

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: February 10, 2022

REF: SUP-12008-21

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Request for Special Use Permit for a Type A Day Care in an RS6 District at 4305 Dorr St.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 10, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Special Use Permit for Type A Day Care in an RS6 District
Location	-	4305 Dorr St.
Applicant + Owner	-	Saif Dari 5035 Dorr St. Toledo, OH 43615
Architect	-	Hales Architecture and Planning 3601 W Alexis Rd, Ste 200 Toledo, OH 43623

Site Description

Zoning	-	RS6 / Single-dwelling Residential
Area	-	± 0.87 acres
Frontage	-	± 137' along Dorr St
Existing Use	-	Single Family Home
Proposed Use	-	Type A Day Care

Area Description

North	-	RS9 / Single-family Dwellings
South	-	RS6 / Single-family Dwellings
East	-	RS6 / Office building (13abc Studio)

GENERAL INFORMATION (cont'd)

Area Description

West - RS6 / Single-family Dwellings

Parcel History

SUP-4001-11 - Special Use Permit for a day care center at 4305 Dorr (PC Approved 07/14/2011, CC approved Ord.463-11)

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 4305 Dorr St. The ±0.87 acre site is zoned RS6, Single-Family Residential and is currently occupied by an existing single-family household. Surrounding land uses are Single-Family dwellings to the north, south and west, and the 13abc Studio to the east. A Special Use Permit is required because the site is zoned residential.

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, Dorr Street qualifies as 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 ±1,244 square feet, which is enough to accommodate the maximum number of individuals allowed in care at a Type A Day Care. A drop-off and pick-up area is required.

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 six (6) parking spaces. One (1) van accessible space shall be shown on a revised site plan. Additionally, the width of the driveway shall be clarified and a minimum eighteen foot (18') drive where parallel parking is provided shall be depicted.

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)**. The existing landscaping around the outdoor play area is acceptable. The site plan depicts a six foot (6') privacy fence surrounding the outdoor play area.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area for single family land uses. Single Family land uses may also include libraries, schools, churches, and community centers. Type A day care centers are a compatible use for this designation and the proposed special use permit conforms to the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-12008-21, a Special Use Permit for a Type A Day Care at 4305 Dorr St, 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 4305 Dorr St subject to the following **thirty-one (31)** 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

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

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.
6. A gravel verge should be used between the new parking spaces and the catch basin in the grassy area to prevent pollution from scour erosion. Contact Andy Stepnick with any questions. A stormwater submittal is not required, but if the project size increases, a submittal would be needed for projects totaling over 2,500 square feet of earth disturbance.
7. When site work is below the threshold for a stormwater submittal, the applicant is nonetheless responsible for preventing stormwater pollution by using erosion and sediment control construction practices.

Division of Sewer and Drainage Services

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

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Environmental Services

10. 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.
11. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
12. Applicant is strongly encouraged to include multiple green infrastructure measures that can be included to minimize runoff and increase infiltration.
13. Applicant is strongly encouraged to plant native, low maintenance and non-invasive trees, shrubs and perennials. Information is at <https://ohiodnr.gov/wps/portal/gov/odnr/discover-and-learn/plants-trees/invasive-plants>; a list of invasive plants and alternative species can be downloaded from https://www.oipc.info/uploads/5/8/6/5/58652481/alternatives_to_ohio_invasive_plant_species.pdf
14. 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

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

Division of Transportation:

17. One van accessible parking space with 8' loading aisle for van is required per TMC 1107.1701 & TMC 1107.1702.
18. Minimum of 18' is required where parallel parking is provided to allow for one-way traffic flow per TMC 1107.1911.
19. Sidewalk is required along Dorr Street per TMC 1107.1300

