

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: December 6, 2024

REF: V-403-24

TO: President Carrie Hartman and Members of Council, City of Toledo

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

SUBJECT: Vacation of a portion of Hunt Street north of Hamilton Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 5, 2024 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Vacation of a portion of Hunt Street north of Hamilton Street
Applicant + Owner	-	Dan Pienta   Team CCI Property Corp. 3010 Geiman Road Monroe, MI 48162

#### Site Description

Zoning	-	CM / Mixed Commercial-Residential
Area	-	± 0.16 Acres (7,075 sf)
Frontage	-	± 22' along Hamilton Street
Existing Use	-	Construction Sales and Services
Proposed Use	-	Construction Sales and Services

#### Area Description

North	-	CM / Toledo Environmental Services
South	-	CM / Lucas County Canine Care & Control
East	-	CM / mailing service, City government offices
West	-	IL / Anthony Wayne Trail, I-75

#### Parcel History

Z-8008-23	-	Zone Change from IL to CM for 109 Parcels in the Warehouse District. PC recommended approval 1/11/24. P.Z. referred case back to Plan Commission 2/13/24.
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## GENERAL INFORMATION

### Parcel History (cont'd)

Z-4004-24	-	Zone Change from IL to CM for 104 Parcels in the Warehouse District. PC recommended approval 7/1/24. CW approved 9/11/24 via Ord. 433-24.
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### Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan
- Warehouse District Master Plan 2022

## STAFF ANALYSIS

The applicant, Team CCI Property Corp., is requesting the vacation of a portion of Hunt Street north of Hamilton Street, which is situated in the southwest corner of the Toledo Warehouse District Urban Neighborhood Overlay. The area is surrounded by Toledo Environmental Services to the north, a mailing service and City government offices to the east, Lucas County Canine Care & Control to the south, and the Anthony Wayne Trail and I-75 to the west. It should be noted that this area is part of a recent mass down-zoning in the Warehouse District (Z-4004-24), which changed the zoning of the subject area from IL-Limited Industrial to CM-Mixed Commercial-Residential via Ord. 433-24. While codified, this zoning update has not been reflected yet in the City's zoning map or the Lucas County Auditor's records.

The applicant owns Fry Heating, Cooling & Plumbing, which is operated in the large block of buildings bounded by Hamilton Street, Erie Street, and Tecumseh Street. The requested vacation is to allow for driveway improvements in the proposed vacated area that leads to the rear entrance of the business. No future building expansions are proposed in the subject area.

### Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Plan targets the site for Neighborhood Mixed-Use land uses, which promote pedestrian-oriented, high density commercial and residential opportunities. Industrial uses in these areas should be minimally obtrusive and blend in with surrounding uses. Minimal setbacks, shared parking, and cohesive architectural elements are encouraged. While this block of buildings is currently only occupied by Fry Heating, Cooling & Plumbing and the adjacent mailing service to the east, the owners plan to expand mixed-use commercial-residential development in a portion of the complex in future development. Staff finds the current use and proposed future development aligned with the Forward Toledo plan and is supportive of the proposed vacation.



**STAFF ANALYSIS (cont'd)**

Warehouse District Master Plan 2022

The vision for the Warehouse District, as laid out in the Warehouse District Plan 2022, is a vibrant mixed-use district that contains well-connected neighborhoods with opportunities for living, work, recreation, and entertainment. The plan promotes strategic infill and adaptive reuse of industrial buildings, with mixed-use commercial and residential development, open space, and improved streetscapes. The proposed vacation is aligned with the Warehouse District Plan.

**PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of V-403-24, a vacation of a portion of Hunt Street north of Hamilton Street, to Toledo City Council for the following two (2) reasons:

1. The proposed Vacation conforms to the Forward Toledo Comprehensive Land Use Plan and the Warehouse District Master Plan.
2. The proposed vacation will not impede access to any neighboring properties.

The Toledo City Plan Commission recommends approval of V-403-24, a vacation of a portion of Hunt Street north of Hamilton Street subject to the following **three (3)** 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.

Bureau of Fire Prevention

1. **Approval** will be granted to vacate the portion of property as shown above, only under the **Condition** that fire department access as required by the Ohio Fire Code Section 503 be maintained.

Transportation Services

2. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

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**PLAN COMMISSION RECOMMENDATION (cont'd)**

Plan Commission

3. A Site Plan Review may be required for future developments within the vacated area in accordance with the provisions of the Toledo Municipal Code.

