



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: September 13, 2019

REF: SUP-7005-19

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 Type A Day Care

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, September 12, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request - Special Use Permit for a Type A Day Care

Location - 2946 East Lincolnshire Boulevard

Applicant - Edward Colbert Jr.
1609 N. Erie Street
Toledo, OH 43604

Engineer - John A. Weithman, P.E.
P.O. Box 184
Waterville, OH 43566

Site Description

Zoning - RS9 / Single Family Residential

Area - ± 0.29 acres

Frontage - ± 90' along East Lincolnshire Boulevard

Existing Use - Single Family Residence

Proposed Use - Type A Family Day Care Home

Area Description

North - Single Family Dwelling / RS9

South - Single Family Dwelling / RS9

East - Single Family Dwelling / RS9

West - Single Family Dwelling / RS9

GENERAL INFORMATION (cont'd)

Parcel History

SUP-2007-15 - Request for a Special Use Permit for a Type A Day Care. Plan Commission recommended disapproval on 4/9/15. Disapproved by City Council 5/26/15.

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 to operate a Type A Family Day Care for a site located at 2946 East Lincolnshire Boulevard. The ±0.29 acre site is zoned RS9 Single Family Residential and occupied by a single family residence that is owned by the applicant. The neighborhood is entirely dedicated to single family residential land uses. In residential zoning districts, a Type A Family Day Care must have frontage on a major street **TMC 1104.0701.C** and be 500' from similar uses **TMC 1104.1000**. The Toledo-Lucas County Major Street and Highway Plan does not classify East Lincolnshire as a major street and our records indicate that an Adult Family Home is operating at 3028 East Lincolnshire within 500' and on the same block as the subject property.

The Type A Family Day Care that will care for young children while their parents are at work during the day and will also provide after school care. The service is allowed to provide care for a maximum of 12 children provided that thirty-five (35) square feet of useable indoor is regularly available for each child. Sixty (60) square feet of useable outdoor space must be provided for each child in care using the outdoor area at any time.

Parking and Circulation

TMC 1107.0300 – *Parking Schedule A*, requires a Type A Day Care to provide one (1) space in addition to the required parking for a dwelling. Calculations conclude that a total of three (3) parking spaces are required for a Type A daycare that is operated in a single family dwelling. The existing two (2) car garage may be used to meet parking requirements. The site plan offers a concrete paved driveway for the designated drop off and pick up area. The Division of Transportation is concerned about the dimensions and suitability of the existing driveway for multiple vehicles. A copy of comments from Transportation are included in Exhibit "A". If approved, the applicant shall work with Transportation to provide a suitable drop-off/pick-up area per **TMC 1104.0701.F**. The area shall be compliant with all driveway and parking requirements for residential districts **TMC 1107.1202.A**.

STAFF ANALYSIS (cont'd)

Landscaping

According to **TMC 1104.0701.E – Outdoor Space Requirements**, sixty (60) square feet of useable outdoor space must be provided for each child in care using the outdoor area at any time. The outdoor space depicted on the site plan is a total of 5,220 square feet. A Type B landscape buffer is required around the perimeter of the outdoor play area **TMC 1108.0203.F**. This requires twelve (12) trees and forty four (44) shrubs and a solid privacy fence along the perimeter of the play area on the inside of the existing solid board-on-board fence. The site plan is in compliance with the fencing, but not the landscaping. A revised plan shall be submitted indicating compliance with this condition.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential uses. These districts are intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are typically compatible with residential neighborhoods.

Staff recommends disapproval of the Special Use Permit for a Type A Family Day Care for five (5) reasons. First, the use is not compatible with surrounding uses in terms of operating characteristics such as noise and traffic generation. Second, the site does not meet the criteria for a Type A Family Day Care to have frontage on a major street, per **TMC 1104.0701.C**. Third, the approval of the proposal would allow the applicant to operate more than one (1) Type A Day Care which is a violation of **TMC 1104.0701.A**. Fourth, our records indicate that a spacing violation exists with an Adult Family Home operating at 3028 East Lincolnshire. Fifth, the Division of Transportation has concerns about the dimensions of the existing driveway and the sufficient maneuverability of multiple vehicles.

