

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS



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



THOMAS C. GIBBONS, DIRECTOR

DATE:

September 13, 2019

REF:

SUP-7004-19

TO:

President Matt Cherry and Members of Council, City of Toledo

FROM:

Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT:

Request for a Special Use Permit for a Day Care Center at 4311 Dahlia Drive

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, September 12, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request

Special Use Permit for a Day Care Center

Location

4311 Dahlia Drive

Applicant

Anthonyesha Fagan

821 Southbriar Road Toledo, OH 43607

Architect

John A. Weithman

P.O. Box 216 Genoa, OH 43430

Site Description

Zoning

RS6 / Single-Dwelling Residential

Area

±0.89 acres

Frontage

±120' along Dahlia Drive

Existing Use

Vacant Community Center

Proposed Use

Day Care Center

Overlay

None

Neighborhood Org.

None

Area Description

North

Single family homes / RS6

South

Single family homes / RS6

East

Single family homes / RS6

West

Baseball field / RS6



TO: President Cherry and Members of Council

September 13, 2019

Page 2

GENERAL INFORMATION (cont'd)

Parcel History

Z-120-72

Request for a Special Use Permit for the construction of a Community Building on Lot #56 in Lehman Avenue Subdivision, located on the west side of Dahlia Drive, south of Lehman Avenue. Plan Commission approved 06/08/1972.

REF: SUP-7004-19

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a Day Care Center at a site located at 4311 Dahlia Drive. The site consists of one (1) parcel with ± 0.89 acres of total land area. The site is zoned RS6 Single-Dwelling Residential and is surrounded by single-family homes on the north, east, and south, and a baseball field to the west. A Special Use Permit for a Day Care Center is required when located in a residential zoning district. The site was originally designated as a private park on the Lehman Avenue Subdivision Plat. In 1972, a community center was constructed on the property. Due to the underlying plat designation, a replat is required as a condition of the Special Use Permit.

Use Regulations

Pursuant to TMC§1104.0703(B), Day Care Centers are only permitted when located along a major street, as defined in the "Toledo-Lucas County Major Street and Highway Plan". Dahlia Drive is not designated on a major street. The property is also located within a residential subdivision, with Suder Avenue being one block to the west of the property. As a result, the proposed location is not in compliance with the applicable regulation, and the applicant requests a waiver to TMC§1104.0703(B).

Day Care Centers require thirty-five (35) square feet of useable indoor space per person in care per TMC $\S1104.0703(D)$. The total building area is 3,800 square feet. According to the submitted site plan, the garage occupies ±600 square feet and the patio occupies ±275 square feet, leaving at most, $\pm2,925$ square feet of space for child care and allowing eighty-three (83) children. A revised site plan depicting the indoor space for children in care is required and listed as a condition of approval.

September 13, 2019

Page 3

STAFF ANALYSIS (cont'd)

Parking and Circulation

Pursuant to TMC§1107.0304 – *Parking, Loading, and Access*, a Day Care Center is required to have one (1) parking space per six (6) person capacity or one (1) per four hundred (400) square feet, whichever is greater. Square footage calculations of the building conclude that a total of ten (10) parking spaces are required for the proposed Day Care Center. The site plan submitted depicts off-street parking with thirteen (13) parking spaces and one (1) car-accessible space. Per TMC§1107.1701 – *Number of Spaces*, a van-accessible space must be available for every one (1) to twenty-five (25) off-street parking spaces, and this requirement is listed as a condition of approval.

Additionally, pursuant to TMC§1104.0703(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 Center.

Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0304). Off-Street Parking Schedule "A" requires one (1) bicycle parking slot per ten (10) parking spaces. Calculations conclude that a total of two (2) bicycle parking slots are required. The site plan submitted does not comply with this regulation. Listed as a condition of approval, a revised site plan will be required to show compliance with the appropriate number of bicycle parking spaces.

Landscaping

For Day Care Centers, sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at one time (TMC§1104.0703(E)). The fenced in outdoor space depicted on the site plan is 2,000 square feet and allows for thirty-three (33) children at any one time.

A ten foot (10') Type B landscape buffer shall be provided around the outdoor play area. Four (4) trees and fifteen (15) shrubs are required per 100 linear feet. A privacy fence may substitute for shrub regulations. Staff measurements for the outdoor play area show dimensions of forty-three feet (43') by thirty-three feet (33') by sixty-five feet (65') bounded by a four foot (4') fence. In order to meet the Type B landscaping requirements per TMC§1108.0203 – *Buffer and Screening Requirements*, six (6) trees shall be placed within the buffer. A revised site plan shall be submitted depicting the location of the trees and the type of material used for the fencing.