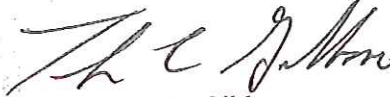
I accept all terms and conditions as set forth in this report.

Name

Date

1/8/25

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

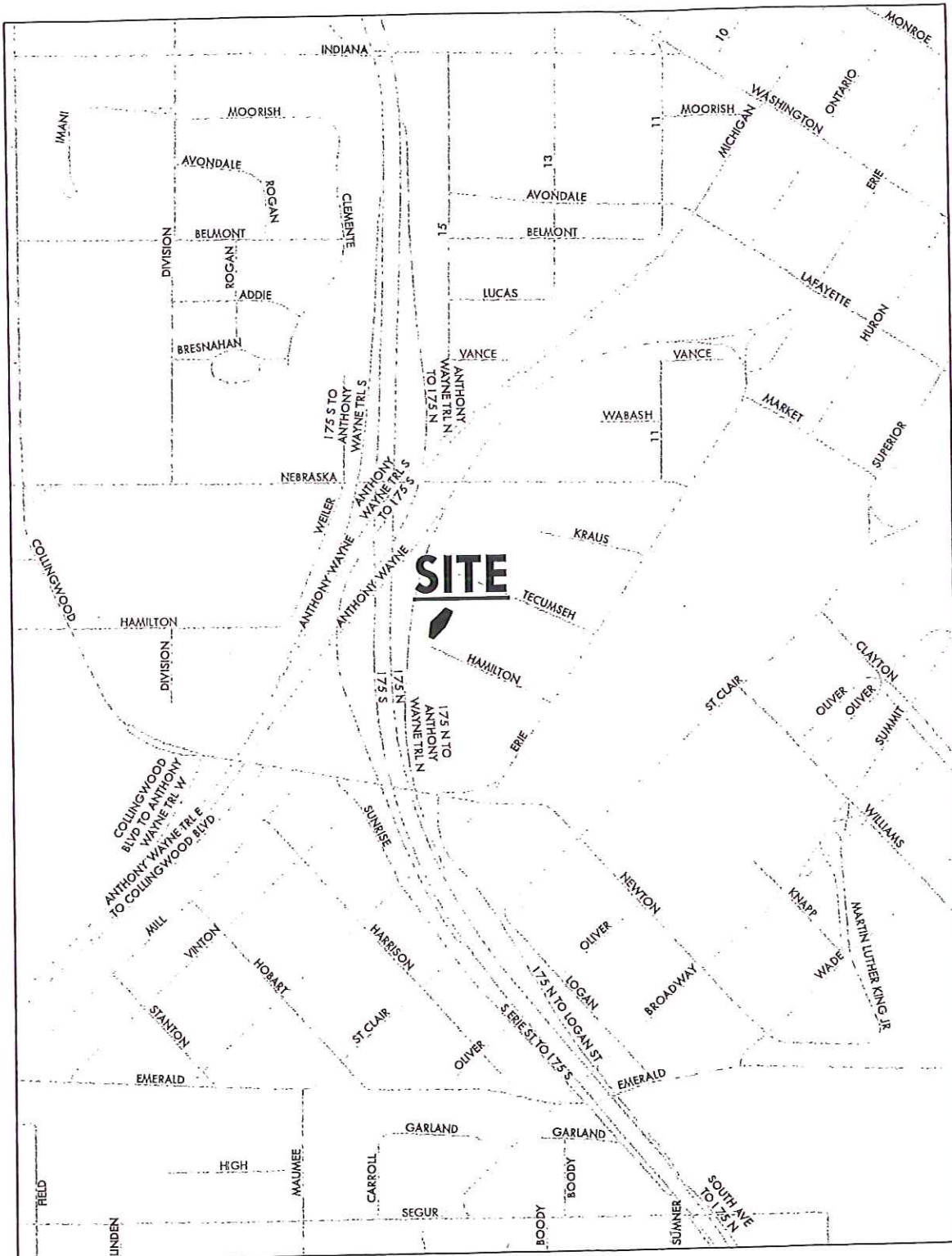
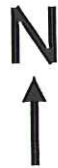
MJM

Three (3) sketches follow

Cc: Dan Pienta, 3010 Geiman Road, Monroe, MI 48162  
Lisa Cottrell, Deputy Director  
Mara Momenee, Planner

