewers: Mike Elling 419-936-2276

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

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.

Sewer & Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
6. S&DS requires that the private sanitary lines (after they have 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

7. 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services (cont'd)

10. 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](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
11. 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 Anti-Noise Laws.

Fire Prevention

12. Approved Premises identification is required.
13. The daycare shall be in compliance with the requirements set forth for in the Ohio Building Code and Ohio Fire Code for E Daycare facilities.

Transportation

14. Must provide accessible 9'x18' parking space with 8' aisle for van per TMC 1107.
15. Must provide accessible parking signage per TMC 1107.

Plan Commission

16. A Day Care Center must have building frontage on a major street. **Acceptable as submitted.**
17. The operation characteristics for providing a safe and efficient procedure for the staff/children to traverse the alley shall be provided in accordance with the licensing protocols from the State of Ohio. **Not acceptable.**
18. An alternative parking plan shall be submitted to the Director to justify the lack of five (5) parking spaces. **Not acceptable. Shall be submitted for review and approval.**
19. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation. Since the amount of this square footage available as useable indoor space is unclear, the applicant shall provide a revised plan providing this number and is listed as a condition of approval.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

20. 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. As a condition of approval, a revised landscaping plan shall be submitted depicting an additional seven (7) trees to satisfy the Type B landscape buffer requirements.
21. 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.**
22. Any 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.**
23. A minimum of two (2) bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). **Acceptable as depicted on site plan.**
24. 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.
25. 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, which shall be a minimum of ten feet (10') in width with six (6) trees and either fencing or shrubs. The location, height and materials for any fencing to be installed and maintained shall be indicated; not acceptable as depicted on site plan. Trees and fencing material shall be noted on a revised site plan. Proposed fencing around the play areas must meet the criteria listed in TMC 1105.0300; any height variances must receive Board of Zoning Appeals approval.
 - b. Landscape areas within the parking area shall be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing; acceptable as depicted on landscaping plan (**if applicable**).
 - c. Topsoil must be back filled to provide positive drainage of the landscape area;
 - d. 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.

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PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- 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; **shall be indicated on revised site plan.**
 - f. 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'.
26. 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.
27. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
28. 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.
29. 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,



