



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: March 12, 2021

REF: SUP-12009-20

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

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 11, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Day Care Center
Location	-	411 E Central Avenue
Applicant	-	Bishop Gerald Brown & Tamara R Russell 3720 Monroe Street Toledo, OH 43606
Architect	-	Larry A Miller 2722 N Holland Sylvania Rd Toledo, OH 43615

Site Description

Zoning	-	RD6 / Residential Duplex
Area	-	± 1.116 acres
Frontage	-	± 280' along E Central Ave.
Existing Use	-	Vacant VFW Banquet Hall
Proposed Use	-	Day Care Center

Area Description

North	-	Residential Duplex/ RD6
South	-	Residential Duplex/ RD6
East	-	Residential Duplex/ RD6
West	-	Neighborhood Commercial/ CN

GENERAL INFORMATION (cont'd)

Parcel History

- | | | |
|------------|---|--|
| Z-316-67 | - | Request a Special Use Permit for construction of lodge building north of E. Central Ave and east of Elm St. PC approved 12-14-67, CC Ord. 391-66 |
| SUP-316-67 | - | Minor change to Special Use Permit, Z-316-67, for the addition of parking for 25 cars. Approved 11-30-77, Ord. 875-77 |

Applicable Regulations

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

STAFF ANALYSIS

This case was deferred for thirty days at the request of the applicant.

The applicant is requesting a Special Use Permit for Day Care Center called "R" Village residing in the World Wide Living Word Ministries. The day care center will serve infants over 18 months to school age children up to 12 years of age, Monday through Friday, operating from 6:00 a.m. to 7:00 p.m. The maximum number of children in care is thirty (30) with up to four (4) staff at any one time. The Day Care Center will serve families within the surrounding neighborhood as well as church members.

Use Specific Regulations

- a. Location: A Day Care Center 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.

Parking

- a. The submitted site plan indicates eighty (80) off-street parking spaces. Two (2) of these are reserved for use by persons with physical disabilities. Pursuant to TMC§1107.1800, there must be three (3) auto and one (1) van accessible spaces.

STAFF ANALYSIS (cont'd)

- b. In addition to the minimum number of required off-street and accessible parking, bicycle parking is also required to be provided on site. Per TMC§1107.0300 – *Off-Street Parking Schedule "A"*, a minimum of one (1) bicycle space shall be provided per ten (10) automobile parking spaces.

Landscaping

- a. Per TMC§1108.0202 – *Frontage Greenbelts*, a greenbelt is required along all frontages that abut public right-of-ways. The frontage greenbelt shall include at least one (1) tree for every thirty-feet (30') of lot frontage and shall also include grass and shrub plantings.
- b. No landscape buffers are required along the eastern and southern boundaries, as they abut similarly zoned RD6 district (TMC§1108.0203).
- c. 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-12009-20, a request for a Special Use Permit for a Day Care Center at 411 E Central Ave, 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-12009-20, a request for a Special Use Permit for a Day Care Center for children ages 18 months to 12 years of age at 411 E Central Ave, to Toledo City Council subject to the following **thirty-two (32)** 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

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.
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.

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities. Contact the Division of Water Distribution (419-936-2839) to verify backflow prevention requirements for this site.
6. The existing 1/2-inch diameter water service line cannot be reused and will be abandoned by the City of Toledo at the owner's expense.
7. Plans for new water service lines or modifications to the existing water service lines shall be submitted to the Division of Water Distribution for review and approval.
8. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

9. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. Installation of the devices must be verified by the Division of Water Distribution and all devices must be registered with BSIonlinetracking.com @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.

10. New water service taps will be installed by City of Toledo at the developer's expense.

Sewer & Drainage Services

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

12. 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

13. 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.

14. Approved Premises identification is required.

Environmental Services

15. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

16. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services (cont'd)

17. 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.
18. 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
19. 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.

Division of Transportation

20. Bike parking spaces required per TMC 1107.
21. One van accessible parking space with 8' loading aisle and 3 auto accessible parking spaces with 5' loading aisle is required per TMC 1107.
22. Wheel stops are required at all parking spaces abutting sidewalks, property lines, buildings, and planting areas per TMC 1107.

Plan Commission

23. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300), which requires one (1) bicycle parking slot per ten (10) parking spaces; **not acceptable as depicted on revised site plan.**
24. The submitted site plan indicates eighty (80) off-street parking spaces. Two (2) of these is reserved for use by persons with physical disabilities. Pursuant to TMC§1107.1800, there must be three (3) auto and one (1) van accessible spaces: **not acceptable as depicted on revised site plan.**
25. 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.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

26. Current 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; **not acceptable as depicted on site plan.**
27. Per TMC§1108.0202 – *Frontage Greenbelts*, a greenbelt is required along all frontages that abut public right-of-ways. The frontage greenbelt shall include at least one (1) tree for every thirty feet (30') of lot frontage and shall also include grass and shrub plantings. **Existing tree, fencing, and shrubs are not acceptable as shown in the site plan. The frontage greenbelt is approximately 280' including two (2) existing trees. Seven (7) more trees must be planted to be compliant.**
28. 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.
29. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
30. 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.
31. 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

