

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Type A Day Care
Location	-	1869 Airport Highway
Applicant	-	Antoinette Cobbler 1869 Airport Highway Toledo, OH 3609
Architect	-	John Weithman PO Box 216 Genoa, OH 43430
Owner	-	Mitchell Willie Clay III 1869 Airport Highway Toledo OH 43609

Site Description

Zoning	-	RD6 / Duplex Residential
Area	-	± 0.11 acres
Frontage	-	± 40' along Airport Highway
Existing Use	-	Single Family Home
Proposed Use	-	Type A Day Care

Area Description

North	-	RD6 / Religious Assembly
South	-	RD6 / Single and Two Family Homes
East	-	RD6 / Single and Two Family Homes
West	-	CR / Commercial, Single Family Homes

Parcel History

No previous case history.

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 Day Care at 1869 Airport Highway. The ±0.11 acre site is zoned RD6, Single-Family Residential and occupied by an existing single-family household. Surrounding land uses are a church to the north, single and double family homes to the east and south, and commercial and single-family homes to the west.

The applicant resides in the house proposed to be used as a day care. The applicant is requesting the Special Use Permit in order to operate a Type A Family Day Care. A Special Use Permit is required for all Type A Family Day Cares when located within a residential zoning district.

Use Regulations for Type A Day Cares

Per **TMC§1104.0703(B)**, Type A Day Cares must have building frontage on a major street. According to the Toledo-Lucas County Major Street and Highway Plan, Airport Highway is classified as a Principal Arterial and is thus 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 sufficiently sized home and a fenced play area that is ±575 square feet, which is enough to accommodate up to nine (9) persons in a Type A Day Care. A drop-off and pick-up area is required and provided on the site plan.

Parking and Circulation

Pursuant to **TMC§1107.0304 – *Parking, Loading, and Access***, a Type A 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. A total of three (3) parking spaces are required for the site. The site plan depicts three (3) parking spaces, including one (1) accessible space, and one (1) drop-off space.

The submitted site plan includes a six-foot (6') dumpster south of the parking spaces. The Plan Commission staff as well as the division of transportation share concerns about the impact of traffic and visibility it could have for the alley. It shall be removed in a revised site plan.

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 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. The site plan submitted depicts the outdoor play area in the back of the property and fenced in using a six-foot (6') tall solid privacy fence to screen the area. The fence material is not indicated. This concern shall be corrected on a revised site plan.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for neighborhood commercial land uses. A Type A Day Care is in line with this recommendation. The proposed day care conforms to the future land use designation and meets all requirements for a Type A Day Care. Therefore, staff recommends approval of the request.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-5008-20, a Special Use Permit for a Type A Day Care at 1869 Airport Highway, 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*].

The staff recommends that the Toledo City Plan Commission approve the request for a Type A Day Care at 1869 Airport Highway subject to the following **twenty (20)** conditions.

STAFF RECOMMENDATION (Cont'd)

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.

Division of Sewer and Drainage Services

No comment received at time of print.

STAFF RECOMMENDATION (Cont'd)

Division of Environmental Services

6. 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 storm water impacts from modification of the site, including but not limited to long-term operation and maintenance of existing structural and non-structural Best Management Practices.
7. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
8. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
9. Applicant is strongly encouraged to plant native, low-maintenance and non-invasive trees, shrubs, and perennials.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species.pdf
10. 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

11. Approved Premises identification is required.
12. The daycare shall be in compliance with the Department of Commerce Type A family daycare facilities inspection standard checklist.

Division of Transportation:

13. Dumpster location abutting alley will create a line of sight issue and is not permitted.

STAFF RECOMMENDATION (Cont'd)

Plan Commission

14. 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.
15. 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 outdoor space. 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. **Fence material shall be shown on a revised site 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. No dumpster shall be permitted at the property. **Not acceptable as depicted.**
 - d. 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;
16. No new 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.
17. 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.
18. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.

STAFF RECOMMENDATION (Cont'd)

Plan Commission (Cont'd)

19. 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.
20. 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.

