

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: May 13, 2022

REF: SUP-3011-22

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 Type A Day Care in an RS12 Zoning District at 4461 W. Alexis Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 13, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Type A Day Care in an RS12 Zoning District
Location	-	4461 W. Alexis Road
Applicant + Owner	-	Keziah Flunder 4461 W. Alexis Road Toledo, OH 43623
Architect	-	Larry Miller 2716 North Holland Sylvania Road Toledo, Ohio 43615

Site Description

Zoning	-	RS12 / Single-dwelling Residential
Area	-	± 0.49 acres
Frontage	-	± 200' along W Alexis
Existing Use	-	Type B Day Care
Proposed Use	-	Type A Day Care

GENERAL INFORMATION (cont'd)

Area Description

North	-	RS12, C-2 (Sylvania Twp) / Parking Lot for Commercial Uses, Office Building
South	-	RS12 / Single-family Dwellings
East	-	RS12 / Single-family Dwellings
West	-	RS12 / Single-family Dwellings

Parcel History

Z-11005-16	-	Zone Change from CO to RS12 at 4461 W. Alexis Road (PC Approved 1/12/2017, CC Approved Ord. 86-17).
Z-5001-22	-	Zone Change from R-B to C-2 at 4461 W. Alexis Road (PC approved 7/13/2000, CC approved Ord. 845-00)

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 Type A Day Care at 4461 W. Alexis Road. The ±0.49 acre site is zoned RS12, Single-Family Residential and is currently occupied by an existing single-family household which operates as a Type 'B' daycare. Surrounding land uses include commercial and office to the north and single-family homes to the east, west, and south. A Special Use Permit is required to operate a Type 'A' Day Care in residential zoning districts.

Use Regulations for Type A Day Cares

Per **TMC§1104.0703(B)**, Type A Day Cares must have building frontage on a major street. According to the Toledo-Lucas County Major Street and Highway Plan, Alexis Road qualifies as a major street. Additionally, in accordance with **TMC§1104.0703(D)&(E)**, the facility is required to provide at least thirty-five (35) square feet of usable indoor space for each person in care and sixty (60) square feet of outdoor space for each person in care using the outdoor area at any one time. The site plan submitted depicts a sufficiently sized home and a fenced play area that is ±1,460 square feet, which is enough to accommodate the maximum number of individuals allowed in care.

STAFF ANALYSIS (cont'd)

Parking and Circulation

Pursuant to **TMC§1107.0304 – *Parking, Loading, and Access***, a Type A Day Care is required to have one (1) parking space in addition to the requirement for the dwelling. The minimum number of off-street parking spaces required for a detached house is two (2) spaces per dwelling unit. A total of three (3) parking spaces are required for the site. The site plan depicts six (3) parking spaces. One (1) van accessible space shall be shown on a revised site plan. The site plan depicts one additional space for drop-off and pick-up, per the use regulations.

Landscaping

A Type B landscape buffer is depicted around the outdoor space in accordance with **TMC§1108.0203(F)**. The existing landscaping around the outdoor play area is acceptable. Fence height shall be clarified and shall be required to be greater than six feet (6').

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for single family land uses. Single Family land uses may also include libraries, schools, churches, and community centers. Type A day care centers are a compatible use for this designation and the proposed special use permit conforms to the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-3011-22, a Special Use Permit for Type A Day Care in an RS12 Zoning District at 4461 W. Alexis, 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(B)** – *Review & Decision Making Criteria*], and
2. The proposed use complies with all applicable provisions of this Zoning Code [**TMC§1111.0706(C)** – *Review & Decision-Making Criteria*].

The Toledo City Plan Commission approve SUP-3011-22, a Special Use Permit for Type A Day Care in an RS12 Zoning District at 4461 W. Alexis subject to the following **twenty-seven (27)** conditions.

PLAN COMMISSION RECOMMENDATION (cont'd)

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.
4. Applicant is advised that some of the play areas coincide with the property's existing drainage system to the creek.
5. Applicant is advised the storm drainage outfall to the creek is their responsibility to own and keep repaired to prevent against creek bank failure at the outfall.

Division of Sewer and Drainage Services

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

8. 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 storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
9. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

10. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
11. 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
12. 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.

Fire Prevention

13. The daycare shall be in compliance with the Department of Commerce Type A family daycare facilities inspection standard checklist.
14. Approved Premises identification is required.

