

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: March 15, 2024

REF: SUP-9001-23

TO: President Carrie Hartman 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 1119 W Bancroft Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 14, 2024 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Day Care Center
Location	-	1119 W Bancroft Street
Applicant	-	Danielle Yowpp 1930 Freeman Street Toledo, OH 43606
Owner	-	William J Kubacki, Reverend Monsignor St Martin de Porres Church 1119 W Bancroft Street Toledo, OH 43604
Engineer	-	John A. Weithman, P.E. P.O. Box 189 Genoa, OH 43430

Site Description

Zoning	-	CR & RD6 / Regional Commercial & Duplex Residential – 6,000 SF
Area	-	±1.977 Acres (86,118 SF)
Frontage	-	±210' along W Bancroft Street ±275' along Forest Avenue ±400.5' along Horace Street ±285' along N Detroit Avenue
Existing Use	-	Parish campus
Proposed Use	-	Parish campus with added Day Care Center

GENERAL INFORMATION (cont'd)

Area Description

North	-	Retail, restaurants, gas station / CR & CR-SO
South	-	Single-family homes, duplexes / RD6
East	-	Retail, restaurants, elementary school / CR & RD6
West	-	Single-family homes, duplexes, manufacturing / IL

Parcel History

Z-182-60	-	Zone change from R-5 Multiple Family to R-3 Two-Family for an area roughly bounded by Detroit Avenue on the west, Horace Street on the north, a line one-half block southwest of Monroe Street on the east, and the alley south of Grand Avenue on the south. (CC approved Via Ord. 659-60).
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Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan
- Monroe Street Corridor Urban Neighborhood Overlay District

STAFF ANALYSIS

The applicant is requesting a Special Use Permit to operate a Day Care Center in the Sullivan Building on the St Martin de Porres parish campus at 1119 W Bancroft Street. The Parish Campus consists of approximately 1.977 acres with the existing main church, accessory buildings, parking and landscaping. An outdoor area for the Day Care Center will be located to the east of Gallagher Hall.

Land uses surrounding the site vary. The surrounding property to the north of the site is zoned commercially and developed for commercial type uses such as restaurants, retail, offices and gas stations. The property to the east of the Parish Campus is also zoned commercially with similar uses. The property to the south is zoned residentially and consists of mainly single-family homes with some duplexes intermixed. In addition, the Robinson Elementary School lies to the south and east of the site. The property to the west of the site is zoned industrially; however, most of the immediate area to the west consists of single-family homes, duplexes or undeveloped/vacant lots.

The Day Care Center will be not be run by the church, but privately, and thus is not considered an accessory use to the church and requires a Special Use Permit. In addition, a Special Use Permit is required because a portion of the subject property is zoned under a Residential Zoning classification. Following is an overview of project details and compliance with applicable regulations. A detailed list of project related conditions is included in the agency conditions at the end of this report.

STAFF ANALYSIS (cont'd)

Day Care Center Regulations

- Per TMC§1104.0703(B) a Day Care Center must have building frontage on a major street. The Parish Campus has frontage on both Bancroft Street and Detroit Avenue, both of which are classified as a major street by the Toledo-Lucas County Major Street and Highways Plan. Therefore, the site is compliant with this regulation.
- Per TMC§1104.0703(D) a Day Care Center is required to provide 35 square feet of usable indoor space for each person in their care. The applicant is proposing to serve 27 children and will be occupying 2,200 square feet of the Sullivan Building on the Parish Campus. The proposal is compliant with this regulation as the 2,200 square feet is in excess of the required 945 square feet.
- Per TMC§1104.0703(E) a Day Care Center is required to provide 60 square feet of useable outdoor space for each person in their care using the outdoor space at any one time. The site plan depicts a fenced outdoor area that is 20 feet x 30 feet or 600 square feet in area. The proposal is compliant with this requirement as the 600 square feet will allow for up to 10 children to use the outdoor area at the same time.