TO: President Cherry and Members of Council
March 11, 2021
Page 8

REF: SUP-12009-20

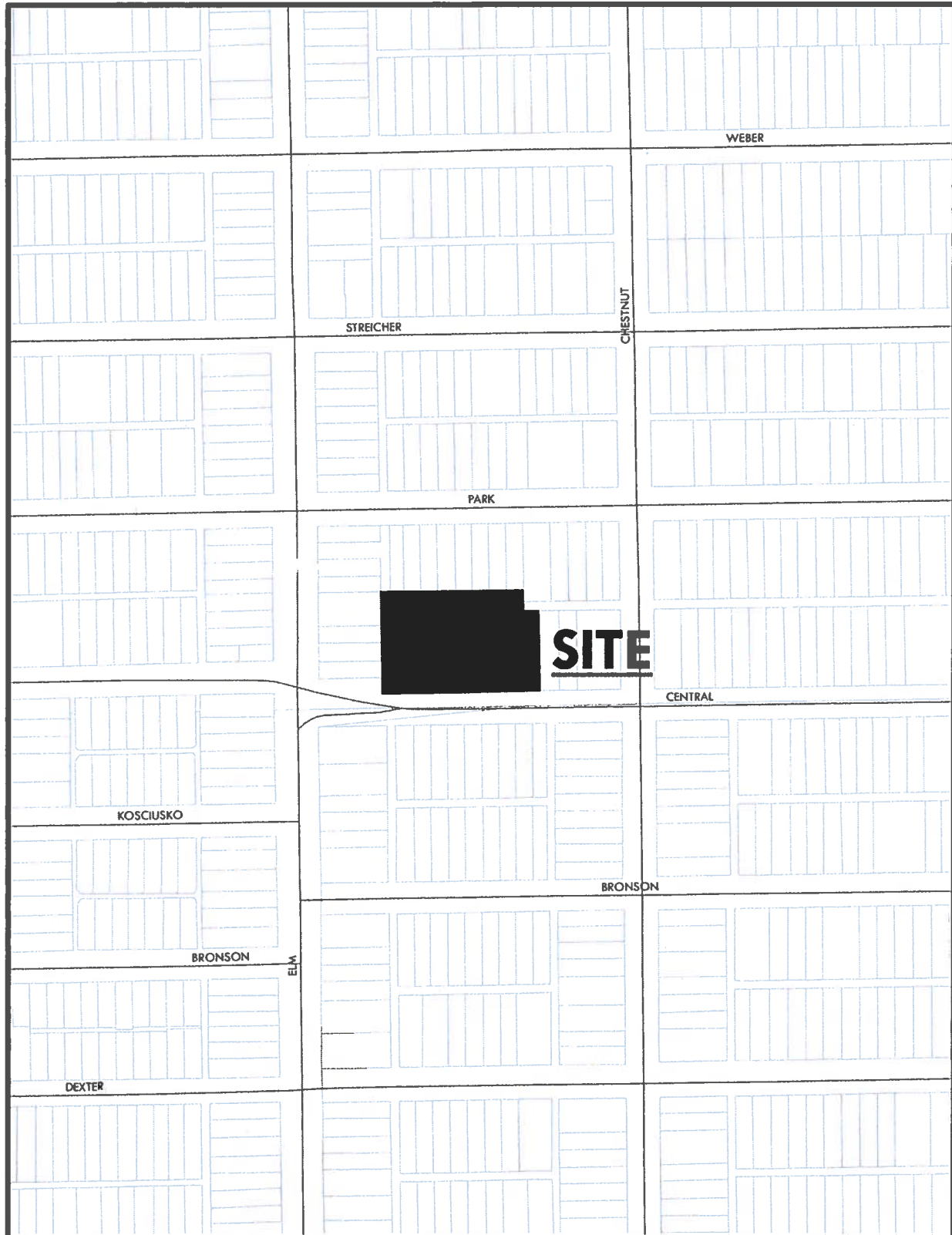
NH

Three (3) sketches follow

Cc: Tamara Russell, Applicant
Larry Miller, Architect
Lisa Cottrell, Administrator
Nancy Hirsch, Planner

