

REF: SUP-5003-21
DATE: July 8, 2021

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	11 Richards Road
Applicant/Owner	-	Trishia Ethridge P.O. Box 194 Maumee, Ohio 43537
Designer	-	Nicholas J. Bidlack Architecture by Design 5622 Mayberry Square Sylvania, Ohio 43560

Site Description

Zoning	-	RS6 / Single-Dwelling Residential
Area	-	± 1.16 acres
Frontage	-	± 303' along Hill Avenue ± 94' along Richards Road
Existing Use	-	Church
Proposed Use	-	Day Care Center

Area Description

North	-	Single-dwelling homes / RS6
South	-	Single-dwelling homes / RS6
East	-	Nursing Home / RS6
West	-	Single-dwelling homes / RS6

Parcel History

Z-100-69	-	Request to change Zoning from R-2 Residential to R-4 Residential at the NW Corner of Hill and Richards (PC denied 6/12/69)
----------	---	--

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 Day Care Center at 11 Richards Road. The ± 1.16 acre site is zoned RS6 Single-Dwelling Residential and operating as an existing Church. The applicant has indicated a capacity of **thirty-six (36)** individuals in care on the site plan. The site is located at the northeastern corner of Hill Ave and Richards Rd. It is surrounded by single family homes to the north, west, and south, and a nursing home to the east. Special Use Permits are required to be obtained in order to operate a day care center in residential districts.

Use Regulations

Pursuant to TMC§1104.0703(C) – *Day Care Center*, Day Care Centers are only permitted in residential zoning districts when located along a major street, as defined in the “Toledo-Lucas County Major Street and Highway Plan”. Richards Road and Hill Ave are both designated as major streets.

Per TMC§1104.0703(E) – *Day Care Center*, sixty (60) square feet of useable outdoor space must be provided for each person in care using the outdoor area at one time. The fenced in outdoor space depicted on the north side of the property indicates 799 square feet of outdoor space. Using the calculation the outdoor space provides room for thirteen (13) persons. Thirty-five feet (35’) of useable indoor space per person in care must also be provided per TMC§1104.0703(D). The site plan indicates 2,652 square feet, which exceeds the minimum required for the stated thirty-three (33) person capacity.

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 square feet (400’) of floorspace, whichever is greater. The minimum number of off-street parking spaces required for the project is seven (7), based on the square footage of 2,652 square feet. The site plan submitted depicts seven (7) parking spaces in the church parking lot dedicated for daycare use only. One (1) van accessible space is required, one (1) van accessible space and one (1) accessible space are provided in the site plan.

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 center. The parking area closest to the western entrance is dedicated to drop off and pick up.

Additionally, pursuant to TMC§1107.0901(B) – *Bicycle Parking*, a minimum of two (2) bicycle parking slots are required. The site plan indicates a bike rack providing at least two (2) spaces in close proximity to the west building entrance.

STAFF ANALYSIS (cont'd)

Landscaping

The plan shows a six foot (6') wooden privacy fence surrounding the outdoor area as well as new canopy trees that meet the Type B screening buffer required by TMC§1104.0703.

Pursuant to TMC§1108.0202 – *Frontage Greenbelt*, the site is required to have a fifteen-foot (15') landscape buffer. The existing condition of the site does not provide enough room to fully comply with these standards, however the site plan indicates site changes that meet the intent of the code and bring the site further into compliance. A row of new shrubs shall be added on the southwestern frontage of the property to minimize the impact of headlights from the parking lot on Hill Avenue. Three (3) new trees are also provided in the area. Due to the limitations presented by the eastern frontage along Richards Road, the site plan indicates two (2) additional trees to be added in the landscaped areas available. The landscaping plan is acceptable.

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 Plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-5003-21, a Special Use Permit for a Day Care Center at 11 Richards Road, 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(A) – *Review & Decision-Making Criteria*); and,
2. 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 staff further recommends that the Toledo City Plan Commission recommend approval of SUP-5003-21, a Day Care Center at 11 Richards Road, to Toledo City Council subject to the following **twenty-seven (27)** conditions:

STAFF RECOMMENDATION (cont'd)

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 419-245-1341

Roadway: Tim Grosjean 419-245-1344

Water: Andrea Kroma 419-936-2163

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

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

Fire Prevention

No comments received at time of print

STAFF RECOMMENDATION (cont'd)

Sewer and Drainage Services (S&DS)

6. S&DS requires that 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 S&DS demonstrating the lines cleaning and integrity.

Division of Environmental Services

8. 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.
9. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
10. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration.
11. Applicant is strongly encouraged to plant low maintenance and non-invasive trees, shrubs and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/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.

Division of Transportation

13. Wheel stops are required at all parking spaces abutting sidewalks, property lines, buildings, and planting areas per TMC 1107.1907.

