



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: April 18, 2022

REF: SUP-2008-22

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 4410 Lewis Ave

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, April 14, 2022 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	4410 Lewis Ave
Applicant	-	Shay Howard 2930 Indianola Drive Toledo, OH 43614
Engineer	-	Architecture by Design 5622 Mayberry Square Sylvania, OH 43560

#### Site Description

Zoning	-	RD6 / Duplex Residential
Area	-	± 0.29 acres
Frontage	-	±66' along Lewis Ave
Existing Use	-	Church Building
Proposed Use	-	Day Care Center

#### Area Description

North	-	Single and Two-Family Residential / RD6
South	-	Single and Two-Family Residential / RD6
East	-	Single and Two-Family Residential / RD6
West	-	Single and Two-Family Residential / RD6

## **GENERAL INFORMATION (Cont'd)**

### Parcel History

None on Record

### Applicable Regulations

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

## **STAFF ANALYSIS**

The applicant is requesting to open a Day Care Center in an established church building along Lewis Ave, north of Five Points. The ±0.29 acre site is zoned RD6, Duplex Residential. Surrounding properties share this residential zoning classification, although given the historic character of the area and location on a major street, many residential buildings on this portion of Lewis Ave still operate as commercial uses. Because the property is zoned RD6, a Special Use Permit is required for this Day Care Center.

### Day Care Center Requirements

TMC§1104.0703 requires that a Day Care Center have frontage on a major street, provide a drop-off and pick-up area, as well as an outdoor play area surrounded by a Type B landscape buffer, and offer sufficient indoor space for the children in care. Lewis Avenue is considered a Major Street according to the Toledo-Lucas County Major Street and Highway Plan. Staff has visited the site and been in communication with the applicant and design professional regarding the parking area, drop-off area, and outdoor play area. The site plan meets these requirements.

### Parking and Circulation

Pursuant to TMC§1107.0304, 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 offers 7 parking spaces, which is sufficient. Bicycle parking has also been shown on the site plan as required.

## **STAFF ANALYSIS (Cont'd)**

### Landscaping

The existing site has landscaping along the front of the building along Lewis Ave, and along the northern perimeter adjacent to the drive aisle. As highlighted above, the four (4) parking spaces along the western perimeter of the site shall be moved ten (10) feet west, and the western ten feet of the property shall be landscaped to meet the Perimeter Parking Lot landscaping requirements of TMC§1108.0204.B and TMC§1108.0204.C. A minimum of two canopy trees and a solid row of shrubs shall be provided here to the east of these four (4) parking spaces. As a condition of approval, all landscaping shall be shown on a revised site plan and be maintained indefinitely.

### Building Design

The building is existing. A new ADA accessible ramp is proposed in front of the building; no other changes are proposed.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Single Family Residential uses, and recommends an economic enhancement strategy for Five Points/Library Village. The proposed use of a Day Care Center is appropriate within the context of Single Family uses and fits in with the mixed residential/commercial corridor of this traditional neighborhood. The proposed use also allows for the revitalization of a traditional church building, a challenge that has been seen recently in several neighborhoods across Toledo.

## **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of SUP-2008-22, a Special Use Permit for a Day Care Center at 4410 Lewis Ave, to Toledo City Council for the following **two (2)** reasons:

1. The proposed use meets the stated purpose of this Zoning Code (TMC§1111.0706.A)
2. The proposed use complies with all applicable provisions of this Zoning Code (TMC§1111.0706.B)

The Toledo City Plan Commission recommends approval of SUP-2002-22, a Special Use Permit for a Day Care Center at 4410 Lewis Ave, to Toledo City Council subject to the following **twenty-two (22)** 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 Division

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.
4. The existing catch basin shown needs to be confirmed by the applicant as either draining into the ground through infiltration, or draining by a pipe. If draining by a pipe, the pipe must be traced out.
5. The City of Toledo requires that all sites proposing earth disturbing activities of 2,500 sq. ft. or more have stormwater management plans submitted for review and approval by the Division of Engineering Services prior to the start of any construction or earth disturbing work (grading, clearing, stockpiling, etc.), but the designer has not provided such a calculation of the square footage. In the event of site plan approval as-is without the above calculation confirmed, significant future site plan revision may be necessary to manage the stormwater runoff from this site, and in which case stormwater approval would be dependent on Plan Commission's continued involvement and future reapproval of site plan changes.
6. Depending on the outcome of the above comment, submittals for stormwater review and approval would be:
  - a) Engineering drawings and calculations for the stormwater management plan.
  - b) A Storm Water Pollution Prevention Plan (SWP3) including a long term operations and maintenance (O&M) plan for Post-Construction practices.
  - c) Following approval of plans, submit the form for responsible parties for SWP3 implementation and a covenant for the approved long term O&M plan.

## **PLAN COMMISSION RECCOMENDATION (Cont'd)**

### Environmental Services

7. 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.
8. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
9. 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.
10. 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)
11. 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.

### Division of Sewer and Drainage

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

14. The Division of Transportation does not object to the approval of the updated site plan by the Plan Commission.

**PLAN COMMISSION RECCOMENDATION (Cont'd)**

Fire Prevention

15. 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.
16. Approved premises identification is required.

Water Distribution

Water Distribution recommends approval. No conditions.

Plan Commission

17. The revised site/landscaping plan dated March 18, 2022 showing the parking spaces opposite one another and a 10' landscape strip along the western portion of the property is approved as presented.
18. Any new ground signs shall be limited to a maximum height of six (6) feet from grade.
19. 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.
20. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
21. 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.
22. 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.

TO: President Cherry and Members of Council  
April 18, 2022  
Page 7

REF: SUP-2008-22

Respectfully Submitted,

Thomas C. Gibbons  
Secretary

Three (3) sketches follow

Cc: Shay Howard; 2930 Indianola Drive; Toledo, OH 43614  
Attn: Angela Holm; Architecture by Design; 5622 Mayberry Square  
Sylvania, OH 43560  
Lisa Cottrell, Administrator  
Matt Lascheid, Associate Planner