



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: April 12, 2019

REF: SUP-2002-19

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Request for Special Use Permit for a Type "A" Family Day Care at 4560 Hill Avenue.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, April 11, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Type "A" Family Day Care
Location	-	4560 Hill Avenue
Applicant	-	Shala & Tribune Dailey 4560 Hill Avenue Toledo, OH 43615
Architect	-	Kevin Brown CENiC Architecture 262 Jennings Road Rossford, OH 43460

Site Description

Zoning	-	RS6 / Single-Dwelling Residential
Area	-	± 0.33 acres
Frontage	-	± 82' along Hill Avenue
Existing Use	-	Single-dwelling house
Proposed Use	-	Type "A" Family Day Care

Area Description

North	-	Agriculture / RS6
South	-	Hill Avenue, Winterfield Park / POS
East	-	Single-dwelling house / RS6
West	-	Agriculture / RS6

GENERAL INFORMATION (cont'd)

Parcel History

No records on file.

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" Family Day Care at 4560 Hill Avenue. The ±0.33-acre site is zoned RS6 Single-Dwelling Residential and occupied by an existing single-family household. Surrounding uses include agricultural land to the north and west, single-family homes to the east and a city park across Hill Avenue to the south.

The applicant previously operated a Type "B" Family Day Care on the site and intends to reopen as a Type "A" Family Day Care. The applicant is requesting the Special Use Permit since they are required for all Type "A" Family Day Cares when located within a residential zoning district.

Use Regulations

Pursuant to TMC§11104.0701(C), Type "A" Family Day Cares are prohibited from all residential zoning districts, except for those properties located along a major street, as defined in the "Toledo-Lucas County Major Street and Highway Plan". Hill Avenue is designated as a major street and the proposed location is in compliance with the applicable regulation.

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*, a Type "A" Family 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. Calculations conclude that a total of three (3) parking spaces are required for the site. The site plan submitted depicts an area available for two (2) parking space separate from the garage and therefore in compliance with the minimum number of off-street parking spaces.

Additionally, pursuant to TMC§1104.0701(F) – *Drop-off/Pick-up Area*, a paved area for dropping off and picking up persons in care at the facility must be provided with the approval of the Division of Transportation. The Division of Transportation has reviewed the site plan and does not object to the approval of the day care in the residential district.

STAFF ANALYSIS (cont'd)

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 one 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. A fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for the shrub requirements (TMC§1108.0203(D)(2)). The site plan submitted depicts the outdoor play area in the back of the property but did not provide the Type B landscape buffer. As a condition of approval, a Type B landscape buffer shall be installed around the outdoor play area and depicted on a revised site plan.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area as single-family residential land uses. The single-family residential land use district was intended to accommodate the development of single-dwelling units on individual lots. The single-family residential 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. Additional uses may include libraries, schools, churches, and community centers.

The proposed Type "A" Family Day Care conforms to the future land use designation and the property is located on a major street, as defined in the "Major Streets and Highway Plan". Therefore, staff recommends approval of the request because the proposed use complies with all applicable provisions of the Zoning Code. Additionally, the Division of Transportation has not objected to the approval of the day care in the residential district.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-2002-19, a Special Use Permit for a Type "A" Family Day Care at 4560 Hill Avenue, to Toledo City Council for the following three (3) reasons:

1. The proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – Review & Decision-Making Criteria).
2. The proposed use complies with all applicable provisions of the Zoning Code (TMC§1111.0706(B) – *Review & Decision Making Criteria*); and

PLAN COMMISSION RECOMMENDATION (cont'd)

3. The request is compatible with adjacent uses in terms of scale, site design, and operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other impacts associated with the use's operation) (TMC§1111.0706(C) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission further recommends approval of SUP-2002-19, a Special Use Permit for a Type "A" Family Day Care at 4560 Hill Avenue, to Toledo City Council subject to the following **twenty-six (26)** conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions

Division of Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: Joe Warnka, ph. 419-245-1341

Roadway: Tim Grosjean, ph. 419-245-1344

Water: Andrea Kroma, ph. 419-936-2163

Stormwater Drainage: Lorie Haslinger, 419-245-3221; Andy Stepnick, 419-245-1338

Sanitary Sewers: Mike Elling, ph. 419-936-2276

2. 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.
3. 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.
4. 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.

