

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: May 16, 2022

REF: SUP-3007-22

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 parking lot modifications to existing daycare at 5331 Bennet Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 12, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for parking lot modifications to existing daycare
Location	-	5331 Bennett Road
Applicant	-	Diane Mettler Toledo Public Schools 1609 N Summit Street Toledo, OH 43604
Owner	-	Toledo Public Schools 1609 N Summit Street Toledo, OH 43604
Engineer	-	Rusty Wilke The Collaborative One SeaGate, Park Level 118 Toledo, OH 43604

Site Description

Zoning	-	RS6 / Single Family Residential
Area	-	±4.99 acres
Frontage	-	±455' along Bennett Road ±465.85' along Sandralee Drive
Existing Use	-	Preschool
Proposed Use	-	Preschool

GENERAL INFORMATION (cont'd)

Area Description

North	-	Single family homes / RS6
South	-	Single family homes / RS6
East	-	Single family homes / RS6
West	-	Public park / POS

Parcel History

M-17-61	-	Special Study – Board of Education, Mayfair Elementary School Site Plan. PC approved 06/22/61.
P-14-61	-	Off-Street Parking – East side of Bennett between Mayfair and Northgate. PC approved 06/22/61.

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 to improve an existing parking lot at 5331 Bennett Road for the Mayfair Early Childhood Education Center. The site is □4.99 acres and is zoned RS6 Single-Family Residential. The building was previously Mayfair Elementary School, and was reviewed by the Plan Commission in 1961 as a Special Study (M-17-61). The building has since become a preschool. The Toledo Municipal Code defines “schools” as public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education (TMC§1116.0244). As preschools are not included in this category, the most fitting land use category is a Day Care Center. Surrounding land uses include a City park to the west and single-family residences to the north, east, and south.

The applicant is requesting minor modifications to the existing parking lot, namely removing a vehicle storage area and adding seven (7) parking spaces, reconfiguring traffic flow, and repaving. The Toledo Zoning Code Use Table (TMC§1104.0100) dictates that all Day Care Centers located in Residential Zoning Districts require a Special Use Permit. Because the preschool does not have an existing Special Use Permit, these proposed changes require the applicant to apply for and obtain a Special Use Permit. Per TMC§1104.0703(B), a Day Care Center must have building frontage on a major street. However, since the building is existing and was previously an elementary school (which does not require major street frontage), the Plan Commission staff recommends a waiver of this requirement.

STAFF ANALYSIS (cont'd)

Parking and Circulation

The only modifications to the existing off-street parking at 5331 Bennett Road will be the addition of seven (7) spaces where a gated parking area is currently located. For Day Care Centers, the minimum parking spaces required is one (1) space per six (6) person-capacity or one (1) per 400 square feet, whichever is greater. There are 172 pre-school age students enrolled at the preschool and fifty (50) faculty/staff. The proposed site plan shows sixty-three (63) parking spaces. As the site is existing, the number of parking spaces are adequate.

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 and two (2) car accessible spaces with five foot (5') drive aisles for persons with physical disabilities. The proposed site plan depicts two (2) van accessible spaces. One (1) additional car accessible space shall be depicted on a revised site plan.

Additionally, bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0400). Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. A total of seven (7) bicycle parking slots are required, and a revised site plan depicting bicycle parking shall be provided as a condition of approval.

Per 1104.0703 – 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. A revised site plan shall show the pick-up and drop-off area.

Landscaping

Per TMC§1108.0102 – Applicability, the Landscaping and Screening requirements apply to the construction of any principal building, redevelopment and rehabilitation that results in an increase in a principal building's floor area or building footprint, any increase in size of an off-street parking area, or any change in use that changes the treatment of the premises. The applicant is proposing the existing outdoor vehicle storage area with eight (8) parking spaces be reconfigured to conform with the rest off-street parking area, and resultingly reducing the number of parking spaces by one (1). As the number of parking spaces is decreasing, the scope of the project does not include work result in required landscaping.

Building Design and Materials

No new structures or changes to existing structures are proposed for this site.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Single Family Residential land uses. This district is intended to accommodate the development of single-family dwelling units on individual lots. This district may also include libraries, schools, churches, and community centers. The 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. The existing preschool is compatible with Single Family Residential land uses.

