

GENERAL INFORMATION

Subject

- | | | |
|-----------|---|---|
| Request | - | Special Use Permit for Day Care Center |
| Location | - | 111 W. Bancroft Street |
| Applicant | - | Tiwana Alexander
111 W. Bancroft Street
Toledo, OH 43620 |
| Architect | - | Kevin Brown
Cenic Architecture
325A Superior Street
Rossford, OH 43460 |

Site Description

- | | | |
|--------------|---|--|
| Zoning | - | RM36 / Multi-Dwelling Residential |
| Area | - | ±0.34 Acres (15,000 SF) |
| Frontage | - | ±121' along W Bancroft Street
±124' along Warren Street |
| Existing Use | - | Single-family home with garage |
| Proposed Use | - | Day Care Center |

Area Description

- | | | |
|-------|---|---|
| North | - | Bancroft Street, vacant lot, single-family homes, duplexes, apartments / RM36 |
| South | - | Alley, single-family homes, duplexes, apartments / RS6, RD6 & RM36 |
| East | - | Warren Street, vacant lots, convenience store / RM36 & CR |
| West | - | Single-family homes / RM36 |

Parcel History

No parcel history on record.

STAFF ANALYSIS

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Forward Toledo Comprehensive Land Use Plan

The applicant is requesting a Special Use Permit to operate a day care center in an existing single-family residence located at 111 W. Bancroft Street. The subject property consists of approximately 0.34 acres and is southwest of the intersection of Bancroft and Warren Streets. The surrounding property to the north, south and west of the site is zoned residentially and includes a mix of single-family homes, duplexes, apartments and vacant lots. The property to the east across Warren Street is zoned commercially and includes both vacant land and a convenience store. The subject property is zoned RM36 Multi-Dwelling Residential. A Special Use Permit is required for all day care centers when located within a residential zoning district.

The applicant is proposing a day care center that will serve approximately 45 children with hours of operation from 5:00 AM to 6:00 PM. A fenced in outdoor area is proposed to the east of the existing structure. The applicant submitted the Special Use Permit application in December of 2023 and was scheduled to be heard by the Plan Commission on February 8, 2024. Staff recommended disapproval as both the existing structure and site were not adequate in size to comply with the applicable provisions of the Zoning Code. As a result the applicant requested that the case be deferred to consider available options.

Since originally submitted, the applicant has acquired additional property to the east. Staff has been in contact with the applicant and has discussed options for development of different types of day care facilities at this site. Since the application was submitted in December of 2023 and the applicant has not indicated how they want to proceed, staff notified the applicant that review of the submitted Special Use Permit application for a day care center would proceed at the October 10, 2024 Plan Commission meeting unless the applicant notified staff or submitted other application material prior to August 26, 2024. The applicant has not contacted staff to date. It is important to note that another application for the same or similar special use can not be submitted within a one (1) year period from the date of denial by City Council or withdrawal by the applicant per TMC§1111.0709. Following is the review of the submitted site plan for the day care center.

Day Care Center Regulations

- Per TMC§1104.0703(B) a day care center must have building frontage on a major street. The property has frontage on Bancroft Street, which is classified as a major street by the Toledo-Lucas County Major Street and Highways Plan. Therefore, the site is compliant with this regulation.

STAFF ANALYSIS (cont'd)

- Per TMC§1104.0703(D) a day care center is required to provide 35 square feet of usable indoor space for each person in their care. The applicant is proposing to serve approximately 45 children, which requires 1,575 square feet of indoor space. Documentation has not been provided by the applicant to determine compliance with this requirement. However, per the Lucas County Auditor's online Real Estate Information System (AREIS), the first floor of the home is approximately 1,196 square feet. While there is additional area in the second floor and basement, it does not appear that the single-family home is suitable in size for a day care center serving 45 children. As noted in Fire Prevention comments in Exhibit A, the Applicant will be required to comply with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements.
- Per TMC§1104.0703(E) a day care center is required to provide 60 square feet of useable outdoor space for each person in their care using the outdoor space at any one time. The site plan depicts a proposed outdoor play area that will be fenced with a 4-foot-high chain link fence. It is important to note that the fenced in area is existing and has been constructed within the public right-of-way. Per comments from the Division of Transportation in Exhibit A, the Applicant will be required to remove the portion of the fence encroaching in the right-of-way. The fence will need to be reconfigured on the site to comply with this requirement and to meet height, setback, landscaping and screening requirements of the Zoning Code.