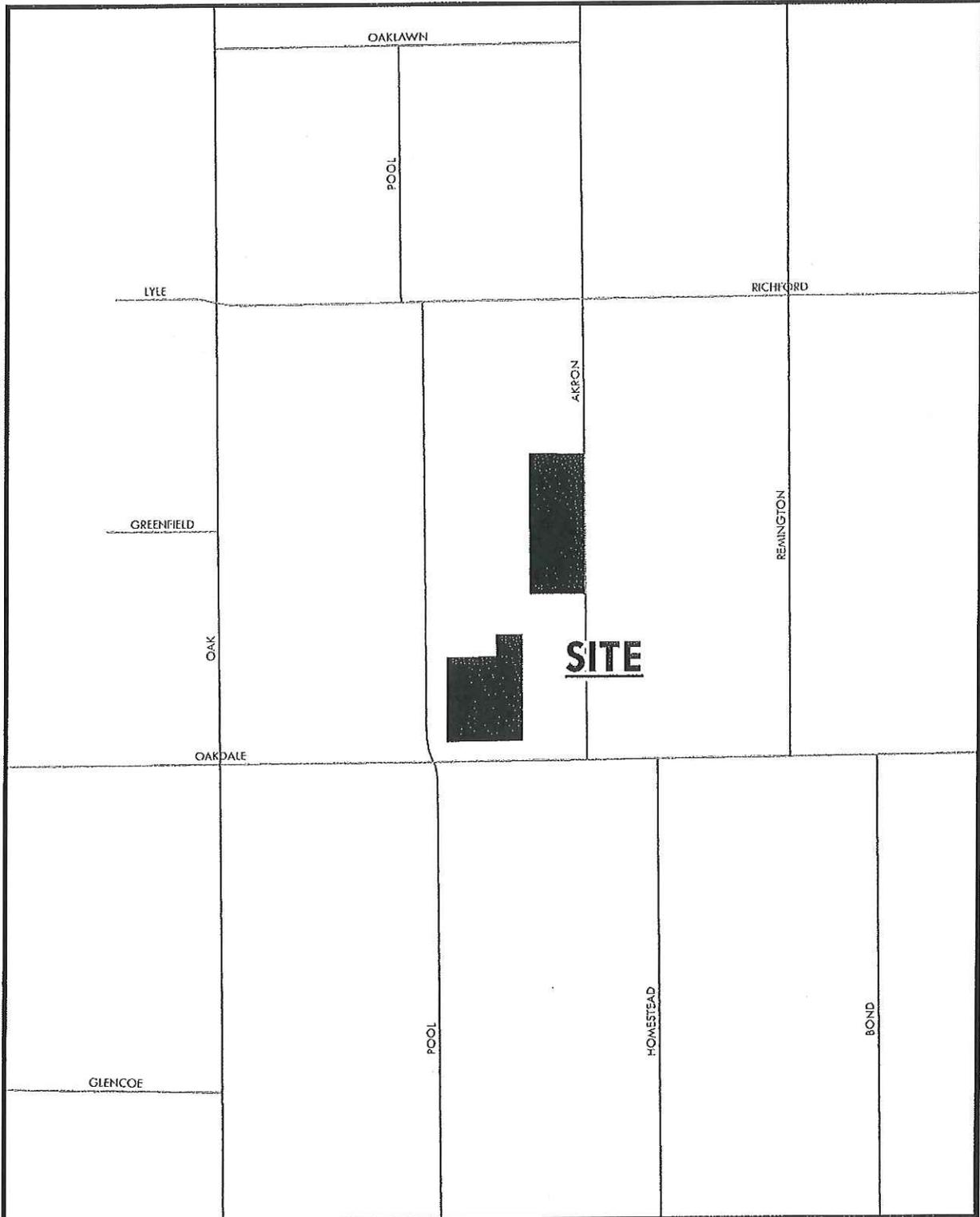
Thomas C. Gibbons
Secretary

NH
Two (2) sketches follow

Cc: Nicole Bores 5240 Turnberry Lane, Sylvania, OH 43560
John Weithman P. O. Box 216, Genoa, OH 43430
Lisa Cottrell, Administrator
Nancy Hirsch, Planner