Although staff is recommending disapproval, conditions of approval are included as “Exhibit B”.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of SUP-7005-19, a request for a Special Use Permit for a Type A Family Day Care Home located at 2946 East Lincolnshire Boulevard, to the Toledo City Council, for the following **five (5) reasons**:

1. The use is not compatible with adjacent uses in terms of operating characteristics such as noise, traffic generation, and other impacts associated with the use's operation **TMC 1111.0706.C**

PLAN COMMISSION RECOMMENDATION (cont'd)

2. The site does not meet the criteria for a Type A Family Day Care to have frontage on a major street. **TMC 1104.0701.C**
3. The proposal would allow the applicant to operate more than one (1) Type A Day Care, which is a violation of **TMC 1104.0701.A**
4. A spacing violation exists with a Group Living facility located on the same block and within 500 feet of the property. **TMC 1104.1001 & TMC 1104.1002**
5. The Division of Transportation has concerns about the sufficient maneuverability of multiple vehicles on the existing driveway.

The Toledo City Plan Commission make the following recommendations to the Toledo City Council on the following waivers:

Chapter 1104 Use Regulations
1104.0701 Type A Family Day Care

A. Applicability

In residential zoning districts, the owner or lessee of the subject dwelling shall be both the licensee and the administrator of the Type A Home. Each licensee/administrator is limited to one (1) Type A Family Day Care facility in the City of Toledo. The Type A Home licensee/administrator shall be an individual person and resident domiciliary of the subject home.

Disapprove a waiver to allow an operator to run multiple Type A Day Care locations within the City of Toledo.

Chapter 1104 Use Regulations
1104.0701 Type A Family Day Care

C. Location

In residential zoning districts, a Type A Family Day Care must have building frontage on a major street.

Disapprove a waiver to allow a Type A Day Care without frontage on a major street.

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PLAN COMMISSION RECOMMENDATION (cont'd)

Chapter 1104 Use Regulations

1104.1000 Group Living and Day Care – Spacing

1104.1001 Group Living facilities, Type A Family Day Care Home and Nonresidential Drug and Alcohol Centers that are subject to this spacing requirement Section in the Use Table of Sec. 1104.0100, must be at least 500 feet from a site with any other Group Living facility, Type A Family Day Care Home, and Nonresidential Drug and Alcohol Center that is also subject to this spacing requirement.

&

1104.1002 In no case may more than one facility subject to this Section be located on the same block.

Disapprove a waiver to allow multiple facilities subject to spacing within 500' of each other and on the same block.

