

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: February 9, 2023

REF: SUP-12005-22

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 Daycare at 5532 Douglas Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 9, 2023 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Type A Day Care
Location	-	5532 Douglas Road
Applicant	-	Sherri Moton 5532 Douglas Road Toledo, OH 43613
Owner	-	McNally Holdings LLC 5532 Douglas Road Toledo, OH 43613
Architect	-	Scott Rossi 1821 Spencer Street Toledo, OH 43609

Site Description

Zoning	-	RD6 / Duplex Residential
Area	-	± 0.15 acres
Frontage	-	± 48.8' along Douglas Road
Existing Use	-	Office Building
Proposed Use	-	Type A Day Care

Area Description

North	-	RD6 / Duplexes
South	-	RD6 / Duplexes
East	-	RS6 / Single-family Homes
West	-	RD6 / Single-family Homes, Apartments

GENERAL INFORMATION (cont'd)

Parcel History

No previous case history

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 5532 Douglas Road. The ±0.15-acre site is zoned RD6-Duplex Residential and was previously used as an office space. The second floor will serve as the primary residence of the applicant. Surrounding land uses include duplexes to the north and south, single-family homes to the east, and single-family homes and apartments to the west. 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 Streets and Highways Plan, Douglas 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 ±1,030 square feet, which is enough to accommodate the maximum number of individuals allowed in care.

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 four (6) parking spaces which includes one (1) van accessible space and two (2) spaces for drop-off and pick-up, per the use regulations.

Landscaping

As required under **TMC§1104.0701(E)**, sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at any time. Additionally, a Type

STAFF ANALYSIS (cont'd)

B landscape buffer shall be provided around the outdoor space in accordance with **TMC§1108.0203(F)**. 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. The site plan submitted depicts the outdoor play area in the back of the property and fenced in using a six-foot (6') tall solid privacy fence to screen the area. The submitted site plan shows one (1) existing tree on property instead of four (4) understory trees. Applicant has the option to request credit for the existing tree under **TMC§1108.0407(B)**. This concern shall be corrected on a revised site plan.

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-12005-22, a Special Use Permit for Type A Day Care in an RD6 Zoning District at 5532 Douglas Road, to the 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 recommends approval of the following waiver to Toledo City Council:

Chapter 1107 – Parking, Loading, and Access

Sec. 1107.1200 – Location

TMC§1107.1202(A) – Setbacks in Residential Districts

1. No parking space may be located within the front yard, except that parking spaces for detached houses, attached houses, and duplexes may be located on a driveway;
3. Off-street parking spaces are prohibited within required landscape buffers;

Approve a waiver to allow parking in the front yard setback and in the required frontage greenbelt. Areas for parking on site are limited.

PLAN COMMISSION RECOMMENDATION (cont'd)

The Toledo City Plan Commission recommends approval of SUP-12005-22, a Special Use Permit for Type A Day Care in an RD6 Zoning District at 5532 Douglas Road to the Toledo City Council subject to the following **twenty-six (26)** conditions.

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
3. 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.

Division of Sewer and Drainage Services

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

7. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

8. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
9. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
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.

Fire Prevention

12. It appears this building will undergo a change of use. This will require compliance with all Building, Mechanical, Electrical, Plumbing, Fire Sprinkler and Fire Alarm code requirements.
13. The Daycare shall be in compliance with Ohio Department of Commerce Type A family daycare facility inspection standard checklist.

Division of Transportation:

14. If one has not been established, a cross access agreement is required with the adjacent property owner to the south.

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.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

18. One (1) van accessible parking space shall be required. **Acceptable as depicted on site plan.**

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 on site plan.**

20. 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.