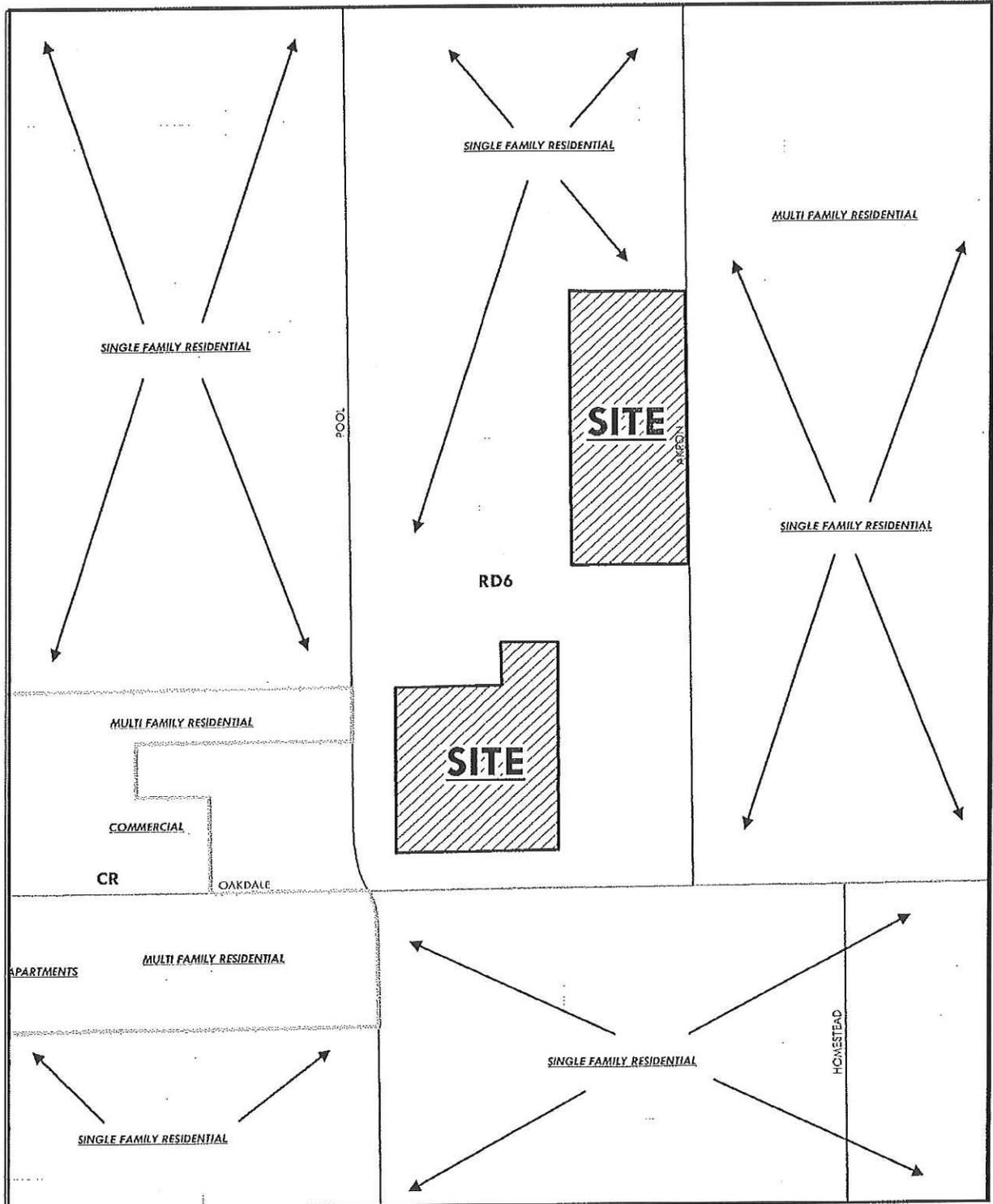
General Location

SUP-5001-20



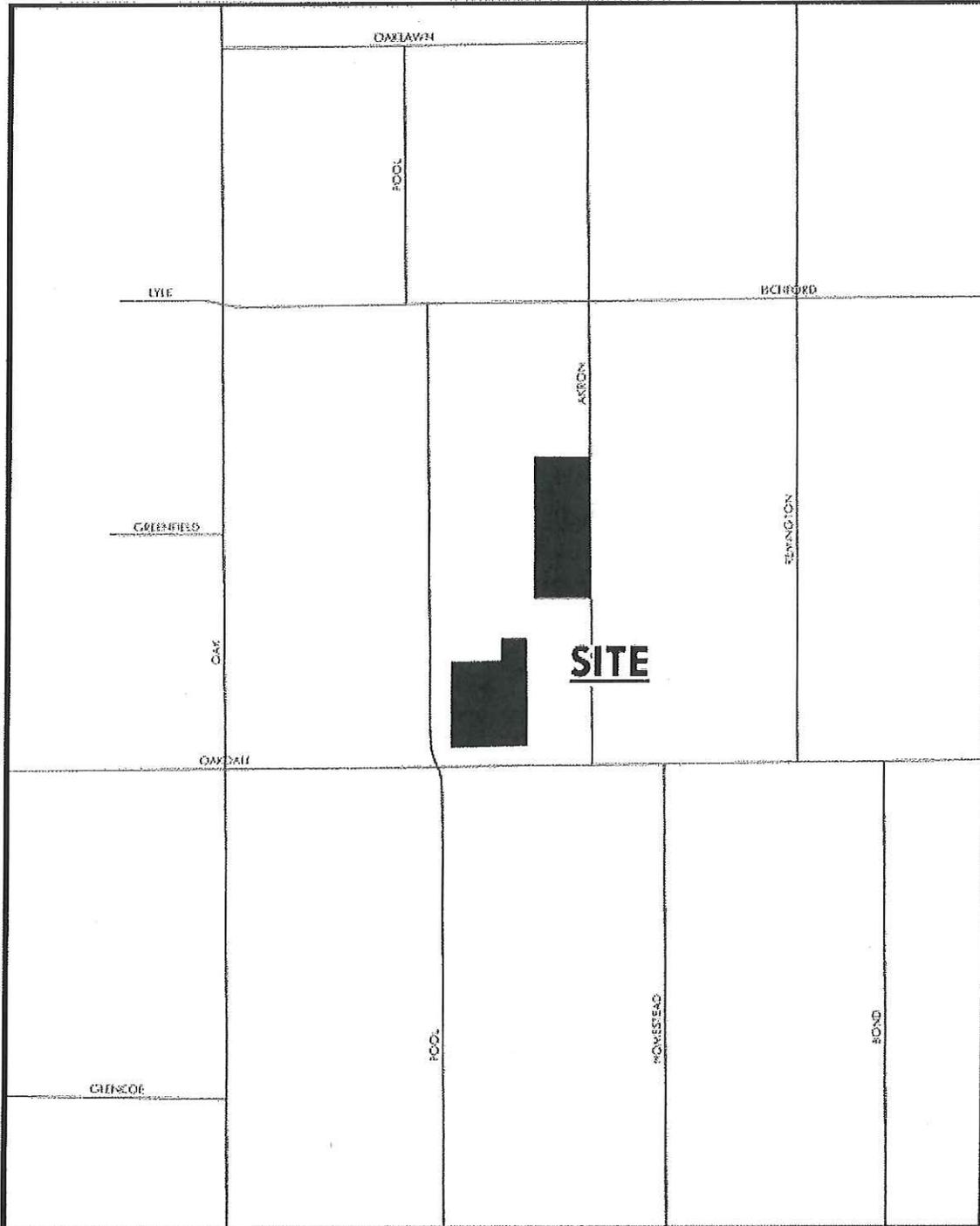
ZONING & LAND USE

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General Location

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ZONING & LAND USE

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