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission

20. 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.
21. Thirty-five (35) square feet of useable indoor space per person in care must be regularly available to the Type A Day Care. **Acceptable as depicted on site plan.**
22. 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.
23. 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; **Not acceptable as depicted – drop off shall be indicated.**
24. Per TMC 1107.1202.A.2 Parking Setbacks – Residential Districts, no more than 40 % of the front yard can be occupied by pavement.
25. TMC 1107.1202.A.1 *Parking Setbacks – Residential Districts*, which prohibits the location of parking spaces within the front yard (other than a driveway), shall be waived to permit the parking spaces as shown on the site plan.
26. 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. **Existing landscaping acceptable and shall not be removed.**
 - 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. 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;

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

27. 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.
28. 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.
29. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in **TMC§1111.0707** have not been met.
30. 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.
31. 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,



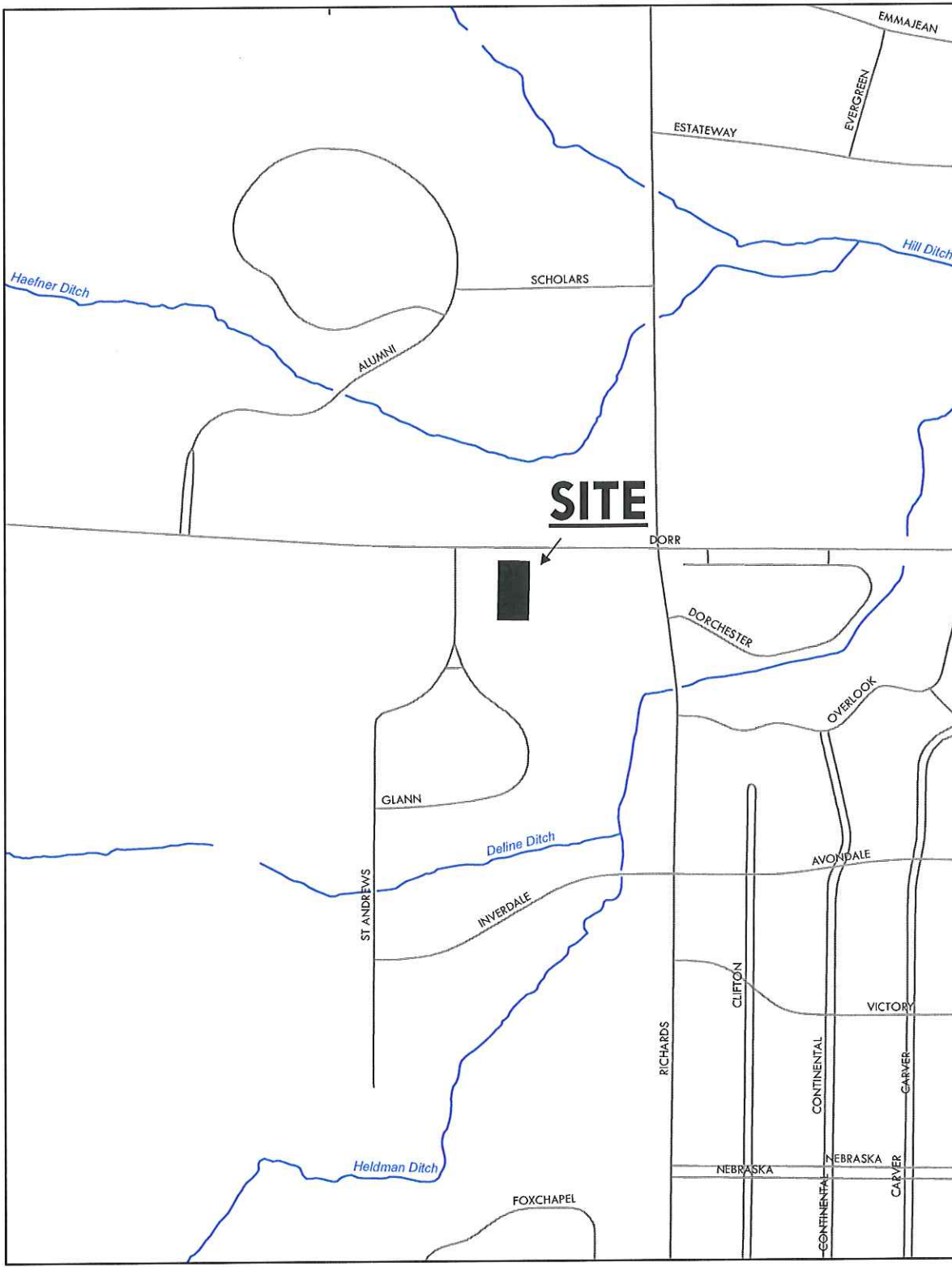
Thomas C. Gibbons
Secretary

Two (2) sketches follow

Cc: Saif Dari, 5035 Dorr St, Toledo, OH 43615
Walter Hale, 3601 W Alexis Rd, Ste 200, Toledo, OH 43623
Lisa Cottrell, Administrator
Jonny Latsko, Planner

GENERAL LOCATION

SUP-12008-21
ID 83



ZONING & LAND USE

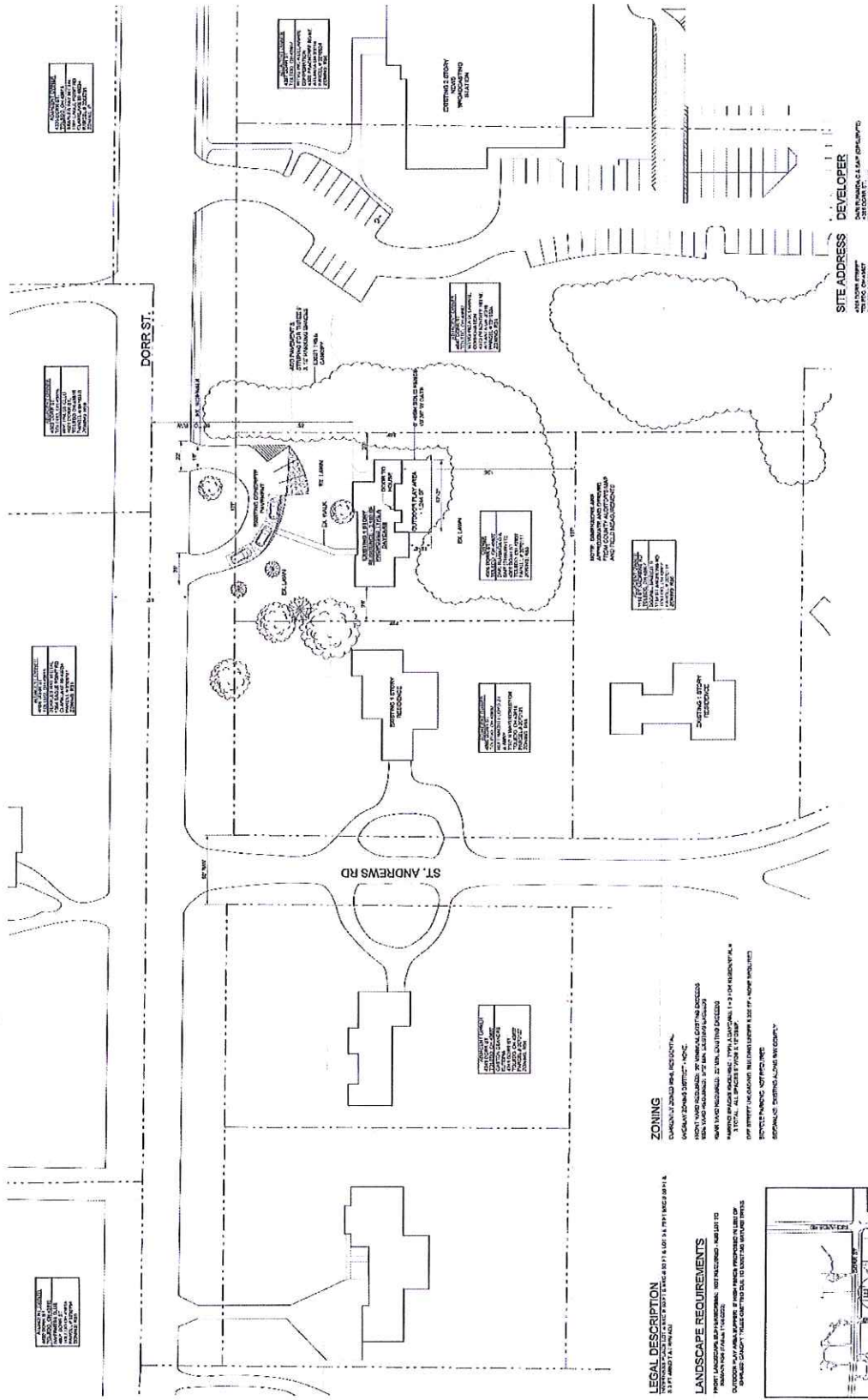
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ID 83