Parking and Circulation

- Per TMC§1104.0703(F) a day care center must provide a paved off-street area for dropping off and picking up persons in their care. The Site Plan submitted proposes using Bancroft Street as a drop-off/pick-up area. As noted in Division of Transportation comments in Exhibit A, Transportation will not permit a drop-off/pick-up area on Bancroft in front of the subject property. Currently there is "No parking permitted between 8AM - 4PM" along the south side of Bancroft Street, where the subject property is located.
- Per the Off-Street Parking Schedule in TMC§1107.0304 a day care center is required to provide 1 parking space per 6-person capacity or 1 per 400 square feet whichever is greater. In this case they are required to have 8 parking spaces based on the proposed 45 children the Day Care Center will serve. In addition, 1 bicycle space is required for every 10 parking spaces; or per TMC§1107.0901(B) a minimum of two bicycle parking slots shall be provided when the provision for bicycle parking slots is required. Finally, per TMC§1107.1701 one van accessible parking spot is required to be provided for 1-25 parking spaces. The only parking indicated on the site plan is accessible parking in an existing garage at the rear of the lot with access from an alley. The required 8 parking spaces, including one van accessible parking space, and two bicycle parking slots need to be provided with appropriate access from the parking spaces to the building entrance.

STAFF ANALYSIS (cont'd)

Landscaping and Screening

- Per TMC§1114.0502(A) existing sites shall be brought closer into compliance with the 2004 Zoning Code. Staff recommends in lieu of the required 15 foot frontage greenbelt, a row of trees along the Bancroft Street frontage be installed (if the SUP is approved).
- Per TMC§1104.0703(E) a Type B landscape buffer is required around the outdoor space in accordance with TMC§1108.0203(F). This section requires a landscape buffer of 10 feet in width with four canopy trees and 15 shrubs installed every 100 linear feet. A fence, wall or berm 6 feet to 8 feet in height may be used as a substitute for the shrub requirement per TMC§1108.0203(D2). According to the plans the Applicant is proposing a 4-foot-high chain link fence around the outdoor area. While a fence is proposed, it is not a solid fence or opaque in nature; therefore, 15 shrubs and four canopy trees for every 100 linear feet along the exterior of the reconfigured outdoor space is required.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan designates the property fronting along Bancroft Street as Neighborhood Mixed-Use and the surrounding property as Neighborhood Residential. The Neighborhood Mixed-Use land use designation is intended to preserve and promote pedestrian-oriented commercial and mixed-use areas and provide the highest density of commercial and housing opportunities. The Neighborhood Residential land use designation is intended to provide space for low- and medium-density housing in predominately pedestrian-oriented areas. The day care center use is consistent with the Neighborhood Mixed-Use designation; however, as submitted the lack of appropriate drop-off and parking would be unsafe and obtrusive to the surrounding neighborhood.

Staff recommends disapproval of the request due to the intensity proposed with a large client population and resulting traffic generation and the fact that the submitted site plan lacks compliance with the applicable provisions of the Zoning Code intended to mitigate the developments impact on the surrounding area.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-12005-23, a Special Use Permit for a Day Care Center at 111 W Bancroft Street to the Toledo City Council, for the following **three (3) reasons**:

1. The proposed use does not comply with all applicable provisions of the Zoning Code (TMC§1111.0706(B)).

STAFF RECOMMENDATION (cont'd)

2. The request is not 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)).
3. The Division of Transportation will not permit a drop-off/pick-up area designated on Bancroft Street.

Although staff is recommending disapproval, conditions of approval are included and listed by agency of origin as Exhibit "A" for informational purposes