Parking and Circulation

- Per TMC§1104.0703(F) a Day Care Center must provide a paved off-street area for dropping off and picking up persons in their care. A drop-off/pick-up area currently exists on the site; therefore, this proposal meets this requirement.
- Per the Off-Street Parking Schedule in TMC§1107.0304 a day care center is required to provide 1 parking space per 6-person capacity or 1 per 400 square feet whichever is greater. In this case they are required to have 6 parking spaces based on the 2,200 square feet they will be occupying. In addition, 1 bicycle space is required for every 10 parking spaces; or per TMC§1107.0901(B) a minimum of two bicycle parking slots shall be provided when the provision for bicycle parking slots is required. Finally, per TMC§1107.1701 one van accessible parking spot is required to be provided for 1-25 parking spaces.

The existing parking lot provides a total of 40 parking spaces, two of which are accessible. The proposed operating hours of the Day Care Center will be Monday through Friday 7:00 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m. Since the operating hours do not coincide with worship times, where the demand for the parking spaces will be high, the existing parking meets the requirement for the proposed Day Care Center. In addition, the plan indicates that two bicycle racks will be provided; therefore, the proposal complies with the required bicycle parking slots.

STAFF ANALYSIS (cont'd)

Landscaping and Screening

- Per TMC§1104.0703(E) a Type B landscape buffer is required around the outdoor space in accordance with TMC§1108.0203(F). This section requires a landscape buffer of 10 feet in width with four canopy trees and 15 shrubs installed every 100 linear feet. This equates to 11 shrubs and three trees required for the 70 foot perimeter of the proposed outdoor area. According to the site plan, the Applicant is proposing to install a 42 inch high galvanized chain link fence around the north, south and east perimeter of the outdoor area. An existing building wall will act as the west boundary of the outdoor area. A five foot wide gate is proposed on the north side of the outdoor area with a six foot wide concrete walk proposed from the fence to an existing sidewalk. The site plan depicts 15 shrubs and two trees along the outside of the fence within a 10 foot wide landscape buffer on the east and a 15 foot wide landscape buffer on the north and south, between the fence and existing sidewalks. Four existing trees are also located within the buffer area. Since the proposed and existing landscape exceed what is required, the proposal meets the Type B landscape buffer.

Staff noted at a site visit that the proposed outdoor area is currently heavily shaded by the four existing trees. As such staff recommends that the two proposed trees be installed to the south of the outdoor area, in the grass area between the internal site sidewalk and the street sidewalk, or elsewhere on the site as approved by the Plan Director.

- Per TMC§1108.0202 a minimum 15-foot-wide frontage greenbelt along public right-of-ways is required that contains at least one tree for every 30 feet of frontage. This would apply to all sides of the Parish Campus as it is bounded by Bancroft Street on the north, Horace Street on the south, Detroit Avenue on the west and Forest Avenue on the east. Since this is a previously developed site, it is not possible as it stands to provide for a 15 foot wide frontage greenbelt. In addition, there are a significant number of existing trees along the perimeter of the Parish Campus that meet the intent of this requirement. As trees die and/or are removed, trees shall be planted to replace them to maintain compliance with this requirement.

Monroe Street Corridor Urban Neighborhood Overlay (UNO) District

While the northeast corner of the lot is located in the Monroe Street Corridor UNO District, the proposal does not include construction of a building or building addition that will increase the building's floor area. In addition, the proposal does not include the addition of off-street parking spaces or driveways. Therefore, these regulations do not apply to this proposal.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for single-family land uses. Single-Family land uses may also include libraries, schools, churches, and community centers. Day care

STAFF ANALYSIS (cont'd)

centers are a compatible use for this designation and as such the proposed Special Use Permit conforms to the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the Special Use Permit as the proposed use meets the stated purpose of the Zoning Code and the proposed use is compatible with the 20/20 Comprehensive Plan and adjacent land uses.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-9001-23, a request for a Special Use Permit for a Day Care Center at 1119 W Bancroft Street, to Toledo City Council for the following **two (2) reasons**:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A)); and,
2. The proposed use is compatible with adjacent land uses (TMC§1111.0706(C)).

The Toledo City Plan Commission further recommends approval of SUP-9001-23, a request for a Special Use Permit for a Day Care Center at 1119 W Bancroft Street, to the Toledo City Council subject to the following **twenty-seven (27) conditions**:

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, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

Sewer and Drainage Services

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

PLAN COMMISSION RECOMMENDATION (cont'd)

Sewer and Drainage Services (cont'd)

5. 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.

