



# 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: July 23, 2018  
REF: SUP-3003-18

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 3104 Nebraska Avenue.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 12, 2018 at 2:00 P.M.

## GENERAL INFORMATION

### Subject

Request	-	Special Use Permit for a Type A Family Day Care
Location	-	3104 Nebraska Avenue
Applicant	-	Marisha Peace 3104 Nebraska Avenue Toledo, OH 43607
Engineer	-	Larry A. Miller LAM Architect Builder 2722 N. Holland Sylvania Road Toledo, OH 43615

### Site Description

Zoning	-	RS6 / Single-dwelling Residential
Area	-	± 0.17 acres
Frontage	-	± 60' along Nebraska Avenue ± 120' along Underwood Avenue
Existing Use	-	Type B Family Day Care
Proposed Use	-	Type A Family Day Care

## GENERAL INFORMATION (cont'd)

### Area Description

North	-	Single-family home / RS6
South	-	Nebraska Avenue, vacant green space / IL
East	-	Underwood Avenue, single-family home / RS6
West	-	Single-family home / RS6

### 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

This case was deferred from the May 10, 2018 Plan Commission hearing in order for the applicant to revise the original site plan to address agency conditions of approval. The applicant is requesting a Special Use Permit for a Type A Family Day Care at 3104 Nebraska Avenue. The ±0.17 acre site is zoned RS6 Single-dwelling Residential and occupied by a single-family home. The site is situated on the corner of Nebraska Avenue and Underwood Avenue with access to the driveway and garage from Underwood Avenue. Surrounding land uses include single-family homes to the north, east and west with vacant green space and an industrial manufacturing building to the south across Nebraska Avenue.

The applicant has operated on site as a Type B Family Day Care for the past two (2) years and desires to become a Type A Family Day Care with the ability to care for up to twelve (12) children at one (1) time. Consistent with the existing Type B Family Day Care, the applicant intends to operate 24 hours a day, seven (7) days a week and will employ four (4) staff members and two (2) aids. A Special Use Permit is required for all Type A Family Day Care when located within a residential zoning district.

### Use Regulations

Per TMC§1104.0701(C), in residential zoning districts, Type A Family Day Care must have building frontage on a major street. According to the Toledo-Lucas County Major Street and Highway Plan, Nebraska Avenue is classified as a major street and therefore the proposed location is in compliance with the applicable regulation.

## STAFF ANALYSIS (cont'd)

### Use Regulations (cont'd)

In accordance with TMC§1104.0701(D)&(E), the facility is required to provide thirty-five (35) square feet of useable indoor space for each person in care and sixty (60) square feet of useable outdoor space for each person in care using the outdoor area at any time. The site plan submitted lists the total allowable floor area at 1,024 square feet and conforms to the minimum amount of useable indoor space required. Additionally, the site plan submitted offers a ±1,635 square foot outdoor space that meets the minimum amount of useable outdoor space required for each person in care.

### 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 site. The site plan submitted depicts a three (3) car garage separate from the driveway and maneuvering area accessed from Underwood Avenue. Additionally, the applicant is intending to expand and pave the existing stone driveway over a grassy area for a width of 36 feet. In order to allow for the parking space within the front yard and a driveway width greater than 24 feet, the proposed expansion will require a variance to TMC§1107.1202(A)(1 & 2) through the Board of Zoning Appeals and included as a condition of approval.

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.

Staff has concern with the potential traffic associated with a Type A Family Day Care and the day-to-day activities (i.e. employee parking, parent drop-off/pick-up, etc), particularly the hours of operation at 24 hours a day in a Single-dwelling Residential zoning district. However, in the event the proposed operations adversely affects the surrounding property owners and/or neighborhood, a re-review of the Special Use Permit shall occur and be subject to full compliance with TMC§1107.0300

### Landscaping

As required under TMC§1104.0701(E), a Type B landscape buffer shall be provided around the outdoor space in accordance with TMC§1108.0203(F). This buffer shall be a minimum of ten-feet (10') in width and consist of four (4) canopy trees and fifteen (15) shrubs installed every 100 linear feet. Pursuant to TMC§1108.0203(D)(2), a fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for the shrub requirements.

**STAFF ANALYSIS (cont'd)**

Landscaping (cont'd)

The site plan submitted depicts an outdoor play area with a Type B landscape buffer along Underwood Avenue but not along the rear of the property where the play area abuts residential uses. As a condition of approval, a completed landscaping plan depicting the Type B landscape buffer around the backyard outdoor play areas is required to be submitted.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. 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.

