

DATE: March 12, 2020
REF: SUP-1002-20

TO: President Matt Cherry and Members of Council, City of Toledo
FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary
SUBJECT: Special Use Permit for a Bed & Breakfast at 4601 Dorr Street (portion)

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 12, 2020 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for a Bed & Breakfast
Location	-	4601 Dorr Street (portion)
Applicant	-	Fernando Fry 4601 Dorr Street Toledo, OH 43615
Engineer	-	Greg Feller Feller, Finch & Associates, Inc. 1683 Woodlands Drive Maumee, OH 43537

Site Description

Zoning	-	RS6 / Single Family Residential
Area	-	±1.9 acres (parcel is ±216 acres)
Frontage	-	±450' along Dorr Street
Existing Use	-	Undeveloped Land
Proposed Use	-	Bed & Breakfast

Area Description

North	-	Golf course, single family homes / RS6, RS9
South	-	Golf course / RS6
East	-	Single family homes / RS6
West	-	Golf course / RS6

GENERAL INFORMATION (cont'd)

Parcel History

- | | | |
|--------------|---|--|
| S-16-61 | - | Sketch plan discussed for 12 lot single family plat with cul-de-sac street on the subject site and including two properties to the west, never completed. |
| Z-242-76 | - | Resolution 242-76, request for community unit plan for 17 condominium townhouses on rear of subject site and 2.28 acres abutting parcel to the west, City Council Ord. 825-76. |
| SUP-11005-99 | - | House auxiliary operations of Inverness Country Club at 4405 and 4425 Dorr Street. PC approved 1/13/2000. CC approved 2/16/2000. Ord. 191-00 passed 2/29/2000. |
| T-30-97 | - | Transfer of rear of east parcel to west parcel. Staff approved 3/4/97. Deed not brought in for stamping. |

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a bed & breakfast located at 4601 Dorr Street (portion). The site is ±1.9 acres and is zoned RS6 Single-Family Residential. The site is located on Inverness Country Club property, and is currently undeveloped. Surrounding land uses include accessory Inverness Country Club buildings to the north, a golf course to the south and west, and single family homes to the east.

The applicant is requesting a Special Use Permit in order to provide temporary housing for out of town members of the Inverness Country Club. The proposed development includes three (3) buildings with eight (8) rooms in each for a total of twenty-four (24) bed and breakfast lodgings. A Special Use Permit is required for bed and breakfasts in all residential zoning districts.

STAFF ANALYSIS (cont'd)

Bed and breakfast lodgings are subject to conditions outlined in TMC§1104.0400 – *Bed and Breakfast*. Per this section, bed and breakfasts may have one (1) employee for lodging activity. Additionally, a bed and breakfast use may not exceed four (4) bedrooms for guests or a maximum of six (6) guests per night. Lastly, guests shall be limited to a maximum stay of thirty (30) days. Because the applicant is proposing three (3) structures with eight (8) rooms each, waivers of TMC§1104.0402 – *Bed and Breakfast, Maximum Size*, and TMC§1106.0301 – *Multiple Buildings on a Lot, Applicability* are required.

Parking and Circulation

The minimum number of required vehicular parking spaces on a site is mandated by Off-Street Parking Schedule “A” (TMC§1107.0300). For bed and breakfast lodging, the minimum parking spaces required is half (0.5) per sleeping room. Calculations conclude that a total of twelve (12) vehicular spaces are required. The site plan submitted shows compliance with this.

A portion of the total number of required off-street parking spaces must be specifically designated, located, and reserved for use by persons with physical disabilities. According to the table in TMC§1107.1701 – *Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least one (1) van accessible space with an eight foot (8’) drive aisle for persons with physical disabilities. The site plan submitted shows compliance with this.

Typically bicycle parking is required pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300). However, bicycle traffic will not be generated at this portion of the existing site. Additionally, the applicant has provided golf cart parking in place of bicycle parking, which is more appropriate for the site given the use. Per TMC§1107.0901(D), the Director has determined that the proposed alternative parking is acceptable.

Landscaping

The applicant is proposing that the existing tree line to the south remain, as well and numerous other trees scattered throughout the site. Deciduous trees are proposed at the peninsular islands of the parking lot, and five (5) Norway spruce are proposed at the eastern portion of the site to buffer the single family homes to the east. The site is oriented so that activities on the golf course to the south should not interfere or cause damage to the site since existing trees are to remain.

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

The site is located in an RS6-Single Family Residential zoning district, is surrounding by RS6-Single Family Residential zoning, is setback over three hundred feet (300') from Dorr Street, and is located behind existing buildings on the site. Because of the nature of the site, the frontage greenbelt requirements outlined in TMC§1108.0202 and the buffer and screening requirements in TMC§1108.0203 are not applicable. However, perimeter parking lot landscaping would shield surrounding uses and vehicles using the driveway from headlight glare from parked vehicles. Listed as a condition of approval, continuous shrub rows are required at each parking area to shield parked vehicles. This provision does not apply to the golf cart parking areas.

