

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: September 9, 2022

REF: SUP-8001-22

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 5445 Heatherdowns Blvd.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, September 8, 2022 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	5445 Heatherdowns Blvd
Applicant	-	Karen Taylor 5445 Heatherdowns Blvd Toledo, OH 43614
Owner	-	All Saints Lutheran Church 5445 Heatherdowns Toledo, OH 43614
Architect	-	Architecture by Design 5622 Mayberry Square Sylvania, OH 43560

#### Site Description

Zoning	-	RS12 / Single-Dwelling – 12,000 Sq. Ft.
Area	-	± 1.41 acres
Frontage	-	± 173' along Heatherdowns Blvd
Existing Use	-	Church
Proposed Use	-	Church & Pre-school/Day Care

## GENERAL INFORMATION (cont'd)

### Area Description

North	-	RD6 / Apartments
South	-	RD6 / Apartments
East	-	RS12 / Single-Family Homes
West	-	RD6 / Apartments

### Parcel History

No Zoning History on File.

### 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 Day Care Center at 5445 Heatherdowns Blvd. The ± 1.41 acre site is zoned RS12 and contains a 7,932 sq. ft. church. The applicant is requesting a Special Use Permit to operate a pre-school out of the church area. The Toledo Municipal Code does not make a distinction between pre-schools and day cares. For this reason, a Special Use Permit is required in order to operate in a residential zoning district. Adjacent land uses include apartments to the north, south, and west, and single-family homes to the east.

An overview of project details is included in this analysis. A detailed list of all project related items is included in the agency conditions at the end of this report.

### Use Specific Regulations

- a. A Day Care Center must have building frontage on a major street. The site is compliant with this regulation. Heatherdowns Boulevard is classified as a major street.
- b. A Day Care Center must have an outdoor area providing at least sixty (60) square feet of useable outdoor space 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. The site plan provided depicts a 1,104 square foot play area surrounding by a fence, shrubs, and trees to provide shade, which complies with the intent of the code. However, the applicant has requested a waiver to the outside space requirement siting it is not a State requirement for such child care centers that care for children for less than four (4) consecutive daylight hours. In the event the waiver is granted, the applicant intends to remove the outdoor area from the site plan.

## STAFF ANALYSIS

### Parking and Circulation

- a. The use requires six (6) parking spaces and fifty (50) are provided. The site exceeds the 150% allowable maximum for parking spaces. However, the site is existing and shared with the church – therefore a reduction in parking is not required.
- b. In lieu of a paved and separated walkway from the sidewalk to the entrance of the day care, the site plan shows a 4' striped pedestrian walkway.

### Landscaping

- a. The reuse of an existing site is not required to comply fully with current landscape standards, but must bring the site closer to compliance.
- b. As noted, the Type B Landscape Buffer provided around the outdoor space complies with the intent of the Zoning Code.

### Elevations

- a. There are no changes proposed for the exterior of the building.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan recommends this site for Single Family Residential uses. This category accommodates the development of single-family units along with supportive uses such as libraries, schools, and churches. The day care center is compatible with this designation

## PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-8001-22, a request for a Special Use Permit for a Day Care Center located at 5445 Heatherdowns Blvd, to the Toledo City Council, for the following **two (2) reasons**:

1. The use complies with all applicable provisions of the Zoning Code TMC 1111.0706.B; and
2. The use is compatible with adjacent uses in terms of operating characteristics (such as noise, traffic generation, and other impacts associated with the use's operation) TMC 1111.0706.C.

The Toledo City Plan Commission recommends approval of the following waiver to the Toledo City Council:

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

**Chapter 1104 Use Regulations**

**1104.0703 – Day Care Center**

- A. 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. (See Sec. 1108.0203)

Approve a waiver to allow a Day Care Center to operate without an outdoor space providing sixty (60) square feet of useable outdoor space for each person in care using the outdoor area at any one time.

The staff recommends approval of SUP-8001-22, a request for a Special Use Permit for a Day Care Center located at 5445 Heatherdowns Blvd, subject to the following **seventeen (17)** 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.