September 13, 2019

Page 4

STAFF ANALYSIS (cont'd)

Neighborhood Meeting

Due to the potential impact on the surrounding neighborhood, staff requested the applicant host a neighborhood meeting for the proposed Special Use Permit prior to the Plan Commission hearing. Meeting notifications were sent to a mailing address list provided to the applicant generated by Plan Commission staff. The neighborhood meeting was held on August 21, 2019 at the Point Place Library. The meeting was attended by five (5) people including the City Councilmember for the District. No concerns were raised by attendees of the meeting.

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 use is in compliance with the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the Special Use Permit since the proposed use meets the stated purpose of the Zoning Code (TMC§1111.0706(A) – *Review & Decision-Making Criteria*). Staff also recommends the approval of the waiver of TMC§1104.0703(B) – *Day Care Center Location* as the site is a vacant, existing community building.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-7004-19, a request for a Special Use Permit for a Day Care Center at 4311 Dahlia Drive, 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) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission makes the following recommendation to the Toledo City Council on the waiver requested for SUP-7004-19, request for a Special Use Permit for a Day Care Center at 4311 Dahlia Drive.

September 13, 2019

Page 5

PLAN COMMISSION RECOMMENDATION (cont'd)

Chapter 1104 Day Care

Sec. 1104.0703 Day Care Center

B. Location – A Day Care Center must have building frontage on a major street.

Approve a waiver to allow the Day Care Center to operate on Dahlia Drive, a local roadway.

The Toledo City Plan Commission further recommends approval of SUP-7004-19, a Special Use Permit for a Day Care Center at 4311 Dahlia Drive, to Toledo City Council subject to the following **thirty-two** (32) 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.

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 419-245-1341

Roadway: Tim Grosjean 419-245-1344 Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Andy Stepnick 419-245-1338

Lorie Haslinger 419-245-3221

Sanitary Sewers: Mike Elling 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.

REF: SUP-7004-19

TO: President Cherry and Members of Council September 13, 2019

Page 6

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

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.

- 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.
- 6. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs) to provide sediment and erosion control during construction. Construction BMP's shall be designed and installed per the latest Ohio EPA General Stormwater NPDES permit.

Sewer & Drainage Services

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

Environmental Services

9. 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.

September 13, 2019

Page 7

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services (cont'd)

- 10. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
- 11. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.
- 12. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.
- 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 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 Anti-Noise Laws.

Fire Prevention

- 15. Approved Premises identification is required.
- 16. The daycare shall be in compliance with the requirements set forth for in the Ohio Building Code and Ohio Fire Code for E Daycare facilities.

Transportation

- 17. Bicycle parking spaces required per TMC 1107.
- 18. Must provide accessible 9'x18' parking space with 8' aisle for van per TMC 1107.
- 19. Must provide accessible parking signage per TMC 1107.

Plan Commission

20. A Day Care Center must have building frontage on a major street. Not acceptable as submitted. The Applicant shall obtain a waiver of TMC§1104.0703(B) to allow the Day Care Center to be located on Dahlia Drive.

REF: SUP-7004-19

TO: President Cherry and Members of Council September 13, 2019 Page 8

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- 21. The Lehman Avenue Subdivision Plat identifies the property as a "Private Park". A single lot replat is required in order to change the use. **This is a subdivision regulation and is not subject to waiver procedures.**
- 22. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation. Not acceptable as depicted on site plan. Usable indoor space shall be indicated on a revised site plan.
- 23. 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. The site plan submitted depicts an outdoor play area with 2,000 square feet. A total of thirty-three (33) persons may use the outdoor space at any one time.
- 24. 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. **Acceptable as depicted on site plan.**
- 25. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
- 26. A minimum of two (2) bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). Not depicted on site plan. A revised site plan depicting the location and number of bicycle parking slots shall be submitted.
- 27. 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.
- 28. 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, which shall be a minimum of ten feet (10') in width with six (6) trees and either fencing or shrubs. The location, height and materials for any fencing to be installed and maintained shall be indicated; not acceptable as depicted on site plan. Trees and fencing material shall be noted on a revised site plan.

September 13, 2019

Page 9

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- b. Landscape areas within the parking area shall be peninsular or island types and must be constructed with 6-inch by 18-inch concrete curbing; acceptable as depicted on landscaping plan (if applicable).
- c. Topsoil must be back filled to provide positive drainage of the landscape area;
- d. 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.
- 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; **shall be indicated on revised site plan.**
- f. 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; not acceptable as depicted on site plan. Screening materials shall be indicated on a revised site plan.
- g. Canopy trees must be a minimum of 12' in overall height or a minimum caliper of 2 inches and evergreen trees must be a minimum of 5'.
- h. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details.
- 29. 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.
- 30. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
- 31. 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.

