

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: August 12, 2022

REF: SUP-6007-22

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 day care center at 3104 Nebraska

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, August 11, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

| | | |
|-----------|---|---------------------------------------------------------------------------|
| Request | - | Special Use Permit for a Day Care Center |
| Location | - | 3104 Nebraska Avenue |
| Applicant | - | Marisha Peace & Devon Raymond 3104 Nebraska Avenue Toledo, OH 43607 |
| Owner | - | Devon Raymond 3104 Nebraska Avenue Toledo, OH 43607 |
| Designer | - | Larry Miller 2722 N Holland Sylvania Road Toledo, OH 43615 |

Site Description

| | | |
|--------------|---|--------------------------------------------------------------|
| Zoning | - | RS6 / Single Family-Residential |
| Area | - | ± 0.17 acres |
| Frontage | - | ± 60' along Nebraska Avenue ± 120' along Underwood Avenue |
| Existing Use | - | Type A Day Care |
| Proposed Use | - | Day Care Center |

GENERAL INFORMATION (cont'd)

Area Description

| | | |
|-------|---|---------------------------------------------|
| North | - | Single family homes / RS6 |
| South | - | Nebraska Avenue, undeveloped land / IL |
| East | - | Underwood Avenue, single family homes / RS6 |
| West | - | Single family homes / RS6 |

Parcel History

| | | |
|-------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SUP-3003-18 | - | Special Use Permit for a Type A Family Day Care at 3104 Nebraska Avenue. PC recommended approval 07/18/2022. CC recommended approval 08/15/2018. Ord. 351-18 passed 08/28/2018. |
|-------------|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a Day Care Center at 3104 Nebraska Avenue. The ±0.17-acre site is zoned RS6-Single Family Residential and is currently a Type A Daycare. The Type A Daycare was approved via Ord. 351-18 on 08/28/2018. The applicant would like to care for more children, and has proposed thirty-six (36) children in care with four (4) employees.

Use Specific Regulations

Day Care Centers are to be located on a major street, have adequate indoor and outdoor space, and have a drop-off / pick-up location designated. The square footage for the Day Care Center building is 1,510 square feet, permitting at most forty-three (43) children in care. The outdoor play area is 560 square feet, permitting nine (9) children to be using the outdoor area at any one time. The drop-off location is located adjacent to the building and the Division of Transportation approves of the parking layout.

STAFF ANALYSIS (cont'd)

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*, a Day Care Center is required to have one (1) parking space per six (6) person capacity or one (1) per four hundred (400) square feet, whichever is greater. Four (4) parking spaces are provided, therefore twenty-four (24) people may occupy the building at one time. The Division of Transportation did not have concerns about parking or circulation. As a condition of approval, Plan Commission will require a rereview of the Special Use Permit for compliance. If traffic is found to be an issue due to the increase in the number of children in care, Plan Commission may reduce occupancy. Additionally, the applicant shall provide the Plan Commission staff with a notice of how many children the Ohio Department of Jobs and Family Services allows for the site.

In order to allow the parking, the applicant will require a waiver of TMC§1105.0204(B)-*Rear Yard Coverage*. This requires the coverage of driveways, open air parking, detached garages and carports may not occupy more than fifty percent (50%) of the total rear yard in a Residential district. This must be waived in order to allow the requested parking as depicted on the site plan.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in TMC§1107.1701 – *Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least one (1) van accessible space with an eight foot (8') drive aisle for persons with physical disabilities. The off-street parking includes one (1) van accessible space and complies with the accessible parking requirements.

Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0304). Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. Calculations conclude that a total of two (2) bicycle parking slots are required. Bicycle parking shall be indicated on a revised site plan.

Landscaping

Per TMC§1104.0703(E), a ten foot (10') Type B landscape buffer shall be provided around the outdoor play area. Per these regulations, four (4) trees and fifteen (15) shrubs are required per 100 linear feet. A privacy fence may substitute for shrub regulations. The site plan depicts a seventeen and a half-foot (17'6") by thirty-two-foot (32') play area with a three-foot (3') tall fence and two (2) trees. One (1) is an existing canopy tree and the other is a new evergreen tree. In order to meet the Type B landscaping requirements per TMC§1108.0203 – *Buffer and Screening Requirements*, three (3) trees are required to be placed within the buffer. One (1) additional tree is required as a condition of approval.