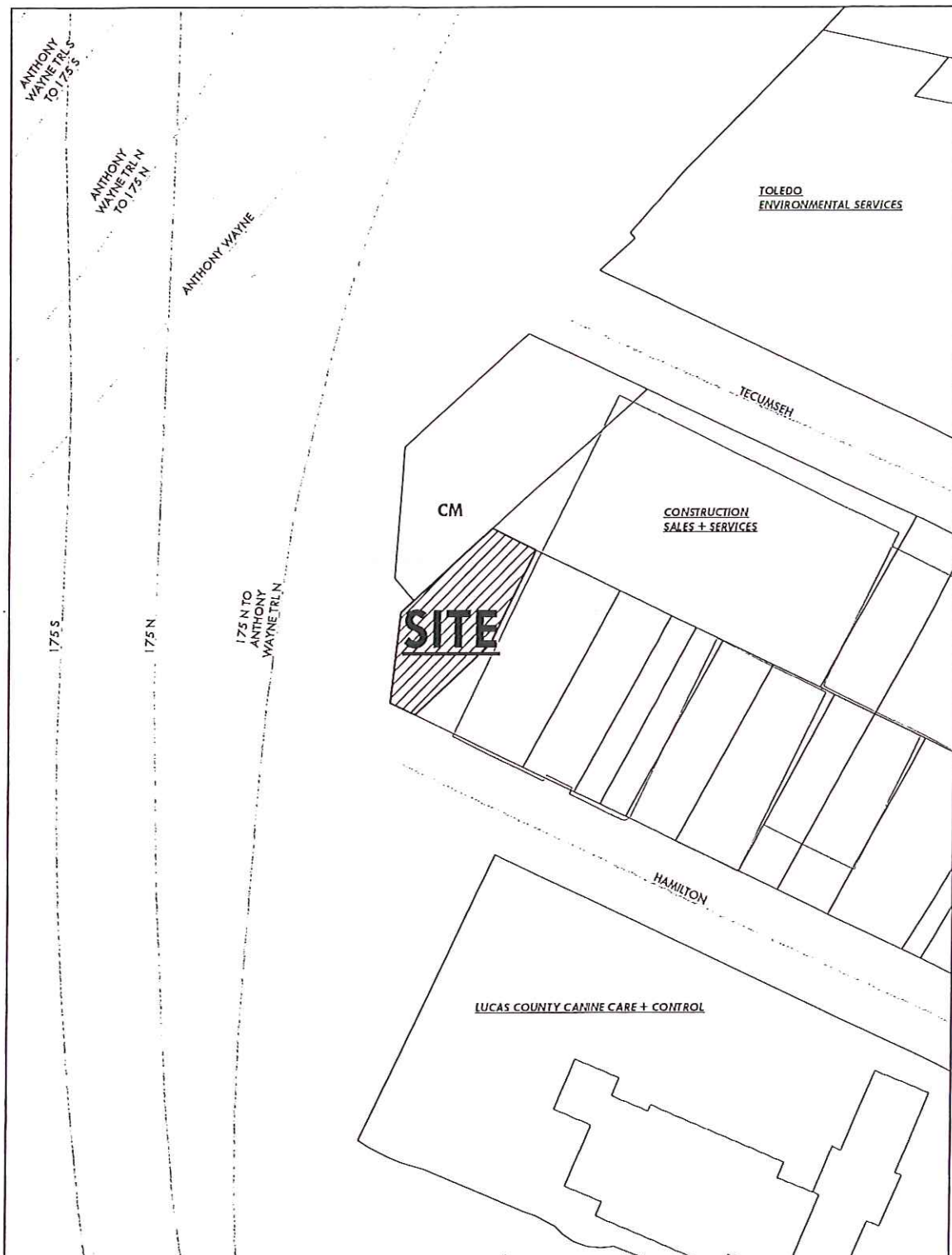
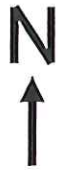
## GENERAL LOCATION

**V-403-24**  
**ID 10**



# ZONING & LAND USE

V-403-24  
ID 10







# City of Toledo

One Government Center  
Toledo, OH 43604

## Legislation Text

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**File #: R-403-24, Version: 1**

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Vacation: Whittlesey's Addition  
Clerk of Council Office

**Declaring the intent to vacate a portion of property within Whittlesey's Addition, Toledo, Lucas County, Ohio, and declaring an emergency.**

**SUMMARY & BACKGROUND:**

Petitioner has filed a request to vacate a portion of property within Whittlesey's Addition, located in the city of Toledo, Lucas County, Ohio.