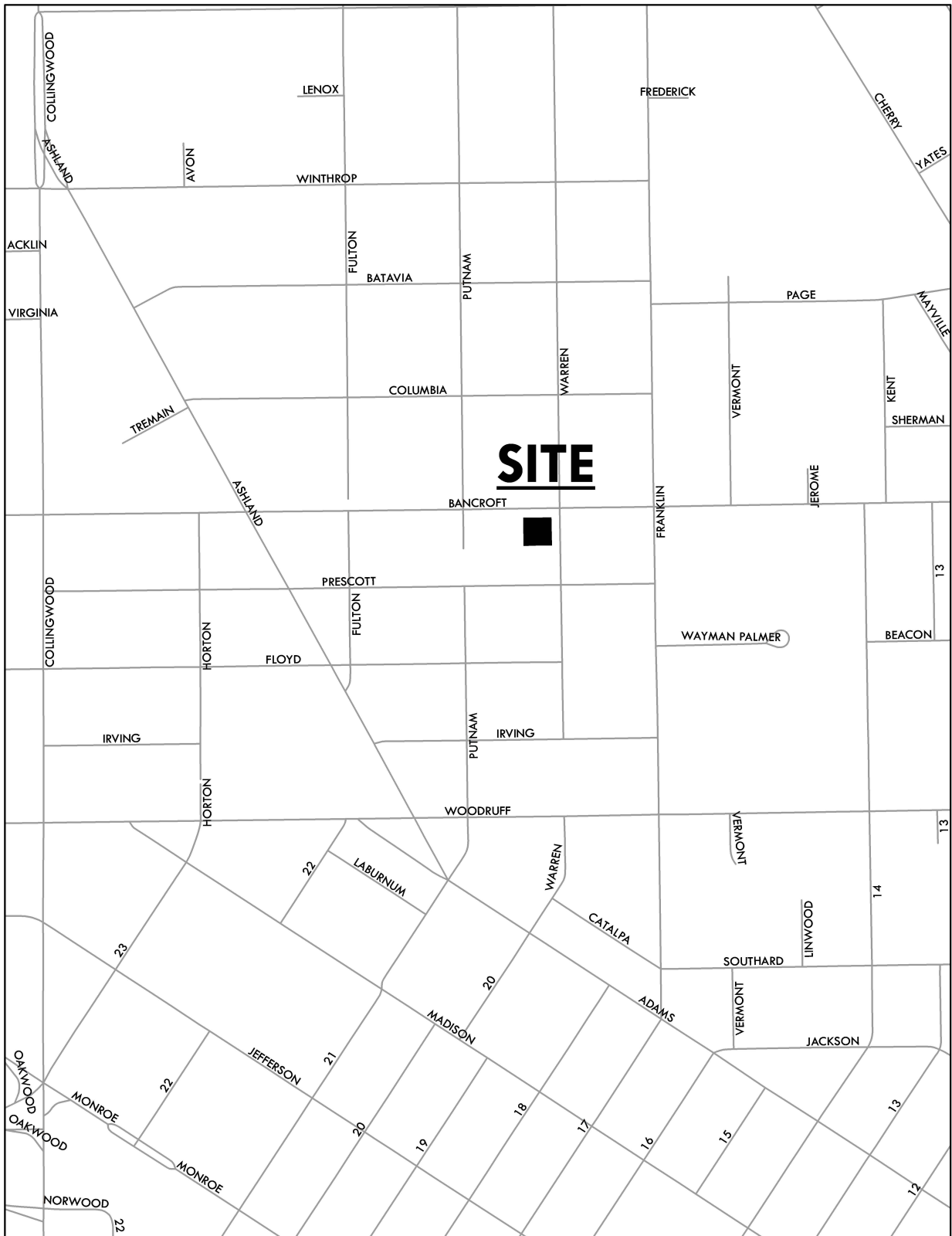
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-12005-23
DATE: October 10, 2024
TIME: 2:00 P.M.

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: November 12, 2024
TIME: 4:00 P.M.