Plan Commission

15. Per **TMC§1107.1906** All off-street parking, loading, and other vehicle circulation areas shall be graded and continuously maintained and designed to preclude free flow of stormwater across or onto adjacent lots, properties, or streets.
16. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available to the Type A Day Care. **Acceptable as depicted on site plan.**
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. A Type B landscape buffer shall be provided around the outdoor space. **Acceptable as depicted on site plan.**
18. One (1) van accessible parking space shall be required. **None depicted.**
19. 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; **Acceptable as depicted.**
20. Per TMC 1107.1202.A.2 Parking Setbacks – Residential Districts, no more than 40 % of the front yard can be occupied by pavement. **Acceptable as depicted.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

21. TMC 1107.1202.A.1 *Parking Setbacks – Residential Districts*, which prohibits the location of parking spaces within the front yard (other than a driveway), shall be waived to permit the parking spaces as shown on the site plan.
22. 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:
 - a. Per **TMC§1108.0203(F)**, a Type B landscape buffer shall be provided around the outdoor space. This buffer shall be a minimum of ten-feet (10') in width and consist of four (4) canopy trees and fifteen (15) shrubs installed every 100 linear feet. Pursuant to **TMC§1108.0203(D)(2)**, a fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for the shrub requirements. **Landscape acceptable as depicted, fence material and height shall be clarified.**
 - b. 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.
 - c. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval.
 - d. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
 - e. 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; **List of new species to be planted not submitted.**
23. No new 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.
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. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

25. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
26. 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.
27. 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,

A handwritten signature in black ink, appearing to read 'Thomas C. Gibbons', written in a cursive style.

Thomas C. Gibbons
Secretary

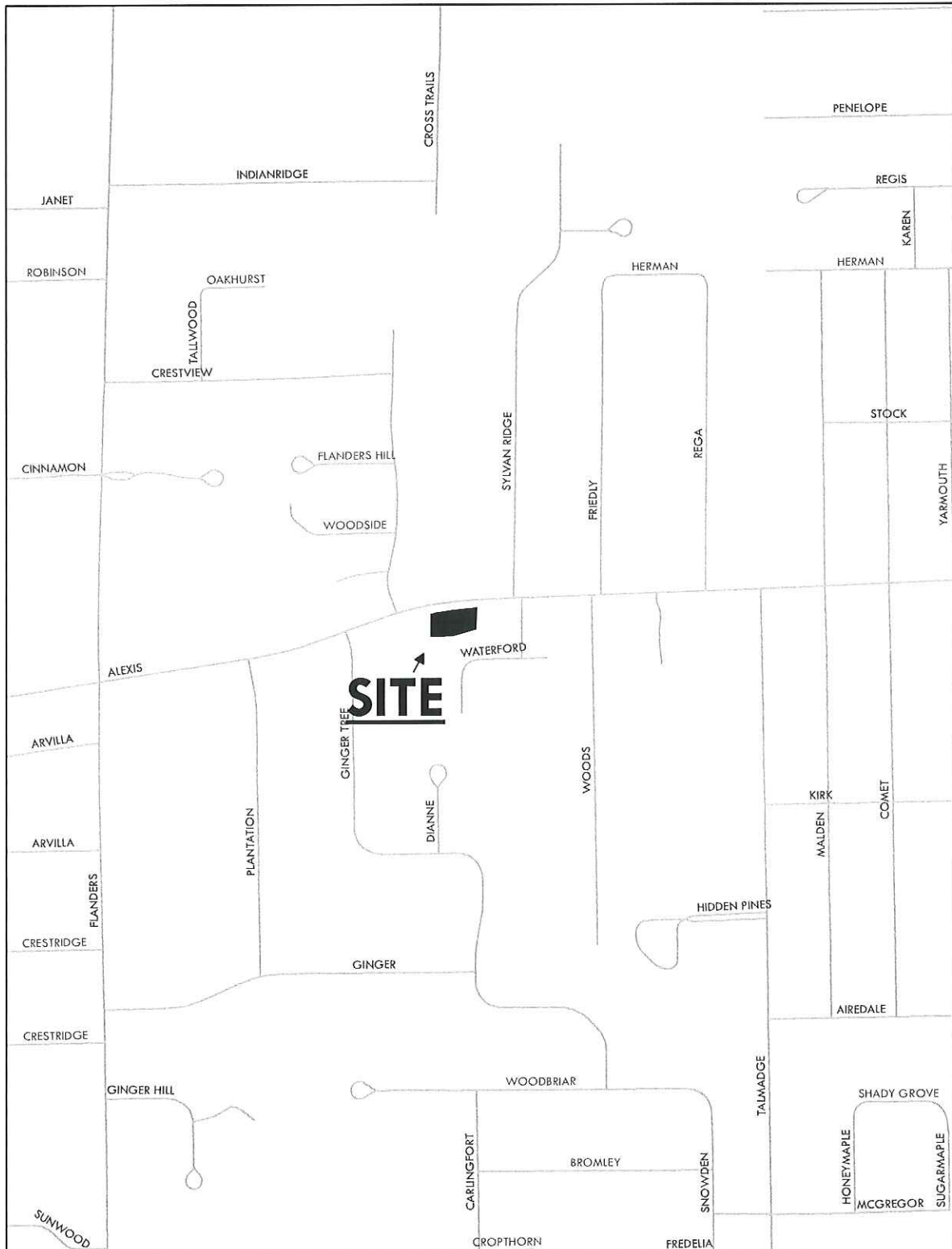
JGL

Three (3) sketches follow

Cc: Keziah Flunder
Larry Miller
Lisa Cottrell, Administrator
Jonny Latsko, Planner