Building Design & Materials

As the buildings are for dwelling purposes, a main entrance with architectural elements is required as well as internal pedestrian circulation. The submitted plans for the proposed buildings depict brick facades with front porches and sidewalks connecting the main entrances to golf cart parking and to the parking lot. Pursuant to TMC§1109.0402, façade colors shall be low-reflectance, subtle, neutral or earth tone colors with the exception of the trim and accent areas. The building elevations submitted conform to these standards.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for POS Parks and Open Space land uses. The purpose of POS Parks and Open Space is to preserve and enhance major open space and recreational areas. The District may also be applied to privately-owned open space areas within residential developments. Includes parks, golf courses, racetracks, marinas, and other areas containing recreational open space and facilities.

Staff recommends approval of the request for two (2) reasons. First, the proposed use meets the stated purpose of the Zoning Code, which is to protect the health, safety, and general welfare of the citizens of Toledo. Second, the use compatible with adjacent uses in terms of scale, site design, and operating characteristics.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-1002-20, a request for a Special Use Permit for a Bed & Breakfast at 4601 Dorr Street, to the 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));
and

PLAN COMMISSION RECOMMENDATION (cont'd)

2. The proposed use 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)).

The Toledo City Plan Commission recommends that the Toledo City Council take the following action on the proposed waivers:

Chapter 1104 Use Regulations

Sec. 1104.0402 Bed and Breakfast - Maximum Size – A Bed and Breakfast use may not exceed four (4) bedrooms for guests or a maximum of six (6) guests per night.

Approve a waiver to allow twenty-four (24) bedrooms at the site. Staff does not have concerns with high density at the site. The entire site is ±216 acres and primarily used for recreational purposes.

Chapter 1106 Intensity and Dimensional Standards

Sec. 1106.0301 Applicability – More than one principal building shall be allowed on a lot when all of the buildings are intended to be operated as a single enterprise and the lot and all portions of it are owned, leased, or under option by a single entity. This applies to the RM12, RM24, RM36, IL, IG, IP and IC zoning districts. More than one principal building on a lot in other zoning districts is allowed only in a Planned Unit Development (PUD).

Approve a waiver to allow multiple buildings on a lot in RS6 – Single Family Residential. The existing site is legal non-conforming to this regulation currently, and again as the site is ±216 acres, high density is not a concern.

The staff further recommends that the Toledo City Plan Commission recommend approval of SUP-1002-20, a request for a Special Use Permit for a bed and breakfast at 4601 Dorr Street, to the Toledo City Council, subject to the following **fifty-one (51)** conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

PLAN COMMISSION RECOMMENDATION (cont'd)

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.

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

5. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
6. Water service for this project shall be from the 8-inch diameter public water main on the north side of Dorr Street. The 24-inch diameter public water main on the north side of Dorr Street is a transmission main and is not available for domestic water usage. An additional connection, to the 24-inch water main, will be allowed if the development demonstrates, via a hydrant flow test, a need for additional water for fire protection. The Division of Water Distribution performs flow tests for a fee of \$150. Contact the Division of Water Distribution (419-245-1395) to schedule a flow test.
7. Private water mains feeding proposed hydrant(s) shall be minimum 8-inch diameter. The size of the domestic water service lines shall be shown on the plans.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

8. Detailed plans for the water service lines shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
9. The current version of "WATER GENERAL NOTES FOR CITY OF TOLEDO PRIVATE WATER MAINS, FIRE LINES AND LARGE SERVICES" shall be included on the plans and can be obtained from the City of Toledo Division of Engineering Services.
10. Plans for water service lines supplying multi-unit housing shall be submitted to and approved by the Ohio EPA prior to starting construction of the water service lines.
11. The water meter setting detail, including meter bypass (if applicable) and backflow preventer, shall be submitted to the City of Toledo Backflow Prevention Coordinator, 401 S. Erie Street, Toledo, OH 43602 for review and approval.
12. All commercial properties are required to have approved backflow protection devices installed on the domestic water service and fire protection lines. The Division of Water Distribution must verify installation of the devices and all devices must be registered with BSIonlinetracking.com @ 800-414-4990. Contact the Division of Water Distribution (419-936-2839) to verify the backflow prevention requirements for this site.
13. Contact the City of Toledo Fire Prevention Bureau (419-245-1263) to verify the fire protection requirements for this site. Verify that the hydrant locations shown are acceptable to the Toledo Fire Prevention Bureau. Contractors performing work on new or existing fire systems shall be licensed by the State of Ohio Fire Marshall and certified by the City of Toledo Fire & Rescue Department.
14. Maintain a minimum of 10 feet separation between proposed hydrant and proposed storm and sanitary sewers.
15. Contact the Division of Transportation (419-245-1306) for maintenance of traffic requirements for work in Dorr Street.
16. Stormwater drainage for site development submittals are required in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