21. 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 play area. 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. Applicant has the option to request credit for the existing tree under **TMC§1108.0407(B)**.
- 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.
- a. 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.
- b. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties;
- c. 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.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

22. 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.
23. 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.
24. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
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

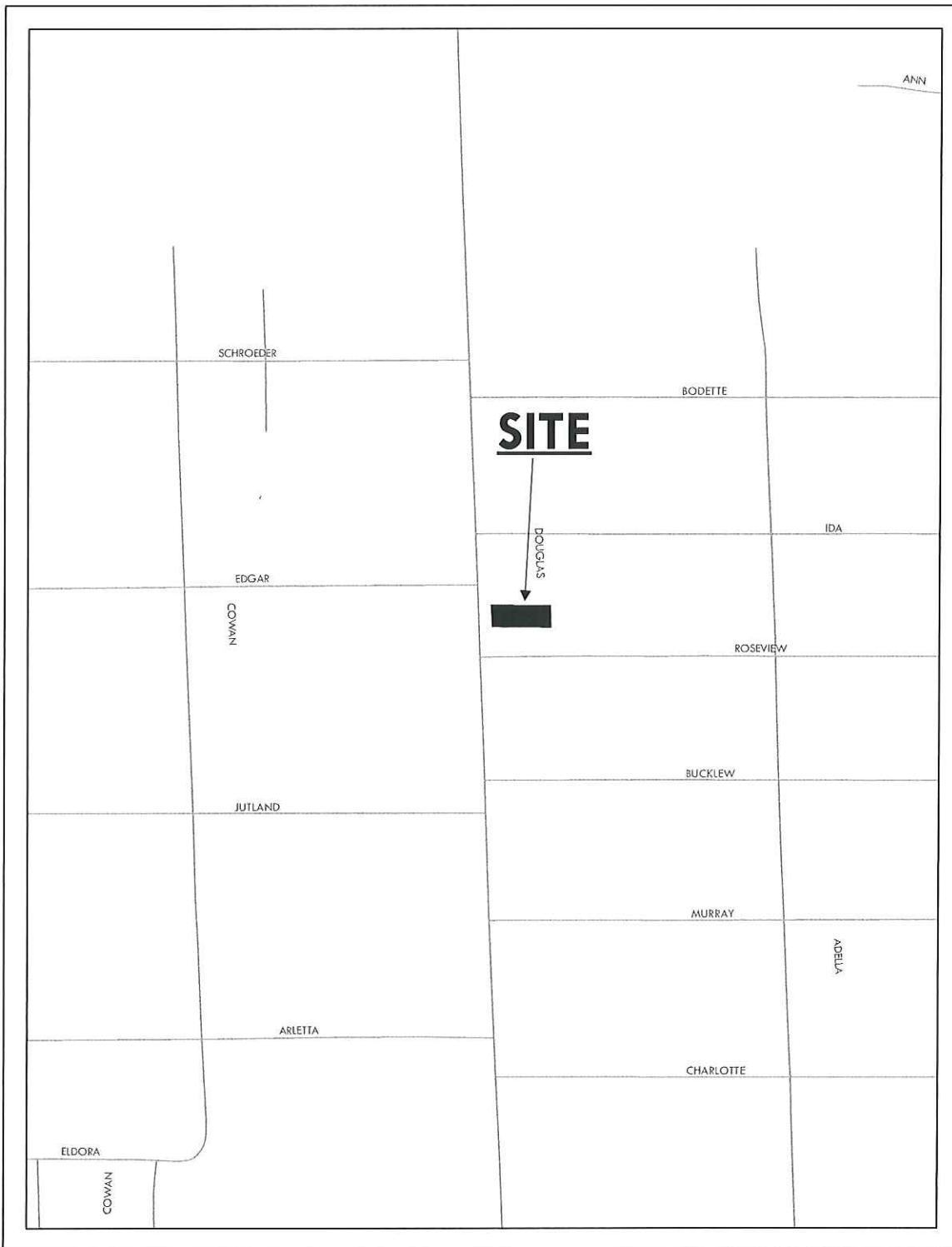
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Three (3) sketches follow

Cc: Sherri Moton, 5532 Douglas Road, Toledo, OH 43613
McNally Holdings LLC, 5532 Douglas Road, Toledo, OH 43613
Scott Rossi, 1821 Spencer Street, Toledo, OH 43609
Lisa Cottrell, Administrator
Esther Tetteh, Planner

