

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

REF: SUP-3001-22

DATE: April 18, 2022

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 School at 3912 Sunforest Court

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 10, 2022 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	5045 W. Sylvania Avenue
Applicant	-	Hosseini Elgafy 5045 W. Sylvania Avenue Toledo, OH 43606
Owner	-	Toledo Muslim Community Center 3319 Nebraska Avenue Toledo, OH 43607
Engineer	-	Sam Muhsen Buehrer Group 314 Contant Street Maumee, OH 43537

#### Site Description

Zoning	-	RS12 / Single-Dwelling – 12,000 Sq. Ft.
Area	-	± 3.07 acres
Frontage	-	± 390' along Sylvania Avenue ± 241' along Corey Road
Existing Use	-	Community Center
Proposed Use	-	Day Care Center

**GENERAL INFORMATION (cont'd)**

Area Description

North	-	Single Dwelling Residential, Undeveloped Land / A-4 <i>Rural Residential</i>
South	-	Single Dwelling Residential / RS12 <i>Single-Dwelling</i> – 12,000 <i>Sq. Ft.</i>
East	-	Church, Single Dwelling Residential / RS12 & RS6 <i>Single-Dwelling Residential - 12,000 Sq. Ft. &amp; 6,000 Sq. Ft</i>
West	-	Greenhouse, Funeral Home, Wildwood Metropark / A-4 <i>Rural Residential</i> & S-1 <i>Special</i>

Parcel History

Z-25-85	-	Zone change from R-A to C-2. Plan Commission recommended disapproval 3/21/85. Withdrawn by applicant.
Z-102-85	-	Zone change from R-A to C-2. Plan Commission staff recommended approval subject to commercial plat. Withdrawn by applicant at 7/11/85 Plan Commission hearing.
SUP-241-89	-	Special Use Permit for a Funeral Home. Plan Commission recommended approval with conditions 12/21/89. City Council approved 01/17/90. Ord. 70-90.
SPR-8-12	-	Minor Site Plan Review for Community Center. Plan Commission staff approves 4/16/12.
SPR-29-12	-	Minor Site Plan Review for Building Modification & Addition. Plan Commission staff approves 7/21/12.

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 5045 W. Sylvania Avenue. The ± 3.07 acre site is zoned RS12 and contains a 9,462 sq. ft. commercial building that was previously used as a community center. Adjacent land uses include single dwelling residential to the north, a church and single dwelling residential to the east, single dwelling residential to the south, and a greenhouse, funeral home, and Wildwood Metropark to the west.

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. Sylvania Avenue is classified as a major street.

### Parking

- a. A portion of the parking area will be removed and reconfigured to accommodate the outdoor play area.
- b. The use requires 24 parking spaces and 51 are provided. The site exceeds the 150% allowable maximum for parking spaces at 220%. However, the site is existing and is reducing the total number of spaces bringing the site closer into compliance.

### 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. Staff is requesting a 7' Type B landscape buffer be installed along the 225' perimeter of the outdoor play area in place of the proposed planters with the pavement removed.

### Elevations

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

### 20/20 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-3001-22, a request for a Special Use Permit for a Day Care Center located at 5045 W. Sylvania Avenue, 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 SUP-3001-22, a request for a Special Use Permit for a Day Care Center located at 5045 W. Sylvania Avenue, subject to the following **thirteen (13)** 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.

### Fire Department

3. 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.
4. Approved Premises identification is required.

**STAFF RECOMMENDATION (cont'd)**

Sewer and 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 to the public sewer system if this has not been done in the past (2) two years. An electronic (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Plan Commission

7. A 7' Type B landscape buffer shall be provided along the perimeter of the outdoor play area. The 225' area requires 9 trees and 34 shrubs. A privacy fence may substitute for the shrub requirement. **Shall be indicated on a revised site/landscape plan.**
8. Dumpsters shall be screened from view and may not be located in any required setback or landscape buffers and as far from residential areas as possible. Fencing details shall be provided. **TMC 1108.0203.G. Shall be indicated on a revised site/landscape plan.**
9. Planting details shall be provided such as the type, size, and quantity of plantings. **Shall be indicated on a revised site/landscape plan.**
10. **Landscape areas shall be indefinitely maintained.** 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.
11. 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.
12. 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.
13. 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.

TO: President Cherry and Members of Council

April 18, 2022

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Respectfully Submitted,

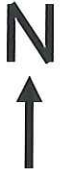
A handwritten signature in cursive script that reads "Thomas C. Gibbons".

