

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: June 9, 2023

REF: Z-4006-23

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

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

SUBJECT: Zone Change from RD6 Duplex Residential to CN Neighborhood Commercial at 3333 Maple Street.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 8, 2023 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Zone Change from RD6 Duplex Residential to CN Neighborhood Commercial
Location	-	3333 Maple Street
Applicant	-	Helen Kuch-Kunich 7469 Roloff Rd. Ottawa Lake, MI 49267
Owner	-	D&H Enterprises LLC 7469 Roloff Rd Ottawa Lake, MI 49267

Site Description

Zoning	-	RD6 / Duplex Residential
Area	-	± 0.41 Acres
Frontage	-	± 146' along Maple St. ± 120' along E Hudson St.
Existing Use	-	Non-conforming Industrial
Proposed Use	-	Commercial

GENERAL INFORMATION

Area Description

North	-	RD6 / One- and Two-Family Dwellings
South	-	RD6 / One- and Two-Family Dwellings
East	-	RD6 / One- and Two-Family Dwellings
West	-	RD6 / One- and Two-Family Dwellings

Parcel History

P-5-82	-	Off Street Parking Plan at 3343 Maple Street (PC Approved 12-07-1982, BZA 77-82).
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Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Zone Change from RD6 Duplex Residential to CN Neighborhood Commercial at 3333 Maple Street. The ±0.41 Acres site is occupied by an industrial building constructed in 1890. There is a small fenced-in parking lot immediately north of the building also contained within the property. Surrounding land uses include one- and two-family homes to the north, west, east, and south. The property is located on the north-west corner of the intersection of Maple Street & E. Hudson.

The applicant has requested a rezoning in order to sell the property. Within the current RD6 Duplex Residential zoning, the property's use is limited to primarily residential uses or very select community and commercial uses. Due to this limitation, the applicant is looking to market the property for a wider variety of commercial uses.

The existing building is ±17,470 square feet. The all-brick faced includes three (3) garage doors facing Maple Street, as well as two (2) man doors. The wood-sided elevation fronting E Hudson Street includes one garage door, and a brick addition in the rear. The building has been occupied by a variety of industrial users over time. Including, a venetian blind company in 1962, an awning company in 1970, and both a lighting supply and commercial kitchen slicing manufacturer in 1980 – among other users between 1890 and present.

The surrounding neighborhood is entirely residential; however, the historically Polish Village neighborhood was constructed prior to contemporary development patterns and it is not uncommon to see commercial uses interspersed throughout residential areas. Similar examples can be found at the intersections of Elm Street & E Oakland St, and Chestnut St & E Hudson St – both of which

STAFF ANALYSIS (cont'd)

contain structures zoned CN Neighborhood Commercial otherwise surrounding by residential. Furthermore, the structure itself would require substantial investment to retrofit for residential use, as it was not constructed with this intent. While industrial to residential conversion is not unheard of (Toledo's own warehouse district being an example), the prevailing housing styles in the area reflect that of traditional one- and two-family homes. If demand for converted housing expands to this location, CN Neighborhood Commercial zoning still permits for the reuse of the structure as a duplex.

Although the proposed CN zoning district matches the historic use of the structure and is compatible with the location, the size of the structure presents a unique challenge. Per TMC§1106.0500 – Neighborhood Commercial District Maximum Floor Area, an individual establishment or business classified as a Commercial use in the CN district may not exceed a floor area of 10,000 square feet. If the building were to be utilized by a single commercial user under the CN zoning district regulations it would not be permitted. An alternative zoning district which allows similar uses without being limited to total floor area is CM Mixed Commercial. CM Mixed Commercial is appropriate for this site for the same reasons listed as CN Neighborhood Commercial. Furthermore, CM allows Manufacturing and Production, Limited which is not permitted in CN and more closely reflects the historic use of the structure.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the site for Single Family Land Uses. The single-family land use designation is intended to accommodate the development of single dwelling units on individual lots. It may also include libraries, schools, churches, and community centers. The district is intended to create, maintain and promote housing opportunities for individual households. It may include non-residential uses, duplexes, and planned unit development that are typically compatible with residential neighborhoods.