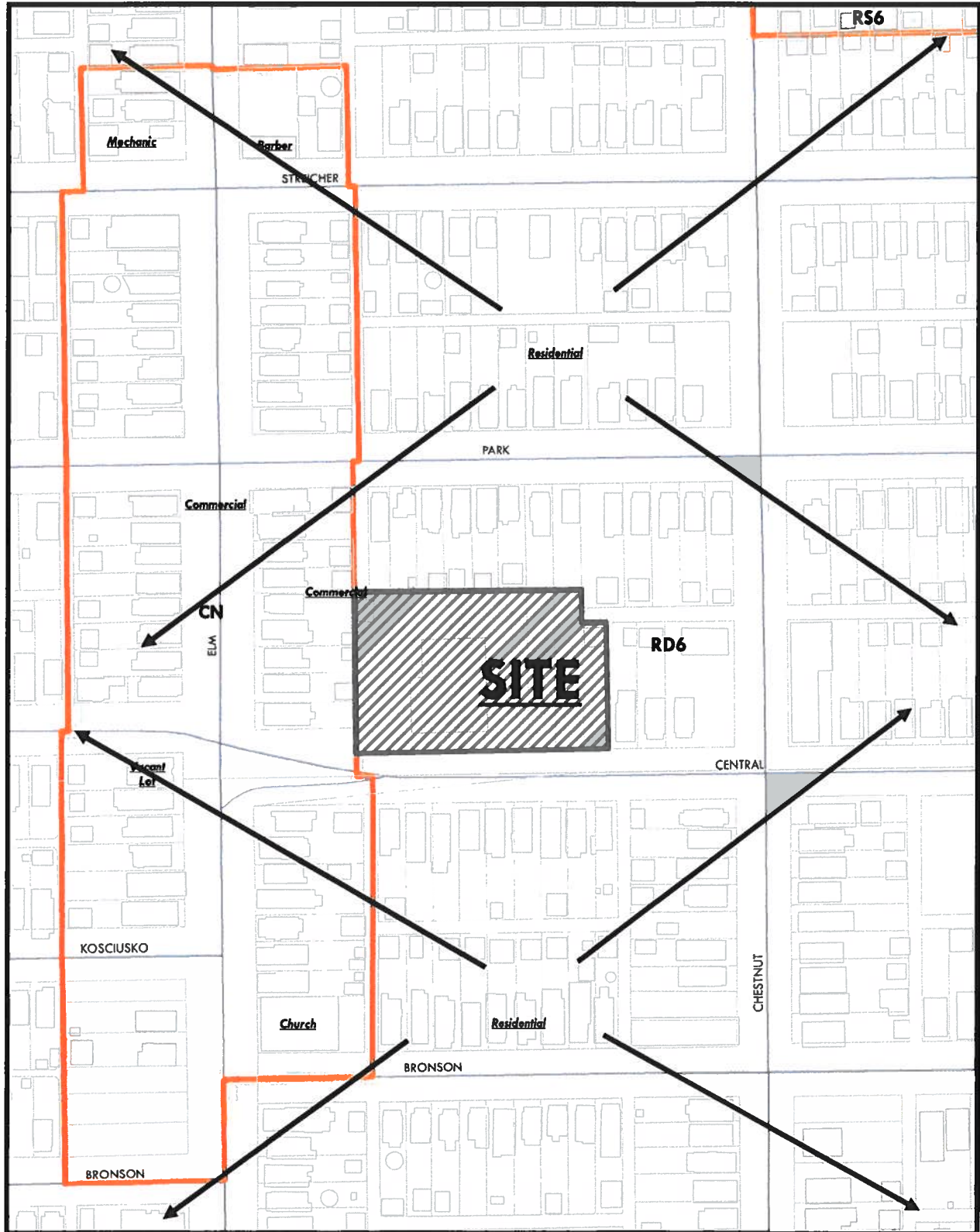
General Location

SUP-12009-20



Zoning & Land Use

SUP-12009-20





TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: January 29, 2021
REF: SUP-12009-20
PLANNER: Hirsch

NOTICE OF PUBLIC HEARING

on

Date: Thursday, February 11, 2021

Request: Special Use Permit Day Care Center

Location: 411 E Central Ave

The complete legal description of the land in question is on file at the office of the Toledo City Plan Commission, located at One Government Center, Suite 1620, Toledo, Ohio 43604.

Notice of this hearing is mailed to the **project applicant** as well as owners of property within and contiguous to and directly across the street from subject parcel (or parcels at the addresses of such owners appearing on the County Auditor's current tax list). Please share this notice with neighbors that may lie beyond the range of this mailing. They may attend the public hearing and/or otherwise make their feelings known about this case.

The Toledo City Plan Commission will hold a hearing to consider this request at **2:00 p.m.** on **Thursday, February 11, 2021** as a Zoom meeting. You may attend this hearing by clicking on the following link at the time of the hearing. You will then be added as an "attendee" and will have opportunity to communicate via a "question and answer" tab. We will receive your comments/questions, and a facilitator will communicate them to the Commission Members. **If you are the project applicant, please make every effort to attend the hearing.**

Zoom Link:

Join from PC, Mac, Linux, iOS or Android:

<https://toledo-oh-gov.zoom.us/j/86196937519?pwd=N3FvZDIEdTkzSE5mUzRNU2ppYXNpdz09>

Passcode: 960957

Or at zoom.us enter Webinar ID 861 9693 7519

Webinar Passcode 960957

Or Telephone:

Dial: 602-333-2017 or 888-204-5987 (US Toll Free)