Staff recommends approval of the request because it meets the stated purpose of the Zoning Code and conforms to the future land use designation. Additionally, the proposed use complies with all applicable provisions of the Zoning Code, particularly being located on a Major Street. Moreover, staff recommends approval since the proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics. Finally, staff recommends approval due to the Division of Transportation not objecting to the approval.

**PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP-3003-18, a Special Use Permit for a Type A Family Day Care at 3104 Nebraska Avenue, to Toledo City Council for the following four (4) reasons:

1. The proposed use meets the stated purpose of this Zoning Code (TMC§1111.0706(A) – *Review & Decision Making Criteria*).
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706(B) – *Review & Decision Making Criteria*).
3. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (TMC§1111.0706(C) – *Review & Decision-Making Criteria*); and
4. The Division of Transportation did not object to the approval.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

The Toledo City Plan Commission makes the following recommendations to the Toledo City Council on the waivers requested for the Special Use Permit for a Type A Family Day Care at 3104 Nebraska Avenue:

**Chapter 1107.1200 Location**

**Sect. 1107.1202 Setbacks**

**A. Residential Districts**

In Residential districts:

1. no parking space may be located within the front yard, except that parking spaces for detached houses, attached houses, and duplexes may be located on a driveway;
2. the paved area of driveways serving detached houses, attached houses, or duplexes may not cover more than 40 percent of the front yard up to a maximum driveway width of 24 feet;

Approve a waiver to allow for a parking space within the front yard and a twelve-foot (12') increase to the maximum driveway width, to allow a thirty-six foot (36') driveway.

The Toledo City Plan Commission further recommends approval of SUP-3003-18, a Special Use Permit for a Type A Family Day Care at 3104 Nebraska Avenue, to the Toledo City Council subject to the following **eleven (11)** conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

**Fire Prevention**

1. This facility will undergo a change of occupancy per the OBC. Compliance with these requirements for the new use must be followed.
2. Approved building address numbers will be visible from the street or road fronting the property. (Ref. Ohio Fire Code 505.1)
3. According to the OBC a Type A facility is a home where the administrator permanently resides. The plans are not clear regarding this requirement.

**Division of Transportation**

No concerns or objections.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission

4. Applicant shall obtain a waiver to **TMC§1107.1202(A)(1 & 2)** in order to allow for a parking space within the front yard and a driveway width greater than 24 feet.
5. 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.
6. A detailed site, lighting, sign, fencing and three (3) 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 areas. A fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for shrub requirements; **not acceptable as depicted on site plan. Shall be depicted around both outdoor play areas and depicted on a completed landscaping 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. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **shall be noted on a completed landscaping plan.**
  - d. The location, height and materials for any fencing to be installed and maintained; **shall be noted on a completed landscaping plan;** and
  - e. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties)
7. 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 and maintained indefinitely.**

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission (cont'd)

8. 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.
9. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
10. 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.
11. 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,

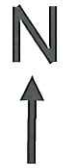


Thomas C. Gibbons  
Secretary

Three (3) sketches follow  
CC: Lisa Cottrell, Administrator  
Ryne Sundvold, Planner