Staff recommends disapproval of the zone change from RD6 Duplex Residential to CN Neighborhood Commercial because the existing building exceeds the maximum allowable floor area of commercial uses within the district. Staff instead recommends approval of a zone change to CM Mixed Commercial, as the site is physically suitable for the allowed uses, and the district is compatible with the land uses within the general vicinity.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of Z-4006-23, a request for Zone Change from RD6 Duplex Residential to CN Neighborhood Commercial at 3333 Maple Street to Toledo City Council for the following **one (1) reason**:

1. The subject site is not physically suitable for the uses permitted under the CN Zoning District (**TMC§1111.0606(D)** *Review and Decision Making Criteria*).

Although the Toledo City Plan Commission recommends disapproval of the request for a Zone Change to CN Neighborhood Commercial, the Toledo City Plan Commission would recommend the Toledo City Plan Commission recommend approval of a request for a Zone Change from RD6 Duplex Residential to CM Mixed Commercial at 3333 Maple Street to Toledo City Council for the following two (2) reasons:

1. The CM zoning is compatible with the existing land uses within the general vicinity of the subject property (**TMC§1111.0606(B)** *Review and Decision Making Criteria*); and
2. The subject site is physically suitable for the uses permitted under the CM Zoning District (**TMC§1111.0606(D)** *Review and Decision Making Criteria*).