Respectfully Submitted,



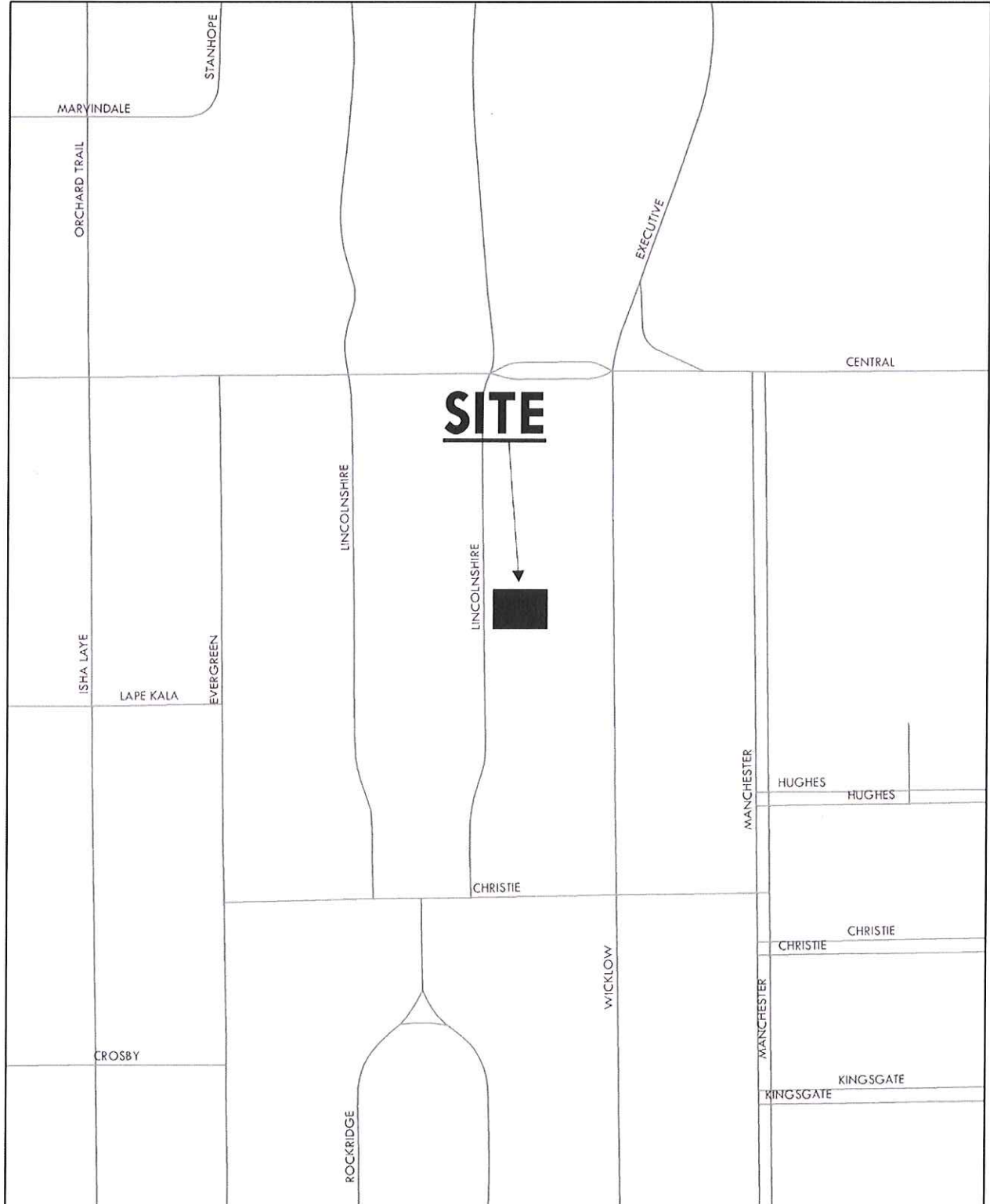
Thomas C. Gibbons
Secretary

JL
Three (3) Sketches Follow
Exhibit "A"
Exhibit "B"

Cc: Edward Colbert Jr., 1609 N. Erie Street, Toledo, OH 43604
John A. Weithman, P.E., P.O. Box 184, Waterville, OH 43566
Commissioner, Division of Engineering Services
Division of Sewer and Drainage
Environmental Services
Fire Prevention
Commissioner, Division of Transportation
Lisa Cottrell, Administrator
Josh Lewandowski, Principal Planner

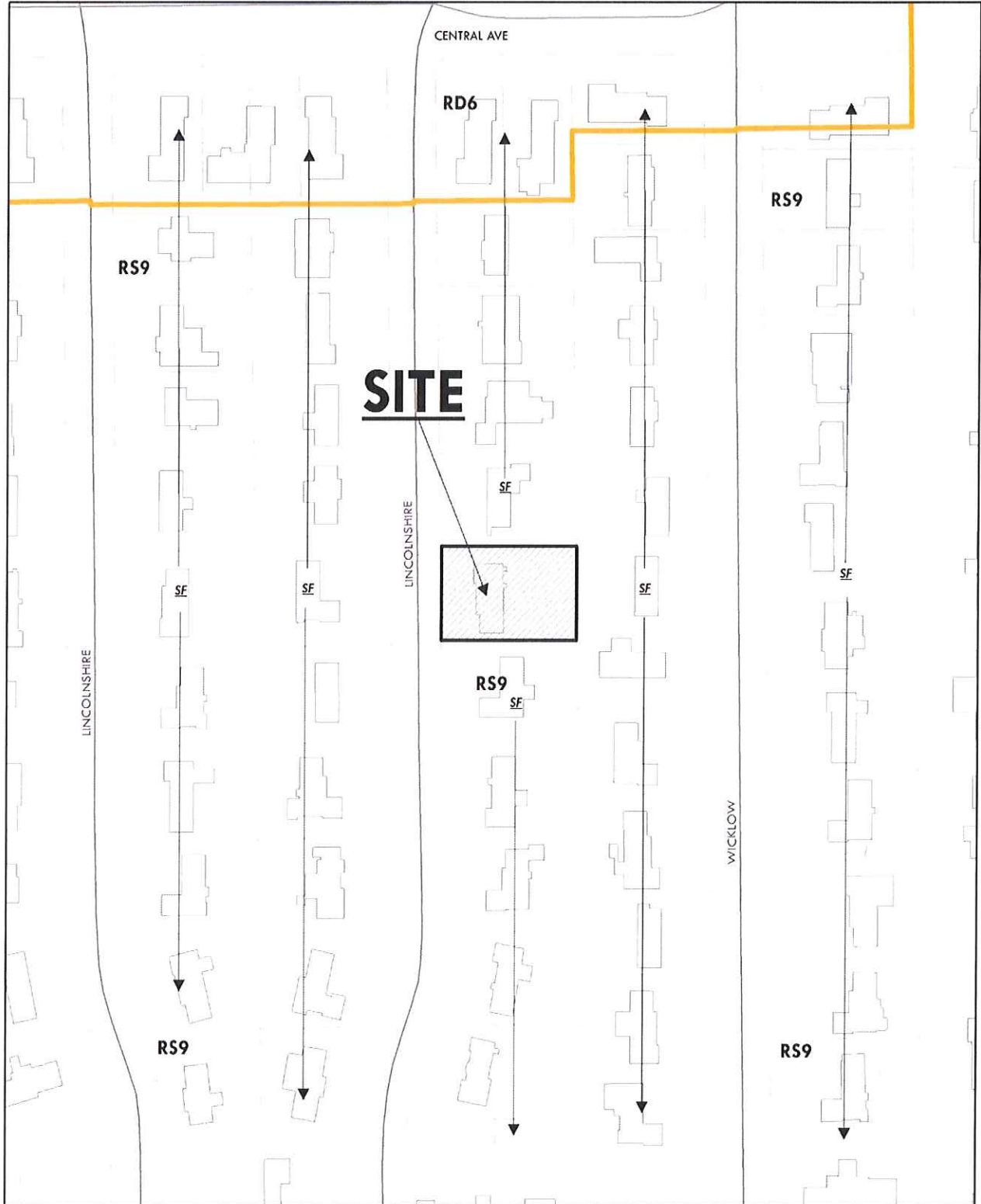
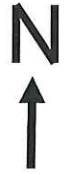
GENERAL LOCATION