# GENERAL LOCATION

SUP-3003-18  
ID 55





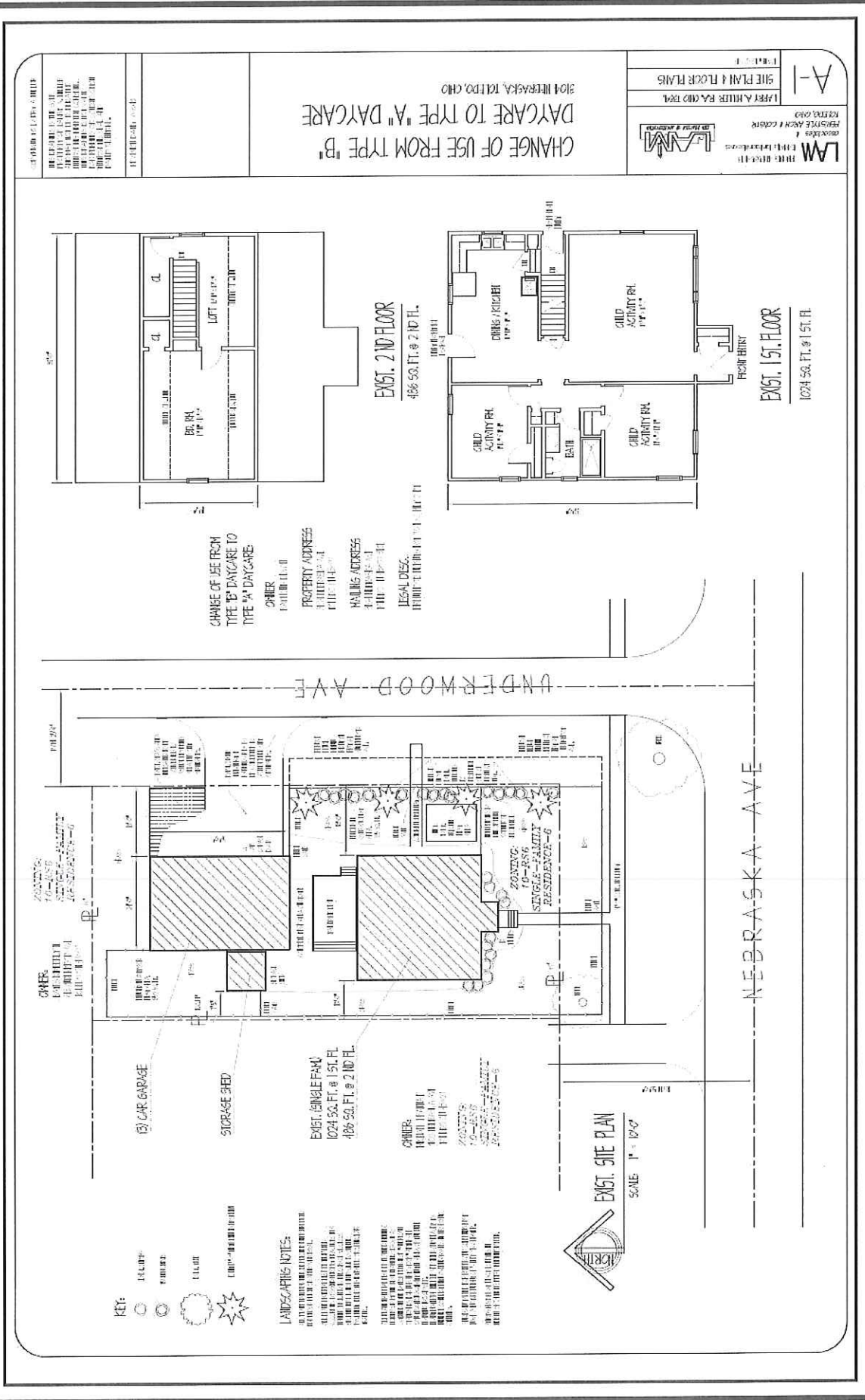
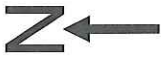
# ZONING & LAND USE

SUP-3003-18  
ID 52



# REVISED SITE PLAN

SUP-3003-18  
ID 52



## Sundvold, Ryne

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**From:** Marisha Raymond [mraymond4986@gmail.com]  
**Sent:** Wednesday, April 25, 2018 8:42 AM  
**To:** Sundvold, Ryne  
**Subject:** Re: 3104 Nebraska - Site Plan revisions

Ok so what I will do is get the items that you have listed addressed ,do I need to wright another letter? As soon as I get the revised print I will bring it down there . I have called transportation haven't heard back yet but I will let him know as well what my plan is again, and thank you so much . Also one more question do still put the same sign out or do I need to pick up another one .

Sent from my iPhone

On Apr 25, 2018, at 8:32 AM, Sundvold, Ryne <[Ryne.Sundvold@toledo.oh.gov](mailto:Ryne.Sundvold@toledo.oh.gov)> wrote:

Marisha,

This should work. I will let you know if we need anything in more detail. Feel free to contact me if you have any questions or concerns.

Regards,

Ryne Sundvold, Planner  
Toledo-Lucas County Plan Commissions  
One Government Center, Suite 1620  
Toledo, Ohio 43604  
(419)245-1200  
[Ryne.Sundvold@toledo.oh.gov](mailto:Ryne.Sundvold@toledo.oh.gov)

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**From:** Marisha Raymond [<mailto:mraymond4986@gmail.com>]  
**Sent:** Tuesday, April 24, 2018 6:19 PM  
**To:** Sundvold, Ryne  
**Subject:** Re: 3104 Nebraska - Site Plan revisions

Hello Ryne thank you so much for your help , I have every intention of making the provisions , needed to come into compliance with the site plan and do what ever I need to do for the safety of the children and have the proper things in place . I think at this point it would be best for me to ask for a deferral for the next meeting of June 14 in order to make the necessary changes . How do I go about doing that , Or will this email be enough to ask for deferral .

Sent from my iPhone