

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Day Care Center/Pre-School
Location	-	611, 617, 621 Miami Street and 4, 8, 12 Nevada Street
Applicant	-	L. Hollingworth School for the Gifted & Talented 653 Miami Street Toledo, OH 43505
Owner	-	Clark Edward V. & Sharon M. Co Trustees 3156 Indian Springs Road Maumee, OH 43537
Architect	-	Kevin Young Munger Munger + Associates Architects Inc. 225 N. Michigan Street Toledo, OH 43604

Site Description

Zoning	-	CN, RD6 / Neighborhood Commercial, Duplex Residential
Area	-	± 0.4 acres
Frontage	-	± 50', 33' 66' along Miami Street ± 43', 40', 40' along Nevada Street
Existing Use	-	Office Building
Proposed Use	-	Day Care Center/Pre-School

Area Description

North	-	RD6 / Single-family Homes
South	-	CO / L. Hollingworth School
East	-	RD6 / Single-family Homes
West	-	POS, IG / Maumee River

GENERAL INFORMATION (cont'd)

Parcel History

Z-89-69	-	Rezone lots 6, 7 and the north 16 feet of lot 5, in Riverview Addition, located on the east side of Miami Street between Neise Avenue and Nevada Avenue from C-1 Neighborhood Commercial District to R-3 Two Family Residential District. PC approved on 5/29/1969. Repealed on 6/9/2023
Z-163-69	-	Rezone lots 6 through 9 and the north 16 feet of lot 5 In Riverview Addition, located on the southeast Corner of Nevada Street and Miami Street, from C-1 Neighborhood Shopping District to R-3 Two Family residence district. PC approved on 6/26/1969

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 to open a Day Care Center at 617 Miami Street. The ±0.4-acre site is zoned CN Neighborhood Commercial and RD6 Duplex Residential and was previously used as an office space. Surrounding land uses include single-family homes to the north and east, the L. Hollingworth School to the south, and the Maumee River and open space to the west. The applicant is proposing to provide the required parking spaces for the day care at the adjacent properties to the north of the site, 4, 8 and 12 Nevada Avenue. The existing three (3) homes at these lots will be demolished for the parking lot construction whereas the house at 611 Miami Street will remain as a rental property. The parking lot is under Residential Zoning classification. Hence, a Special Use Permit is required for this Day Care.

Day Care Center Requirements

Per **TMC§1104.0703(B)**, a Day Care Center must have frontage on a major street. According to the Toledo-Lucas County Major Streets and Highways Plan, Miami Street 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 fenced play area at 621 Miami Street. The applicant noted the outdoor play area is 2,040 square feet in size through communication with staff. This is enough to accommodate the maximum number of individuals allowed in care. The site plan shows a six-foot (6') high prefinished aluminum ornamental fence around the play area including the front yard at 621 Miami Street.

STAFF ANALYSIS (cont'd)

Parking and Circulation

Pursuant to **TMC§1107.0304 – *Parking, Loading, and Access***, 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 revised site plan depicts ten (10) parking spaces and one (1) car garage space at 4, 8 and 12 Nevada Avenue, including one (1) van accessible spaces and fourteen (14) spaces for drop-off and pick-up. The site plan does not show any bicycle parking spaces. One bicycle space is required for the day care use. This shall be shown on a revised site plan. Per **TMC§1107.1202(A)(1)**, parking is not allowed within the front yard in residential districts except detached houses, attached houses and duplexes where parking is allowed in the driveway. The submitted site plan depicts the required parking spaces for the day care center in the front yard of lots 4, 8 and 12 Nevada Avenue which is under a Residential Zoning district. The applicant is requesting a waiver from this requirement due to site limitations.

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 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. Furthermore, **TMC§1108.0202** requires a minimum of fifteen feet (15') of landscaped frontage greenbelt along public rights-of-way. The frontage greenbelt shall also include a solid evergreen hedge to screen parking in the front of the property and prevent headlights from being seen from the right-of-way.