NOW THEREFORE, Be it resolved that:

SECTION 1: That the City Council does hereby declare its intent to vacate a portion of property within Whittlesey's Addition, located in the city of Toledo, Lucas County, Ohio, further described below:

Beginning at the SW'erly property corner of Lot 8.  
Thence NW'erly on Northerly R/W of Hamilton St. to a point on the Easterly R/W of I-75.  
Thence Northerly on said Easterly R/W of I-75 to a point on NW'erly R/W of Hunt St.  
Thence NE'erly on said NW'erly R/w of Hunt St. to a point of intersection with a line.  
Said line being the rear property line of Lots 9 thru 18 extended NW'erly.  
Thence SE'erly on said extended rear property line to point on the NW'erly property line of lot 9.  
Thence SW'erly on said NW'erly property line of Lot 9 to the intersection of NW'erly lot line of Lot 8.  
Thence SW'erly on said NW'erly property line of Lot 8 to the POINT of BEGINNING.

SECTION 2. That this matter be referred to the Toledo City Plan Commission for its review, recommendation and appropriate hearing date.

SECTION 3. That this Resolution hereby is declared to be an emergency measure and shall be in force and effect from and after its adoption. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Resolution must be immediately effective so that the vacation can be expeditiously completed to enable property owners to obtain the resulting benefits at the earliest time.

Vote on emergency clause: yeas 12, nays 0.

Adopted: September 11, 2024, as an emergency measure: yeas 12, nays 0.

Attest:

Julie A. Gibbons  
Clerk of Council

Carrie Hartman  
President of Council

Approved:

September 11, 2024  
Wade Kapszukiewicz  
Mayor



## NOTICE TO PETITIONER

Petitions for vacating streets and other public ways shall be accompanied by a filing fee of \$100.00. In addition thereto, prior to the final passage of vacating legislation, the petitioner, in accordance with Rule 6A of the City Council, shall pay the larger of the following two amounts per square foot vacated; (1) the amount of five cents per square foot vacated, or (2) that amount per square foot vacated which is equal to the average tax value per square foot of the land only which immediately abuts the vacated portion upon both sides; together with the cost of restoring or moving, paving, curbing, sidewalks, grading and the like. Until these charges are paid, council shall not enact legislation to vacate.

### PETITION TO VACATE

DATE: 7-30-2024

TO THE HONORABLE COUNCIL  
OF THE CITY OF TOLEDO

WE, THE UNDERSIGNED PROPERTY OWNERS, RESPECTFULLY REQUEST THE  
VACATION OF THE FOLLOWING DESCRIBED PROPERTY:

AREA BY 152 HAMILTON ST		
Parcel	Legal Description	Sq. Ft.
<b>WHITTLESEYS ADDITION</b>		
16-21271	LOTS 8 & 9 & TRI OF HUNTST NW & ADJ BEIN 77.67 SE LINE & 30.22 FT ON NE L INE	9,760
16-21384	LOT 39 W 37.50 FT FRT BY 37.60 FT REAR & HUNT ST ADJ VAC EXC S .40 FT E 82.2 FT	32,168
16-21241	LOTS 1 TO 5 SUBJ TO RD WI DENING	15,248

WE WAIVE SERVICE OF NOTICE IN CONNECTION THEREWITH AND AGREE TO  
RESERVE PUBLIC UTILITY RIGHTS-OF-WAY THERIN.