**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. It is unclear if the proposed site earthwork will exceed 2,500 square feet, which if so would require a stormwater management proposal to be received and approved prior to issuing building permits, and constructed as part of the site work. Stormwater management with trash-capturing inlet filters would fulfill a post-construction treatment requirement, and are encouraged to be used whether or not a stormwater management plan is required by the site disturbance footprint or not.

## PLAN COMMISSION RECOMMENDATION (cont'd)

### Environmental Services

4. Applicant shall maintain compliance with the City of Toledo's Storm Water regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential storm water impacts from the modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
5. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
6. 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.
7. 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](https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf)
8. 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.

### Plan Commission

9. 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.
10. 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.**
11. 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.**
12. Per TMC 1107.1202.A.2 Parking Setbacks – Residential Districts, no more than 40 % of the front yard can be occupied by pavement. **Acceptable as depicted.**
13. 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.
14. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.

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

Plan Commission (cont'd)

15. 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 Zoning Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
16. 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. Major adjustments will require an amendment to the Special Use Permit.
17. No permits shall be issued until arrangements satisfactory to the Director of the Toledo City Plan Commission have been made for compliance with the conditions as set forth above.

Respectfully Submitted,



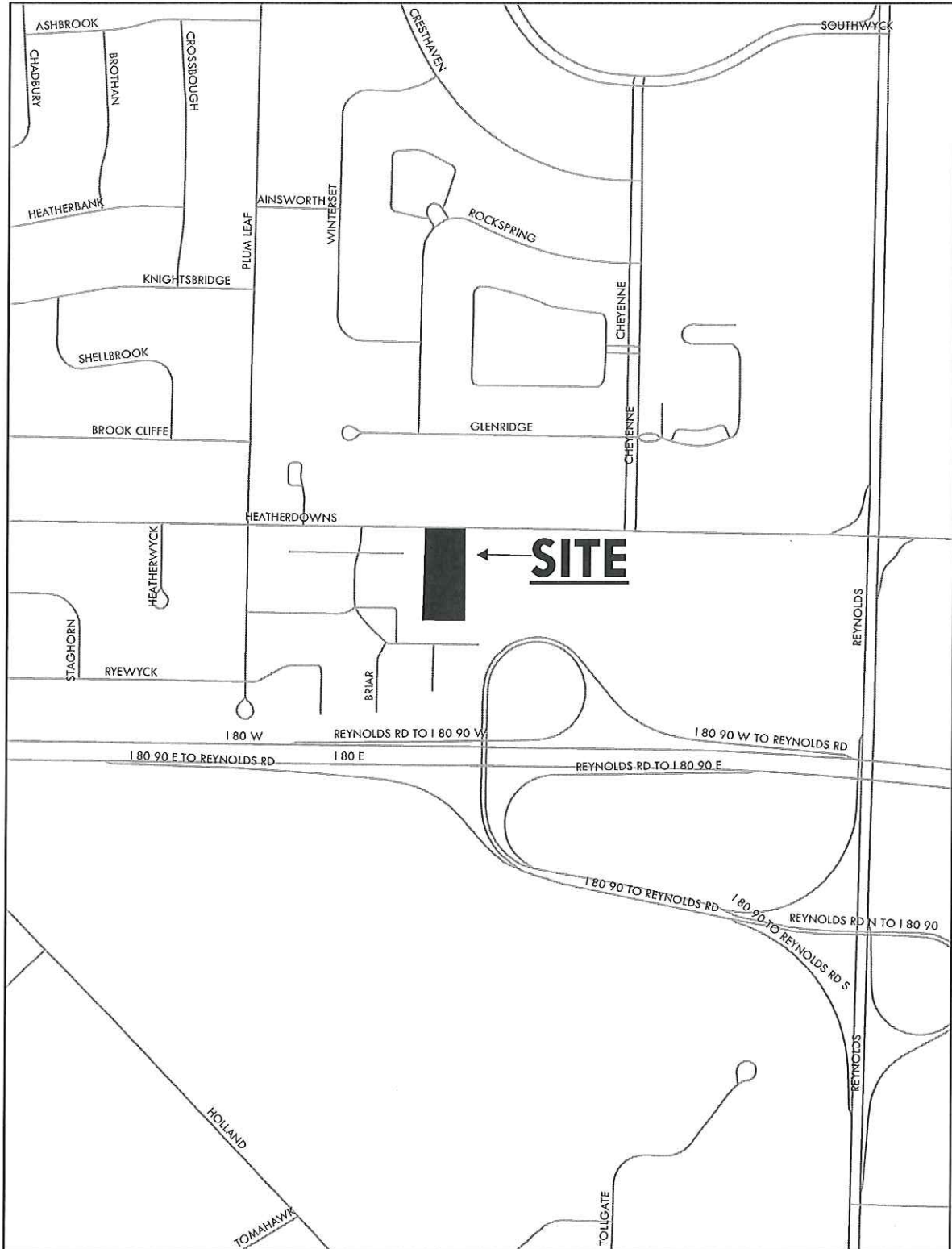
Thomas C. Gibbons  
Secretary

JGL  
Two (2) sketches follow

Cc: Applicant  
Lisa Cottrell, Administrator  
Jonny Latsko, Planner

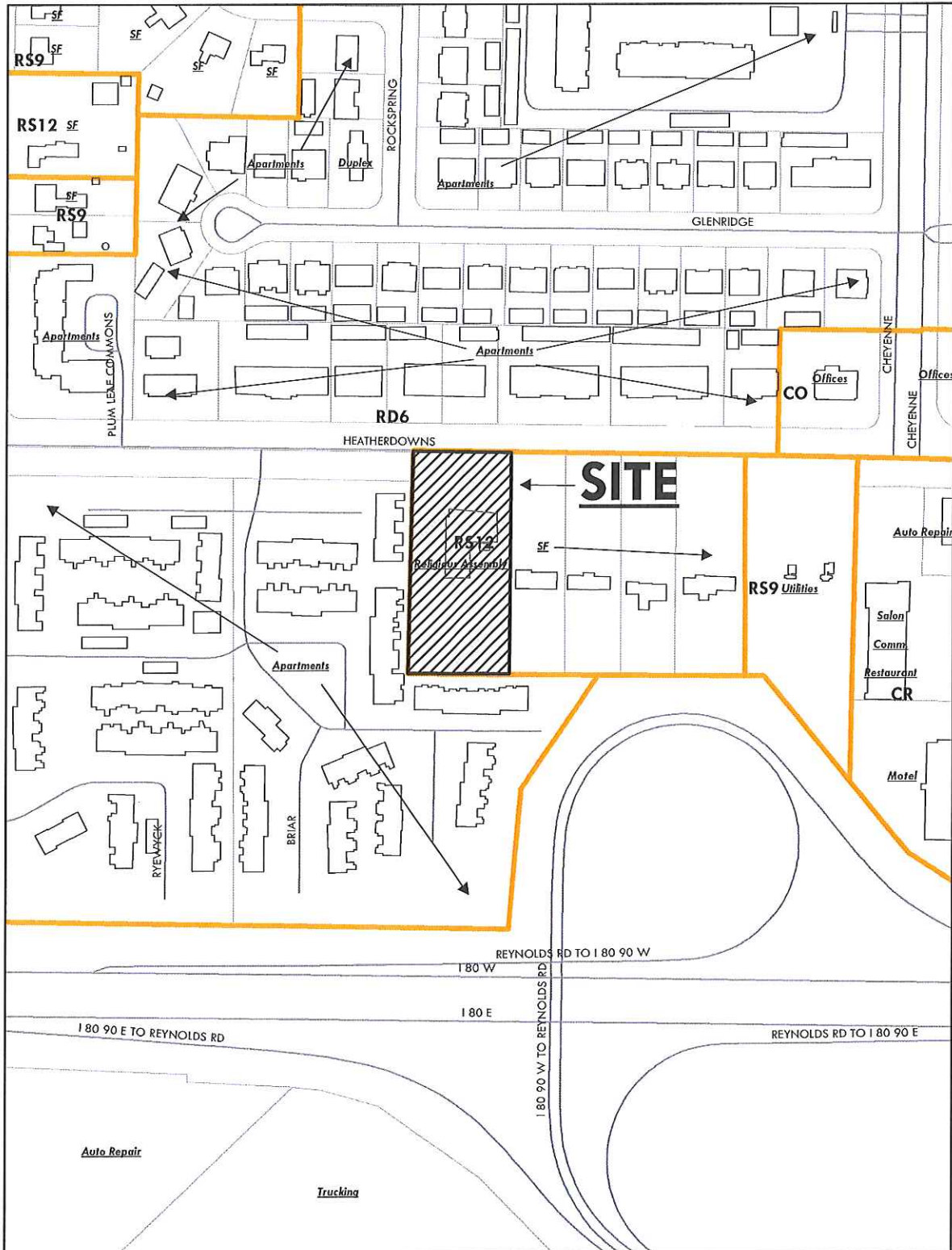
# GENERAL LOCATION

SUP-8001-22  
ID 148



# ZONING & LAND USE

SUP-8001-22  
ID 148



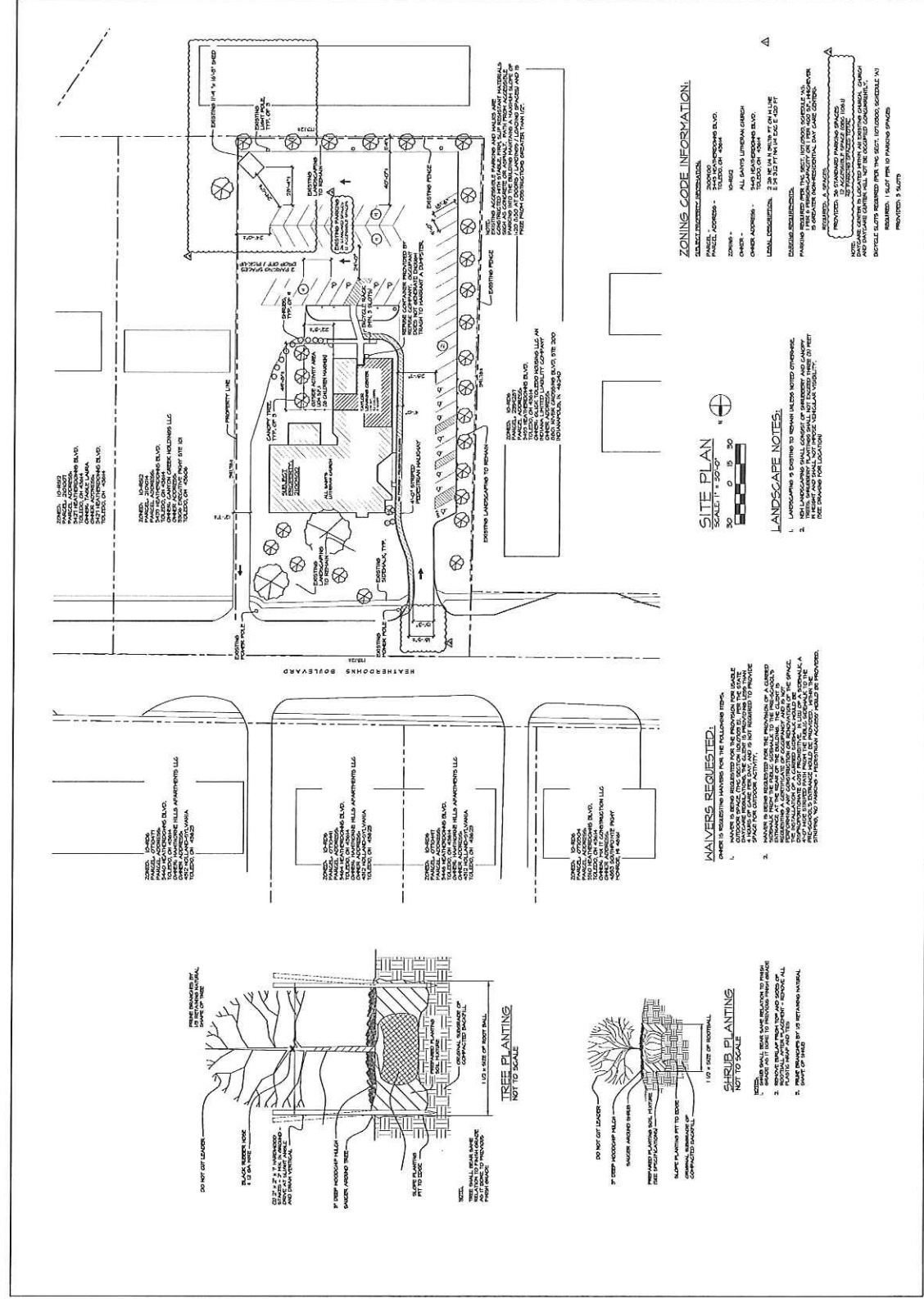




**SUP-8001-22**  
ID 148

**SITE PLAN**

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**Architecture by Design, Ltd.**  