Staff recommends approval of the amendment to a Special Use Permit as the proposed use meets the stated purpose and complies with all applicable provisions of the Zoning Code.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-3007-22, a Special Use Permit for parking lot modifications to existing Day Care Center at 5331 Bennett Road, to the Toledo City Council, for the following reason:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A)).

The Toledo City Plan Commission recommends approval of the following two (2) waivers to the Toledo City Council:

Chapter 1104 Use Regulations

Sec. 1104.0703(B)– A Day Care Center must have building frontage on a major street.

Approve a waiver to allow a Day Care Center to not be located on a major street. Site is existing and was previously a school.

Chapter 1107 Parking, Loading, and Access

Sec. 1107.0304 - Day Care Centers require one (1) parking space per six (6) person capacity, or one (1) per four hundred (400) square feet, whichever is greater.

Approve a waiver to the number of spaces required as the site is existing and the applicant is looking to decrease the total number of parking spaces by one (1).

PLAN COMMISSION RECOMMENDATION (cont'd)

The Toledo City Plan Commission further recommends approval of SUP-3007-22, a Special Use Permit for parking lot modifications to an existing Day Care Center at 5331 Bennett Road, to the Toledo City Council, subject to the following **twenty-six (26)** 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. 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 applicant shall verify the drainage connection to the city sewer. An original plan can be submitted or the applicant can hire a sewer locating service and coordinate for the city to be present to verify the results.

Sewer & Drainage Services

5. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
6. S&DS requires that the private sanitary lines (after they have 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.

PLAN COMMISSION RECOMMENDATION (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.
 - a. Notification shall be made to the Division of Environmental Services (419-936-3015) no later than three days prior to commencement of construction activities.
 - b. Construction BMPs shall be in place prior to the start of construction activities.
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 amount of new and/or additional impervious surface on 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
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.

Transportation

12. Bicycle parking is required per TMC 1107.0900.
13. Two auto and one van accessible parking spots are required with a 5' loading aisle for auto and 8' loading aisle for van per TMC 1107.1700.
14. 25' wide driveway is required between the parking lots for two-way traffic per TMC 1107.1911.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission

15. Per TMC§1104.0703(B), a Day Care Center must have building frontage on a major street. **Staff recommends approval of a waiver. Bennett Road is not a major street; however, site is existing.**
16. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation.
17. Sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at any one time.
18. Per TMC§1104.0700(F), 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. **Not acceptable as submitted. A revised site plan shall be submitted depicting a pickup/drop-off location.**
19. Per TMC§1107.0300, Day Care Centers require one (1) parking space per six (6) person capacity, or one (1) per four hundred (400) square feet, whichever is greater. Plan Commission staff supports a variance to the number of spaces required as the site is existing and the applicant is looking to decrease the total number of parking spaces by one (1). **Calculations indicate that the site requires seventy-four (74) parking spaces. Staff recommends approval of a waiver to allow sixty-three (63) spaces.**
20. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **Not acceptable as depicted on site plan. One (1) additional car accessible space shall be depicted on a revised site plan.**
21. Per TMC§1107.0400, Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. **Not acceptable as depicted, a minimum of seven (7) bicycle parking spaces are required and shall be depicted on a revised site plan.**
22. 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 or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

23. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)).
24. 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.
25. 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.
26. 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

Three (3) sketches follow

Cc: Diane Mettler, Toledo Public Schools, 1609 N Summit Street, Toledo OH 43604
Rusty Wilke, The Collaborative, One SeaGate Park Level 118, Toledo OH 43604
Lisa Cottrell, Administrator
Dana Reising, Planner

