



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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REF: SUP-3003-23

DATE: May 11, 2023

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 Day Care Center at 1776 & 1810 Tremainsville Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 11, 2023 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	1776 & 1810 Tremainsville Road
Applicant + Owner	-	Lateaia Watson One Seagate, 26th Floor Toledo, OH 43604
Architect	-	Angela Holm Architecture by Design, Ltd. 5622 Mayberry Square Toledo, OH 43560

Site Description

Zoning	-	CO, RS6 / Office Commercial, Single-dwelling Residential
Area	-	± 0.15 acres
Frontage	-	± 80' & 153' along Tremainsville, Road ± 87.15' & 135.3' along Harris Street
Existing Use	-	Office Building
Proposed Use	-	Day Care Center

Area Description

North	-	RS6 / Duplexes, Single-family Homes
South	-	RD6, CO / Single-family Homes, Apartments, Funeral Home
East	-	CO, CN, RS6 / Single-family Homes, Retail shop
West	-	CO / Retail Shop

GENERAL INFORMATION (cont'd)

Parcel History

No previous case history

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 1776 Tremainsville Road. The ±0.15-acre site is zoned CO Office Commercial and was previously used as an office space. Surrounding land uses include duplexes and single-family homes to the north, single family homes, apartments and a funeral home to the south, and single-family homes and retail shops to the east and west. The applicant is proposing to provide part of the required parking spaces for the day care at the adjacent corner property, 1810 Tremainsville. Part of the parking lot is under Residential Zoning classification. Hence, a Special Use Permit is required for this 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, Tremainsville 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 site plan submitted depicts a fenced play area that is ±850 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 site plan depicts eighteen (18) parking spaces at 1810 Tremainsville Road, two (2) van accessible spaces and two (2) spaces for drop-off and pick-up located at the entrance of the building. The ADA parking spaces shall be switched to the location of the loading spaces for easy accessibility. The site plan also shows two bicycle parking spaces.

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. In addition to that, **TMC§1108.0204(B)** requires that perimeter landscaping be provided along any parking lot area adjacent to a street, place or driveway, visible from an immediately adjacent property

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 six (6) shrubs and five (5) trees to be planted 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 shrubs around the parking lot.

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.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-3003-23, a Special Use Permit for a Day Care Center at 1776 and 1810 Tremainsville Road 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 Toledo City Plan Commission recommends approval of SUP-3003-23, a Special Use Permit for a Day Care Center at 1776 and 1810 Tremainsville Road subject to the following **twenty-five (25)** conditions.

PLAN COMMISSION RECOMMENDATION (cont'd)

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 Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

Division of 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.
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.

Division of Environmental Services

6. 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.
7. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

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
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.

Fire Prevention

11. It appears this building will undergo a change of use. This will require compliance with all Building, Mechanical, Electrical, Plumbing, Fire Sprinkler and Fire Alarm code requirements.
12. Approved Premises identification is required.
13. Key box(es) for access to buildings and areas restricted by fences and gates, etc.

Division of Transportation:

14. In parking lots or garages, accessible parking spaces must be located on the shortest accessible route to the accessible entrance per ADA.

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15. The ADA parking shall be moved to the location of the loading spaces closer to the entrance of the building.
16. 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.
17. 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.**
18. 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.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

19. One (1) van accessible parking space shall be required. **Acceptable as depicted on site plan.**
20. 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.**
21. 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)**. Perimeter landscaping must be provided along any parking lot area adjacent to a street, place or driveway, visible from an immediately adjacent property. **Not acceptable as depicted.** Applicant shall provide a continuous shrub around the parking lot at 1810 Tremainsville with a minimum height of eighteen (18) inches 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.
 - a. 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.
 - b. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
 - 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.

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PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

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.
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.

ET
Three (3) sketches follow

GENERAL LOCATION

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ID 126



ZONING & LAND USE

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ID 126