Respectfully Submitted,



Thomas C. Gibbons
Secretary

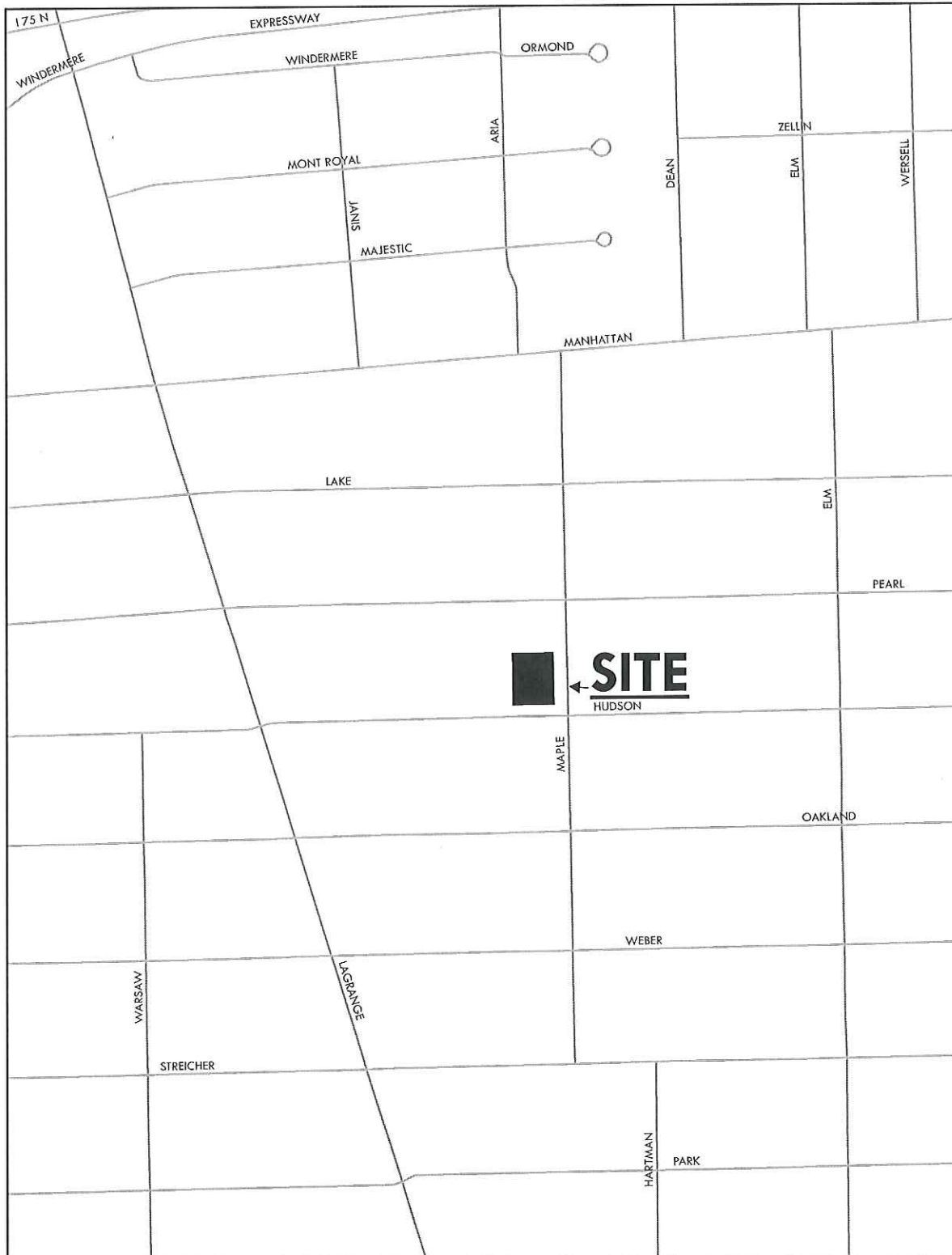
JGL

Two (2) sketches follow

Cc: Applicant
Lisa Cottrell, Administrator
Jonny Latsko, Planner

GENERAL LOCATION

Z-4006-23
ID 7



ZONING & LAND USE

Z-4006-23
ID 7



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To Toledo City Council Members,

First and foremost, we wish to thank you for your time involved in our seeking to rezone 3333 Maple St. Toledo, Ohio, 43608 (HESTON Addition Lots 290-294) back to commercial. As we have and continue to pay commercial rates for taxes, utilities, and refuse.

Looking back at the history of Toledo, which was originally founded back in 1833, being apart of Monroe County Michigan. On the west banks of the Maumee River was held the battle of Toledo, which was re-founded in 1837, making Toledo a part of Ohio.

In early settler days, many manufactures were enticed to relocate to Toledo, bringing populations numbers up. Many glass manufactures relocated to Toledo, making Toledo deemed "The Glass City". Our building was constructed in the late 1800's (1890). The building was sizable at over 18,000 square feet and deemed commercial at the time. It is currently listed by the State as "light industry". Originally this building was commercial, providing many families with employment and a means to support their families. This building has an elevator and conveyer belt tract.

Again, The State of Ohio has this building zoned a light industry, yet we continue to pay commercial taxes, utilities, and refuse. At some point the City of Toledo has rezoned this building as "residential". This building was built well before the surrounding houses. This neighborhood, at one point, had meticulous lawns and upkept homes. Now, many houses are left abandoned, boarded up windows (2 across the street), and porches falling in (again across the other street). The area is now considered not safe.

Since our purchase in December 2021, we assumed our building WAS already commercial as it has been used for commercial use for decades. And again, our bills from the building reflect commercial use. Our business has been supporting 5 families. We have since decided to leave the city of Toledo and sell the building. We would appreciate the zone adjustment to change to commercial CRI LIG for construction purposes. This would also be an excellent site for Toledo Police Department Substation.

Again, our address is 3333 Maple St. Toledo, Ohio 43608 HESTON Addition Lots 290-294.

Thank you for your time and consideration for zoning adjustments for this building.

Sincerely,

D&H Enterprises LLC

Helen Kuch-Kunich, Owner

David Fehr, Co-Owner