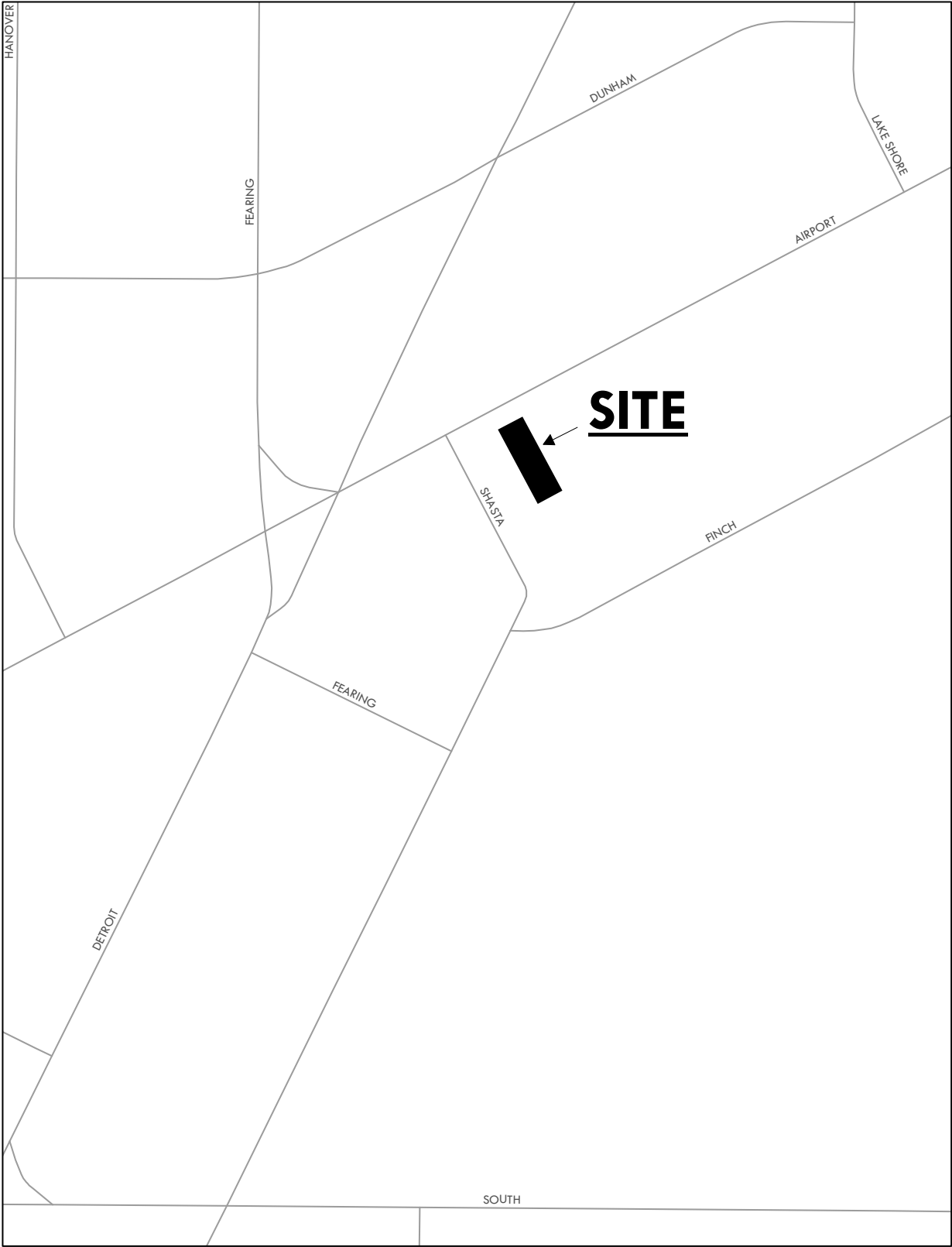
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-5008-21
DATE: July 8, 2021
TIME: 2:00 P.M.