STAFF RECOMMENDATION (cont'd)

Plan Commission

14. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available for the day care operation. **Acceptable as depicted on site plan.**
15. 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 799 square feet.**
16. 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 pursuant to TMC§1104.0701(F). **Acceptable as depicted.**
17. Seven (7) parking spaces dedicated for day care use shall be provided. At least one (1) accessible van parking space shall be provided. **Acceptable as depicted.**
18. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
19. 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**).
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. **Acceptable as depicted on site plan.**
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. Richards Road has been identified as a possible location for future sidewalk installation. In the event sidewalks are added to Richards Road the site shall provide a safe and direct pedestrian connection to the eastern entrance.
23. 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:

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

- a. A Type “B” Landscape Buffer is required around the outdoor play area. The buffer shall be at least a six-foot (6’) high fence as well as four (4) canopy trees per one-hundred feet (100’). **Acceptable as depicted.**
 - 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. **Acceptable as depicted.**
 - c. 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’.
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.
 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.

SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-5003-21
DATE: July 8, 2021
TIME: 2:00 P.M.

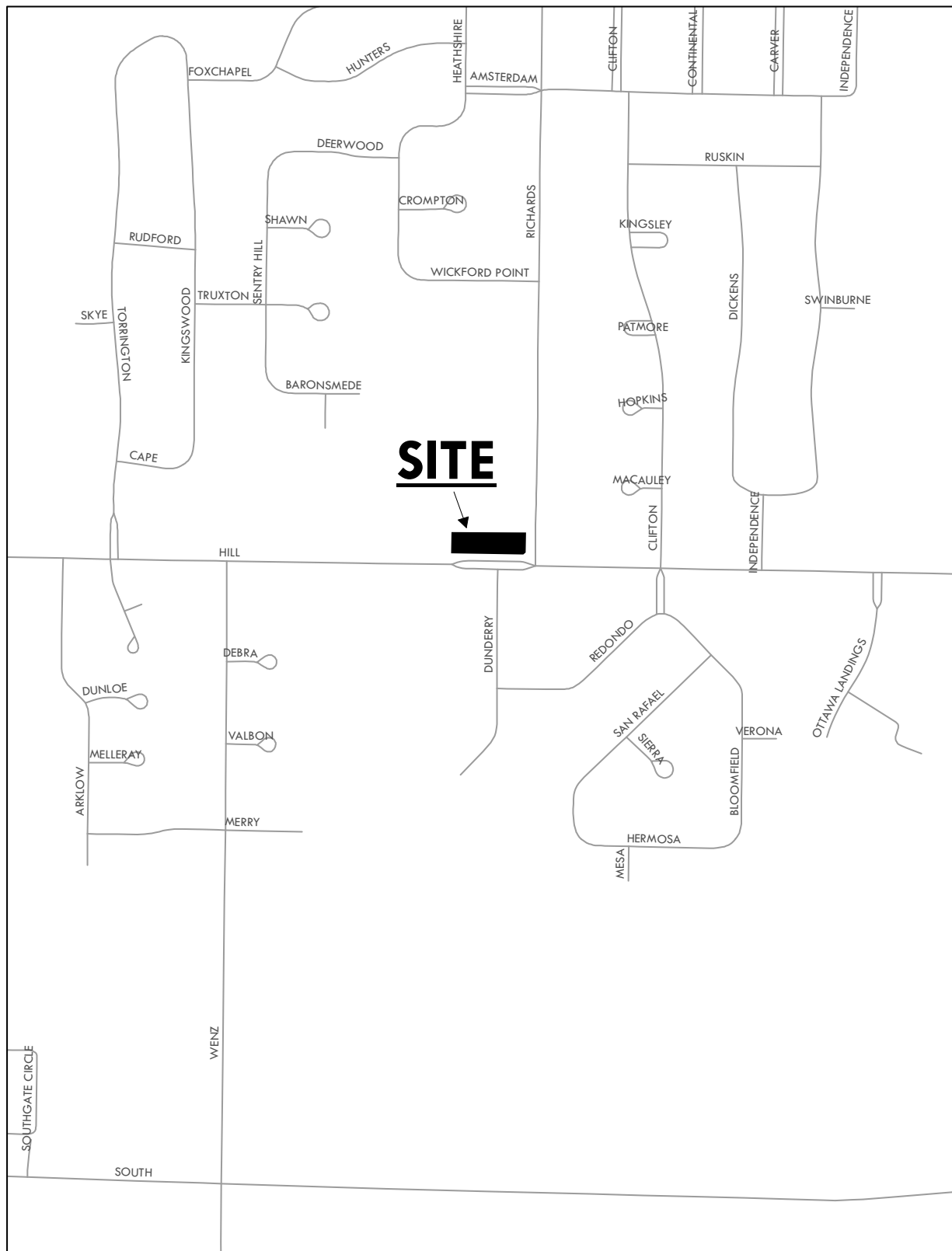
CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: August 11, 2021
TIME: 4:00 P.M.

JGL

Three (3) sketches follow

GENERAL LOCATION

SUP-5003-21
ID 83



ZONING & LAND USE

SUP-5003-21
ID 83