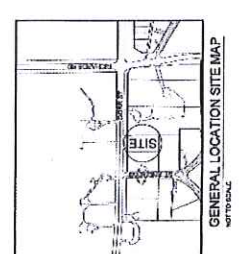
SITE PLAN



ZONING
 COUNCIL OF ZONING REGULATIONS, INC.
 1000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 (303) 733-1100
 WWW.COUNCILOFZONINGREGS.COM

LEGAL DESCRIPTION
 6.61 AC. ±, MORE OR LESS
 1/4 SECTION 10, T11N, R10E, S11W, DIST. 10

LANDSCAPE REQUIREMENTS
 ALL LANDSCAPE REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER LANDSCAPE DESIGN AND MAINTENANCE ORDINANCE, CHAPTER 11.01, ARTICLE 11.01, SECTION 11.01.01, 11.01.02, 11.01.03, 11.01.04, 11.01.05, 11.01.06, 11.01.07, 11.01.08, 11.01.09, 11.01.10, 11.01.11, 11.01.12, 11.01.13, 11.01.14, 11.01.15, 11.01.16, 11.01.17, 11.01.18, 11.01.19, 11.01.20, 11.01.21, 11.01.22, 11.01.23, 11.01.24, 11.01.25, 11.01.26, 11.01.27, 11.01.28, 11.01.29, 11.01.30, 11.01.31, 11.01.32, 11.01.33, 11.01.34, 11.01.35, 11.01.36, 11.01.37, 11.01.38, 11.01.39, 11.01.40, 11.01.41, 11.01.42, 11.01.43, 11.01.44, 11.01.45, 11.01.46, 11.01.47, 11.01.48, 11.01.49, 11.01.50, 11.01.51, 11.01.52, 11.01.53, 11.01.54, 11.01.55, 11.01.56, 11.01.57, 11.01.58, 11.01.59, 11.01.60, 11.01.61, 11.01.62, 11.01.63, 11.01.64, 11.01.65, 11.01.66, 11.01.67, 11.01.68, 11.01.69, 11.01.70, 11.01.71, 11.01.72, 11.01.73, 11.01.74, 11.01.75, 11.01.76, 11.01.77, 11.01.78, 11.01.79, 11.01.80, 11.01.81, 11.01.82, 11.01.83, 11.01.84, 11.01.85, 11.01.86, 11.01.87, 11.01.88, 11.01.89, 11.01.90, 11.01.91, 11.01.92, 11.01.93, 11.01.94, 11.01.95, 11.01.96, 11.01.97, 11.01.98, 11.01.99, 11.02.00.



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SITE ADDRESS
 4305 DORR ST.
 DENVER, CO 80202



SPECIAL USE PERMIT
4305 DORR ST.

SCALE: 1" = 30'
 DRAWING DATE: DECEMBER 20, 2021

