

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: July 8, 2021

REF: SUP-5001-21

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, July 8, 2021 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for Type A Day Care
Location	-	2009 Airport Hwy
Applicant	-	Suzette and Payge Mays 2009 Airport Hwy. Toledo, OH 43609
Architect	-	Rossi Associates, LLC 1821 Spencer Street Toledo, OH 43609

#### Site Description

Zoning	-	RD6 / Residential Duplex
Area	-	± 0.115 acres
Frontage	-	± 42' along Airport Hwy.
Existing Use	-	Residential
Proposed Use	-	Type A Day Care

#### Area Description

North	-	Single family residential/ RD6
South	-	Church parking/ RD6
East	-	Pharmacy/ CR
West	-	Residential and church/ RD6

## GENERAL INFORMATION (cont'd)

### Parcel History

- No parcel history

### Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

## STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a Type A Day Care called “Suzette Mays Childcare”. The day care center will serve infants over 6 weeks to school age children up to 12 years of age, Monday through Friday, operating 24 hours daily. The maximum number of children in care is twelve (12) with up to two (2) staff at any one time.

### Use Specific Regulations

- a. Location: A Type A Day Care must have building frontage on a major street
- b. Indoor Space: 35 square feet of useable space per person in care must be regularly available to the Day Care Center
- c. Outdoor Space: 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 per TMC§1108.0203F
- d. Drop-off/Pick-up Area: 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. At time of print the applicant has clients using the front driveway to drop off/ pick up children and backing out onto Airport Hwy. Staff recommends that drop off and pick up should be conducted from the alley side of the building and is listed as a condition of approval.

### Landscaping

- a. No landscape buffers are required along the parcel boundaries, as they abut similarly zoned RD6 district (TMC§1108.0203).
- b. Per TMC§1104.0800. E. – *Outdoor Space*, A Type B landscape buffer shall be provided around the outdoor play space.

### 20/20 Plan

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. While the intent of this designation is to accommodate residential, it also includes those nonresidential uses that are compatible with residential areas. These uses are typically schools, places of worship, community centers, etc. The proposed use complies with the future land use designation identified in the 20/20 Comprehensive Plan.

## PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-5001-21, a request for a Special Use Permit for Type A Day Care at 2009 Airport Hwy, 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**; and
2. The proposed use meets all applicable provisions of the Zoning Code **TMC§1111.0706.C**.

The Toledo City Plan Commission further recommends approval of SUP-5001-21, a request for a Special Use Permit for a Type A Day Care for children ages 6 weeks to 12 years of age at 2009 Airport Hwy, to Toledo City Council subject to the following **twenty-three (23)** conditions:

The conditions of approval are as follows and 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

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.



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

Engineering Services (cont'd)

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.

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

Sewer & Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
6. 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Department

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

Environmental Services

9. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
10. 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 stormwater impacts from the modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
11. Applicant is strongly encouraged to include multiple green infra-structure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.

## PLAN COMMISSION RECOMMENDATION (cont'd)

### Engineering Services (cont'd)

12. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged.  
[http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives to Ohio Invasive Plant Species.pdf](http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf)
13. Applicant shall maintain compliance with the City of Toledo and 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.

### Plan Commission

14. 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: **not acceptable as depicted on site plan. Staff recommends the drop off – pick up of children to be conducted at the alley side of the property.**
15. 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: **not acceptable as depicted on site plan.**
16. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation: **acceptable as depicted on site plan.**
17. 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.**
18. 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. A Type "B" Landscape Buffer, which shall be a minimum of ten feet (10') in width with six (6) trees and either fencing or shrubs. The location, height and materials for any fencing to be installed and maintained shall be indicated: **acceptable as depicted on site plan.**

**STAFF RECOMMENDATION (Cont'd)**

Plan Commission (cont'd)

- b. Topsoil must be back-filled to provide positive drainage of the landscape area.
19. If applicable, dumpster and its location shall be clearly defined, have a concrete pad, and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code.
20. 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.
21. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
22. 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.
23. 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

NH  
Three (3) sketches follow

Cc: Suzette & Payge Mayes, Applicant  
Scott Rossi, Architect  
Lisa Cottrell, Administrator  
Nancy Hirsch, Planner