TO: President Cherry and Members of Council

September 13, 2019

Page 10

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

32. 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. Jethon

REF: SUP-7004-19

Thomas C. Gibbons

Secretary

Three (3) sketches follow

Cc: Anthonyesha Fagan, 821 Southbriar Road, Toledo OH 43607

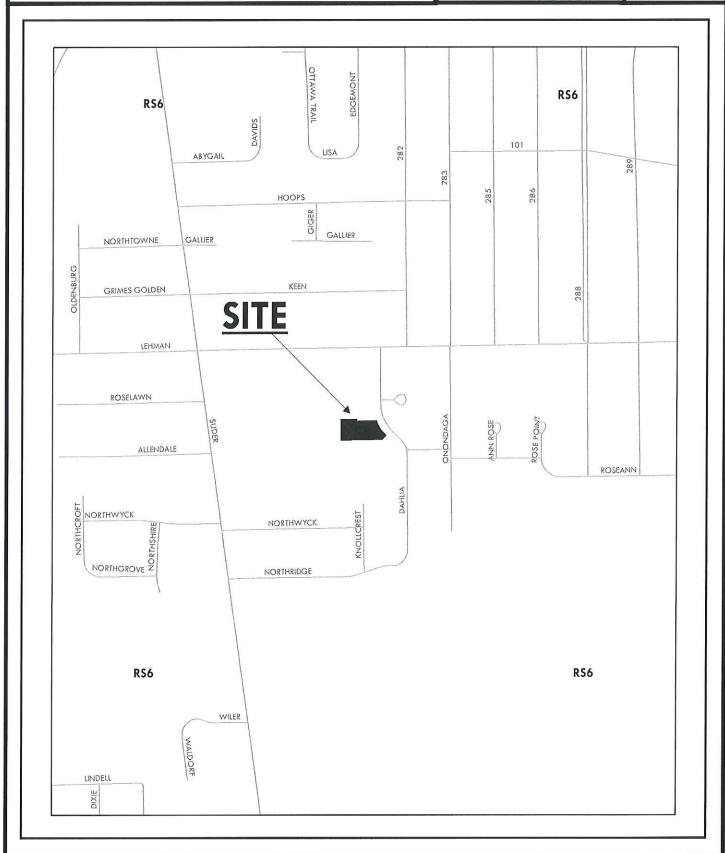
John A. Weithman, P.O. Box 216, Genoa, OH 43430