The site plan submitted depicts the outdoor play area at the side of the property (621 Miami Street) and fenced in using a six-foot (6') tall fence to screen the area. The site plan also shows ninety-five (95) shrubs and twelve (12) trees to be planted in addition to existing trees on the property. Applicant has the option to request credit for the existing trees under **TMC§1108.0407(B)**. The applicant is requesting a waiver to reduce the fifteen feet (15') greenbelt area to four feet (4') for a portion of the frontage along Nevada Avenue due to limited space. Also, the applicant is requesting a waiver from **TMC§1108.0406**, requiring landscaped areas to be irrigated as necessary to maintain plant materials in good and healthy condition. Instead, the new plant materials will be watered using tree bags until they are established.

Building Design

Pursuant to **TMC§1109.0502**, steel is not an allowed building façade material. The revised site plan shows a galvanized steel single parking garage. Although steel is not a permitted façade material, the purpose of the garage is to provide parking for the existing tenant of 611 Miami Street. The applicant intends to remove the garage once the tenant's lease expires.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for Neighborhood Commercial and Single-family Residential land uses. Neighborhood Commercial Zoning district is intended for small and medium scale commercial uses that serve neighborhoods. Single Family land uses may also include libraries, schools, churches, and community centers. The proposed use of a Daycare Center is a compatible use for this designation and the proposed special use permit conforms to the Toledo 20/20 Comprehensive Plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3004-23, a Special Use Permit for a Day Care Center at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street, 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*].

Chapter 1105 – Accessory Uses

Sec. 1105.0300 Fences and Hedges

TMC§1105.0302(A) – Commercial and Industrial Districts

1. Fences may not exceed three and a half feet (3½') in height in the required front setback

Approve a waiver to allow a six-foot (6') high fence in the required front setback along Miami Street. The fence is needed to prevent parents and students from entering the pre-school from the Miami Street side of the property while maintaining access to the existing front entry of the structure.

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.

STAFF RECOMMENDATION (cont'd)

Chapter 1108 – Landscape and Screening

Sec. 1108.0202 landscape Standards

TMC§1108.0202(B) – Frontage Greenbelt

3. Frontage greenbelts shall be a minimum width of fifteen feet (15'). For properties over five (5) acres and/or those with over five-hundred feet (500') of frontage, the frontage greenbelt shall be a minimum of thirty feet (30') wide measured perpendicular from the street or place right of way abutting the property.

Approve a waiver to allow to reduce required frontage greenbelt to four feet (4') for a portion of the frontage along Nevada Avenue due to limited space.

The staff recommends that the Toledo City Plan Commission approve SUP-3004-23, a Special Use Permit for a Day Care Center at 611, 617, 621 Miami Street and 4, 8, 12 Nevada Street subject to the following **thirty-eight (38)** 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. 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 Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.

Contact Joe Warnka at (419) 245-1341 for inspection of above-mentioned items.

4. Stormwater planning on plan sheet A2 is adequate site planning for a Special Use Permit, but an engineering review and approval for construction permit requires submittal of the following items:
 - a. Items are listed on the regional SWP3 submittal coversheet
<https://tmacog.org/water/stormwater/stormwater-pollution-prevention-plan-swp3>
 - b. Plans according to the 2014 Infrastructure Requirements document found in the drop down menu on this page: <https://toledo.oh.gov/business/how-to-build-in-the-city/building-inspection-permits>.

STAFF RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

5. Following the stormwater review, additional items are needed for final approval:
 - a. As outlined on the regional SWP3 submittal cover sheet, including the requirement for a covenant to operate and maintain the post-construction stormwater controls.
 - b. Fee and a Toledo Licensed Sewer Contractor for the sewer construction permit.
 - c. Construction inspection and completion of obligations in the stormwater permit.
6. The underground detention system (UDS) is proprietary and outside the scope of the City's services for sewer inspection. The following notes shall be added to the plans:
 - a. The Contractor shall have the underground detention system manufacturer's representative on-site-during the installation of the UDS. This representative shall advise the contractor as to the required installation procedures for the UDS.
 - b. The City of Toledo will be provided with an as-built signature by an Ohio P.E. representing the detention system manufacturer with the certification statement to the effect of: 'I certify that the underground detention system was installed in accordance with the manufacturer's installation requirements and that the underground detention system will function as designed in accordance with the contract documents.
7. There is a public sewer in the alley parallel to Miami Street. No work shall limit access to this sewer.