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 infra-structure measures to minimize runoff and increase infiltration, and to minimize amount of new and/or additional impervious surface on site.
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.

Fire Prevention

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.
11. Moving to this new building may cause a change of use / change in level of activity for the building. This will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. Application for an occupancy permit through the building department is required. (OBC105.1 & 101.4)
12. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. (OBC 501.2)

PLAN COMMISSION RECOMMENDATION (cont'd)

Fire Prevention (cont'd)

13. The daycare shall be in compliance with the Department of Commerce daycare facilities rules and regulations. (OFC Chapter 121)
14. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

Transportation

15. All driveways, approaches, drive aisle and parking spaces must be clearly dimensioned per TMC 1107.1902 & 1107.1911.

Plan Commission

16. Per TMC§1104.0703(B) a Day Care Center must have building frontage on a major street. The Parish Campus has frontage on both Bancroft Street and Detroit Avenue, both of which are classified as a major street by the Toledo-Lucas County Major Street and Highways Plan. **Acceptable as depicted.**
17. Per TMC§1104.0703(D) a Day Care Center is required to provide 35 square feet of usable indoor space for each person in their care. The applicant is proposing to serve 27 children and will be occupying 2,200 square feet. **Acceptable as submitted**
18. Per TMC§1104.0703(E) a Day Care Center is required to provide 60 square feet of useable outdoor space for each person in their care using the outdoor space at any one time. The site plan depicts a fenced outdoor area that is approximately 600 square feet in area that is enclosed by a 42 inch high galvanized chain link fence around the north, south and east perimeter. An existing building wall will act as the west boundary. A five foot wide gate is proposed on the north side of the outdoor area with a six foot wide concrete walk from the fence to an existing sidewalk. **Acceptable as depicted.**
19. Per TMC§1104.0703(F) a Day Care Center must provide a paved off-street area for dropping off and picking up persons in their care. An adequate drop-off/pick-up area currently exists on the site. **Acceptable as depicted.**
20. Per the Off-Street Parking Schedule in TMC§1107.0304 a day care center is required to provide 1 parking space per 6-person capacity or 1 per 400 square feet whichever is greater. In this case they are required to have 6 parking spaces based on the 2,200 square feet they will be occupying. The existing parking lot provides a total of 40 parking spaces. **Acceptable as depicted.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

21. Per the Off-Street Parking Schedule in TMC§1107.0304 a day care center is required to provide 1 bicycle space for every 10 parking spaces; or per TMC§1107.0901(B) a minimum of two bicycle parking slots shall be provided when the provision for bicycle parking slots is required. The site plan depicts two bicycle racks. **Acceptable as depicted.**
22. Per TMC§1107.1701 one van accessible parking spot is required to be provided for 1-25 parking spaces. The existing parking lot provides a total of 40 parking spaces, two of which are accessible. **Acceptable as depicted.**
23. Four copies of a revised site, fencing and landscaping plan (separate from building & site plans) shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. Per TMC§1104.0703(E) a Type B landscape buffer is required around the outdoor space in accordance with TMC§1108.0203(F). This section requires a landscape buffer of 10 feet in width with three canopy trees and 11 shrubs to be installed for the proposed 70 foot outdoor area perimeter. The site plan depicts a 42 inch high galvanized chain link fence with a 10 foot wide landscape buffer on the east and a 15 foot wide buffer on the north and south containing 15 shrubs and two trees. Four existing trees are also located within the buffer area. **Acceptable as depicted.**
 - b. The location of the proposed outdoor area is currently heavily shaded by the four existing trees. The two proposed trees shall be installed to the south of the outdoor area, in the grass area between the internal site sidewalk and the street sidewalk, or elsewhere on the site as approved by the Plan Director.
 - c. Per TMC§1108.0202 a minimum 15-foot-wide frontage greenbelt along public right-of-ways is required that contains at least one tree for every 30 feet of frontage. This would apply to all sides of the Parish Campus as it is bounded by Bancroft Street on the north, Horace Street on the south, Detroit Avenue on the west and Forest Avenue on the east. The existing trees meet the intent of the of this requirement. **Acceptable as depicted.**
 - d. Topsoil must be back filled to provide positive drainage of the landscape area.
 - e. 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.
 - f. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- g. The location, height, and materials for any fencing to be installed and maintained;
 - h. All landscape material must be properly maintained. The landowner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed.
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. 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.
26. 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.
27. 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