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

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services

5. Plan commission submittal does not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a stormwater plan review by the Division of Engineering Services. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site plan review and approval will be required by the Division of Engineering Services, subject to the rules and regulations of the City of Toledo including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements, and the Ohio EPA NPDES General Stormwater Permit for Construction Activities.

Sewer and Drainage Services

6. S&DS requires all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
7. 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 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 Sewer & Drainage Services demonstrating the lines cleaning and integrity.

Fire Prevention

8. Premise identification shall be on the side of the building fronting the street or road.

Division of Environmental Services

9. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
10. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
11. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services (cont'd)

12. 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 stormwater impacts from the modification, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
13. Any effort made to plant non-invasive trees, shrubs and perennials is highly encouraged. http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
14. Applicant shall maintain compliance with the City of Toledo and 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.

Division of Transportation

No objections.

Plan Commission

15. A revised site plan shall be submitted depicting the existing right-of-way/roadway easement along Hill Avenue.
16. 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. **The site plan submitted depicts an outdoor play area with 264 square feet which will only accommodate four (4) persons at one time. A revised site plan shall be submitted depicting a larger outdoor area if more than four (4) persons intend to use the outdoor area.**
17. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
18. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks or the public right-of-way as stated in TMC§1361.10(b)(10) of the Building Code **(if applicable)**.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

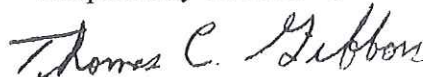
19. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a 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)).
20. 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.
21. No 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.
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. A Type "B" Landscape Buffer is required around the outdoor play area. The Type "B" Landscape Buffer shall be a minimum of ten-feet (10') in width with a minimum of four (4) trees and fifteen (15) shrubs for every 100 linear feet. A solid privacy fence, wall, or berm six-feet (6') to eight-feet (8') in height may be used and can substitute for shrub requirements. **Not acceptable as depicted on site plan. A Type "B" Landscape Buffer shall be installed around the outdoor play area and depicted on a completed landscaping plan.**
 - 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. 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, trees, shrubs, and landscape materials shall meet the standards included in TMC 1108.0400 Landscape Materials Standards; **shall be noted on a completed landscaping plan.**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- d. The location, height and materials for any fencing to be installed and maintained; **not acceptable as depicted on site plan. A solid wood privacy fence shall be installed around the outdoor play area in the Type "B" Landscape Buffer and shall be depicted on a completed landscaping plan;** and
 - e. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties)
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,