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ZONING AND LAND USE


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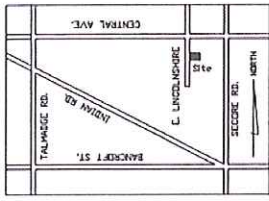




SUP-7005-19
ID 79

SITE PLAN

	JOHN A. WEITHMAN, P.E. P.O. BOX 184 WATERVILLE, OHIO 43666 ENGINEERING SURVEYING PH 419-868-7778 FAX 419-868-7774	SITE PLAN TYPE A DAY CARE 2946 E. LINCOLNSHIRE BLVD. TOLEDO, OHIO	DATE: 03/10/15 DRAWING: SP-1 REVISIONS:
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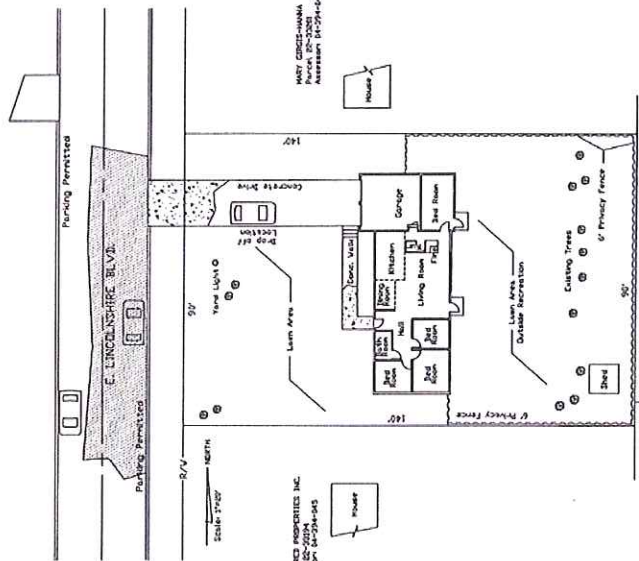


Location Map
No Scale

Legal Description
 Lot 62 Lincolnshire Plat 3
 Parcel: 22-33197
 Assessor: 04-394-046

Site Information
 Site Area: 12,600sf (90x140)
 Building Area: 1,780sf
 Type: Single story Frame
 Durside Recreation Area: 5,400sf
 Area Zoned: RS9 Single Dwelling

Operator:
 E. Colbert Jr, LLC/Edward Colbert, Jr.
 2946 E. Lincolnshire Blvd.