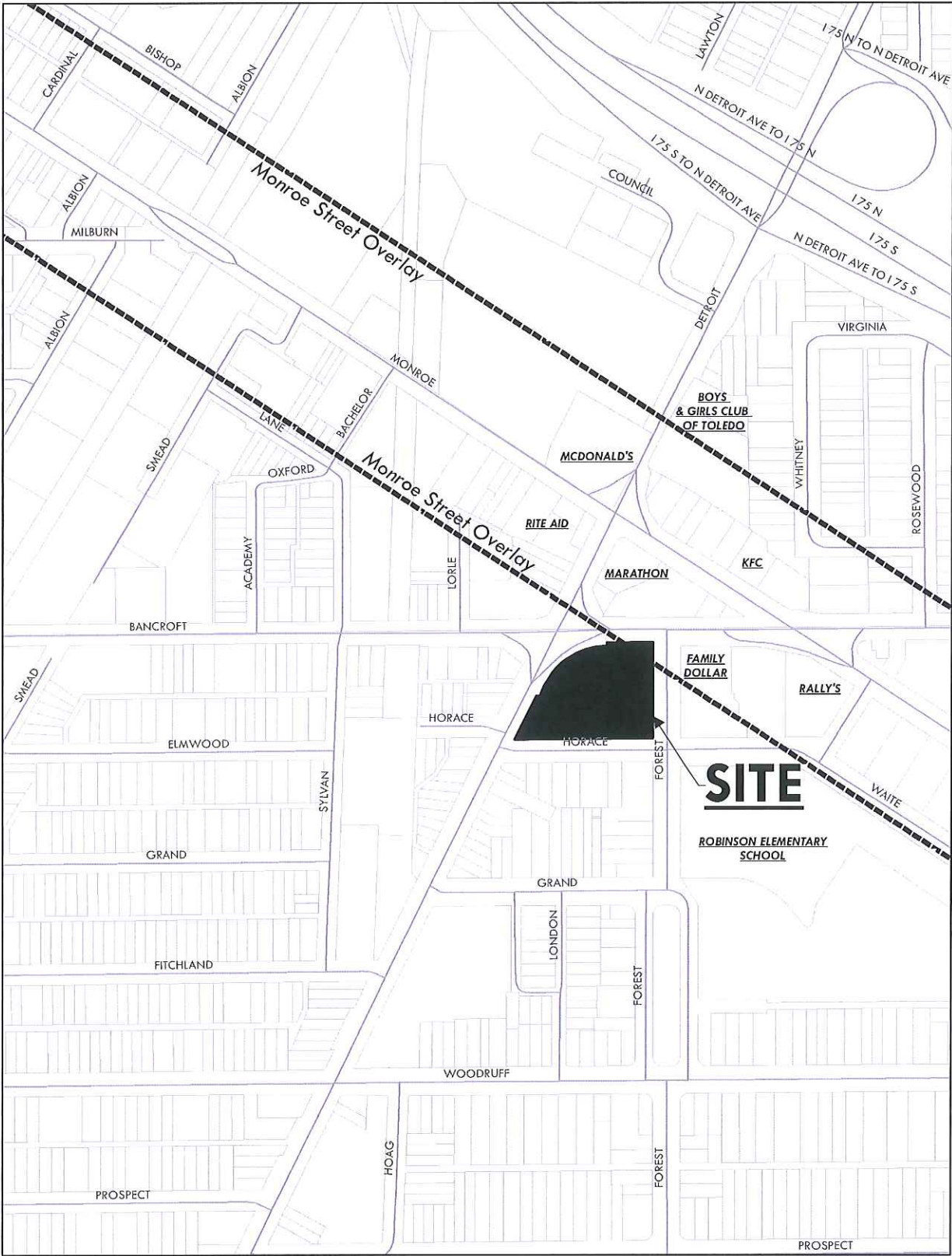
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Two (2) sketches follow

