

DATE: March 13, 2020
REF: SUP-1001-20

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 Type A Day Care

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

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Type A Day Care
Location	-	2894 Tremainsville Road
Applicant	-	Breana Eilas 2894 Tremainsville Road Toledo, OH 43613
Architect	-	John Weithman PO Box 216 Genoa, OH 43430

Site Description

Zoning	-	RS6 / Single-Family Residential
Area	-	± .51 acres
Frontage	-	± 134' along Tremainsville Road
Existing Use	-	Type B Day Care
Proposed Use	-	Type A Day Care

Area Description

North	-	RS6 / Single-Family Residential
South	-	CR / Bar & Grill
East	-	CR / Single-Family Residential
West	-	CR / Assisted Living

GENERAL INFORMATION (Cont'd)

Parcel History

Z-4005-17 - Zone Change from CR to RS6. Approved by Council
06/27/2017

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 Day Care at 2894 Tremainsville Road. The ±0.51 acre site is zoned RS6, Single-Family Residential and occupied by an existing single-family household. Surrounding land uses are a combination of commercial businesses, parking lots, and other single-family residences.

The applicant currently operates on site as a Type B Family Day Care. The applicant is requesting the Special Use Permit in order to expand the existing day care into a Type A Family Day Care. A Special Use Permit is required for all Type A Family Day Cares when located within a residential zoning district.

Use Regulations for Type A Day Cares

Per **TMC§1104.0703(B)**, Type A Day Cares must have building frontage on a major street. According to the Toledo-Lucas County Major Street and Highway Plan, Tremainsville Road is classified as a Major Collector and is thus a major street. Additionally, in accordance with **TMC§1104.0703(D)&(E)**, the facility is required to provide at least thirty-five (35) square feet of usable indoor space for each person in care and sixty (60) square feet of outdoor space for each person in care using the outdoor area at any one time. The site plan submitted depicts a sufficiently sized home and a fenced play area that is ±875 square feet, which is more than enough to accommodate the maximum number of twelve (12) persons in a Type A Day Care. A drop-off and pick-up area is required and provided on the site plan.

Parking and Circulation

Pursuant to **TMC§1107.0304 – Parking, Loading, and Access**, a Type A 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. A total of three (3) parking spaces are required for the site. The site plan depicts three parking spaces, including one handicap accessible space, and a drop-off space. The Division of Transportation has provided additional comments, as provided in conditions 16-18.

STAFF ANALYSIS (cont'd)

Landscaping

As required under **TMC§1104.0701(E)**, sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at any time. Additionally, 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. The site plan submitted depicts the outdoor play area in the back of the property with a perimeter of approximately one hundred and twenty (120). Thus, the proposed landscape buffer should thus include five (5) trees, as well as eighteen (18) shrubs or a solid fence or wall. The species of any proposed landscaping also needs to be labeled. These concerns shall be corrected on a revised site plan.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for neighborhood commercial land uses. A Type A Day Care is in line with this recommendation. The proposed day care conforms to the future land use designation and meets all requirements for a Type A Day Care. Therefore, staff recommends approval of the request.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-1001-20, a Special Use Permit for a Type A Day Care at 2894 Tremainsville Road, 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(B)** – *Review & Decision Making Criteria*], and
2. The proposed use complies with all applicable provisions of this Zoning Code [**TMC§1111.0706(C)** – *Review & Decision-Making Criteria*].

The staff recommends that the Toledo City Plan Commission approve the request for a Type A Day Care at 2894 Tremainsville Road subject to the following **twenty-five (25)** conditions.

STAFF RECOMMENDATION (Cont'd)

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.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.
6. A drainage plan for the additional pavement was not included with the site plan; applicant is advised that draining the pavement runoff down the driveway may add to the existing condition of puddling along the edge of Whitmer Drive. An alternative would be to drain to the lawn and install a French drain with a connection to the storm sewer. A storm sewer tap permit would be required.

Division of Sewer and Drainage Services

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

STAFF RECOMMENDATION (Cont'd)

Division of Sewer and Drainage Services (Cont'd)

8. 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 two (2) years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Department of Environmental Services

9. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
11. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
12. Applicant is strongly encouraged to plant native, low-maintenance and non-invasive trees, shrubs, and perennials.
13. 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.

Fire and Rescue Department

14. The daycare shall be in compliance with the Department of Commerce Type A family daycare facilities inspection standard checklist.
15. Approved Premises identification is required.

Division of Transportation:

16. Accessible parking signage required at accessible parking spaces per TMC 1107.
17. An 8' aisle is required for a van accessible parking space per TMC 1107.
18. Wheel stops are required at all parking spots abutting buildings, property lines and sidewalks per TMC 1107.

STAFF RECOMMENDATION (Cont'd)

Plan Commission

19. 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. **Shall be clarified on site plan.**
20. 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. Per **TMC§1108.0203(F)**, a Type B landscape buffer shall be provided around the outdoor space. 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. A minimum of five (5) trees and eighteen (18) shrubs, or a fence or wall, shall be provided. **Shall be shown on a revised site 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; **shall be indicated on revised site plan.**
 - d. 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'.
21. No new 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.
22. 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.
23. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.

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STAFF RECOMMENDATION (Cont'd)

Plan Commission (Cont'd)

24. 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.
25. 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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Three (3) sketches follow

CC: Lisa Cottrell, Administrator
Matt Lascheid, Associate Planner
Breana Eilas; 2894 Tremainsville Road; Toledo, OH 43613
John Weithman; PO Box 216; Genoa, OH 43430