Thomas C. Gibbons  
Secretary

Cc: Hossein Elgafy, 5045 W. Sylvania Avenue, Toledo, OH 43606  
Toledo Muslim Community Center, 3319 Nebraska Avenue, Toledo, OH 43607  
Sam Muhsen, Buehrer Group, 314 Contant Street Maumee, OH 43537  
Commissioner, Division of Engineering Services  
Commissioner, Division of Transportation  
Fire Department  
Division of Sewer & Drainage  
Lisa Cottrell, Administrator  
Josh Lewandowski, Principal Planner

# GENERAL LOCATION

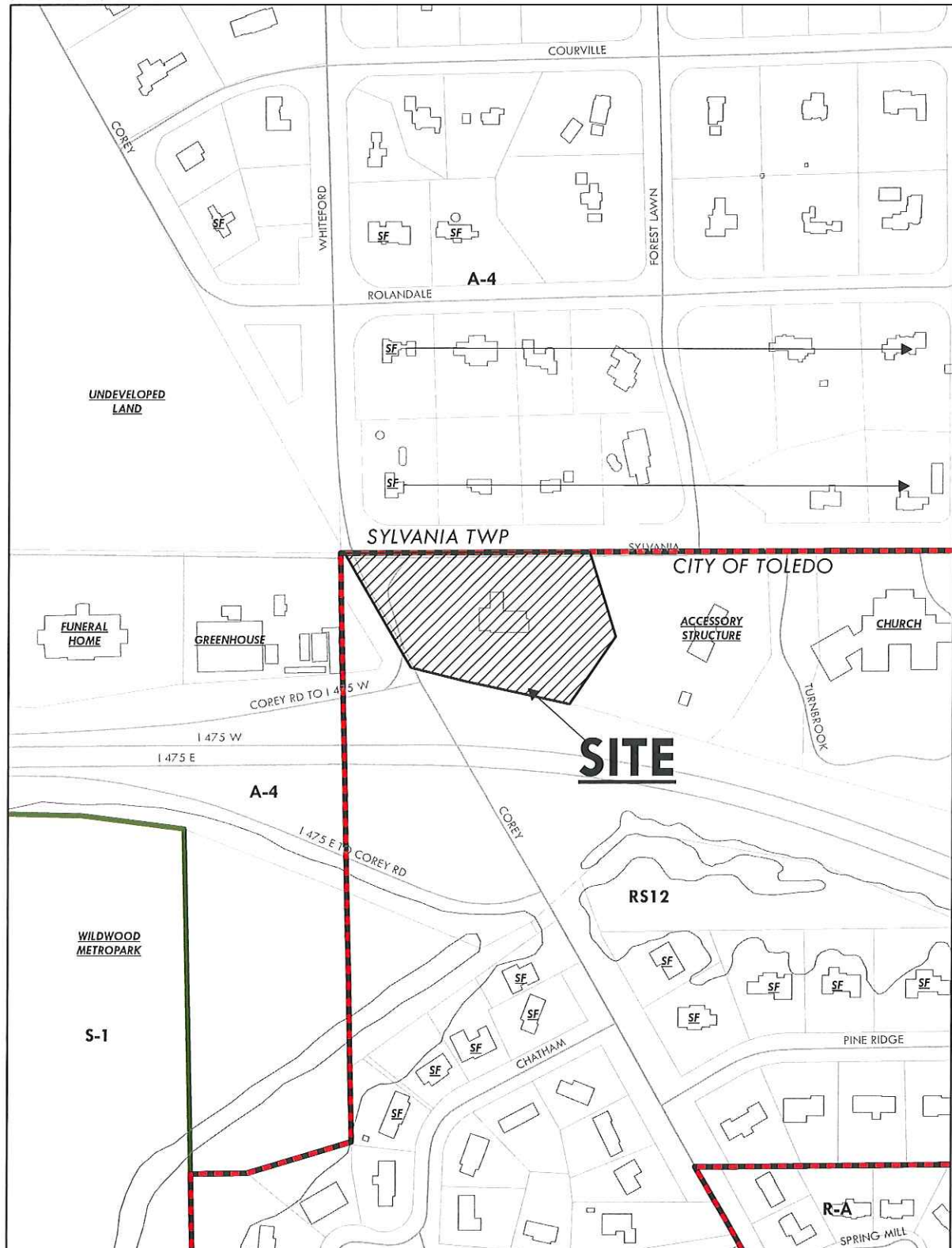
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# ZONING AND LAND USE

