

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	4461 W. Alexis Road
Applicant + Owner	-	Ke’Ziah Flunder 4461 West Alexis Road Toledo, OH 43604
Architect	-	Larry Miller LAM Associates & Home Design Professionals 2716 N. Holland-Sylvania Road Toledo, OH 43623

Site Description

Zoning	-	RS12 / Single-family Residential
Area	-	± 0.58 acres
Frontage	-	± 202’ along West Alexis Road
Existing Use	-	Type A Day Care
Proposed Use	-	Day Care Center

Area Description

North	-	RS6 / Condominiums, Sylvania Township
South	-	RS12 / Single-family Homes
East	-	RS6, RM36 / Single-family Homes, Apartments
West	-	RS12 / Single-family Homes

Parcel History

Z-5001-00	-	Zone Change at 4461 W. Alexis Road from R-B to C-2. Approved by Ord. 845-00
Z-11005-16	-	Zone Change from CO to RS12 at 4416 W. Alexis Road. Approved by Ord. 86-17

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 open a Day Care Center at 4461 W. Alexis Road. The ±0.58-acre site is zoned RS12 Single-family Residential which requires a Special Use Permit to operate a day care center. Surrounding land uses include condominiums and Sylvania Township to the north, to the south and west is a predominantly single-family neighborhood, and single-family homes and apartments to the east. The applicant currently operates a Type A day care at the site and is requesting the Special Use Permit in order to expand to a day care center.

Day Care Center Requirements

Per **TMC§1104.0703(B)**, a Day Care Center must have frontage on a major street. According to the Toledo-Lucas County Major Streets and Highways Plan, Alexis Road qualifies as 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 submitted site plan depicts a fenced play area that is ±1461 square feet, which is enough to accommodate the maximum number of individuals allowed in care.

Parking and Circulation

Pursuant to **TMC§1107.0304 – Parking, Loading, and Access**, a Day Care Center is required to have 1 parking space per 6-person capacity, as well as 1 bicycle parking stall per 10 parking spaces. The day care center will have forty-five (45) children which requires eight (8) parking spaces and one (1) bicycle parking. When bicycle parking is required, the minimum number of slots provided shall be two (2). A paved off-street area for dropping off and picking up persons in care at the facility must also be provided. The site plan depicts five (5) parking spaces, one (1) accessible space and one (1) space for drop-off and pick-up located on the east side of the building. **This is not acceptable as depicted, two additional parking spaces shall be shown on a revised site plan.**

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 and fenced in using a six-foot (6') tall solid privacy fence to screen the area. The site plan also shows fourteen (14) shrubs and four (4) trees around the play area in addition to existing trees and shrubs on the property. Applicant has the option to request credit for the existing trees under **TMC§1108.0407(B)(9)**. **The submitted site plan does not show details such as species of existing shrubs and plants on site. Applicant shall submit a revised landscape plan with plant details.**

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial land uses. Neighborhood Commercial Zoning district is intended for small and medium scale commercial uses that serve neighborhoods. The proposed use of a Daycare Center is in line with this recommendation.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-5005-24, a Special Use Permit for a Day Care Center at 4461 W. Alexis 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(A) – *Review & Decision-Making Criteria*], and
2. The proposed use is compatible with adjacent uses in terms of scale, site design and operating characteristics [TMC§1111.0706(C) – *Review & Decision-Making Criteria*].

The staff recommends that the Toledo City Plan Commission approve SUP-5005-24, a Special Use Permit for a Day Care Center at 4461 W. Alexis Road subject to the following **thirty (30)** conditions.

Division of 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.

Contact Taylor Heldman at (419) 245-1341 for inspection of above-mentioned items.

STAFF RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

4. The City of Toledo public water systems does not appear to be impacted by this project. Refer to comments provided by the Division of Water Distribution regarding private water mains and/or service lines.
5. Applicant is advised that some of the play areas coincide with the property's existing drainage system to the creek.
6. Applicant is advised the storm drainage outfall to the creek is their responsibility to own and keep repaired to prevent against creek bank failure at the outfall

Division of Sewer and Drainage Services

7. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
8. 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.

Division 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. 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

STAFF RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

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.

Division of Water Distribution

No comments of concern

Fire Prevention

14. It appears this building will undergo a change of use. This will require compliance with all Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code.
15. Approved Premises identification is required.
16. Key box(es) for access to buildings and areas restricted by fences and gates, etc.
17. The daycare shall be in compliance with the all the requirements of the Ohio Building code for use group "E" Daycare

Division of Transportation:

18. Sidewalk in front of building is required to connect to sidewalk from Alexis Road for pedestrian traffic per **TMC§1107.1300**.
19. Bicycle parking needs to be relocated so parked bicycles do not block path of travel to ramp.