CC: Danielle Yowpp, 1930 Freeman Street, Toledo, OH 43606
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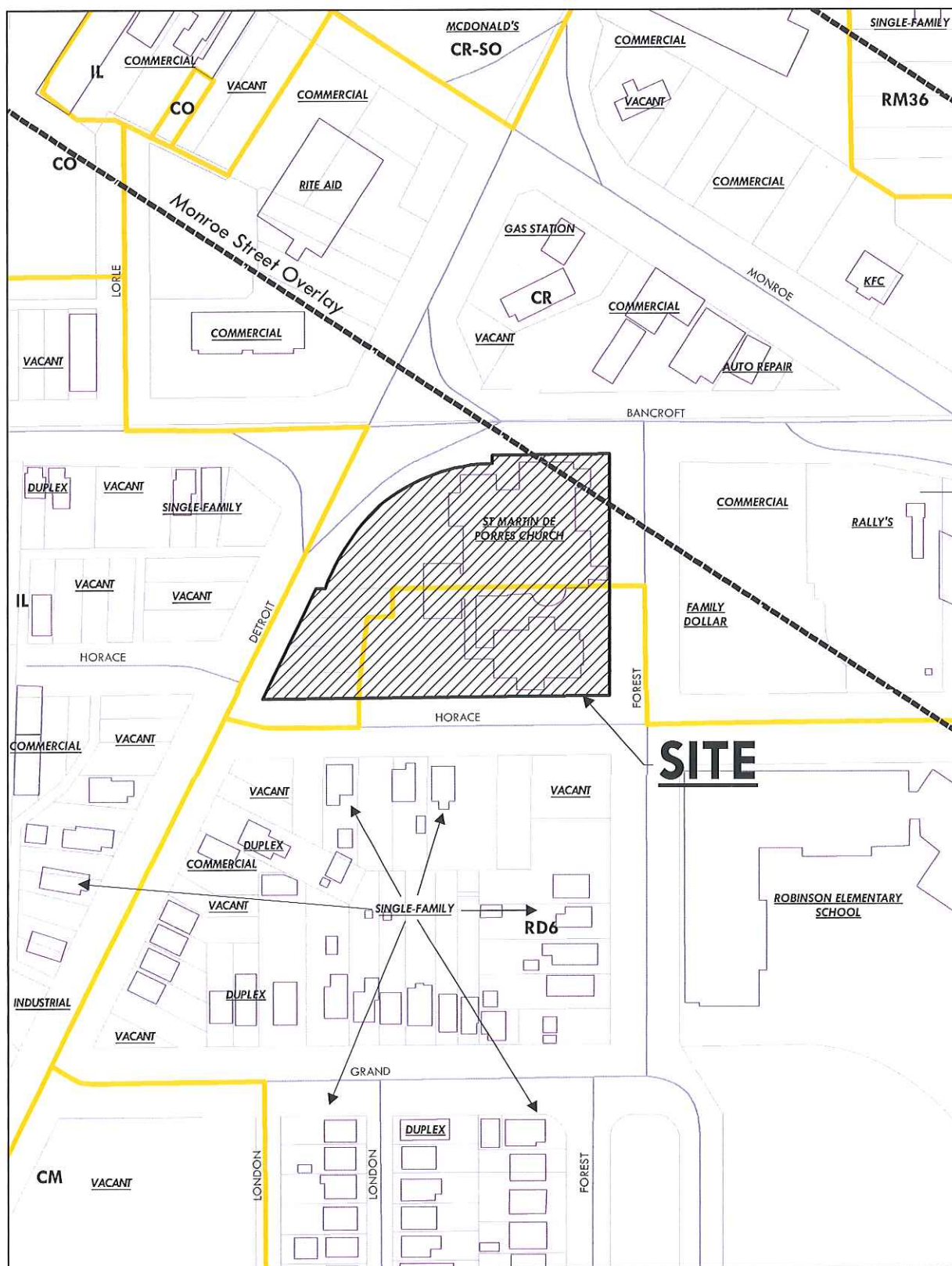
GENERAL LOCATION

SUP-9001-23
ID 18



ZONING & LAND USE

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