LK
Three (3) sketches & Exhibit A follow

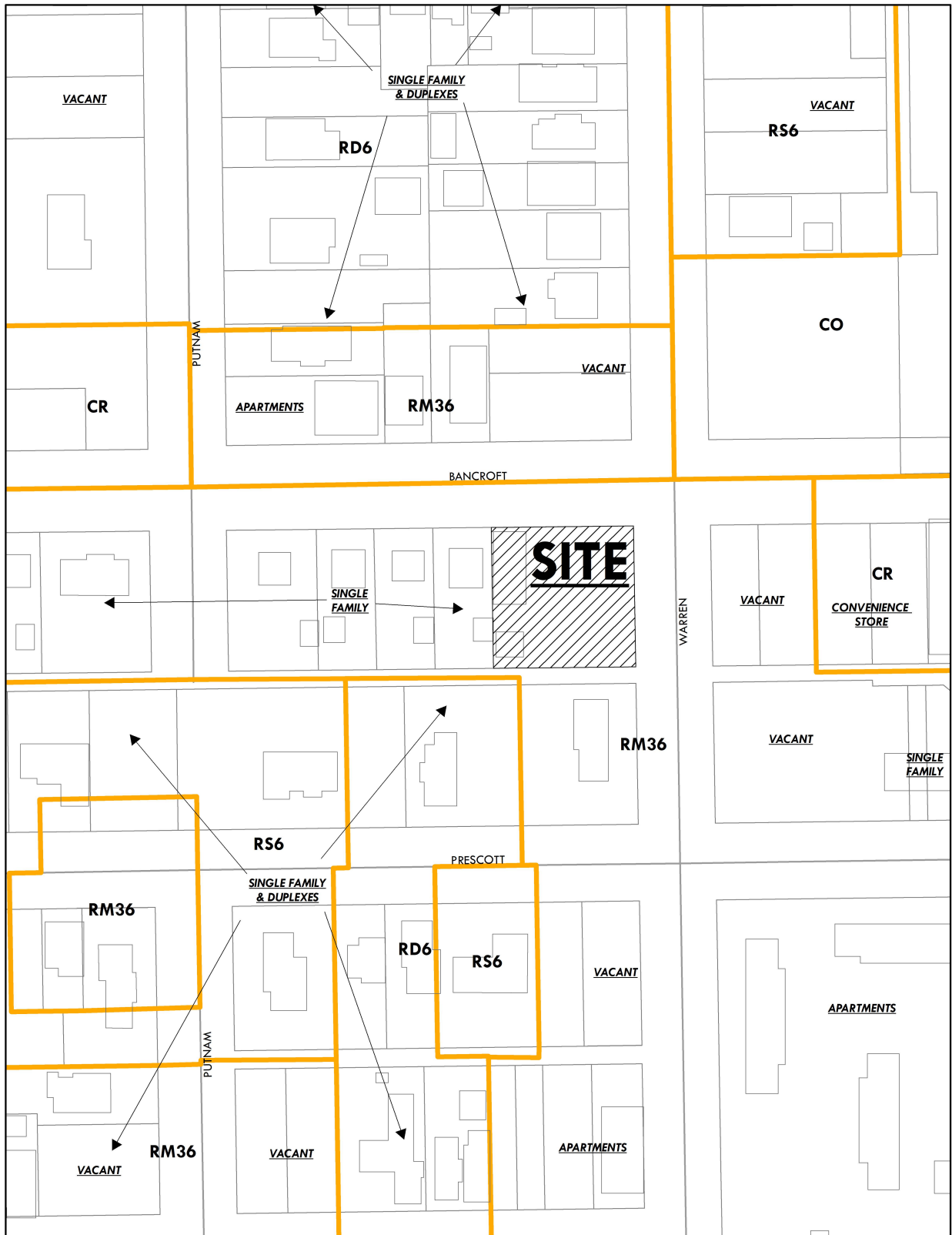
GENERAL LOCATION

SUP-12005-23



ZONING & LAND USE

SUP-12005-23

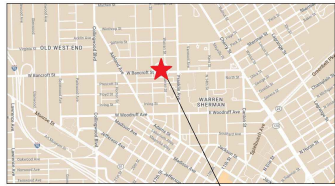


SITE PLAN

SUP-12005-23



ZONING CHANGE FOR SIMPLY AMAZING ACADEMY



SITE LOCATION

SCALE: N.T.S.

LEGAL DESCRIPTION: 111 W. BANCROFT ST. PARCEL ID: HILLS ADDITION LOT 134 W 1077 E & 21 FT LOT 135



NORTH ELEVATION
SCALE: N.T.S.