Division of Sewer and Drainage Services

8. S&DS requires that all existing private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
9. 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

10. 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.

STAFF RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

- b. Construction BMPs shall be in place prior to the start of construction activities.
 - c. SWP3 inspection reports shall be kept on site with the SWP3 and readily accessible during normal working hours.
11. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
12. 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.
13. 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
14. 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

15. The day care shall be in compliance with the Department of Commerce day care facilities inspection standard checklist.
16. The proposed new building will require compliance with all Building, Mechanical, Electrical, Plumbing, Fire Sprinkler and Fire Alarm code requirements.
17. Building plan approval and permits are required.

Division of Transportation

18. Bicycle parking is required per TMC 1107.0900.
19. Van accessible parking is required to be 9'x18' with an 8' loading aisle per TMC 1107.1701 & 1107.1911.
20. A 25' driveway Is required at Nevada St. when two-way traffic is being utilized per TMC 1107.1911.

STAFF RECOMMENDATION (cont'd)

Division of Transportation (cont'd)

21. The 22' driveway connecting to existing alley must be closed.
22. Painted ground arrows from parking lot to the 35' drive opening must be shown to prevent wrong way traffic flow.
23. "Do Not Enter" signage is required at the 35' drive opening to existing alley to prevent wrong way traffic flow.
24. If one has not already been established, a cross access agreement will be required at all parcels effected by the new parking areas and driveway from Nevada St. to the existing alley.

Plan Commission

25. 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.
26. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available to the Day Care Center. **Acceptable as depicted on site plan.**
27. 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. **Not acceptable as depicted. The dimensions of the outdoor play area shall be provided on a revised site plan.**
28. Per **TMC§1107.1202(A)(1)**, parking is not allowed within the front yard in residential districts except detached houses, attached houses and duplexes where parking is allowed in the driveway. **Not acceptable as depicted on site plan. Applicant shall obtain a waiver from TMC§1107.1202(A)(1).**
29. One (1) van accessible parking space shall be required. **Not acceptable as depicted on site plan. The accessible loading aisle shall be a minimum of eight feet (8') wide.**
30. 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.**
31. Per **TMC§1107.0900**, two (2) bike parking spaces are required. **Not acceptable as depicted. Bike parking spaces shall be shown on a revised site plan.**
32. Per **TMC§1109.0502**, steel is not an allowed building façade material for a parking garage. **Acceptable as depicted on revised site plan. Garage shall be removed after the lease of the existing tenant of 611 Miami expires.**

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

33. 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)**. **Acceptable as depicted on site plan.**
- b. A fifteen-foot (15') greenbelt is required along Miami Street and Nevada Avenue. Nine (9) new and two (2) existing trees are indicated on Miami Street within an eighteen-foot (18') greenbelt which is compliant. There are three (3) trees and twenty-one (21) continuous shrubs indicated along Nevada Avenue in a four-foot greenbelt area. **Not acceptable as depicted on site plan. Applicant shall obtain waiver from TMC§1108.0202(B)(3).**
- c. 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.
- d. 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.
- 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.
- f. **Per TMC§1105.0302(A)**, fences may not exceed three and a half feet (3½') in height in the required front setback. **Not acceptable as depicted on site plan. Applicant shall obtain a waiver from TMC§1105.0302(A).**
- g. Fence shall be prefinished ornamental aluminum. **Acceptable as depicted on site plan.**
- h. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties.

34. Parcels number 1325193, 1325287 and 1325184 shall be combined into a single lot.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

35. 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.
36. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
37. 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.
38. 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.