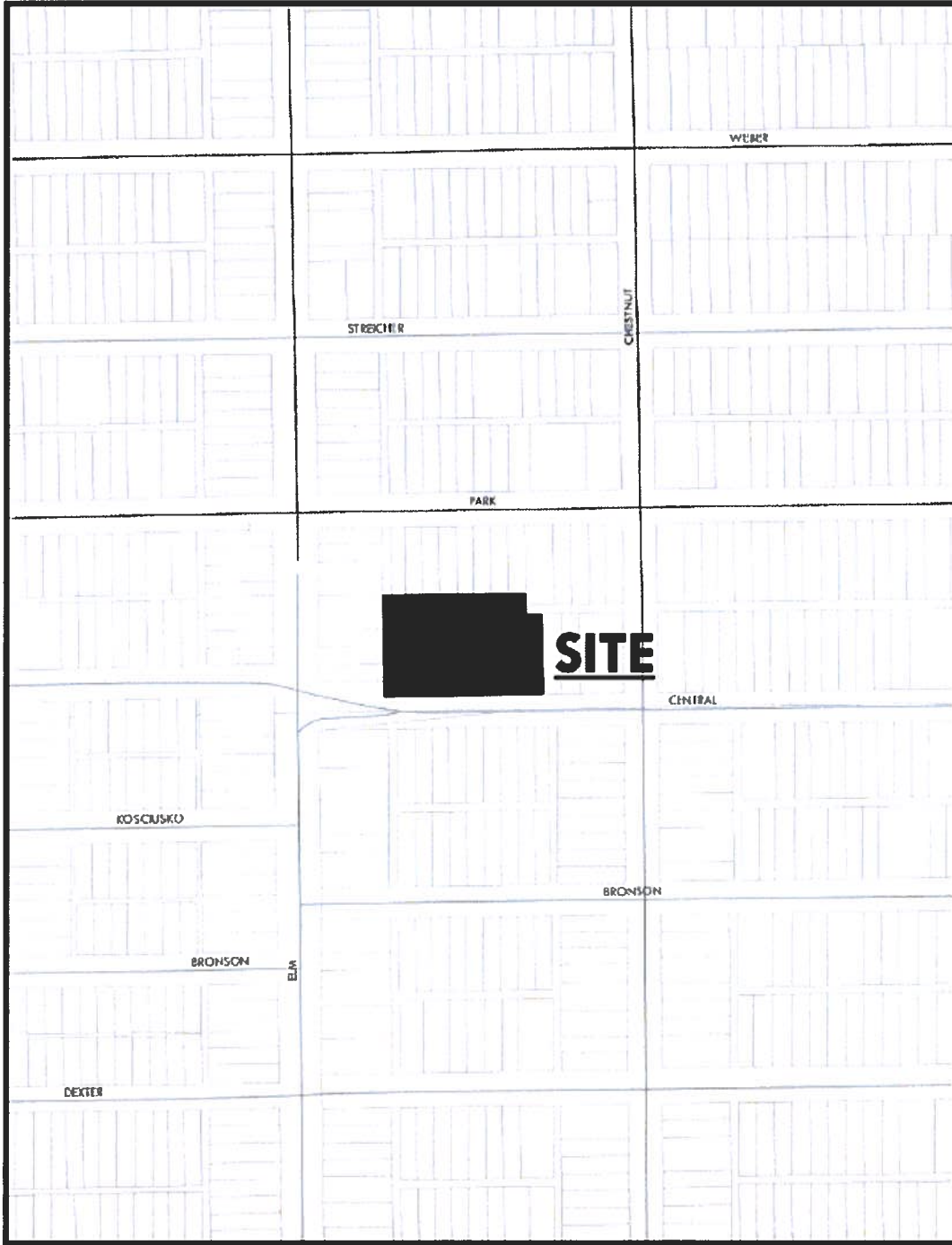
Conference code: 291916

You may also call the office of the Toledo City Plan Commission at 419-245-1200 or email any comments that you have to the planner at nancy.hirsch@toledo.oh.gov. We will ensure that your comments are incorporated as part of the public record.

TOLEDO CITY PLAN COMMISSION

General Location

SUP-12009-20



CITY OF TOLEDO, OHIO

Clerk of Council
One Government Center
Toledo, Ohio 43604

Julie Gibbons
Assistant Clerk of Council

Telephone
419-245-1060

Date: January 29, 2021
Ref: SUP-12009-20

NOTICE OF PUBLIC HEARING

Wednesday, March 17, 2021

The Zoning and Planning Committee of Council, at a Zoom meeting to be held on Wednesday, March 17, 2021 at 4:00 p.m., will consider the following request:

Special Use Permit for a Day Care Center at 411 E Central Ave.