6222 Kynberg Square, Syntex, Ohio 43150  
(614) 884-3011 | architecture@abdesign.net

**DESIGNER**

**TAYLOR LEARNING CENTER**  
5445 HEATHERDOWNS BLVD.  
TOLLEDO, OHIO 43614

**SPECIAL USE PERMIT FOR:**  
TAYLOR LEARNING CENTER

**ZONING CODE INFORMATION:**  
DIRECT ZONING INFORMATION:  
PARCEL ADDRESS - 5445 HEATHERDOWNS BLVD.  
TOLLEDO, OH 43614  
OWNER - ALL SAINTS LUTHERAN CHURCH  
CHURCH ADDRESS - 5445 HEATHERDOWNS BLVD.  
TOLLEDO, OH 43614  
LOCAL ORDINANCE - 16.01.01 WITH FACE 2 AND FACE 3  
PERMITS REQUIRED WITH THIS PERMIT: SEE PERMITS SECTION 16.01.01 AND 16.01.02  
PERMITS REQUIRED WITHOUT THIS PERMIT: SEE PERMITS SECTION 16.01.01 AND 16.01.02  
PERMITS REQUIRED WITH THIS PERMIT: SEE PERMITS SECTION 16.01.01 AND 16.01.02  
PERMITS REQUIRED WITHOUT THIS PERMIT: SEE PERMITS SECTION 16.01.01 AND 16.01.02  
PERMITS REQUIRED WITH THIS PERMIT: SEE PERMITS SECTION 16.01.01 AND 16.01.02  
PERMITS REQUIRED WITHOUT THIS PERMIT: SEE PERMITS SECTION 16.01.01 AND 16.01.02

**LANDSCAPE NOTES:**  
1. LANDSCAPING IS DESIGNED TO REMAIN IN GOOD WEED FREE CONDITION.  
2. LANDSCAPING SHALL BE MAINTAINED BY THE OWNER AND LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPING.  
3. LANDSCAPING SHALL BE MAINTAINED BY THE OWNER AND LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPING.