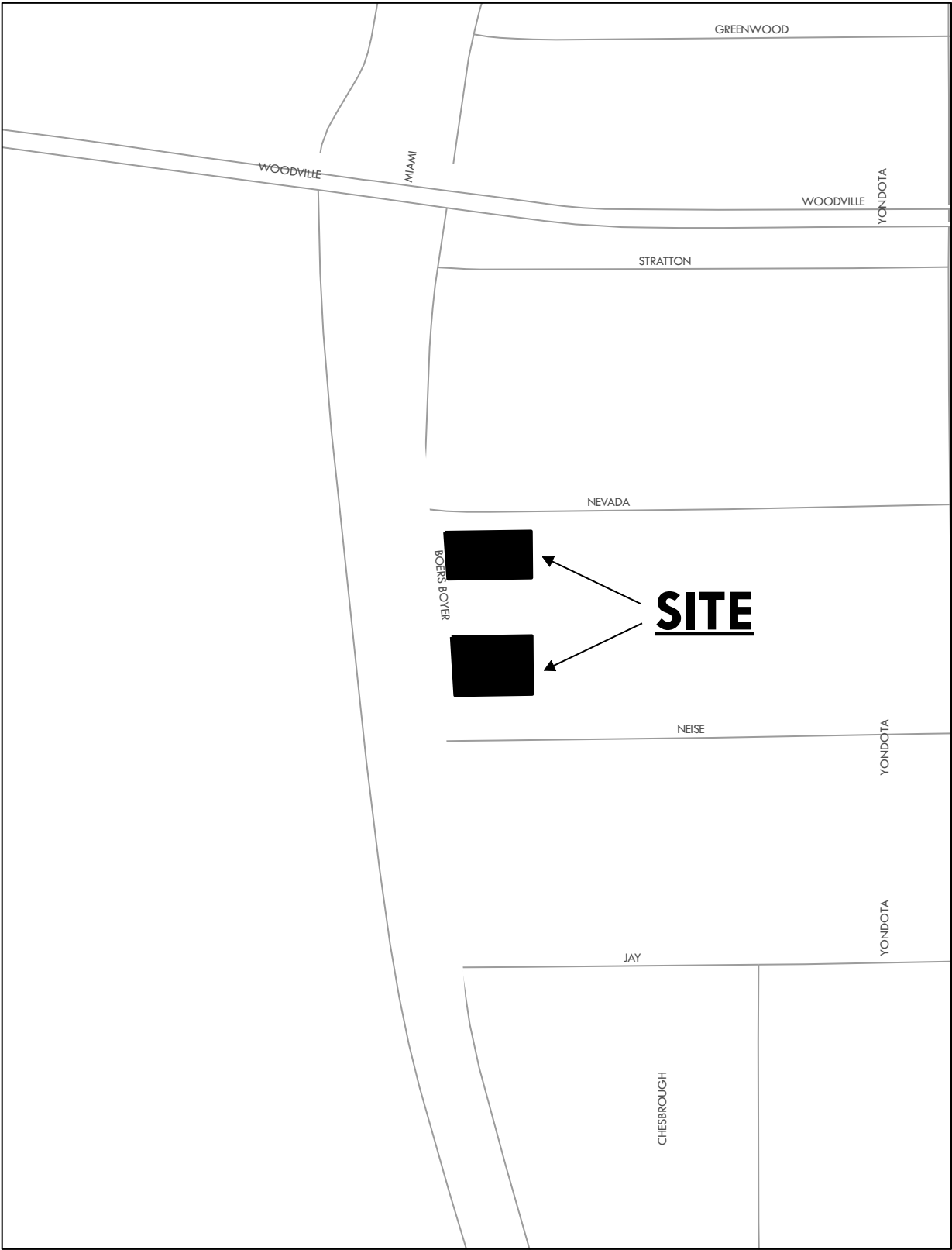
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3004-23
DATE: May 11, 2023
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: June 14, 2023
TIME: 4:00 P.M.