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

Parking lot landscaping is essential to prevent headlights from being seen from public rights-of-way, curb the urban heat island effect, as well as beautify the site. TMC§1108.0204 – Parking Lot Landscaping (Interior and Perimeter) states a perimeter landscape buffer shall be provided abutting the parking area and to visually screen all off-street loading facilities from view of Residential districts and public right-of-ways. A minimum of at least one (1) canopy tree must be provided for each thirty (30) linear feet, plus a continuous shrub with a minimum height of eighteen inches (18”). The site plan depicts a landscape buffer around the parking area including six (6) trees and thirteen (13) and meets the landscaping requirements.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for single-family residential land uses. The single-family residential district is intended to create, maintain, and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods. Additional uses may include libraries, schools, churches, and community centers. A Day Care Center is appropriate with this land use.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-6007-22, a Special Use Permit for a Day Care Center at 3104 Nebraska, to Toledo City Council for the following reason:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – Review & Decision-Making Criteria), and

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

Chapter 1105 Accessory Uses

Sec. 1105.0204(B) – The coverage of driveways, open air parking, detached garages and carports may not occupy more than 50 percent of the total rear yard in a Residential district:

Approve a waiver to allow the rear yard to be paved in excess of 50%. The paved area will accommodate the required parking for a Day Care Center.

PLAN COMMISSION RECOMMENDATION (cont'd)

The Toledo City Plan Commission further recommends approval of SUP-6007-22, a Special Use Permit for a Day Care Center at 3104 Nebraska Avenue, to Toledo City Council subject to the following **nineteen (19)** 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.

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 One Stop Shop, (419) 245-1220.

Fire Prevention

4. It appears that this building will undergo a change of use. This will require compliance with all applicable Fire Sprinkler and Alarm, Building, Electrical, Mechanical and Plumbing code requirements.
5. Approved Premises identification is required.

Division of Transportation

6. Sidewalk is required to be the full length of the property on Underwood Ave. per TMC 1107.1300.

Plan Commission

7. The applicant shall provide Plan Commission staff with the number of children the Department of Jobs and Family Services approves to be in care at the site.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

8. 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. The site plan submitted depicts an occupancy area of 1,510 square feet.**
9. 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. However, only nine (9) children shall use the outdoor play area at any one time.**
10. Parking Schedule "A" (TMC§1107.0304) states that Day Care Centers must have one (1) parking space per six (6) person capacity or one (1) space per 400 square feet, whichever is greater. **Acceptable as depicted. Note the applicant shall have no more than twenty-four (24) individuals on site at one time due to parking limitations.**
11. 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. **Acceptable as depicted on site plan.**
12. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
13. A minimum of two (2) bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). **Shall be depicted on revised site plan.**
14. No 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. **Existing banner signage may remain and shall be maintained without expansion.**
15. 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:

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- a. A Type "B" Landscape Buffer is required around the outdoor play area. The buffer shall be a minimum of ten feet (10') in width with ten (10) trees and either fencing or shrubs. The location, height and materials for any fencing to be installed and maintained shall be indicated. **Not acceptable as depicted on site plan. One (1) additional tree shall be provided around the play area and depicted on a revised site plan.**
- b. Perimeter landscaping shall be installed along any parking lot area adjacent to a street, place, or driveway and shall be provided abutting the parking area to visually screen all off-street loading facilities from view of public right-of-ways. A minimum of at least one canopy tree must be provided for each 30 linear feet, plus a continuous shrub with a minimum height of 18 inches. **Acceptable as depicted.**
- c. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or 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. **Dumpster enclosure details shall be provided on a revised site plan.**
- d. Topsoil must be back filled to provide positive drainage of the landscape area.
- e. 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.
- f. 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, all species and location of shrubs shall be identified on a revised landscape plan.**
- g. The location, height and materials for any fencing to be installed and maintained; Pursuant to TMC§1105.0302(A)(1), fences may not exceed 3½ feet in height in the required front setback. Additionally, per TMC§1105.0303, the use of barbed wire, razor wire, concertina wire or the like shall not be permitted in the front yard setback and not anywhere along a street right-of-way; **not acceptable as depicted, height and fencing material shall be indicated on a revised site plan,**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and,
 - i. The location, lighting and size of any signs.
16. 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. **The Special Use Permit shall be reviewed after one (1) year for compliance.**
17. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
18. 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.
19. 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