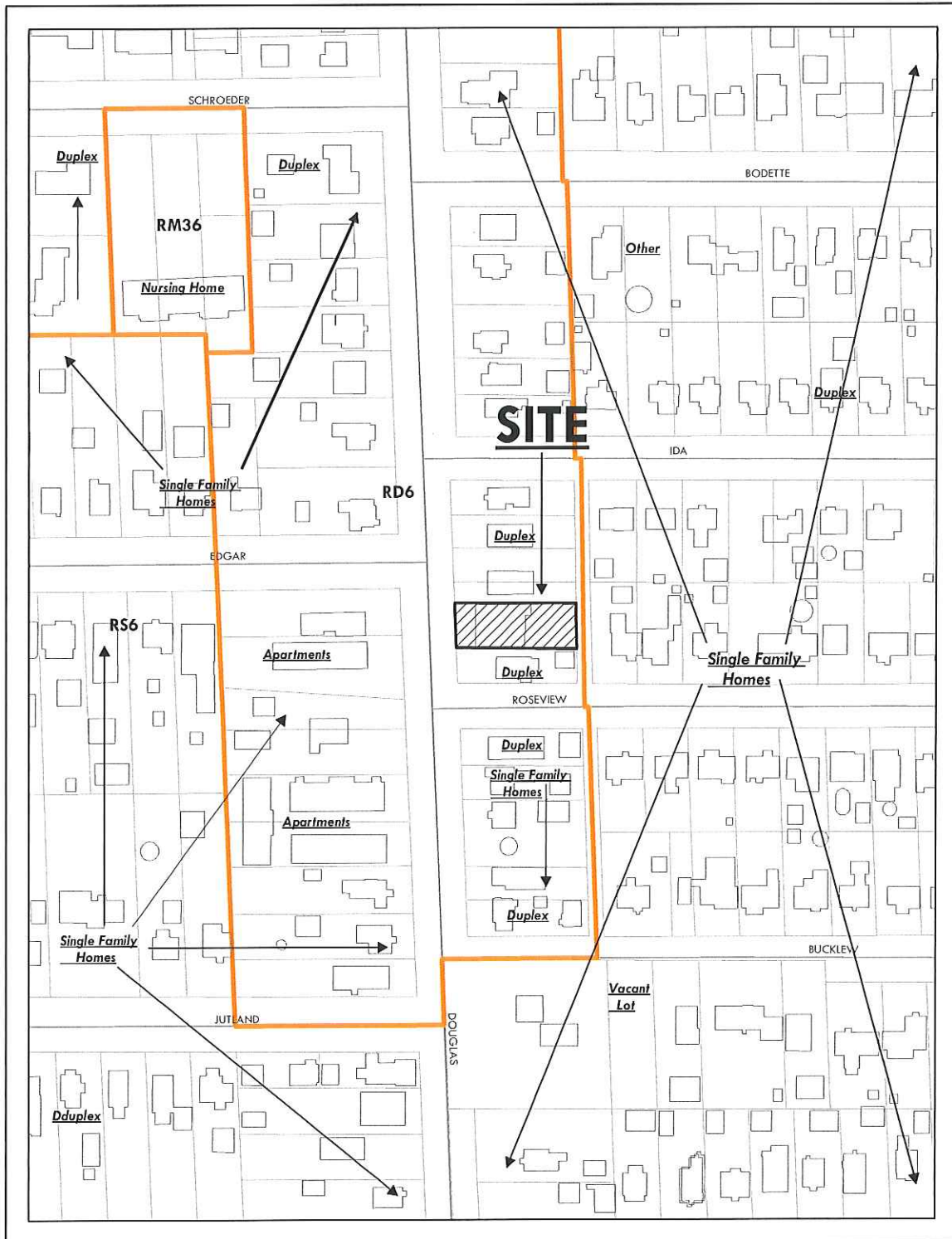
GENERAL LOCATION

SUP-12005-22



ZONING & LAND USE

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