When: March 17, 2021 04:00 PM Eastern Time (US and Canada)
Topic: Toledo City Council Zoning & Planning Committee Meeting

Please click the link below to join the webinar:

<https://toledo-oh-gov.zoom.us/j/84938443246?pwd=bn5DVjVvNEtQcnJlN2ZlY2h5WVY0dz09>

Passcode: 253123

Or Telephone:

Dial:

USA 602 333 2017

USA 8882045987 (US Toll Free)

Conference code: 623767

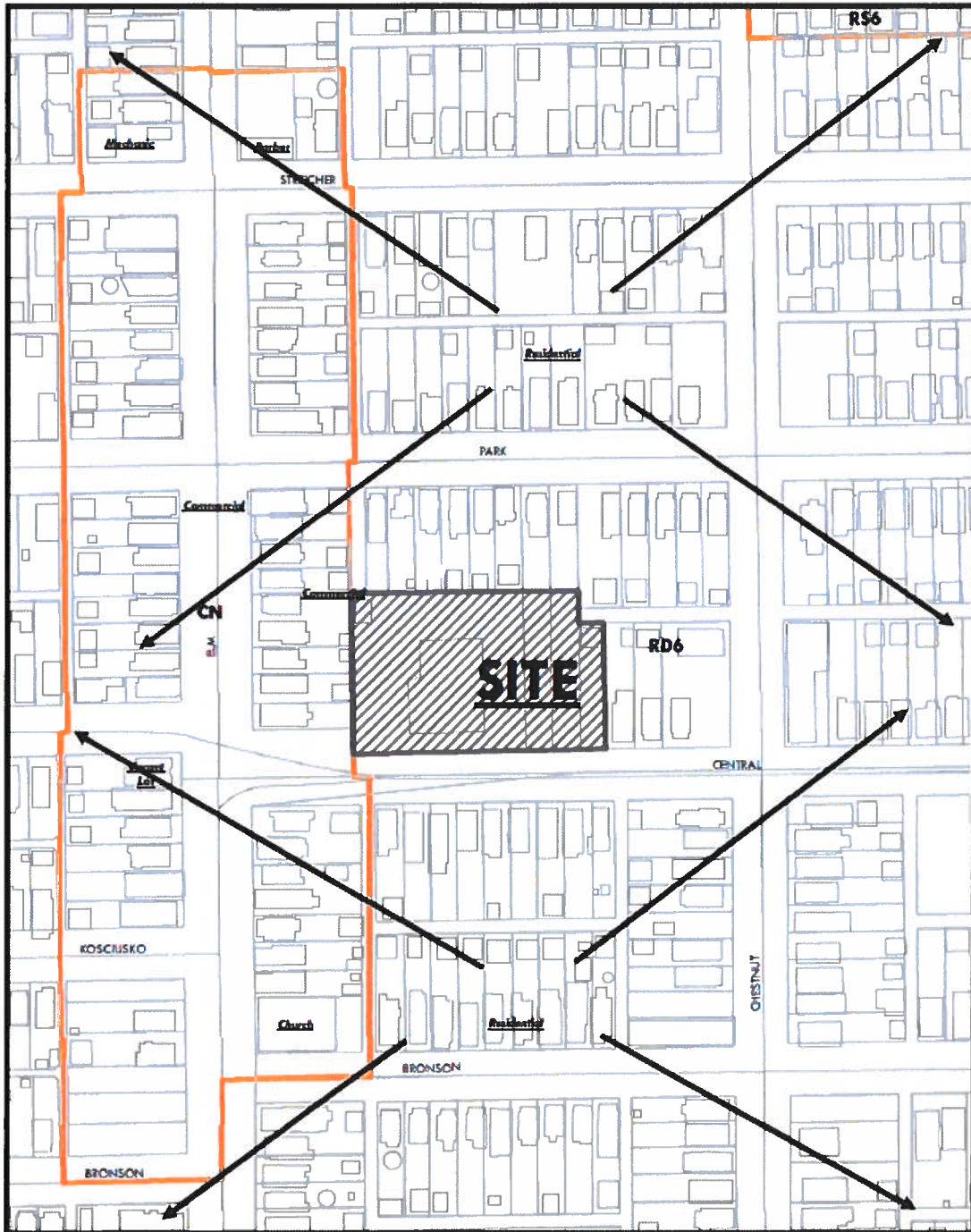
Julie Gibbons
Assistant Clerk of Council