17. The proposed basin is nonstandard and will be evaluated for approval based on a submittal of design calculations. While a basis of design is required for all stormwater management proposals, it shall be customized for the unique proposal, and follow Ohio guidelines for the proposed practice. The Ohio method for calculating runoff reduction may add to the strength of the proposal. Appropriate construction methods to avoid compaction and premature clogging of the infiltration bed would also need to be proposed in the engineering plans. If the evaluation finds the design justification to be inadequate, a standard connection between the basin and a storm sewer outlet will be required. In either case, a post-construction maintenance plan for the final design is required and shall be recorded.
18. A Stormwater Pollution Prevention Plan (SWP3) submittal shall be approved by the city prior to commencement of construction.
 - Submittal of the completed CGP checklist is required for a full stormwater review of the proposal; therefore, it shall be submitted in order for the city to issue a list of required stormwater corrections.
 - SWP3 shall include, in its final form, a list of responsible parties and their contact information. Form is available at <http://www.tmacog.org/storc/swp3.htm>.
19. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
20. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
21. All sanitary sewer manholes in the project area shall have solid lids installed on them.

Sewer & Drainage Services

22. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
23. 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.

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services

24. 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.
25. Applicant shall maintain compliance with Ohio EPA's General Storm Water NPDES permit programs.
26. Applicant is strongly encouraged to include multiple green infrastructure measures to minimize runoff and increase infiltration, and to minimize the amount of new and/or additional impervious surface on the site.
27. 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
28. 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

29. TMC Rule 5: Fire Service Features: Private hydrants shall be supplied by at least an 8 inch main. Plans show a 6 inch line.
30. OFC 507.5.6 Hydrants shall be physically protected from damage.
31. OFC 503.1.1 Approved fire apparatus access roads shall be provided for all new facilities, buildings or portion of a facility or building constructed or moved into the jurisdiction which are not readily accessible from a public and/or private street. The access road shall extend to within 150' of all portions of the facility.
32. OFC 503.21 Fire apparatus access roads shall have an unobstructed width of not less than 20' and an unobstructed vertical clearance of not less than 13'6".
33. OFC 503.2.3 Fire apparatus access roads shall be designed and maintained to support imposed loads of fire apparatus and shall be surfaced to support all- weather driving capabilities.

PLAN COMMISSION RECOMMENDATION (cont'd)

Fire Prevention (cont'd)

34. OBC 503.2.5 Dead end fire apparatus access roads in excess of 150' shall be provides with an approved turn around area.
35. The new buildings will comply with all requirments of the OBC, OFC for new structures.
36. OFC 505.1 Approved Premises identification is required.

Transportation

37. 25' drive aisle width required to accommodate two-way traffic per TMC 1107.
38. 25' driveway width required to accommodate two-way traffic per TMC 1107.
39. Accessible parking signage required at accessible parking spaces per TMC 1107.
40. 12' wide golf cart path is recommended to accommodate two-way traffic to Northern golf cart parking area.

Plan Commission

41. Per TMC§1104.0402, a bed and breakfast use may not exceed four bedrooms for guests or a maximum of six guests per night. **Not acceptable as depicted on site plan. Applicant shall obtain a waiver to allow twenty-four (24) bedrooms.**
42. Per TMC§1106.0300, multiple buildings on a lot are permitted in RM12, RM24, RM36, IL, IG, IP and IC zoning districts. **Not acceptable as depicted on site plan. Applicant shall obtain a waiver to allow three (3) additional buildings at the site.**
43. Per Parking Schedule A, the minimum number of parking spaces required for a bed and breakfast is half (0.5) per sleeping room. **Acceptable as depicted on site plan.**
44. Any spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **Acceptable as depicted on site plan.**
45. 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 or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities.

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

46. Whenever a parking lot extends to a property line, sidewalk, planting strip, or building, a wheel stop device consisting of a concrete stop, a permanent concrete curb, an expanded sidewalk or other suitable restraint as approved by the Planning Director must be installed to prevent any part of a parked motor vehicle from extending beyond the property line, overhanging a pedestrian walkway or sidewalk, or damaging any structure or landscaping (TMC§1107.1907(A)). **Not acceptable as depicted on site plan. Wheel stop devices shall be added to prevent damage to the required shrub rows.**
47. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors (i.e. gray, brown, tan). Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director.
48. 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. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten feet (10') in width; **not acceptable as depicted, shrub rows shall screen headlights of parked vehicles from driveway and surrounding uses.**
 - b. Topsoil must be back filled to provide positive drainage of the landscape areas;
 - c. 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;
 - 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; **acceptable as depicted on landscaping plan, acceptable as depicted;**
 - e. The location, height and materials for any fencing to be installed and maintained. Pursuant to TMC§1105.0302(A)(1), fences may not exceed 3 ½ feet in height in the required front setback, **acceptable as depicted, existing fence shall remain;** and,
 - f. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties).

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PLAN COMMISSION RECOMMENDATION (cont'd)

49. 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.
50. 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.
51. 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. Gibbons
Secretary

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Five (5) sketches follow

Cc: Fernando Fry, 4601 Dorr Street, Toledo OH 43615
Greg Feller, Feller Finch & Associates Inc., 1683 Woodlands Drive, Maumee OH 43537
Lisa Cottrell, Administrator
Dana Doubler, Planner