DR

Five (5) sketches follow

Cc: Marisha Peace & Devon Raymond, 3104 Nebraska Avenue, Toledo OH 43607

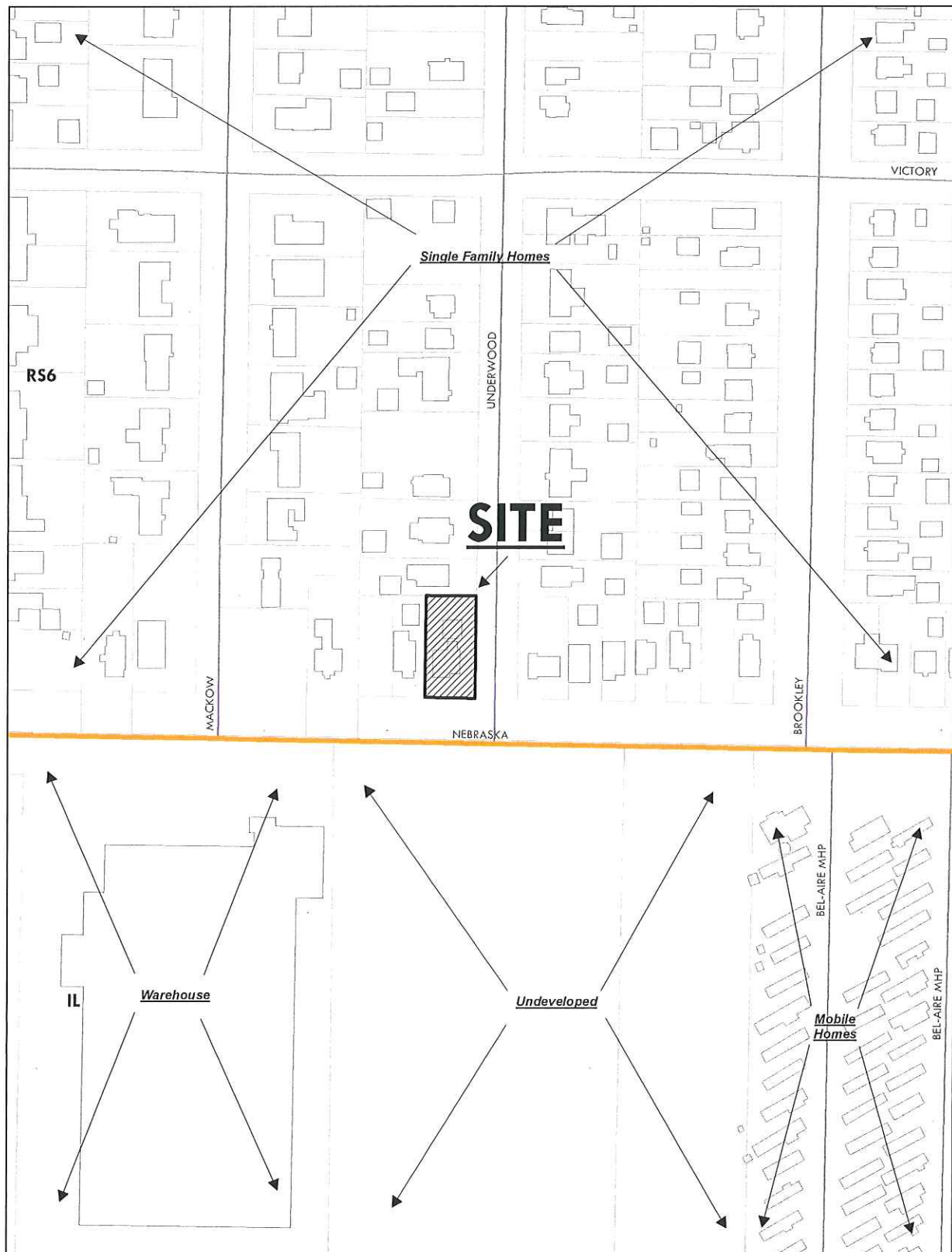
Larry Miller, 2722 N Holland Sylvania Road, Toledo OH 43615