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

NOTICE PUBLISHED IN TOLEDO CITY JOURNAL

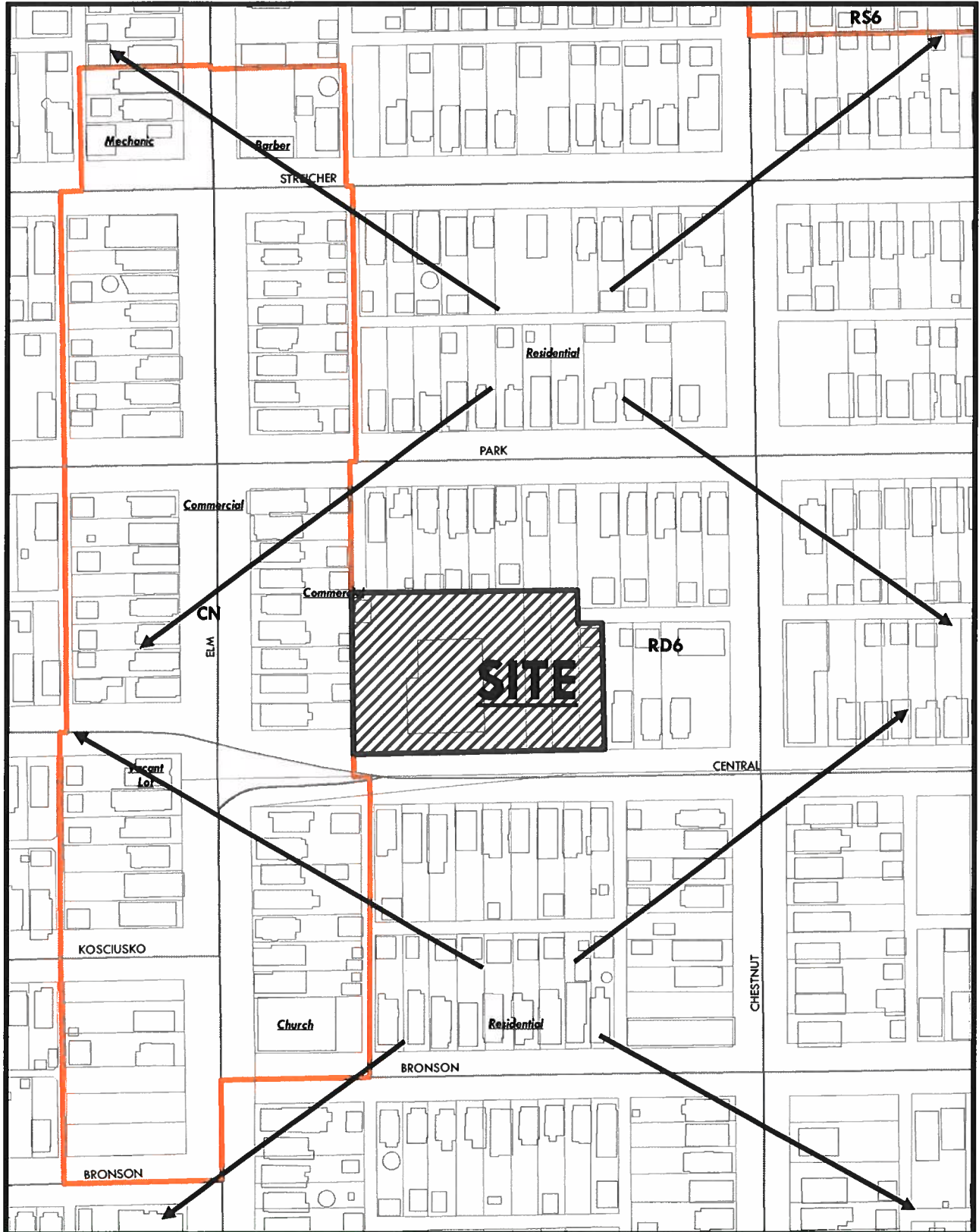
Zoning & Land Use

SUP-12009-20



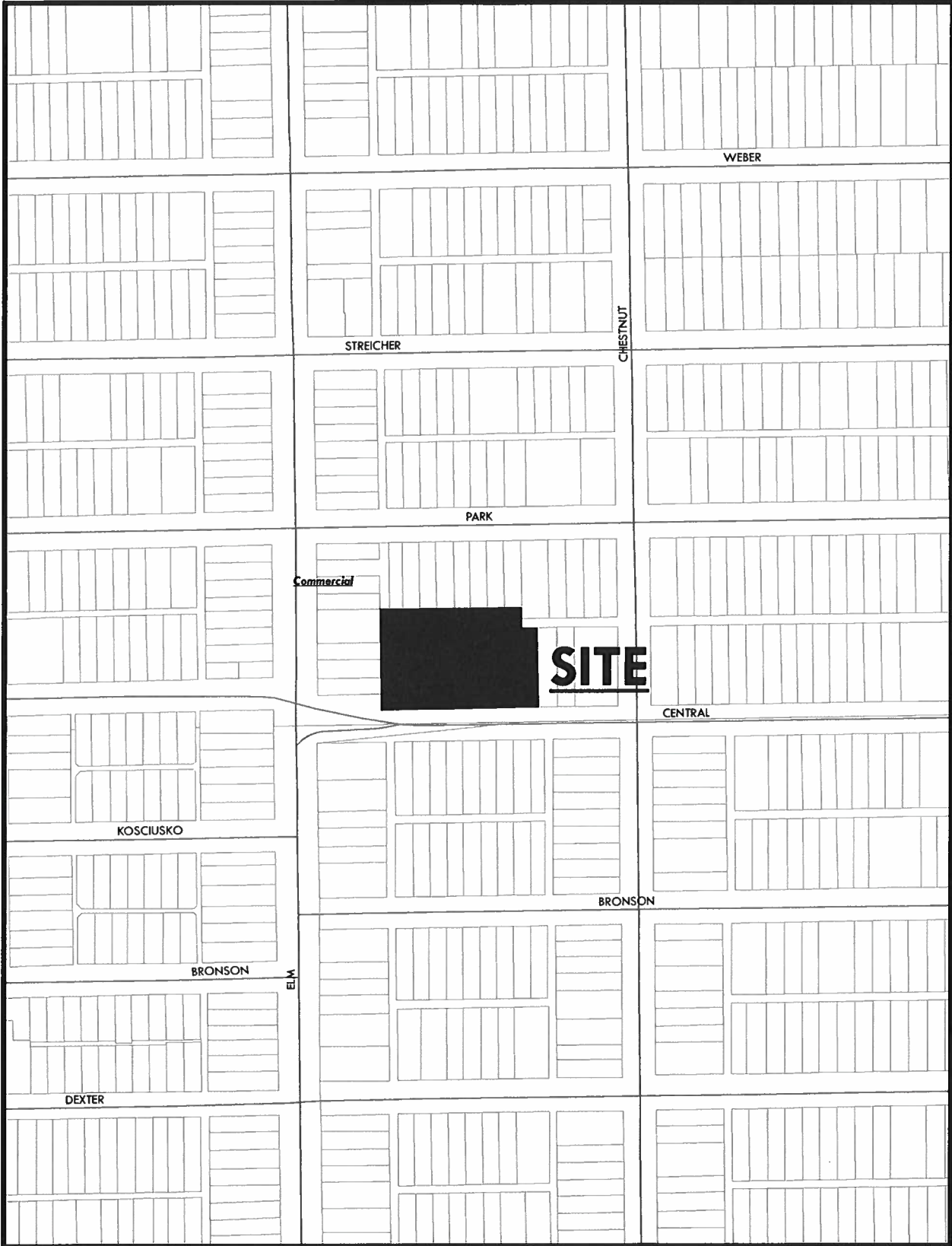
Zoning & Land Use

SUP-12009-20



General Location

SUP-12009-20

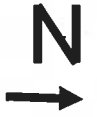


owner	mailing address 1	mailing address 2
A.V.R.E. HOLDINGS LLC	10734 MONCLOVA RD	MONCLOVA OH 43542 9646
BARTECK D W & A M	3341 WOODLEY RD	TOLEDO OH 43606 1261
BEST HOME LLC	26 LANDSDOWNE RD	TOLEDO OH 43623
BOELT NGHIA CHUNG	3309 CHERRY ST	TOLEDO OH 43608
BONDS CARL E JR	337 CENTRAL AVE	TOLEDO OH 43608
BRANHAM OWEN DAVID	3108 ELM ST	TOLEDO OH 43608 1956
BROWN FRED	3117 ELM ST	TOLEDO OH 43608 1954
BROWN THERISA	426 E CENTRAL AVE	TOLEDO OH 43608 1902
PHOENIX-BUMPUS PHENON	233 MAJESTIC	TOLEDO OH 43608
BYRD MARCUS M	2541 CHARLESTOWN	TOLEDO OH 43613
CITY OF TOLEDO	ONE GOVERNMENT CENTER SUITE 2250	TOLEDO OH 43604
COMBINED SOLUTIONS LLC	735 SAINT ANNES	HOLLAND OH 43528
CYTLAK EDWARD A & PEGGY JEAN	6112 BURRWOOD	SYLVANIA OH 43560