**MANEUVERS REQUESTED:**  
OWNER IS REQUESTING MANEUVERS FOR THE FOLLOWING ITEMS:  
1. MANEUVER TO BE REQUESTED FOR THE PROVISION OF A CLOSED CURB CUT AT THE INTERSECTION OF HEATHERDOWNS BLVD. AND TAYLOR LEARNING CENTER. THE CLOSED CURB CUT SHALL BE MAINTAINED BY THE OWNER AND LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE CLOSED CURB CUT.  
2. MANEUVER TO BE REQUESTED FOR THE PROVISION OF A CLOSED CURB CUT AT THE INTERSECTION OF HEATHERDOWNS BLVD. AND TAYLOR LEARNING CENTER. THE CLOSED CURB CUT SHALL BE MAINTAINED BY THE OWNER AND LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE CLOSED CURB CUT.

**TREE PLANTING**  
NOT TO SCALE  
1. 10" DBH TREE TO BE PLANTED BY THE OWNER AND LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE TREE.  
2. 10" DBH TREE TO BE PLANTED BY THE OWNER AND LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE TREE.  
3. 10" DBH TREE TO BE PLANTED BY THE OWNER AND LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE TREE.

**SHRUB PLANTING**  
NOT TO SCALE  
1. 10" DBH SHRUB TO BE PLANTED BY THE OWNER AND LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SHRUB.  
2. 10" DBH SHRUB TO BE PLANTED BY THE OWNER AND LANDSCAPING CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE SHRUB.  
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