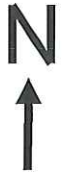
Thomas C. Gibbons
Secretary

Three (3) sketches follow

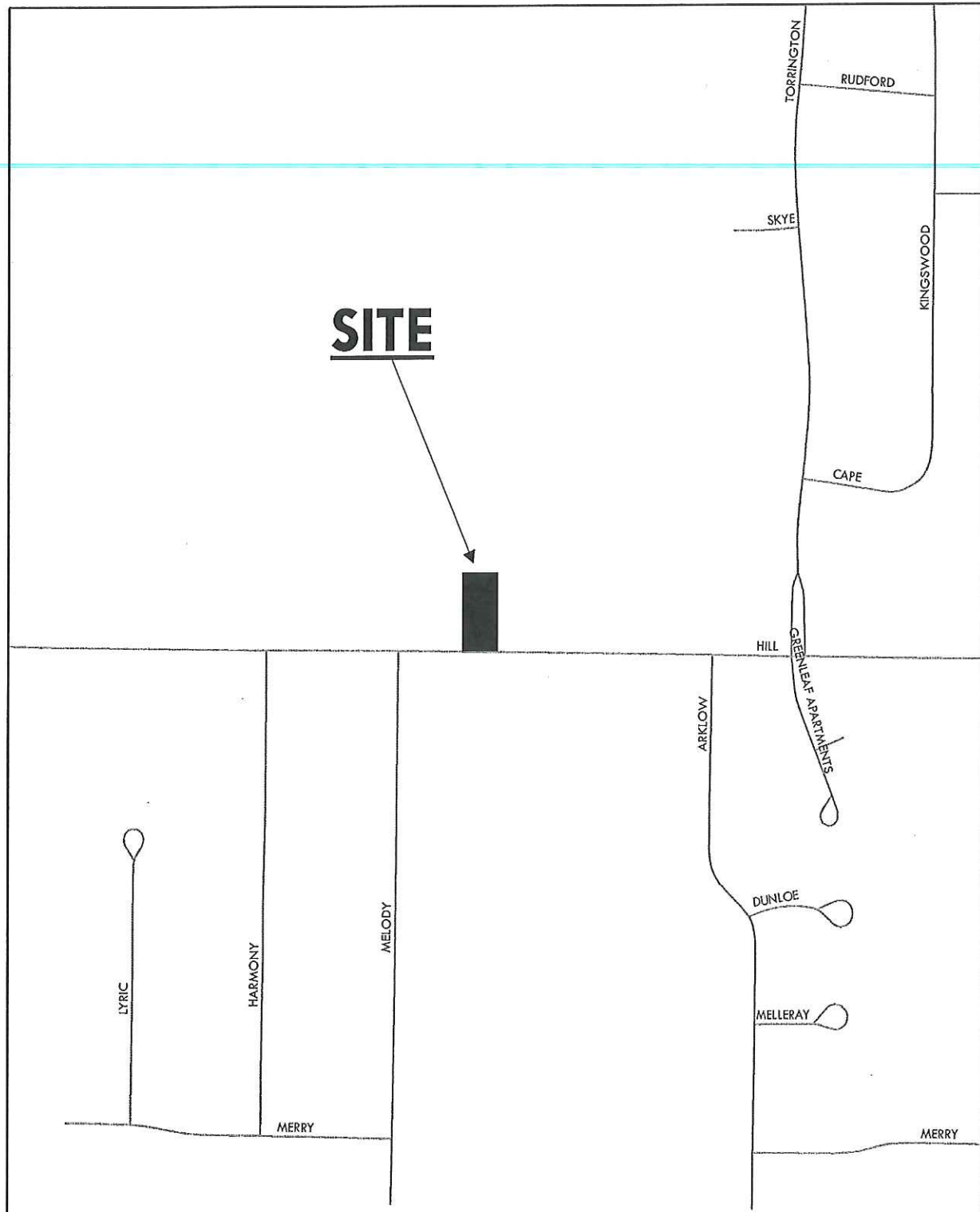
Cc: Shala & Tribune Dailey; 4560 Hill Avenue, Toledo, OH 43615
Kevin Brown; CENiC Architecture, 262 Jennings Road, Rossford, OH 43460
Lisa Cottrell, Administrator
Ryne Sundvold, Planner