ET
Five (5) sketches follow

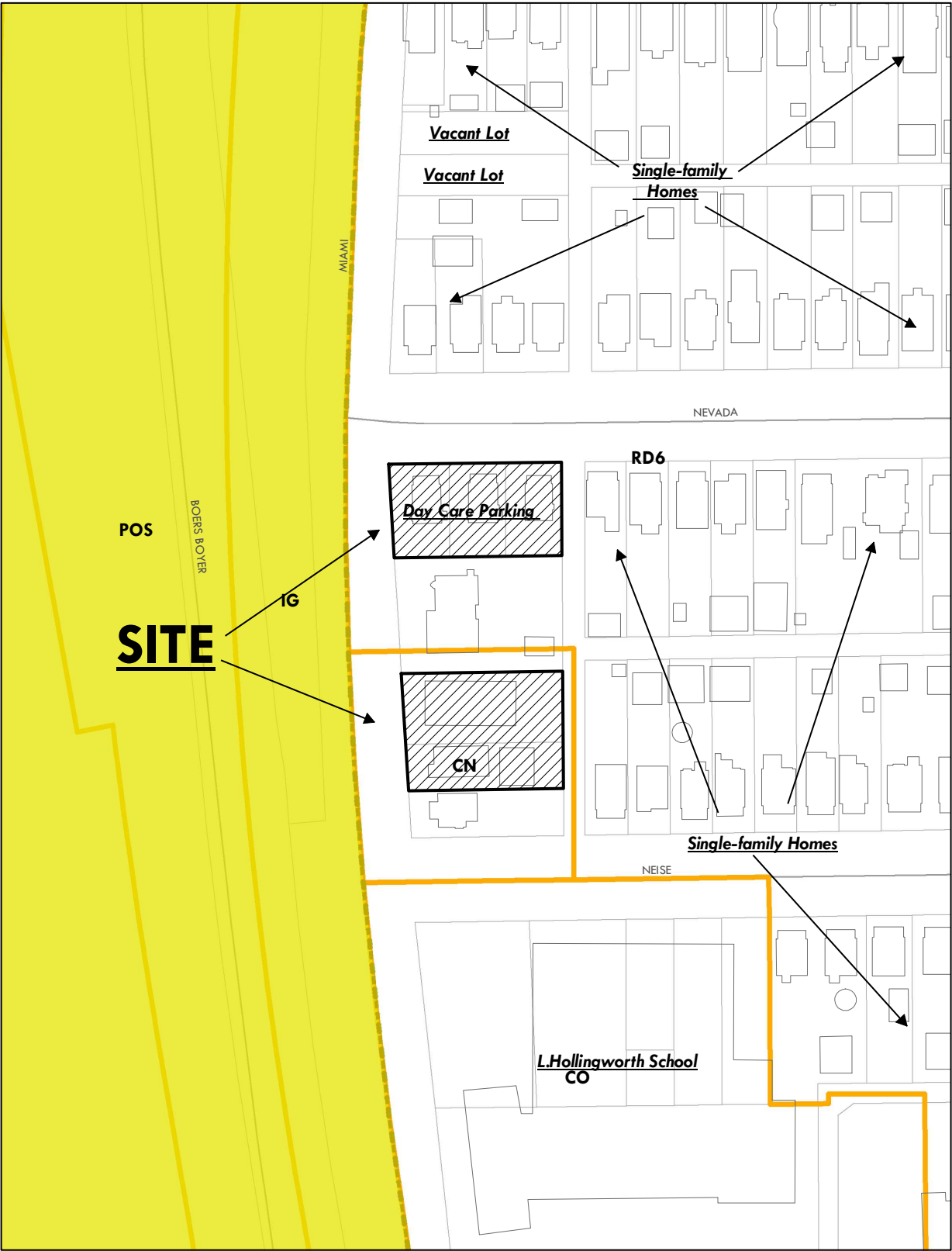
GENERAL LOCATION

SUP-3004-23
ID 126



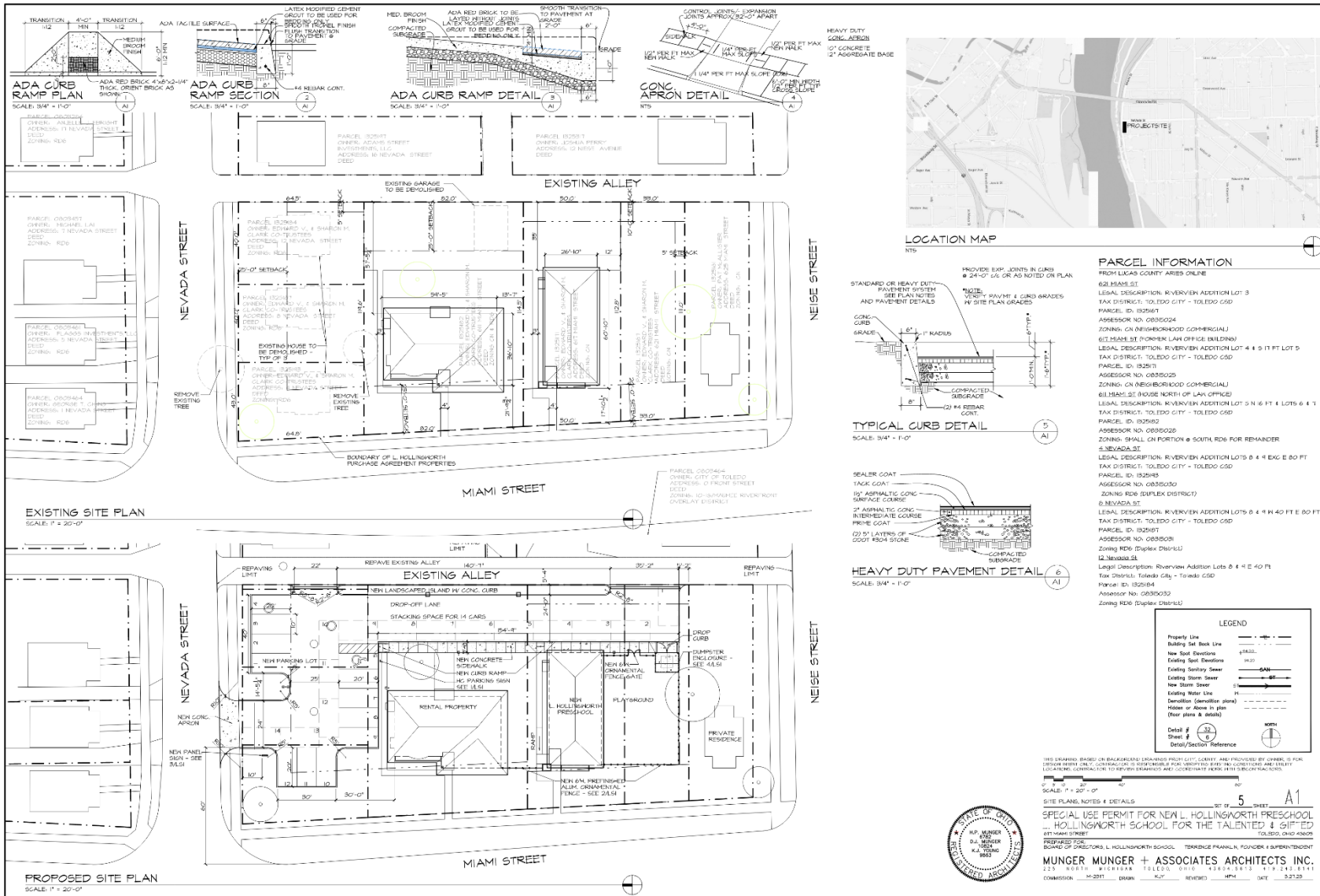
ZONING & LAND USE

SUP-3004-23
ID 126



SITE PLAN

SUP-3004-23

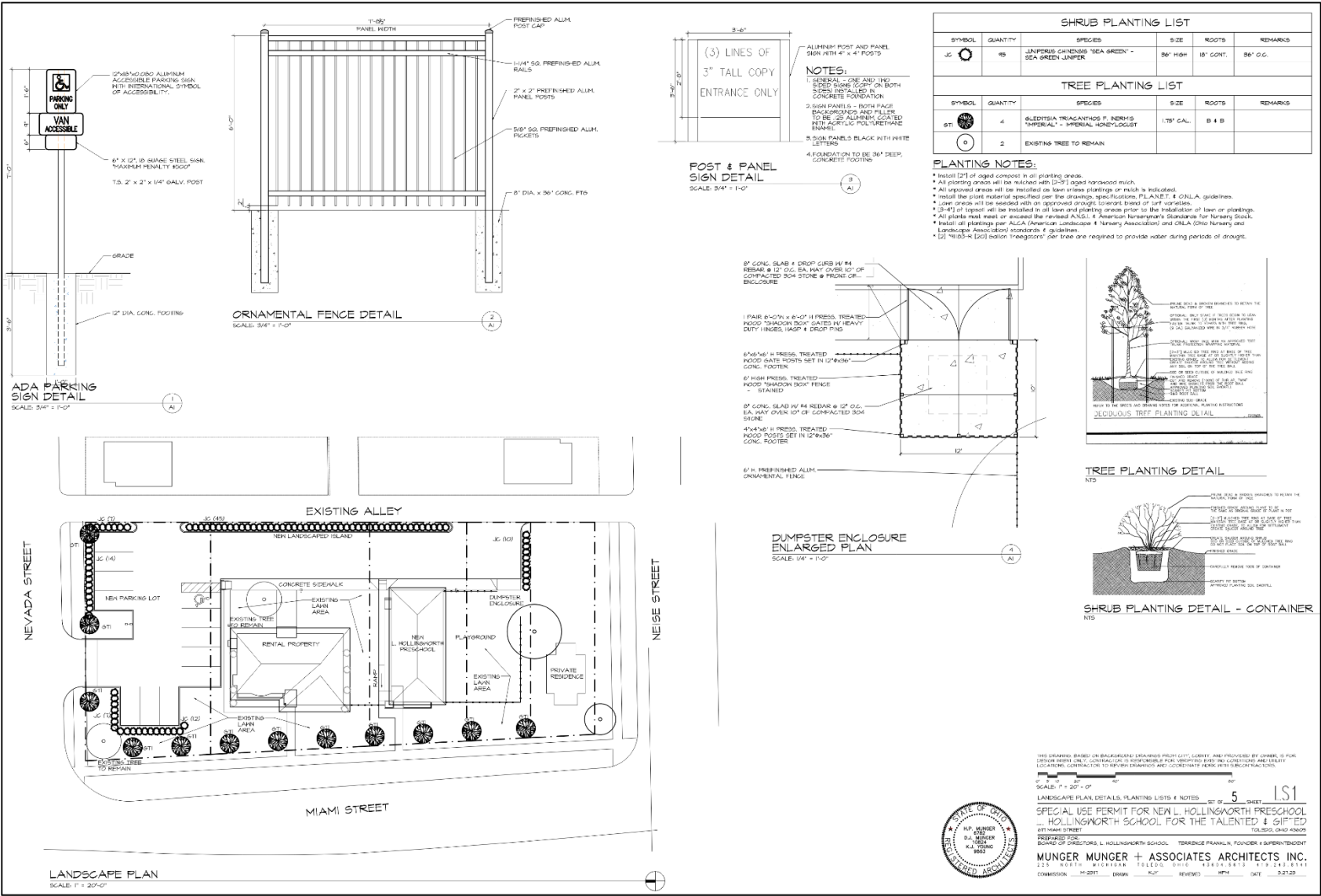


LANDSCAPING PLAN

SUP-3004-23



8-14



THIS DRAWING IS BASED ON BACKGROUND DRAWINGS FROM CITY COUNTY AND PROVIDED BY OWNER. IT IS FOR DESIGN REVIEW ONLY. CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION AND SHALL LOCATE AND CONTRACT TO REMOVE EXISTING AND CONFLICTING UTILITIES BEFORE CONSTRUCTION.

SCALE: 1" = 20'-0"

LANDSCAPE PLAN, DETAILS, PLANTING LIST & NOTES SET OF 5 SHEETS 5

SPECIAL USE PERMIT FOR NEW L. HOLLINGSWORTH PRESCHOOL
... HOLLINGSWORTH SCHOOL FOR THE TALENTED & GIFTED
811 MIAMI STREET TOLEDO, OHIO 43609

PREPARED FOR:
BOARD OF DIRECTORS, L. HOLLINGSWORTH SCHOOL TERRY FRANKLIN, FOUNDER & SUPERINTENDENT

MUNGER MUNGER + ASSOCIATES ARCHITECTS INC.
215 NORTH WILSON AVENUE TOLEDO, OHIO 43604-3412 P 419.242.1141

COMMISSIONED: 11-2017 DRAWN: J.C. REVIEWED: MFM DATE: 3.27.20

PROPOSED PARKING GARAGE

SUP-3004-23



+2