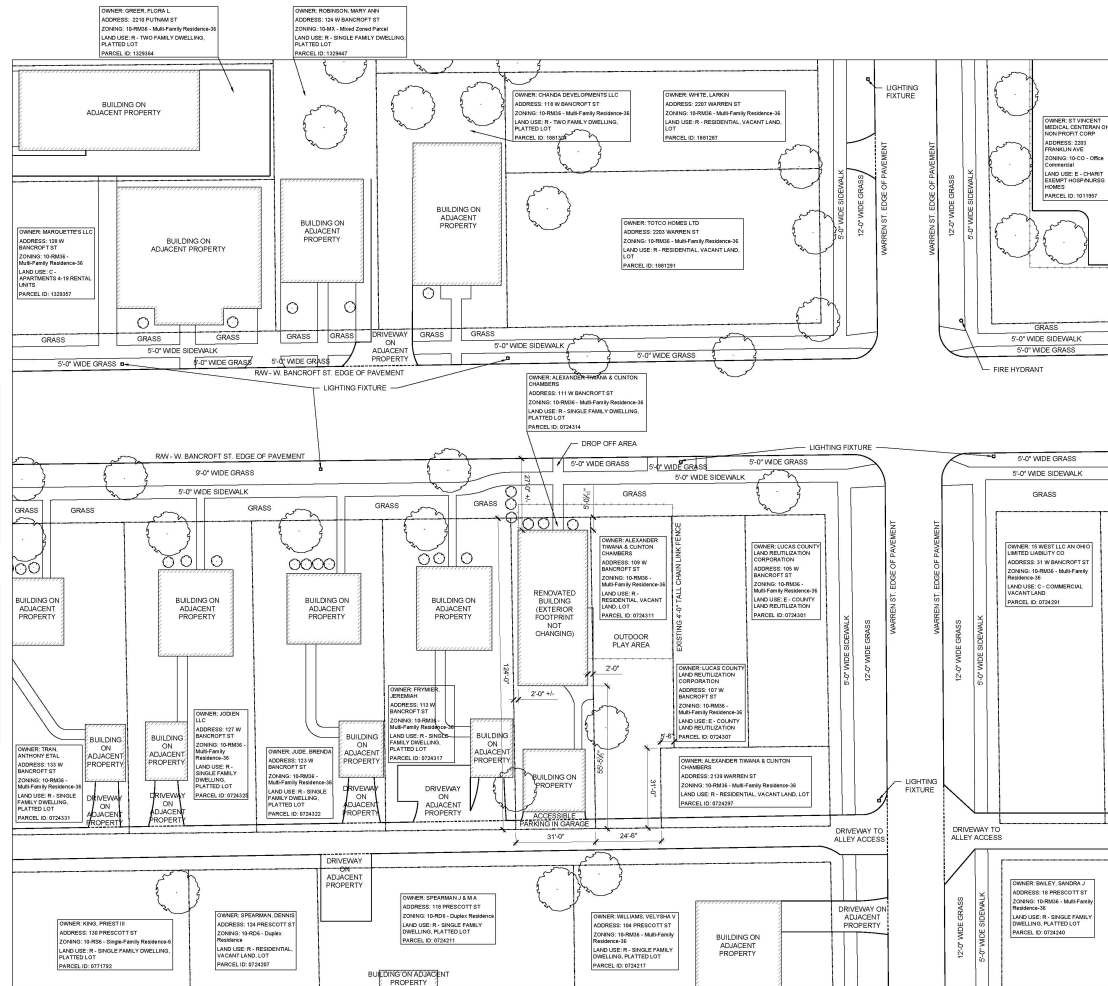
EAST ELEVATION
SCALE: N.T.S.



SOUTH ELEVATION
SCALE: N.T.S.



WEST ELEVATION
SCALE: N.T.S.



SITE PLAN

SCALE: 1" = 20'-0"



Kevin Smith, AIA
Landscape Architect
Registered Professional
Exp. 01/01/2013 to 01/01/2023



SITE PLAN REVIEW
FOR
ZONING CHANGE
FOR
SIMPLY AMAZING ACADEMY
111 WEST BANCROFT STREET
TOLEDO, OH 43606

DATE:	12-21-2023
DWG BY:	RMB
CHECKED BY:	RMB
PROJECT:	#23-0067
REVISIONS	DATE
1	05/30

SHEET NO.
A1.0

EXHIBIT A

Review Agency Conditions

The following **twenty-nine (29) conditions** 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. 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.
2. 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.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
4. If the project scope were to change to include a parking lot, stormwater conditions apply.

Sewer and Drainage Services

Comments not received at time of print.