Lisa Cottrell, Administrator Dana Doubler, Planner

GENERAL LOCATION

SUP-7004-19 ID 62

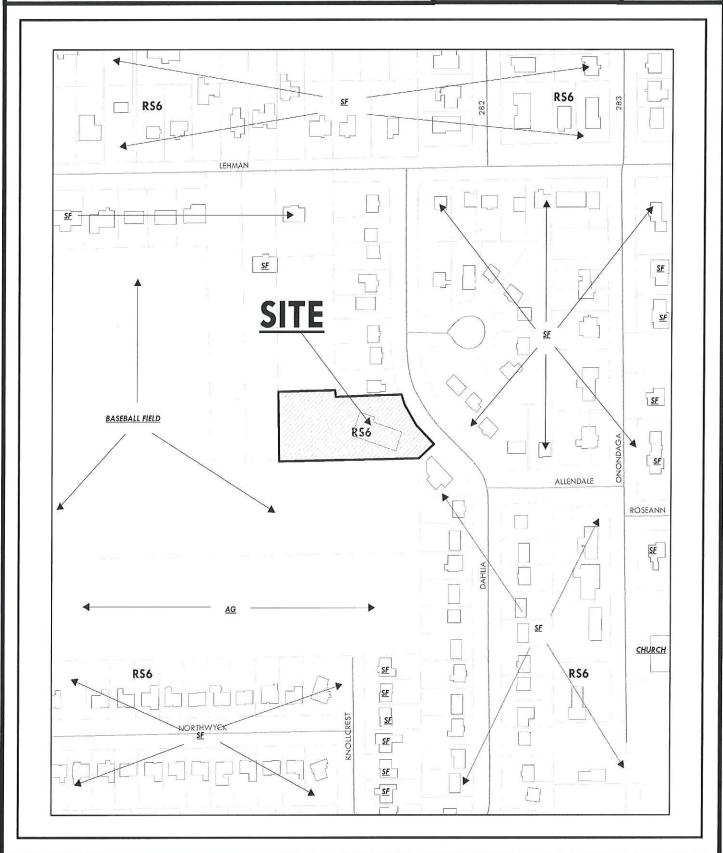


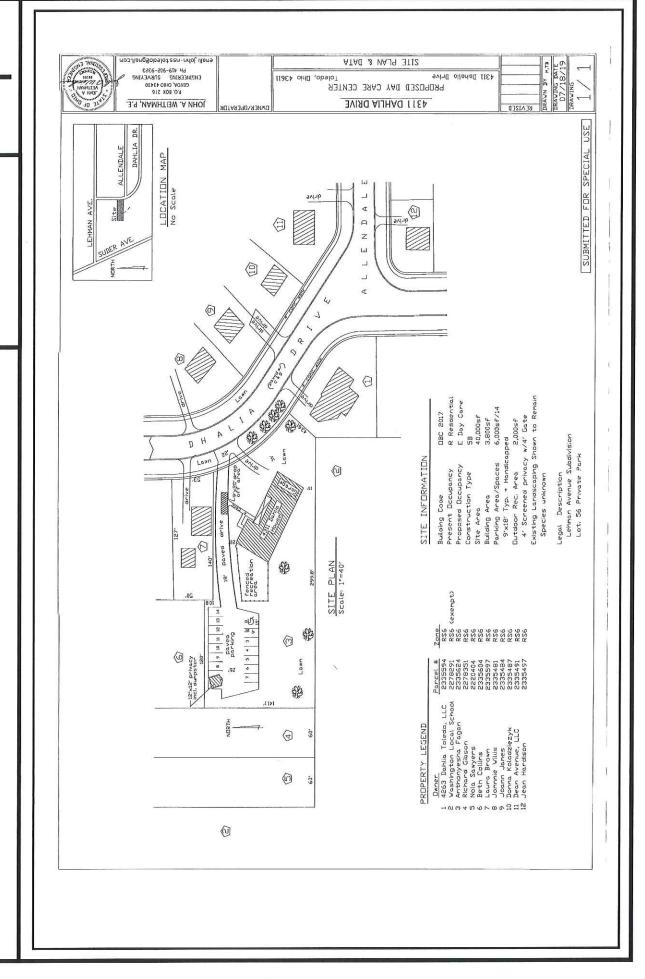


ZONING AND LAND USE

SUP-7004-19 ID 62







SUP-7004-19 ID 62

SITE PLAN

Notice of Community Meeting

Concerning Property Located at 4311 Dahlia, Toledo Ohio 43611



Proposed Early Learning Child Development Center For youth ages 0 - 5

Citizens and Neighbors of 4311 Dahlia,

Skyfall Early Learning Center is holding a community meeting where you can learn more about our proposed Early Learning Childcare Center to be located at 4311 Dahlia, Toledo Ohio 43611. We have submitted a letter of inquiry to the City of Toledo Planning Commission seeking a special use permit. This permit will allow us to provide early learning services for youth between the ages of 0 – 5.

This meeting will give you an opportunity to meet our owner, hear her vision for the early learning center. Representatives from Skyfall and the City of Toledo Planning Commission will be present to hear your concerns and answer all of your questions.

For more information send a written inquiry by email to: skyfallrh@yahoo.com.

MEETING LOCATION

Point Place Library 2727 117th Street Toledo, Ohio 43611

Wednesday August 21, 2019

6:00 P.M

Doubler, Dana

| From: Sent: To: Subject: | Anthonyesha Fagan <skyfallrh@yahoo.com> Thursday, August 15, 2019 1:51 PM Doubler, Dana Re: Replat info 4311 Dahlia Drive</skyfallrh@yahoo.com> | |
|--|---|--|
| | | |
| Thank you! No I will not make it my residence it will be staffed for the hours that we are open for business. Also the number of children I have will be based on the space I have which will be determined by the licensing agency for the center. | | |
| Sent from Yahoo Mail on Android | | |
| On Thu, Aug 15, 2019 at 1:4 <dana.doubler@toledo.oh.g< td=""><td></td><td></td></dana.doubler@toledo.oh.g<> | | |
| Hi Anthonyesha, | | |
| | | |
| Thank you for taking the time to chat with me earlier. Attached you will find a copy of the original plat of 4311 Dahlia Drive, as well as the application for a replat. The checklist attached has all of the information you will need to complete an application. The section you should refer to is "Final Plat (Residential)" on the second page. You will need a final plat drawing done. I will follow up with you next week to provide more details and to let you know how you get the original plat signed by the subdivider and surveyor. | | |
| One question I have for you, will you be making 4311 Dahlia Drive your permanent residence once you run the Day Care Center? | | |
| Thank you! | | |
| Dana Doubler | | |
| Planner | | |
| Toledo-Lucas County Plan Commissions | | |
| One Government Center, Suite | 1620 | |
| Toledo, OH 43604 | | |
| (419) 245-1200 | | |
| e | | |