GENERAL LOCATION

SUP-5001-21





ZONING & LAND USE

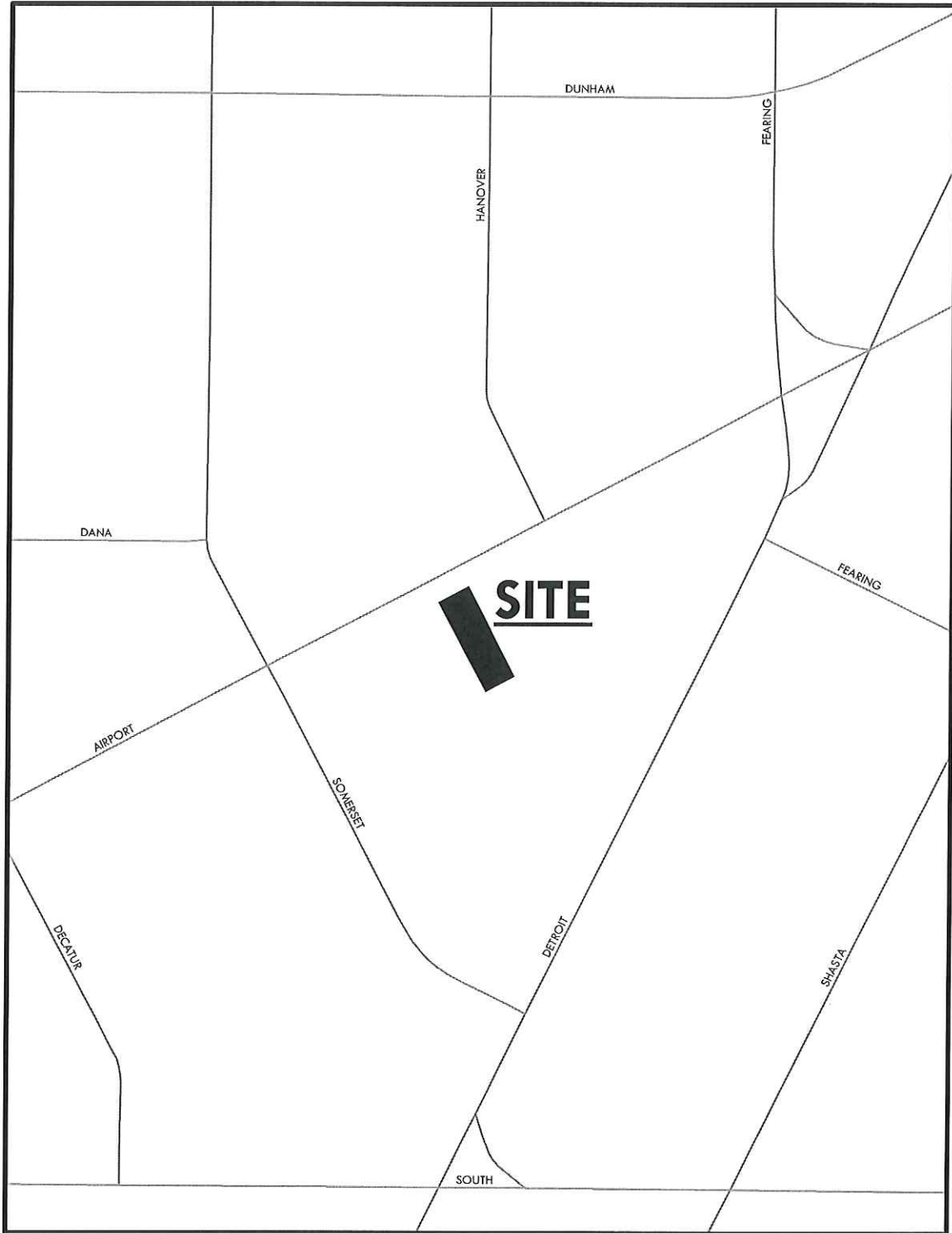
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GENERAL LOCATION

SUP-5001-21



**CITY OF TOLEDO, OHIO**

Clerk of Council  
One Government Center  
Toledo, Ohio 43604

Julie Gibbons  
Assistant Clerk of Council

Telephone  
419-245-1060

Date: June 25, 2021  
Ref: SUP-5001-21

**NOTICE OF PUBLIC HEARING**

Wednesday, August 11, 2021

The Zoning and Planning Committee of Council, at a meeting to be held in the Council Chambers, First Floor, One Government Center, Jackson & Erie Streets, Toledo, Ohio, on Wednesday, July 14, 2021 at 4:00 p.m., will consider the following request:

**Special Use Permit for a Type A Daycare located at 2009 Airport Hwy.**

Julie Gibbons  
Assistant Clerk of Council

**\*\*Failure of applicant to appear may result in a deferral or denial of your request.**

NOTICE PUBLISHED IN TOLEDO CITY JOURNAL

**ZONING & LAND USE**

**SUP-5001-21**