EVANS TYLER JAMAINE	147 PALMER ST	TOLEDO OH 43608
FITZPATRICK ROGER D & SUSAN P	436 E CENTRAL AVE	TOLEDO OH 43608
FORGETTE NICOLE	925 BAKER ST	TOLEDO OH 43608 2847
GARRETT ANTIONE	316 KOSCIUSKO ST	TOLEDO OH 43608
GIST KELVIN M	5637 SWAN CREEK DR	TOLEDO OH 43614 1102
GLENCO ENTERPRISES LLC	828 RIDGE DR	GLENDAL CA 91206 1753
GREATER METROPOLITAN TITLE LLC	5217 MONROE ST	TOLEDO OH 43623
HANSEN JULIE A	713 W CAPISTRANO AVE	TOLEDO OH 43612 3252
HICKMAN HOLLY L	450 E PARK ST	TOLEDO OH 43608 1916
HINOJOSA LAMBERT	3004 ELM ST	TOLEDO OH 43608 1953
INSHANALLY MOHAMED & BIBI	1122 VIETH DR	OREGON OH 43616 3491
JAMES CYNTHIA	3127 ELM ST	TOLEDO OH 43608 1954
KRUZEL KENNETH A	5347 COWAN	TOLEDO OH 43613
KUSINA STEVE & DANIEL	445 E CENTRAL AVE	TOLEDO OH 43608 1901
LIGHTEN TIFFIANY	3114 ELM ST	TOLEDO OH 43608 1956
LUCAS COUNTY LAND REUTILIZATION CORPORATION	ONE GOVERNMENT CENTER, STE 500	TOLEDO OH 43604
LUCAS SHARDA E	2108 PARKSIDE BLVD	TOLEDO OH 43607 1556
MARINSKI RICHARD J JR	444 E PARK	TOLEDO OH 43608
MCLAURINE GWENDOLYN *	436 E PARK	TOLEDO OH 43608
MDH HOLDINGS LLC	23 JACKRABBIT	IRVINE CA 92618