GENERAL LOCATION

SUP-2002-19
ID 107

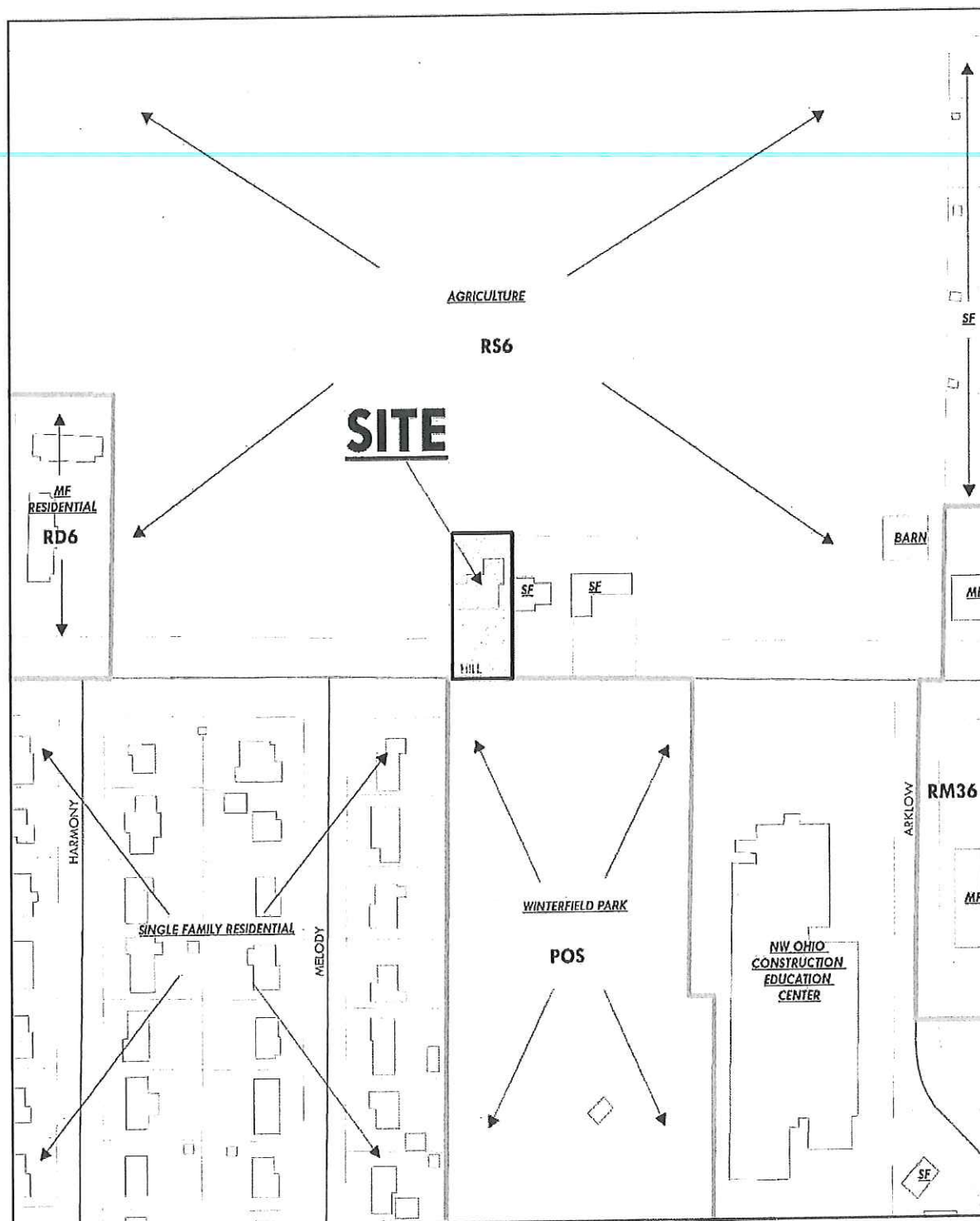


SITE

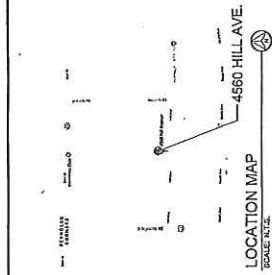


ZONING AND LAND USE

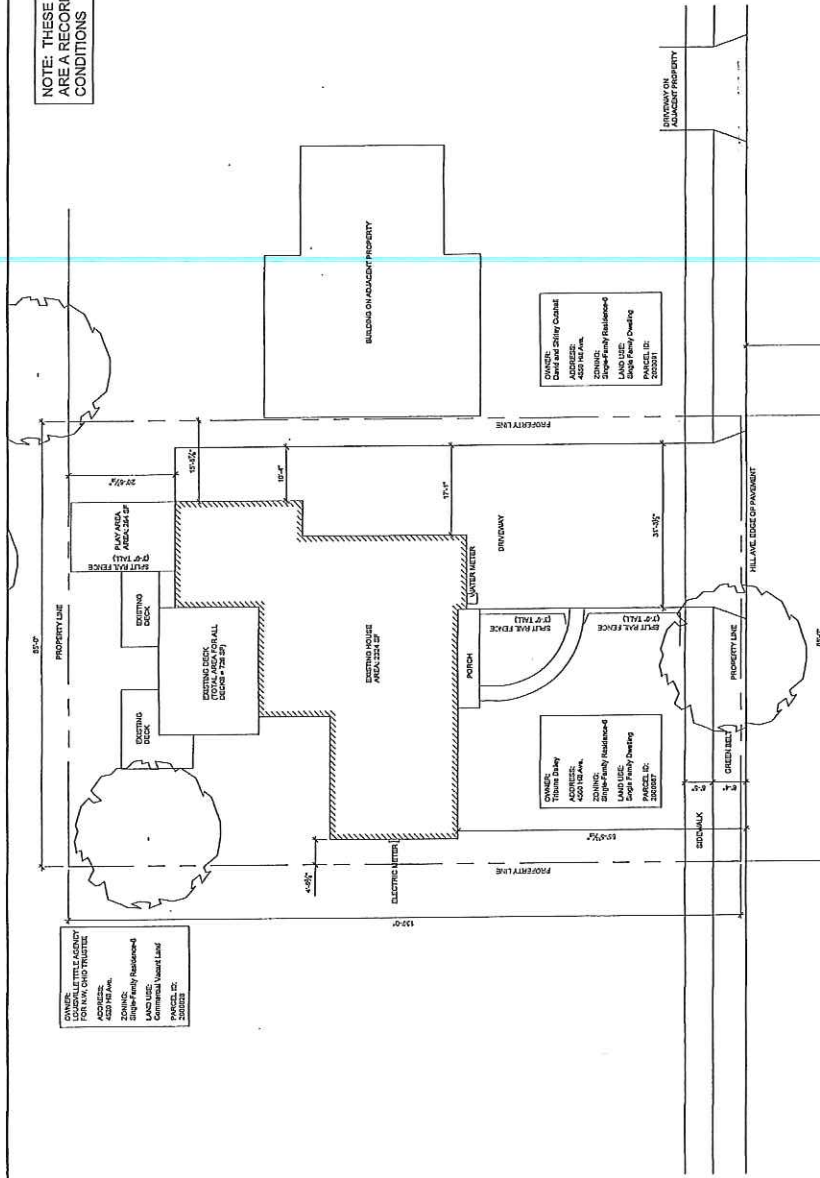
SUP-2002-19
ID 107



SUP-2002-19
ID 107



LEGAL DESCRIPTION
PARCEL ID: 2503007
2.1 SE 1/4 W 22.50 FT S 100 FT W 1/2 E 1/2 SEC PT IN RD



**NOTE: THESE DOCUMENTS
ARE A RECORD OF EXISTING
CONDITIONS**

OWNER: Tribune Daily	ADDRESS: 4500 1st Ave.	ZONING: Single-Family Residential	LAND USE: Single Family Dwelling	PARCEL ID: 2000087
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OWNER:
David and Jeffrey Outcast

ADDRESS:
4550 Mt. Ave.

ZONING:
Single-Family Residence-6

LAND USE:
Single Family Dwelling

PARCEL ID:
20220391

OWNER: LOUISVILLE TITLE AGENCY FOR N.W. OHIO TRUSTEE	ADDRESS: 4520 Hill Ave.	ZONING: Single-Family Residence-8	LAND USE: Commercial Vacant Land	PARCEL ID: 2000028
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SITE PLAN
SCALE: 1" = 10'-0"

OWNER: City of Toledo	
ADDRESS: 4585 Mt. Ave.	
ZONING: Park and Open Space	
LAND-USE: Exempt Property Owned by Municipality	
PARCEL ID: 2015261	

WILL AVE. EDGE OF PAVEMENT

01.0

SHEET NO.

SITE PLAN REVIEW	RECORD DRAWING for BRIGHTEN TOMORROW DAYCARE	DATE	2/16/2009	TIME	11:00	4550 HILL AVE. TOLSON, OH 43151
		PROJECT:	PRODUCT:	DATE	TIME	



CEN
ARCHITECTURE

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