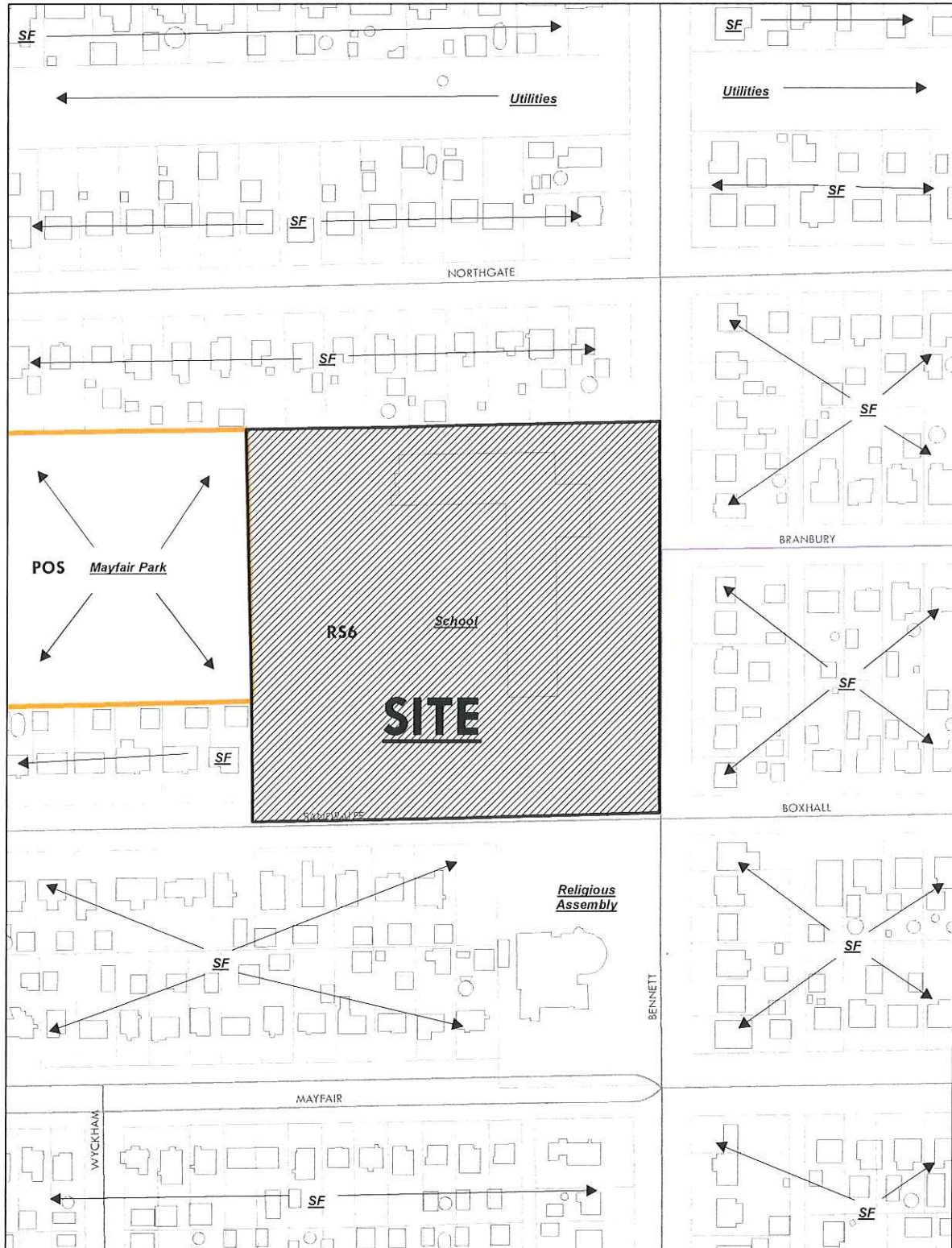
GENERAL LOCATION

SUP-3007-22
ID 58



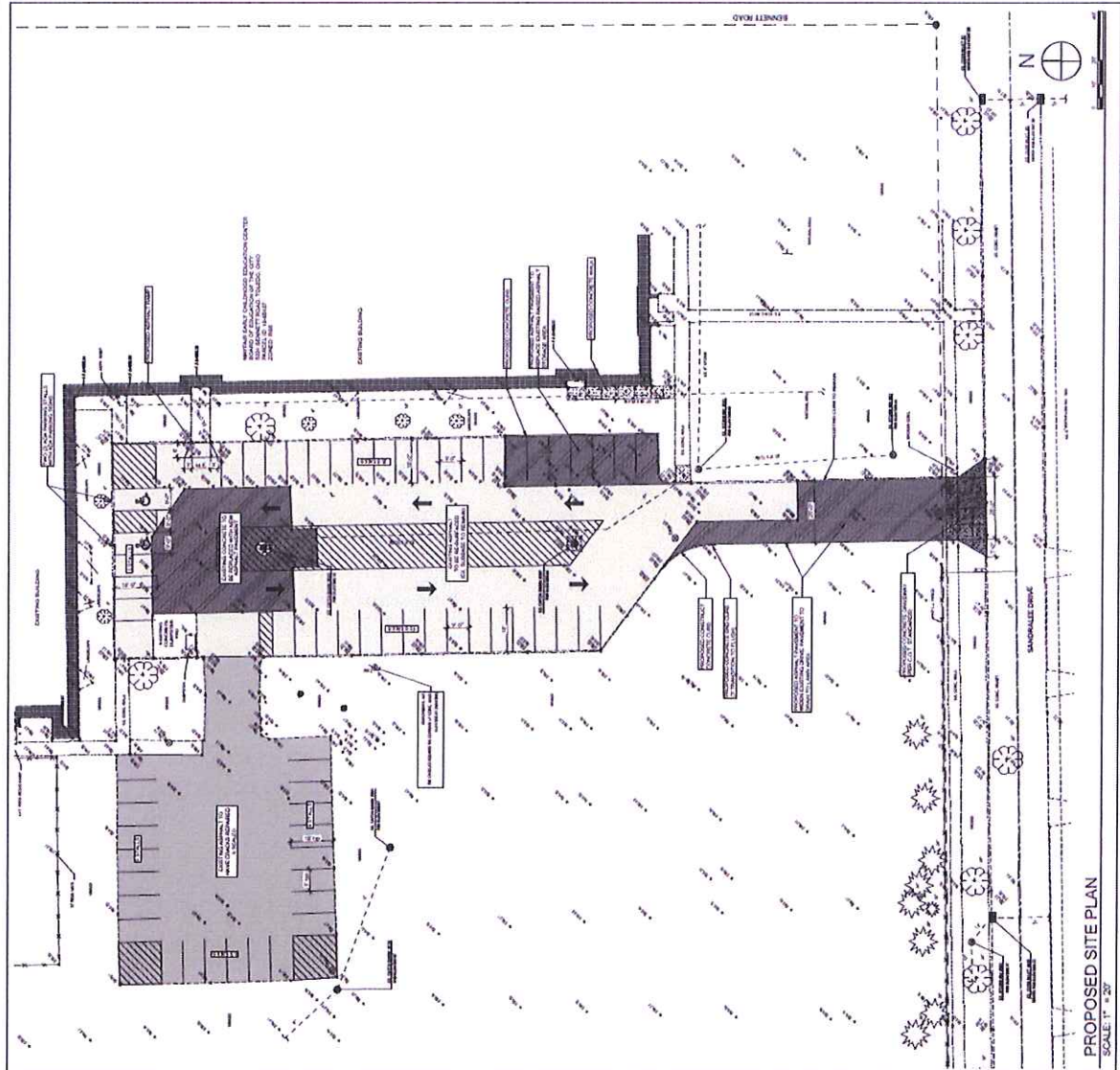
ZONING & LAND USE

SUP-3007-22
ID 58



SUP-3007-22
ID 58

SHEET NO. SP1.00



1. **CHURCH**
THE UNITED METHODIST CHURCH
1100 S. UNIVERSITY STREET
TOULDO, MO 64601
CONTACT: FRANK SHERMAN, JR. CHURCH ST. OF DISCIPLES
MULTIMEDIA/VIDEO
TOULDO, MO 64601
2. **ALCANTARA**
THE COLLEGIATE ARTS CENTER
1111 UNIVERSITY STREET
TOULDO, MO 64601
CONTACT: JEFFREY HALL, JAMES LAMBERTSON, ANDREW
CHURCHMAN
TOULDO, MO 64601
3. **SPY INFORMATION**
SPY ACCESS: 8141 MONROE ROAD
TOULDO, MO 64611
CONTACT: VIKI MURRAY HALL, GAILHOUSE EDUCATION CENTER
EDUCATION CENTER (BY REQUEST)
PARKVIEW
EDUCATION CENTER
64711
CONTACT: PATTIE
64711
4. **PEPPER INFORMATION**
PEPPER INFORMATION IS AVAILABLE TO THE PUBLIC. INFORMATION
INCLUDING MARRIAGE, THE DEPT. OF REVENUE, ACCOUNTING, POLICE, AND
OTHER INFORMATION IS AVAILABLE TO THE PUBLIC.

PROJECT TITLE
TPS PROUD
THE 2005 NATIONAL TOWNSHIP
Mayfair E.C.E.C
Parking Lot Improvements

5331 Bennett Drive
Tulsa, OK 74112

SHEET TITLE
PROPOSED SITE
PLAN

SHEET NO.

MEMORANDUM OF CASE CONTACT

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