Lisa Cottrell, Administrator

Dana Reising, Associate Planner

ZONING & LAND USE

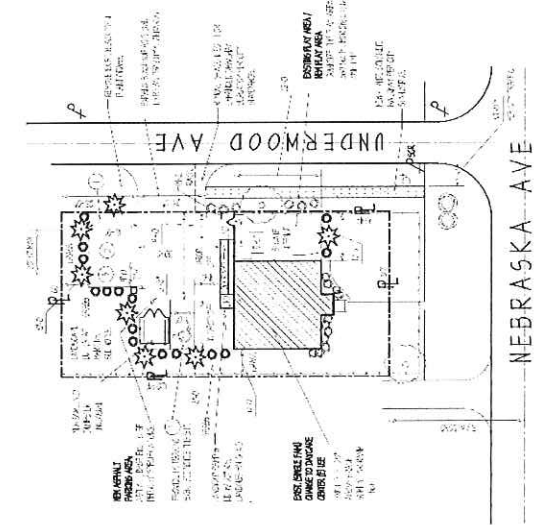
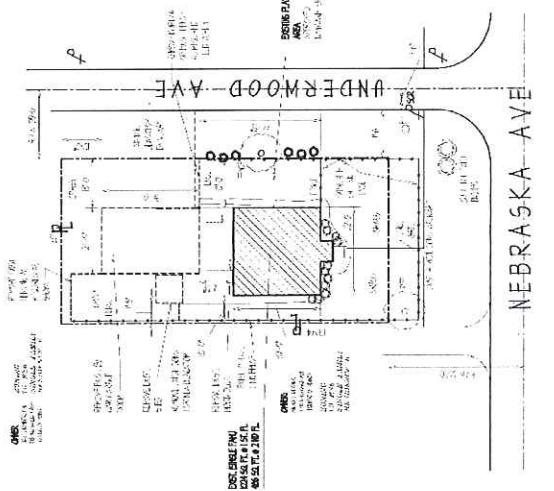
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SITE PLAN



- SYMBOL KEY:**
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Gibbons, Julie

From: Reising, Dana
Sent: Monday, August 22, 2022 11:39 AM
To: Hobbs, John
Cc: Gibbons, Julie; Gibbons, Thomas
Subject: SUP-6007-22 Concerned Neighbor

Good Morning Councilman Hobbs,

I wanted to let you know that I received a phone call from a neighbor concerning SUP-6007-22, the proposed Daycare Center at 3104 Nebraska Avenue. The neighbor wanted me to relay the following to you:

She is against the Daycare going from a Type A to a Center, and listed several reasons why:

- Traffic issues are now in the neighborhood from people picking up and dropping off children.
- People are parking in her driveway (she lives directly next to the Daycare).
- The Daycare provider will host events outside with up to 50 people and children. The noise is bothersome and gatherings will go on until 7pm.
- She would like the Daycare provider to install a privacy fence to help with noise.

Plan Commission recommended approval of the Daycare. Plan Commission staff had concerns about increasing the number of children and limited the occupancy to 24 people at time (this includes both staff and children that are allowed at one time). I had not received any phone calls from neighbors prior to the hearing and no one spoke in favor of or against the Daycare Center at the hearing.

Feel free to contact me if you have any questions.

Have a good one!

Dana Reising

Associate Planner

[Toledo-Lucas County Plan Commissions](#)

[One Government Center, Suite 1620](#)

[Toledo, OH 43604](#)

Office: 419-245-1200

Direct: 419-936-2128

[Permit Planner](#)