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

JGL
Three (3) sketches follow

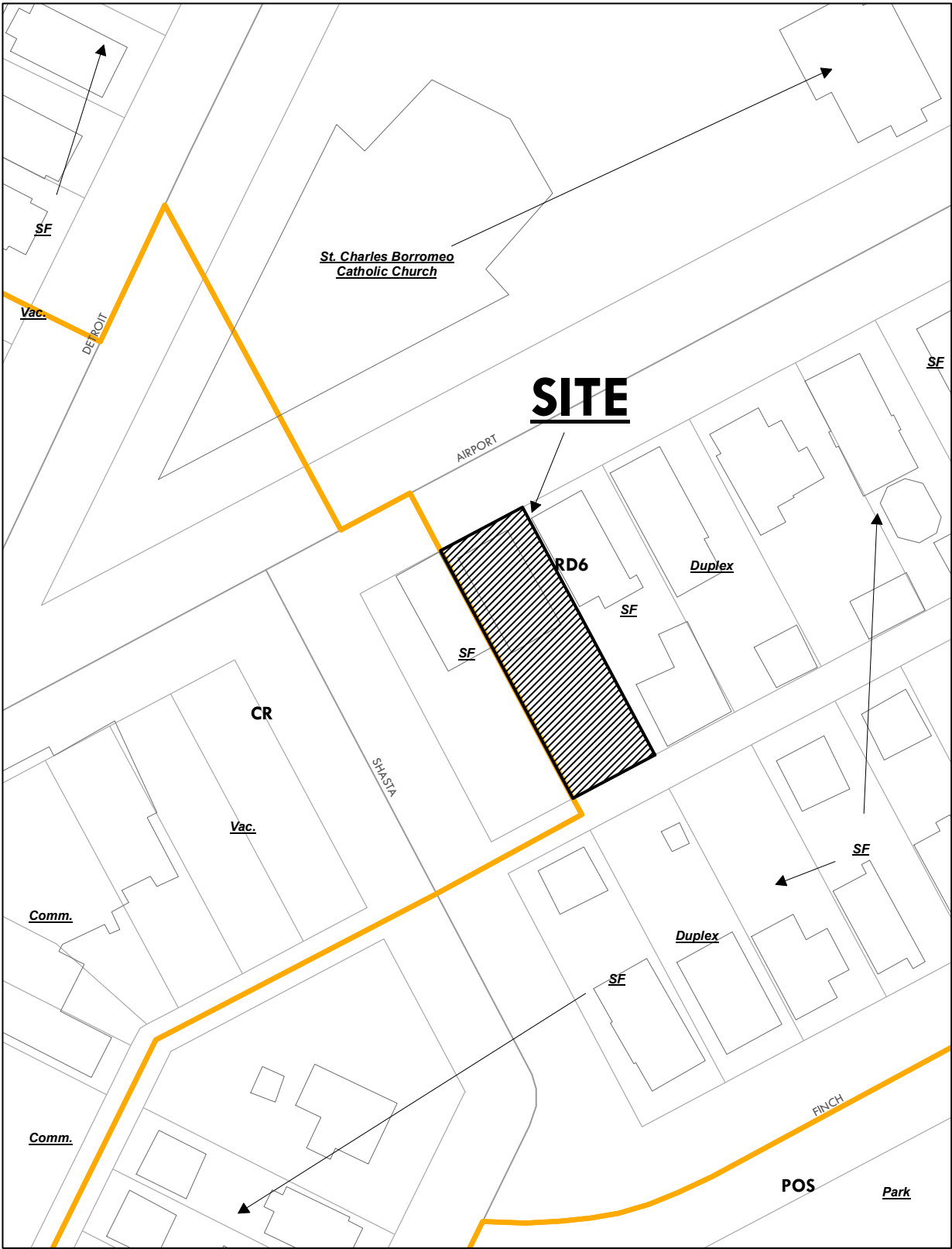
GENERAL LOCATION

SUP-5008-21
ID 33



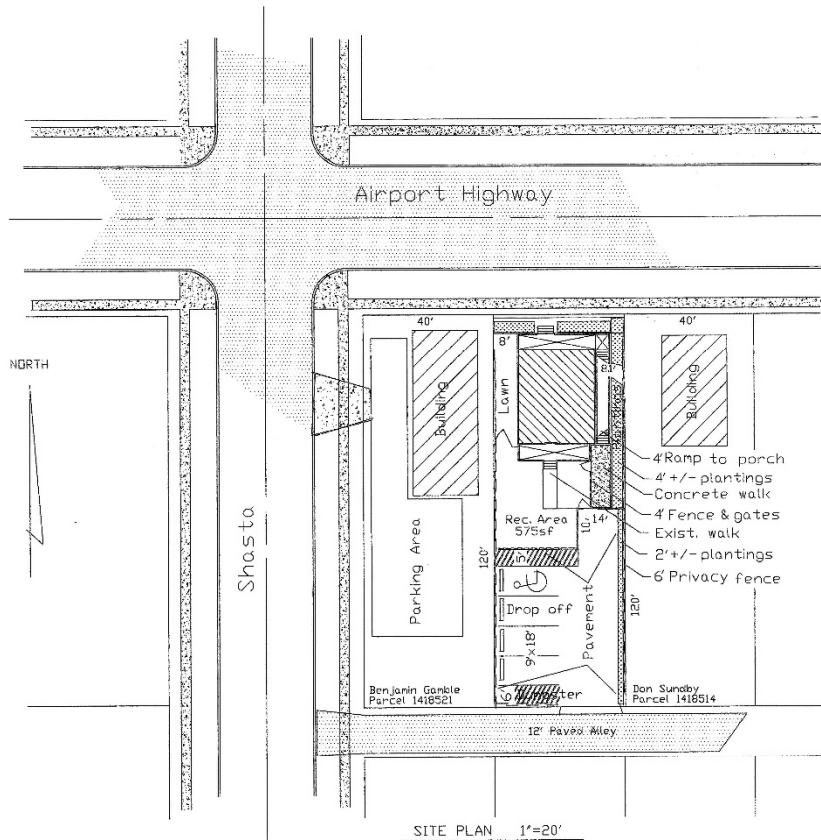
ZONING & LAND USE

SUP-5008-21
ID 33

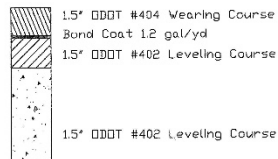


SITE PLAN

SUP-5008-21
ID 33



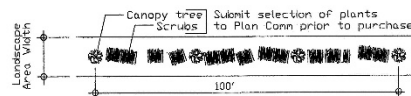
SITE PLAN 1"=20'



PAVEMENT SECTION

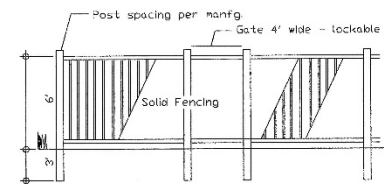
NOTE: All hard surfaces shall be sloped toward landscape areas.

PLANTINGS						
Symbol	Quan.	Botanical Name	Common Name	Size Caliper	Root	Spacing
1	1	Acer Legacy	Sugar Maple	1-1/2"	B&B	20'o/c
2	2	Acer Rubrum	Red Maple	2-1/2"	B&B	35'o/c
3	3	Viburnum Carpelaphum	Viburnum	1-1/2"	B&B	5'o/c

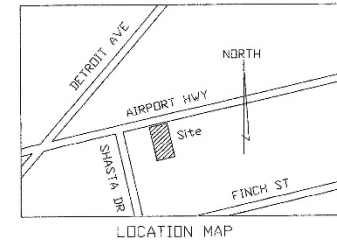


SITE INFORMATION & DATA

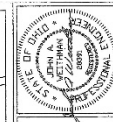
Building Code	DBC
Previous Occupancy	Day Care
Proposed Occupancy	'A' Type Day Care
Construction Type	5A
Building Exterior	No changes to exterior
Building Interior	No changes required
Zoning	10-RDS Duplex Residence
Site Area	4,800sf
Building Area	696sf 1st & 2nd floors
Recreation Area	750sf w/Privacy fence/gate
Paved Parking	3 Staff & Clients (9'x18')
	1 Handicapped
	Striped parking spaces & NO parking areas, wheel stops
Administrater	Antoinette Cobbler
Property Owner	Willie Clay Mitchell
Parcel	1418517
Legal Description	Lincoln Smiths Addition Lot 63



FENCE DETAIL



LOCATION MAP



JOHN A. WEITHMAN, P.E.
P.O. BOX 216
GENOA, OHIO 43430
ENGINEERING SURVEYING
PH. 419-942-9223
email: john.weithman@gmail.com

OWNER/OPERATOR
Antoinette Cobbler
419-913-9927

TOLEDO, OHIO

Type A Daycare
1869 Airport Highway

SITE PLAN & INFORMATION

REVISED 05/16/21

DRAWN BY H.T.B.

DRAWING DATE 04/11/21

DRAWING 1/1