GENERAL LOCATION

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ID 104

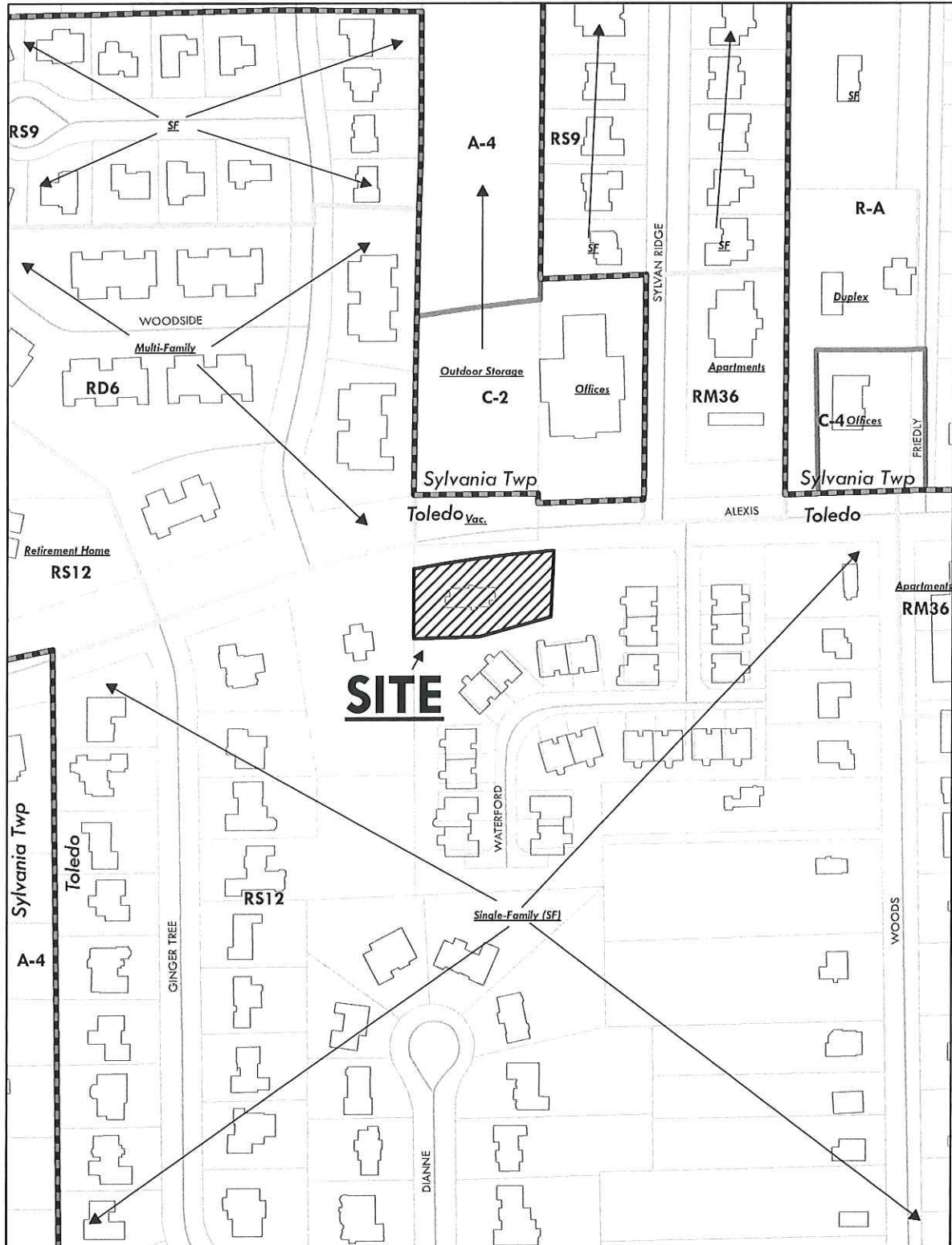


ZONING & LAND USE

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MEMORANDUM OF CASE CONTACT

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