MEDLEY DENNIS	3005 ELM ST	TOLEDO OH 43608 1909
MELENDREZ ANSELMO & SEVERA	513 E CENTRAL AVE	TOLEDO OH 43608 1903
MURRY JAMES	320 BOSTON PL	TOLEDO OH 43610
NASH TRINA M	3105 ELM ST	TOLEDO OH 43608 1954
OHMS SETH	558 INDIAN RIDGE TR	ROSSFORD OH 43460
PARKER KAREEM	3102 ELM ST	TOLEDO OH 43608
PARKER KAMAU	4 CROWN DR UNIT 320	QUINCY MA 02169
PARRAZ ELENA P	451 W MANHATTAN BLVD	TOLEDO OH 43608 1069
POWELL KENNETH L	1529 ADDINGTON RD	TOLEDO OH 43607
RODRIGUEZ ELIAS & PATRICIA	3101 ELM ST	TOLEDO OH 43608 1954
SATTERWHITE DALE C	502 E PARK	TOLEDO OH 43608
SAWYER LEGACY INVESTMENTS LLC	PO BOX 141273	TOLEDO OH 43614
SIMMONS STACEY	529 E OAKLAND ST	TOLEDO OH 43608
SPRAUER JONATHON W	3012 ELM ST	TOLEDO OH 43608 1953
SZYMANSKI MARTHA A	4925 ROYWOOD RD	TOLEDO OH 43613 3209
TAYLOR FATIMA	544 COLONIAL	TOLEDO OH 43620
THE REFLECTIONS BANQUET HALL, LLC	415 E CENTRAL AVE	TOLEDO OH 43608
TOLEDO PORTFOLIO 1 LLC	848 N RAINBOW BLVD STE 8196	LAS VEGAS NV 89107
TOLEDO RESTORATION PROPERTY MANAGEMENT	P O BOX 160	MILBURY OH 43447
TOLEDO TRANSFORMATION LLC	P O BOX 167195	OREGON OH 43616
TRAPP JEFFREY	2822 RECKER RD	PERRYSBURG OH 43551
TAUB-WILLIAMS DIANE	14150 CTY RD 2	SWANTON OH 43558

MAILING MAP

SUP-12009-20



PUBLIC HEARING

CASE NO. SUP-12009-20

REQUEST: Special Use Permit for Day Care Center
at 411 E Central Ave

APPLICANT NAME: World Wide Living Word Ministries

ADDRESS: 2030 Putnam Street, Toledo, OH 43620

DATE: February 11, 2021 TIME: 2:00 p.m.

Contact Person: Nancy Hirsch

Contact Person Phone Number: 419-936-2585

PLACE: Council Chamber, 1st Floor, One Government Center
Jackson & Erie Streets, Toledo, OH

**For Further Information, Contact
The Toledo-Lucas County Plan Commissions**

PHONE: (419) 245-1200

FAX: (419) 936-3730

TMC 1111.0304

CITY OF TOLEDO

SIGN POSTING REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedure established by the City Zoning Code (TMC 1111.0304) are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of the public rights-of-way (if the way has been in use) also require signs.

The applicant is responsible for posting the required sign(s) and ensuring that the signs remain posted throughout the 15-day period prior to public hearing. **Failure to maintain the signs during this entire period may be cause for deferral or denial of the application.** Upon notification, the sign(s) is to be picked up at the Toledo-Lucas County Plan Commission office between the hours of 8:00 a.m. and 4:45 p.m.

1. LOCATION

- A. The sign shall be conspicuously located. **It shall be located within twenty feet of the public sidewalk (or edge of public street).** Plan Commission staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be two to seven feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign in order to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then in addition to a sign placed on the property a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. Sign(s) shall be mounted on a post, stake or building at the site.

4. PERIOD OF POSTING

- A. Signs must be posted from (dates) 01.26.21 to 03.26.21.

5. REMOVAL

- A. The sign shall not be removed before the final hearing on the request.
- B. The sign shall be removed between seven (7) and ten (10) days after the final hearing.

I hereby acknowledge that I have read the above Sign Posting Requirements and discussed them with the Plan Commission staff. I understand all the requirements and agree to comply with each of them. I acknowledge receiving a copy of these Sign Posting Requirements.

(Applicant or Agent)

(Print Name or Organization)

(Telephone No.)

I issued 1 signs for this application 01.19.21
(Date)

Nancy Hirsch
(Staff Member)

Location of sign(s) 411 E Central Ave

CASE NUMBER SUP-12009-20