Plan Commission

20. Per **TMC§1107.1906** All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
21. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available to the Type A Day Care. **Acceptable as depicted on site plan.**
22. 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. **Acceptable as depicted on site plan.**
23. A Day Care Center is required to have 1 parking space per 6-person capacity. The day care center will have forty-five (45) children which requires eight (8) parking spaces. The site plan depicts five (5) parking spaces and one (1) accessible space. **This is not acceptable as depicted; two additional parking spaces shall be shown on a revised site plan.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

24. A paved off-street area for dropping off and picking up persons in care at the facility must be provided and approved by the Division of Transportation; **Acceptable as depicted on site plan.**
25. Bicycle parking is required pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300). A minimum of two (1) bicycle space shall be provided per ten (10) parking spaces. When bicycle parking is required, the minimum number of slots provided shall be two (2). **This is not acceptable as depicted. Applicant shall relocate bicycle rack per condition 11 of the Division of Transportation.**
26. 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 play area. 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. Applicant has the option to request credit for the existing tree under **TMC§1108.0407(B)**. **Not acceptable as depicted. Applicant shall provide a landscape plan showing detail of existing and proposed plants;**
 - 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. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval;
 - d. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
 - 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. **Not acceptable as depicted. Applicant shall provide a landscape plan showing detail of existing and proposed plants;**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- f. Because the site is greater than ½ acre large, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details
27. 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.
28. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
29. 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.
30. 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.

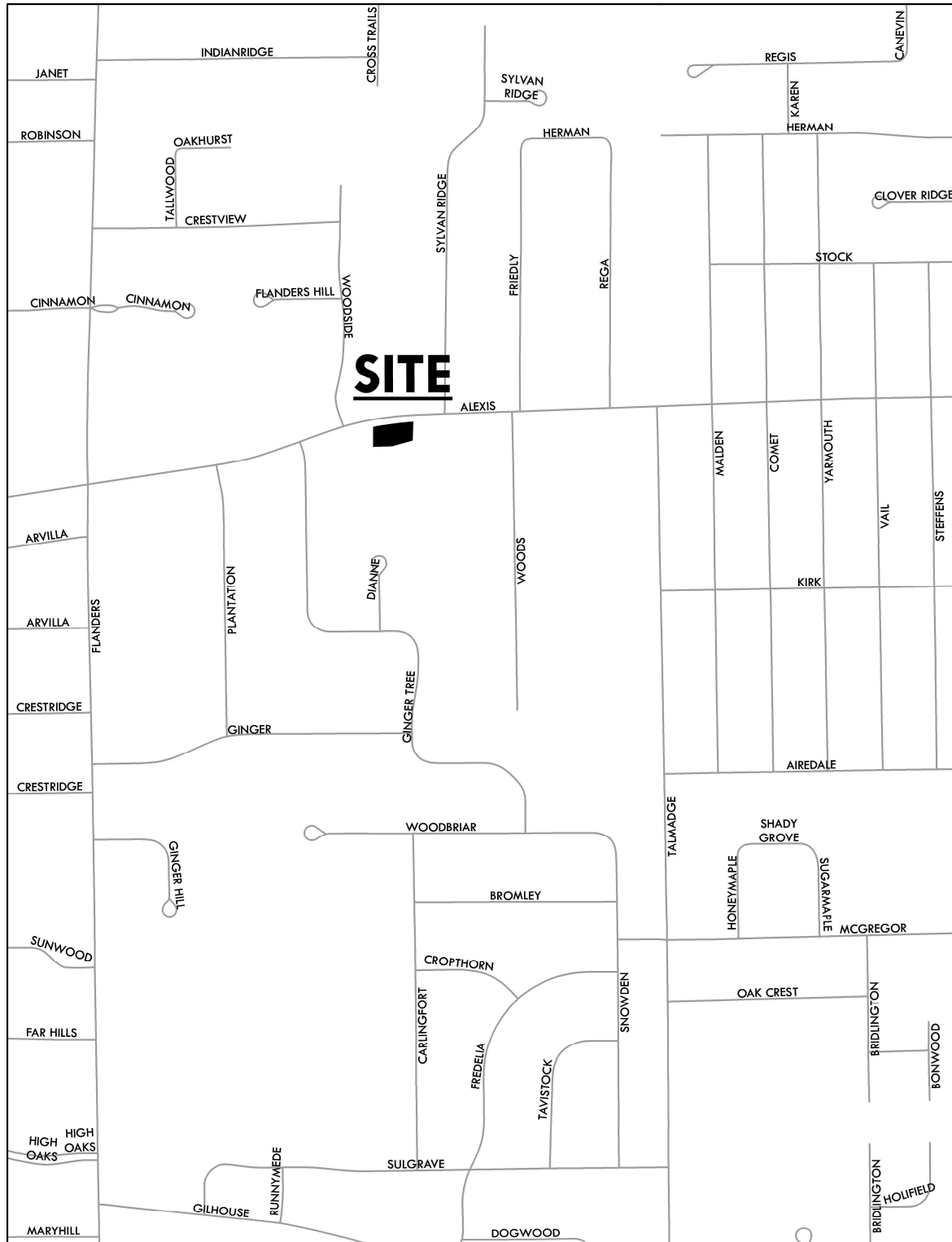
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-5005-24
DATE: July 11, 2024
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: August 13, 2024
TIME: 4:00 P.M.

ET
Three (3) sketches follow

GENERAL LOCATION

SUP-5005-24



ZONING & LAND USE

SUP-5005-24