NAME	ADDRESS	LOT NUMBER AND ADDITION
Daniel J. Pienta	152 Hamilton St	

**Contact Person:**

Signed: Dan Pienta

Date: 7-30-2024

Telephone No: 734-604-2381

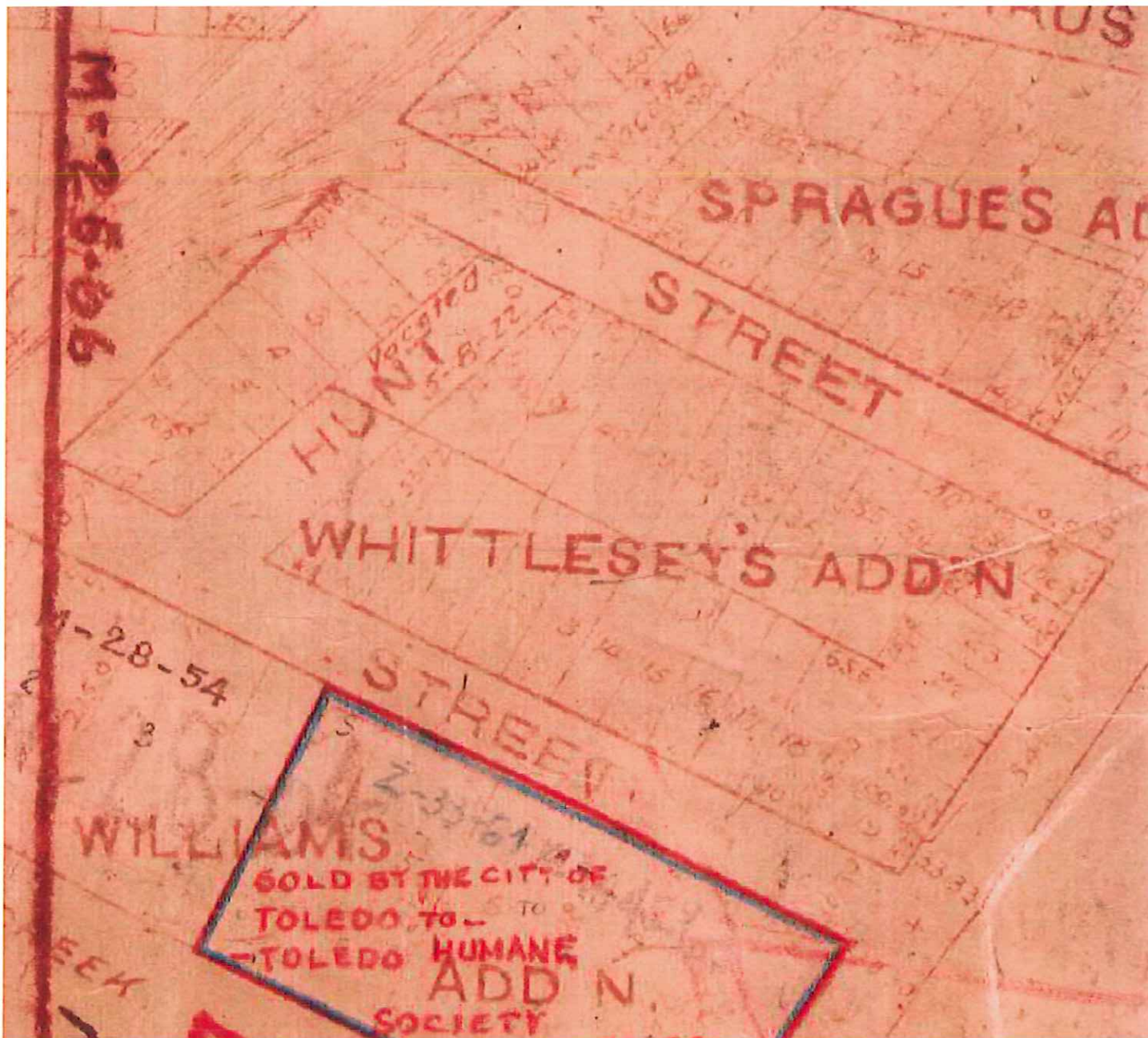
AREA BY152 HAMILTON ST

Parcel	Legal Description	Sq. Ft.	Value	RES	Value
	<b>WHITTLESEYS ADDITION</b>				
16-21271	LOTS 8 & 9 & TRI OF HUNTST NW & ADJ BEIN 77.67 SE LINE & 30.22 FT ON NE L INE	9,760	\$		1,930.00
16-21384	LOT 39 W 37.50 FT FRT BY 37.60 FT REAR & HUNT ST ADJ VAC EXC S .40 FT E 82.2 FT	32,168	\$		7,390.00
16-21241	LOTS 1 TO 5 SUBJ TO RD WI DENING	15,248	\$		1,790.00
<b>Totals</b>		57,176	\$		11,110.00
	<u>Price per square foot = Value/ Sq. Ft.</u>				
	\$11,110/57,176 = 0.194		\$		0.194
	<u>Area to be vacated</u>				
	7,148.20				7,148.2
	<u>Approximate Cost of Land</u>				
			\$		1,386.75
	Required Work		TBD		
	Engineering Cost		\$		75.00
	Recording Fee		\$		100.00
<b>Total Est Cost</b>			\$		1,561.75

**Gibbons, Julie**

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**From:** Gibbons, Thomas  
**Sent:** Thursday, August 8, 2024 9:15 AM  
**To:** Gibbons, Julie  
**Subject:** Fry heating



Tom Gibbons  
Director  
Toledo-Lucas County Plan Commissions