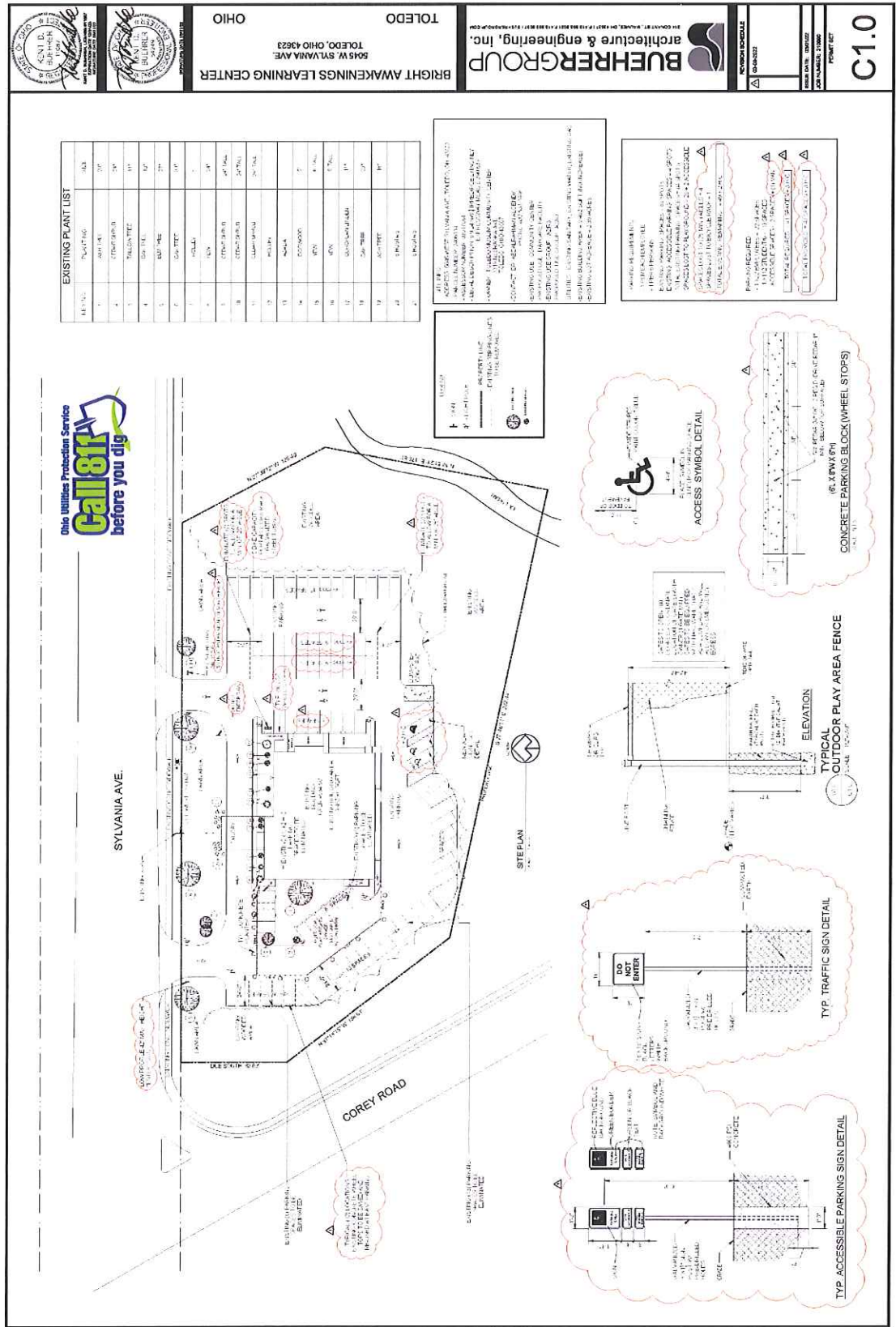
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# SITE PLAN

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ID 106



UNIVERSITY OF TOLEDO  
2801 W BANCROFT ST MS #978  
TOLEDO OH 43606

TOLEDO MUSLIM COMMUNITY CENTER  
3319 NEBRASKA AVE  
TOLEDO OH 43607

TRUSS REGINALD M  
3840 COREY RD  
TOLEDO OH 43615

NORTH JAMES L & ANN C  
4015 FORESTLAWN DR  
TOLEDO OH 43623

GARZONY ANTHONY  
4519 BENNETT  
TOLEDO OH 43612

BARROW ROGER  
4554 WHITEFORD RD  
TOLEDO OH 43623 2759

OHIO CONFERENCE ASSOC OF THE  
SEVENTH DAY  
4909 SYLVANIA  
TOLEDO OH 43623

NEWTON DAVID L & DIANE L  
4940 PINE RIDGE  
TOLEDO OH 43615

FRANKLIN KATHRYN H TR  
5018 CHATHAM VALLEY  
TOLEDO OH 43615

PINARDO RICK A & JENNIFER J  
5026 W SYLVANIA AVE  
TOLEDO OH 43623 3365

BLAND HOPE M & WILLIAM B  
5034 CHATHAM VALLEY DR  
TOLEDO OH 43615

MAHMOUD AKRAM IBRAHIM  
5042 W SYLVANIA AVE  
TOLEDO OH 43623

BIRR ANDREW A & KELLY L (ORSURVTC)  
5046 CHATHAM VALLEY DR  
TOLEDO OH 43615

TOLLISON KATHLEEN A  
5060 W SYLVANIA AVE  
TOLEDO OH 43623 3365

METRO PARK DISTRICT BD  
OF COMMISSIONERS  
5100 W CENTRAL AVE  
TOLEDO OH 43615 2106

WALKER FAMILY ENTERPRISES LLC  
5155 SYLVANIA AVE  
TOLEDO OH 43623

SCHLAGHECK MICHELE A TRUSTEE  
5520 W ERIE RD  
OTTAWA LAKE MI 49267 8706

HOSSEIN ELGAFY  
5045 SYLVANIA AVE  
TOLEDO OH 43623

KENT BUEHRER  
314 CONANT ST  
MAUMEE OH 43537