Fire Prevention

5. It appears that this structure will undergo a change of use. This will require compliance with all applicable Building, Fire, Electrical, Mechanical and Plumbing code requirements. (OBC105.1 & 101.4)
6. Building remodeling plans to be submitted to the FD for review in addition to the Building Inspection Department plan submittal. (OFC104.2, OBC106.1.2 #5 & 901.2.1.1)
7. The daycare shall be in compliance with the Department of Commerce Type A family daycare facilities inspection standard checklist. (OFC121.1.3.1)
8. New and existing buildings shall be provided with approved address identification that meets Building Code requirements. (OBC 501.2)

EXHIBIT A (cont'd)

9. A fire safety inspection is required prior to occupancy. (OFC105.3.3.2)

Division of Transportation

10. One van Accessible parking spot must be clearly shown with an 8' loading aisle per TMC 1107.1701 & 1107.1702.
11. Accessible parking signage must be posted directly in front of the parking space at a height of no less than 60" and not more than 72" above pavement level per TMC 1107.1704.
12. Employee off street parking is required per TMC 1107.0300. Schedule "A".
13. Bicycle parking is required per TMC 1107.0900.
14. All required parking must be clearly shown and dimensioned per TMC 1107.1911.
15. Chain link fence encroaching in the Right-of-Way along W Bancroft is not permitted. The chain link fence must be removed from the Right-of-Way and relocated on the property.
16. The accessible route from the accessible parking space must be clearly shown and must comply with ADA (Americans with Disabilities Act).
17. Transportation will not permit a drop off /pick up area designated on Bancroft in front of 111 W. Bancroft. (Currently there is "No Parking permitted between 8-4" in front of this address.)

Plan Commission

18. A day care center must have building frontage on a major street. The property has frontage on Bancroft Street, which is classified as a major street by the Toledo-Lucas County Major Street and Highways Plan. **Acceptable as submitted.**
19. Per TMC§1104.0703(D) a day care center is required to provide 35 square feet of usable indoor space for each person in their care. The applicant is required to have a minimum of 1,575 square feet of indoor space. No information was provided showing available indoor space. **Not acceptable as submitted.**
20. Per TMC§1104.0703(E) a day care center is required to provide 60 square feet of useable outdoor space for each person in their care using the outdoor space at any one time. **Not acceptable as depicted. The fence shall be reconfigured on the site, removing it from the right-of-way, and complying with this requirement as well as height, setback, landscaping and screening requirements of the Zoning Code.**

EXHIBIT A (cont'd)

21. Per TMC§1104.0703(F) a day care center must provide a paved off-street area for dropping off and picking up persons in their care. The Site Plan submitted proposes using Bancroft Street as a drop-off/pick-up area. This is not permitted per the Division of Transportation. **Not acceptable as depicted. 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.**

22. Per the Off-Street Parking Schedule in TMC§1107.0304 a day care center is required to provide 1 parking space per 6-person capacity or 1 per 400 square feet whichever is greater. A total of 8 parking spaces are required based on the proposed 45 children the day care center will serve. No off-street parking is provided outside of existing garage. **Not acceptable as depicted. An off-street parking area shall be required with a minimum of 8 parking spaces.**

23. Per the Off-Street Parking Schedule in TMC§1107.0304 a day care center is required to provide 1 bicycle space for every 10 parking spaces; or per TMC§1107.0901(B) a minimum of two bicycle parking slots shall be provided when the provision for bicycle parking slots is required. No bicycle parking slots are proposed. **Not acceptable as submitted. A minimum of 2 bicycle parking slots shall be provided.**

24. Per TMC§1107.1701 one van accessible parking spot is required to be provided for 1-25 parking spaces. The only parking indicated on the site plan is accessible parking in an existing garage at the rear of the lot with access from an alley. **Not acceptable as depicted. One van accessible parking space shall be provided.**

25. 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§1114.0502(A) existing sites shall be brought closer into compliance with the 2004 Zoning Code. Staff recommends in lieu of the required 15 foot frontage greenbelt, a row of trees along the Bancroft Street frontage be installed.

 - b. Per TMC§1104.0703(E) a Type B landscape buffer is required around the outdoor space in accordance with TMC§1108.0203(F). This section requires a landscape buffer of 10 feet in width with four canopy trees and 15 shrubs installed every 100 linear feet. A 4-foot-high chain link fence is proposed. **Not acceptable as depicted. Since the proposed fence is not a solid fence or opaque in nature, 15 shrubs and four canopy trees for every 100 linear feet along the exterior of the reconfigured outdoor space is required.**

 - c. Topsoil must be back filled to provide positive drainage of the landscape areas.

EXHIBIT A (cont'd)

- 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.
 - f. The site is ½ acre or larger, so 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.
 - g. The location and direction of any proposed lighting (**any lighting is to be directed away from adjacent residential properties**).
26. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
27. 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.
28. 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.
29. 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.