INGHAM ASSOCIATES, INC.
 Parcel: 02-20294
 Assessor: 04-294-043

EDWARDSVILLE ADRIK
 Parcel: 02-20294
 Assessor: 04-294-020

PLAN REVIEW - SPECIAL USE PERMIT

Ref: SUP-7005-19
Planner: Gyasi "JC" Pullum
Prepared By: AGalambos, due 08/13/19

DEPARTMENT OF PUBLIC SERVICE
DIVISION OF TRANSPORTATION
RECOMMENDATION ON A SITE PLAN
08/07/2019

To: Thomas C. Gibbons, Director, Toledo-Lucas County Plan Commissions
Thru: Paul Rasmusson, Director, Public Service *8/8/19*
From: Naveen Chandra, Commissioner, Division of Transportation
Subject: Special Use Permit for a type A daycare at 2946 E. Lincolnshire Blvd.

The Division of Transportation has reviewed the site plan and has the following comments:

1. According to the Toledo Municipal Code, a minimum of three parking spaces is required for Type-A daycares. The garage is permitted to be included in the available parking total; however the measurements of the driveway cannot sufficiently meet Toledo Municipal Code requirements to accommodate two vehicles maneuvering the remaining area.

Due to the traffic generated by the day-to-day activities associated with Type-A daycares, such as parking, parent drop-off/pick-up, etc. the Division of Transportation discourages the approval of daycares in residential areas.

Naveen Chandra *8/8/19*
Naveen Chandra, Commissioner Date
Division of Transportation

Exhibit "B"

The following **sixteen (16)** conditions 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: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

Sewer & Drainage

2. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
3. 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.

Fire Prevention

4. Approved premises identification is required.
5. The daycare shall be in compliance with the Department of Commerce Type A family daycare facilities inspection standard checklist.

Transportation

6. According to the Toledo Municipal Code, a minimum of three parking spaces is required for Type-A daycares. The garage is permitted to be included in the available parking total; however the measurements of the driveway cannot sufficiently meet Toledo Municipal Code requirements to accommodate two vehicles maneuvering the remaining area.

Exhibit "B" (cont'd)

Transportation (cont'd)

Due to the traffic generated by the day-to-day activities associated with Type-A daycares, such as parking, parent drop-off/pick-up, etc. the Division of Transportation discourages the approval of daycares in residential areas.

Plan Commission

7. 35 square feet of useable space per person in care must be regularly available for the day care operation. **TMC 1104.0701.D.**
8. 60 square feet of useable outdoor space must be provided for each person in care using the outdoor space at any one time. A Type B landscape buffer shall be provided around the outdoor space with twelve (12) trees and forty four (44) shrubs and a solid privacy fence. **TMC 1104.0701.E. Fencing is acceptable. Landscaping shall be submitted on a revised plan with plant species and material size details.**
9. In a residential zoning district, a Type A Family Day Care must have building frontage on a major street. **East Lincolnshire is not classified as a major street per the Major Street and Highway Plan. Applicant must obtain a waiver of TMC 1104.0701.C. in order to operate.**
10. Group Living facilities, Type A Day Care Home, and Nonresidential Drug and Alcohol Centers that are subject to this spacing requirement Section in the Use Table of Sec. 1104.0100, must be at least 500 feet from a site with any other Group Living facilities, Type A Day Care Home, and Nonresidential Drug and Alcohol Center that is subject to this spacing requirement **TMC 1104.1001.** In no case may more than one facility subject to this Section be located on the same block **TMC 1104.1002.** **A spacing violation exists within 500 feet and the same block. Applicant must obtain a waiver of TMC 1104.1001 and 1104.1002 in order to operate.**
11. 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. **TMC 1004.0701.F.** The area shall be compliant with all driveway and parking requirements for residential districts **TMC 1107.1202.A.**
12. In residential zoning districts, the owner or lessee of the subject dwelling shall be both the licensee and the administrator of the Type A Home. Each licensee/administrator is limited to one (1) Type A Family Day Care facility in the City of Toledo. The Type A Home licensee/administrator shall be an individual person and resident domiciliary of the subject home. **Applicant must obtain a waiver of TMC 1104.0701.A in order to operate.**

Exhibit "B" (cont'd)

13. 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.
14. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. **Landscaping shall be installed & maintained indefinitely.**
15. 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.
16. 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.

Call Log: SUP-7005-19

2946 East Lincolnshire

09-12-19

- Beher Hanna – 3006 East Lincolnshire: Concerned about the use in the neighborhood and potential impact on property values.