

REF: V-282-24
DATE: August 8, 2024

GENERAL INFORMATION

Subject

- | | | |
|-----------|---|---|
| Request | - | Vacation of a 16' wide alley lying to the west of 710 Monroe Street |
| Applicant | - | Wurth Holdings
6200 Brent Drive
Toledo, OH 43611 |

Site Description

- | | | |
|--------------|---|--|
| Zoning | - | CD / Downtown Commercial |
| Area | - | ± 0.0441 acres (1,920 square feet) |
| Dimensions | - | ± 16' x 120' |
| Existing Use | - | Alley |
| Proposed Use | - | Alley, future outdoor seating and second floor building entrance |

Area Description

- | | | |
|-------|---|--|
| North | - | Parking, commercial, and light manufacturing / CD-DOD |
| South | - | Monroe Street, offices, and vacant commercial / CD-DOD and CD-WUNO |
| East | - | Commercial, restaurant and Erie Street / CD-DOD |
| West | - | Commercial parking lot and Ontario Street / CD-DOD |

Parcel History

- | | | |
|----------|---|--|
| DOD-1-24 | - | Downtown Overlay District Review of new sign at 710 Monroe Street (Admin. disapproved 1/25/24; Appealed, PC disapproved 2/8/24; Admin. approved by Plan Director 2/20/24). |
| M-8-19 | - | Amendment of Downtown Overlay District Regulations regarding parking lots (PC rec. approval 6/13/19; CC approved 7/23/19 via Ord. 355-19). |
| M-4-19 | - | Amendment Updating Warehouse District UNO Requirements 1103.1500 (PC rec. approval 1/9/19; CC approved 2/25/20 via Ord. 84-20). |

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- | | | |
|----------|---|---|
| DOD-2-22 | - | Downtown Overlay District Review of façade modifications at 710 Monroe Street (Admin. approved 2/25/22). |
| DOD-2-21 | - | Downtown Overlay District Review of exterior alcove at 710 Monroe Street (Admin. approved 6/28/21). |
| DOD-7-21 | - | Downtown Overlay District Review of building modifications at 710 Monroe Street (Admin. approved 11/16/21). |

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting the vacation of a portion of a 16 feet wide alley that lies between and is parallel to Ontario and Erie Streets, and connects Monroe Street and Jefferson Avenue. The portion to be vacated is approximately 120 feet in length and is situated to the west of 710 Monroe Street. There is a commercial parking lot to the west, commercial businesses to the north and east, and Monroe Street and commercial business to the south.

The Applicant owns 710 Monroe Street and is currently renovating the building. The building is three stories in height and will consist of a restaurant and bar on the first floor, an event space on the second floor, and an upscale cocktail bar on the third floor. The Applicant has indicated that the portion of the alley to be vacated is brick and is not well maintained. They are requesting to vacate the alley to be able to improve the alley to provide a safe surface for their patrons to walk across. In addition, they noted that in the future they may want to add a side entrance for the second floor event space off of the alley, and the restaurant/bar on the first floor may want to use the vacated alley for outdoor seating.

The subject alley is located in Toledo's Central Business District. The area where the alley is to be vacated is laid out in a pattern of connected streets and blocks. As is typical in a downtown area, large buildings are sited along street frontages that define streets and public spaces oriented for pedestrians. Alleys are provided mid-block to provide for rear building access. The Applicant is only proposing to vacate 120 feet of a 490 foot alley that runs from Monroe Street to Jefferson Street. The portion of the alley to be vacated extends from Monroe Street northeast 120 feet to the north property line of 710 Monroe Street. Vacating this portion of the alley would eliminate access from Monroe Street and effectively block traffic that enters from Jefferson Street from exiting the

STAFF ANALYSIS (cont'd)

alley without having to turn and exit through a privately owned parking area. This fact was also noted by the Division of Transportation in their comments that state “ this vacation will create a dead-end alley coming from Jefferson Avenue”. They further indicate that for the vacation to move forward, “a turnaround must be created at the end of the alley or another access point”. In addition, there is a 24 inch sanitary sewer located in the subject alley and as such the Division of Engineering and Construction Management requires a permanent easement. The Fire Prevention Bureau has also indicated that access to the fire department connection (FDC) in the alley must be maintained.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan designates this site and the surrounding area as Downtown Commercial. This designation is intended to accommodate a broad range of uses to reflect downtown’s role as a commercial, governmental, cultural and entertainment center. Land uses are intended to be intense with high building coverage, large buildings, and buildings placed close together. The Downtown Commercial designation accommodates mixed-use pedestrian oriented development. This designation is consistent with the existing urban development pattern of connected streets and blocks, in which alleys serve an integral part. The proposed alley vacation would not support this type of development pattern.

