

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Day Care Center
Location	-	3648 Victory Ave
Applicant	-	Tyra Smith Pathway for Successful Leadership 2052 Collingwood Blvd Toledo, OH 43604
Owner	-	Beverly Victory Avenue Property Holdings LLC 2125 University Park Dr. Okemos MI 48864
Architect	-	Stevens Architects 209 Huron Ave Port Huron, MI 48060

Site Description

Zoning	-	RS9 / Single-Dwelling Residential
Area	-	± 9.05 acres
Frontage	-	± 466' along Victory Avenue ± 65' along Byrne Road
Existing Use	-	Vacant School Building
Proposed Use	-	Day Care Center

Area Description

North	-	RS9, RM36 / Single Family Homes, School, Apartments
South	-	RS9 / Single Family Homes
East	-	RS9 / Single Family Homes
West	-	RS6 / Single Family Homes

Parcel History

V-347-07	-	Request for the Vacation of the alley north of Victory, in Dell Haven Plat II (PC Approved 6/14/07, CC Approved 10/30/07 ORD. 697-07)
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GENERAL INFORMATION (cont'd)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 3648 Victory Avenue. The ± 9.05 acre site is zoned RS9 Single-Dwelling Residential and had previously operated as a school. The building, built in 1957, will be reused and remain unchanged. The applicant has indicated an intended capacity of two-hundred (200) individuals and an additional thirty (30) staff members on the letter of intent. The site is located on Victory Avenue with a portion of frontage along N Byrne Road. It is surrounded by single family homes to the east, west, and south, and single-family homes, apartments, and a school to the north. A Special Use Permits is required 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”. Byrne Road is designated as a major street; therefore, the site complies with this requirement.

Day Care Centers, pursuant to TMC§1104.0703(E) – *Day Care Center*, must include sixty (60) square feet of useable outdoor space for each person in care using the outdoor area at one time, the site plan includes greater than 2.7 acres which far exceeds the minimum. 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 23,852 square feet, which exceeds the minimum required for the 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 sixty (60), based on the square footage of 23,852 square feet. The site plan submitted depicts an existing lot with 112 parking spaces. This exceeds the maximum permitted, however because the parking lot is to remained unchanged staff has found the request to be acceptable. Six (6) accessible spaces are required, eight (8) 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.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

Additionally, pursuant to TMC§1107.0300 – *Off-Street Parking Schedule “A”*, a minimum of six (6) bicycle parking slots are required. A revised site plan shall be required providing at least six (6) bicycle parking spaces.

Landscaping

Pursuant to 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 site plan depicts over 2.7 acres of useable lawn, which exceeds the minimum requirement for outdoor space. The site is extensively wooded to the north, with additional shrubs and trees around the perimeter. When taken into consideration with the size of the site the existing landscaping is appropriate to meet the requirements of the Type “B” buffer around the outdoor space. If required by the state, and fencing added to the outdoor area must be in compliance with all applicable regulations in the TMC.

Pursuant to TMC§1108.0202 – *Frontage Greenbelt*, the site is required to have a fifteen-foot (15') landscape buffer. The existing site has a variety of trees planted at the ± 466' frontage along Victory Avenue. Frontage greenbelts must provide one (1) tree for every thirty (30) feet of frontage. Fifteen (15) trees would be required in the frontage greenbelt under strict application of this rule. Because of the scale, existing condition, and context, A revised site plan showing five (5) additional trees along Victory Avenue shall be provided.

Additionally, Pursuant to TMC§1108.0202 – *Frontage Greenbelt*, the greenbelt must include plantings to screen headlights in the parking area. The perimeter screening requirements for the parking lot would meet the intention of the code. A revised site plan shall show solid evergreen hedges or similar plantings along the southern edge of the parking lot, as well as the eastern edge where adjacent to residential properties.

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 aligns with the Toledo 20/20 Plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-5004-21, a Special Use Permit for a Day Care Center at 3648 Victory Ave, 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-5004-21, a Special Use Permit for a Day Care Center at 3648 Victory Ave, to Toledo City Council subject to the following **twenty-seven (27)** 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 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.

STAFF RECOMMENDATION (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.
5. Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.
6. Applicant's architect shall provide clarification to the Division of Engineering Services regarding the yard drain shown within the building and the storm line connected to the water service meter pit. Applicant or the applicant's architect shall resolve the matter of drains on site that are not accounted for how they connect to city infrastructure. Original site development drawings, if available, would resolve the concerns and are requested for the city's file if available. Alternatively the applicant can utilize a company with sewer locating equipment to undertake the inventory, in which case please contact 419-245-1338 to request a city technician be available to assist with the effort.

Fire Prevention

7. **Approved Premises identification is required.**

Sewer and Drainage Services (S&DS)

No comments received at time of print.