Staff is not in support of the proposed vacation as the alley is located in the Downtown District where access to the rear of buildings is important, and other property owners currently use the alley for rear access to their buildings. Additionally, the proposed vacation is for only a portion of an existing alley thereby creating a dead-end alley. There is also a 24 inch sanitary sewer located in the alley, which limits use of the alley by the Applicant for anything permanent. While staff is recommending disapproval of this alley vacation, review agency conditions are attached as EXHIBIT “A” for informational purposes.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend **disapproval** of V-282-24, the vacation of a 16’ wide alley lying to the west of 710 Monroe Street, to the Toledo City Council for the following **three (3) reasons**:

1. The proposed alley vacation will limit rear access to commercial properties abutting the alley.
2. The proposed alley vacation will create a dead-end alley.
3. The proposed alley vacation would provide limited benefit to the applicant whereas the alley currently provides important public access.

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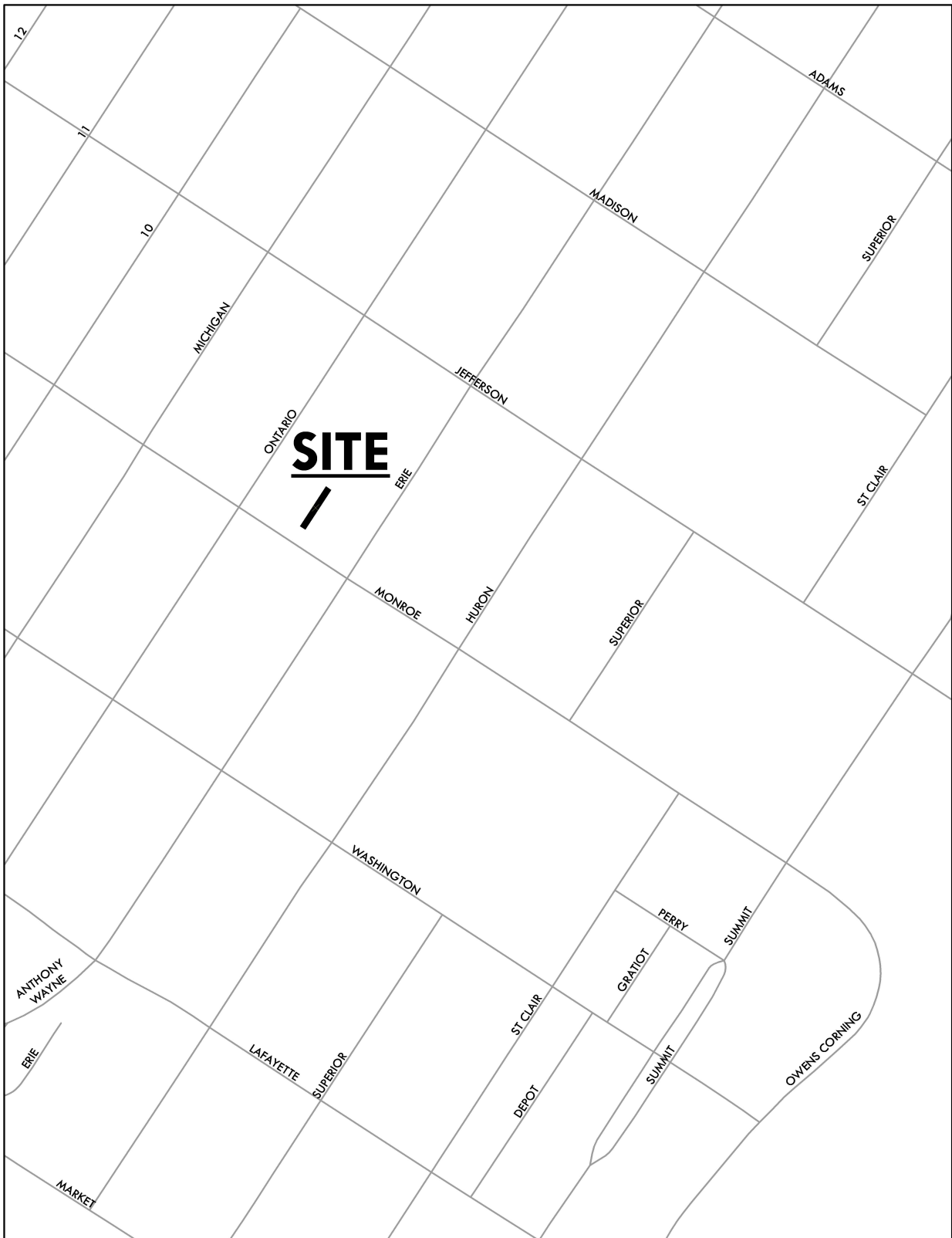
ALLEY VACATION
TOLEDO CITY PLAN COMMISSION
REF: V-282-24
DATE: August 8, 2023
TIME: 2:00 PM

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: September 10, 2024
TIME: 4:00 P.M.