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

STAFF RECOMMENDATION (cont'd)

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. Bicycle Parking Required per TMC 1107.0900

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. **Acceptable as depicted on site plan.**
16. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700.
17. Existing parking lot is acceptable as depicted.
18. Existing drop off and pick up area is acceptable as depicted.
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. Per TMC§1104.0703(C) – *Day Care Center*, the day care must be located on a lot with frontage on a major road. The portion of the lot fronting Byrne Road shall not be split, replatted, or otherwise removed.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

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:
 - a. Five (5) additional trees shall be provided along the southern property line fronting Victory Ave per TMC§1108.0202. **Not 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'.
 - d. Evergreen hedges, or similar plantings that can screen vehicle head lights, shall be installed along the southern perimeter of the primary parking lot, as well as the portion of the eastern perimeter facing residential properties. **Not Acceptable as depicted.**
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-5004-21
DATE: July 8, 2021
TIME: 2:00 P.M.

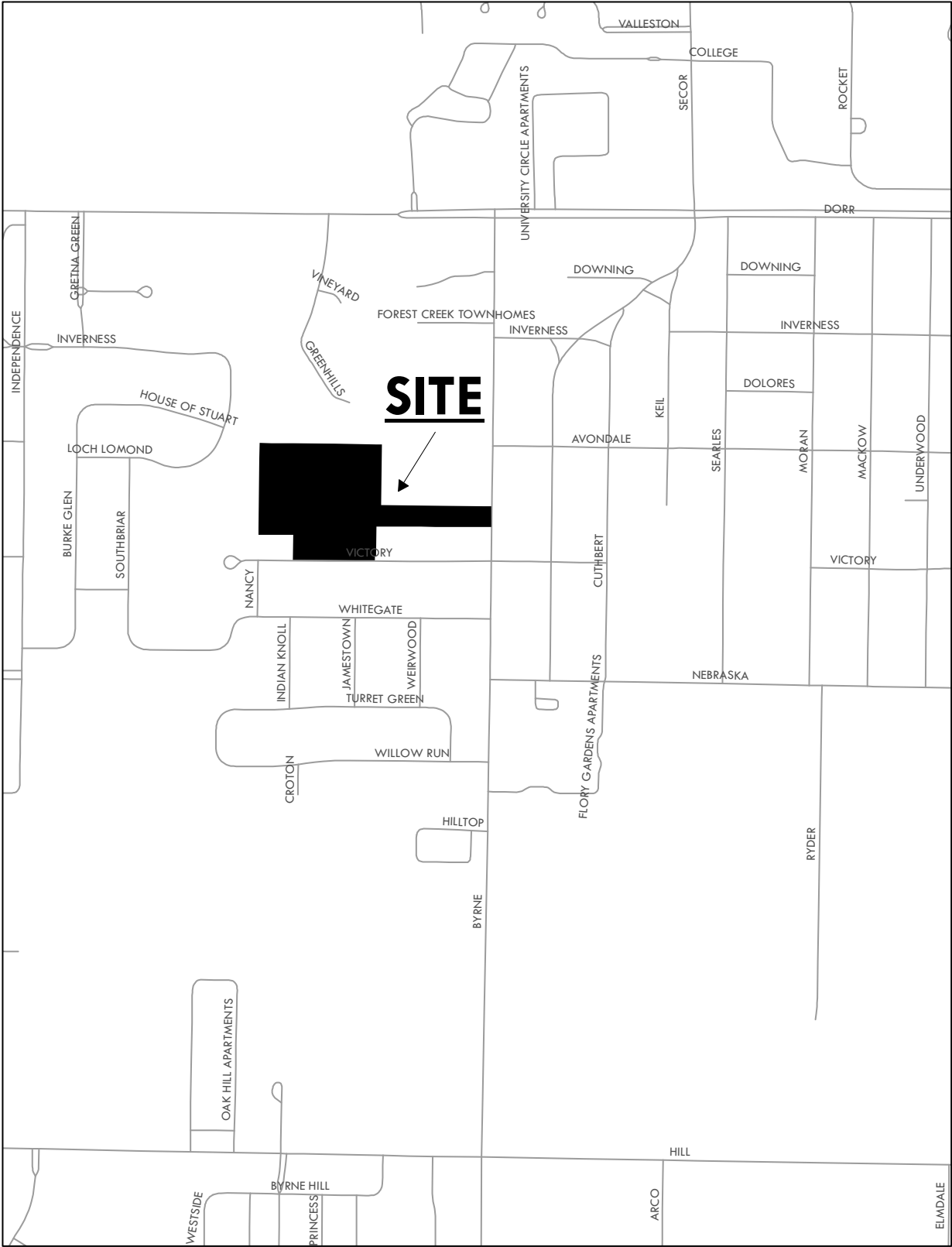
REF: SUP-5004-21. . . July 8 2021

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

JGL
Three (3) Sketches follow

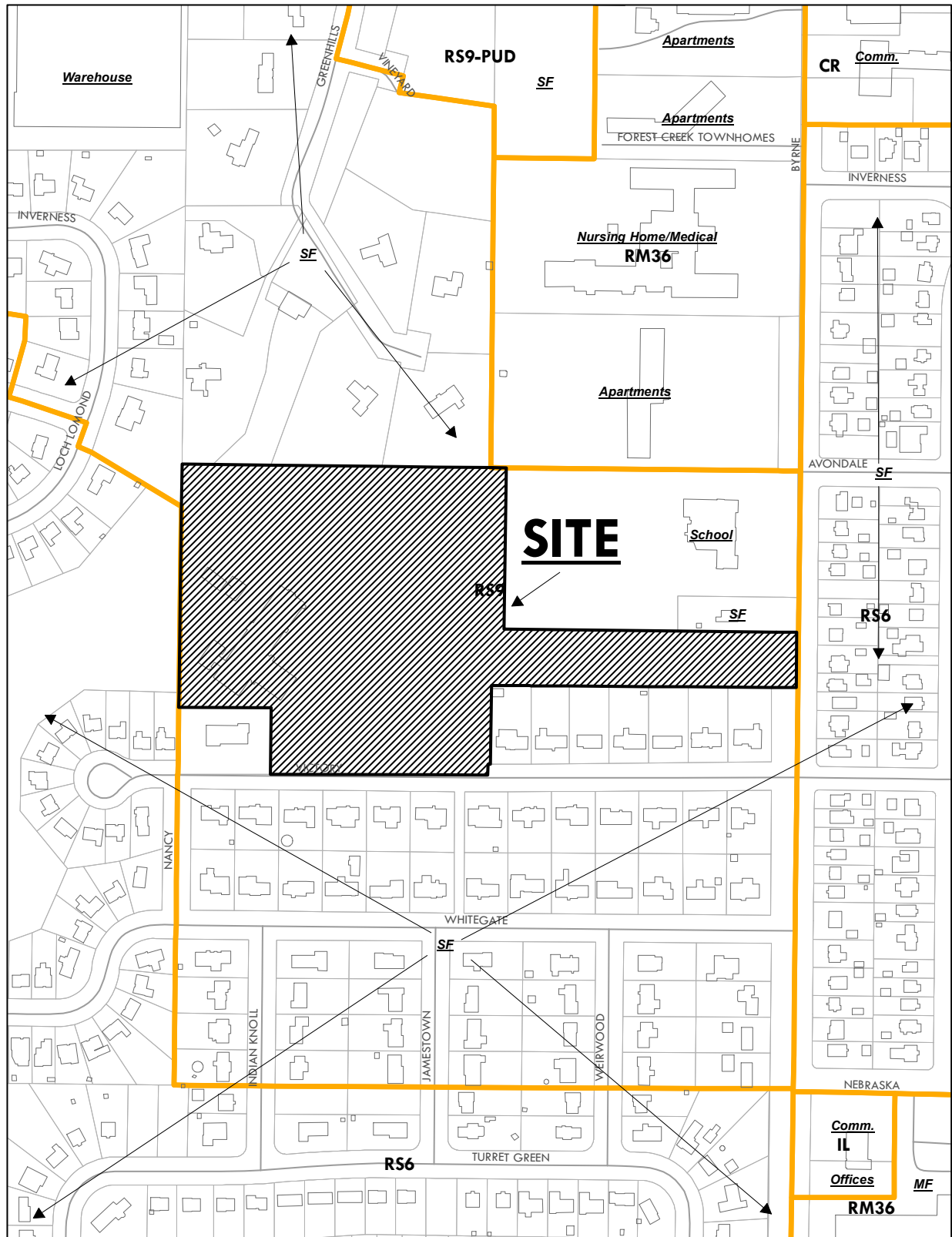
GENERAL LOCATION

SUP-5004-21
ID 83



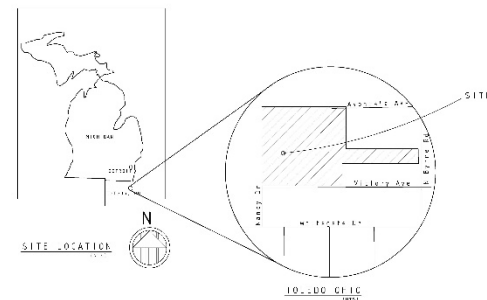
ZONING & LAND USE

SUP-5004-21
ID 83



7-11

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PROPERTY LEGAL DESCRIPTION

DE GRUYTER
PUBLISHED FOR THE EDITORIAL BOARD

STEVENS ARCHITECTS
ARCHITECTURE CONSTRUCTION MANAGEMENT



GENERAL SITE PLAN

LEONA GROUP EDUCATIONAL BUILDING



LeRoy J. Slava, AIA
 Ohio Architectural Lic. #11543
 Issued date: 4 March, 1997
 Expiry date: 31 December, 2021

PROJ. NO.
4110
SHEET NO. 30
C-1
SITE
JUNE 8, 202