LK
Two (2) sketches follow
Exhibit "A" follow

GENERAL LOCATION

V-282-24



ZONING & LAND USE

V-282-24



Exhibit “A”
REVIEW AGENCY CONDITIONS

The following **six (6) conditions** are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Law Department

1. 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.
2. That a full width easement in favor of the City of Toledo is retained across, under and through said vacated area as described in Section 1 herein for the purpose of the City of Toledo’s maintaining, operating, renewing, reconstructing, and removing utility facilities. All City of Toledo facilities located within said vacated area are hereby dedicated to the City of Toledo for exclusive City of Toledo utility use only and shall not be combined with easements or rights for other utilities. The easement retained by the City of Toledo shall be primary to any other utilities located therein, and any easement retained by any other utility shall be subordinate to and subject to the easement rights of the City of Toledo. Said easement shall be permanent in nature for each utility and shall run with the land. Said easement also includes reasonable rights of egress and ingress over and through the vacated area. No fence, wall, building foundation, roof overhang, or other barrier which would impede access to the easement shall be constructed or maintained. Driveways, parking lots, walkways and other similar improvements are permitted subject to the prior written consent of the City of Toledo. The City of Toledo shall be released and held harmless for any liability, responsibility costs, or damages resulting from the City of Toledo’s removal of any barriers which impede the City of Toledo ingress or egress from the easement or which obstruct access to the utilities located within the vacated area. The City of Toledo shall have no obligation or duty to restore or compensate the barrier owner for any barrier removed in whole or in part by the City of Toledo. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained separately from each utility, as to their interest(s) only, by separate recordable instrument or the Owner’s’ of the vacated area shall be responsible for the relocation of any utility facilities or equipment, whether owned by a public or private utility within the vacated area or preserving access to such utility facilities. Utility facilities include conduits, cables, wires, towers, poles, sewer lines, pipelines, gas and water lines, or other equipment of any railroad or public utility, located on, over or under the portion of the vacated area. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance and operation of Ohio law shall be obtained separately from each utility, as to their interest(s) only. The City of Toledo shall be released and held harmless for any

Exhibit “A” (cont’d)

liability, responsibility, costs, or damages resulting from Owner’s construction or activities in the vacated area, that interferes with any utility easement retained as a matter of law in accord with Section 723.041 of the Ohio Revised Code.

Division of Engineering & Construction Management

3. A full width easement shall be retained by the City of Toledo over vacated right-of-way. The following language shall appear in the authorizing vacation ordinance which shall be recorded and a notation placed in the remarks section of the County’s real estate records:

“That a full width (17 foot) easement is hereby retained over, across, under and through said vacated area for the exiting sewer in said right of way. All City of Toledo facilities located within said easement are hereby dedicated to the City of Toledo, for City utility use only, to allow for future maintenance, repairs, replacements, etc. and shall not be combined with easements for other utilities. The easement hereby retained by the City of Toledo herein shall be primary in nature to any other utilities located therein, and any easement retained by any other utility as a result of this Ordinance shall be subject first to the easement rights of the City of Toledo. Said easement herein shall be permanent in nature for each utility currently located thereon and shall run with the land. Said easement also includes reasonable rights of ingress and egress over and through the utility easement area for the purpose of operating, maintaining, replacing, repairing and/or constructing any utilities located with the easement. The property owner shall not construct fences, walls or other barriers, nor plant trees or other large vegetation which would impede access onto the easement. No temporary or permanent structure including building foundations, roof overhangs or other barriers denying access, may be constructed on or within the easement. Driveways, parking lots, walkways and other similar improvements are acceptable. The property owner hereby releases the City of Toledo, only, from any liability, responsibility or costs resulting from the City’s removal of any barriers which deny ingress or egress from the easement or which obstruct access to the public utilities located on said property, and the City of Toledo shall have no obligation or duty to restore or compensate the property owner for removed facilities”.

Fire Prevention Bureau

4. Access to the FDC for the building at 710 Monroe St, which is in this alley, must be maintained. (OFC912.4)

Division of Streets, Bridges and Harbor

No comments at the time of publication.

Exhibit “A” (cont’d)

Division of Traffic Management

5. This vacation will create a dead-end alley coming from Jefferson Avenue. For this vacation to happen, a turnaround must be created at the end of the alley or another access point.

Columbia Gas

No comments at the time of publication.

Toledo Edison

No comments at the time of publication.

TARTA

No comments at the time of publication.

Lucas County Solid Waste Management District

Does not object to the approval of this vacation.

Republic Services

Does not object to the approval of this vacation.

Plan Commission

6. The proposed vacation cannot result in the loss of access for any abutting properties.