



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604 PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: December 8, 2017

REF: V-443-17

TO: President Steven Steel and Members of Council, City of Toledo

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

SUBJECT: Vacation of part of the right of way of Smith Street abutting lots 226, 227, 228, 241, 242, and 243

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 7, 2017 at 2:00 P.M.

GENERAL INFORMATION

Subject

- Request - Vacation of part of the right of way of Smith Street abutting lots 226, 227, 228, 241, 242, and 243
- Applicant - Shumaker, Loop, and Kendrick, LLC
C/O: Joseph A. Rideout
1000 Jackson Street
Toledo, OH 43604
- Surveyor - Feller Finch & Associates
1683 Woodlands Drive
Maumee, OH 43537

Site Description

- Zoning - CD, IL / Downtown Commercial, Limited Industrial
- Area - ±0.27 acres
- Dimensions - ±60' X ±200' portion of Smith Street running west of Canton Street
- Existing Use - Stub Street
- Proposed Use - Civic Park / Green space
- CDC - Downtown Toledo Rotary Club
- Overlay - Downtown Overlay District

Area Description

- North - Parking Lot / CD, IL
- South - Vacant Commercial Building / IL
- East - Lucas County Juvenile Center / CD
- West - Parking Lot / CD, IL

GENERAL INFORMATION (cont'd)

Parcel History

M-38-77	-	Res, 38-77 Downtown Overlay District
M-4-96	-	Warren Sherman Plan (Ord. 231-96, 4/2/96)
M-1-02	-	Downtown Toledo Master Plan (Ord. 280-02, 4/10/02)
V-33-06	-	Request for the Vacation of Smith Street between 12 th Street and Canton Avenue, approved by Plan Commission on 3/6/06, approved by City Council 12/12/06, Ord. 832-06.
M-22-16	-	Request for the review of 2016 Downtown Toledo Master Plan as an amendment to the Toledo 20/20 Comprehensive Plan, approved by Plan Commission on 12/12/16, approved by City Council 1/24/17, Ord. 46-17.

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Warren Sherman Area Council Strategic Plan
- 2016 Downtown Toledo Master Plan
- Downtown Overlay District
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting the Vacation of the sixty (60') foot wide stub street running west of Canton Avenue and adjacent to lots 226, 227, 228, 241, 242, and 243. The ±0.27 acre site is mixed zoned CR Regional Commercial and IL Limited Industrial. The applicant intends to demolish the buildings located south of subject site to convert into a "sitting area" which is deemed a passive recreation land use.

STAFF ANALYSIS (cont'd)

On December 12, 2006 City Council approved the applicant request to vacate the portion of Smith Street to the west of the subject site in order to construct and enlarge an existing surface parking lot for their employees. The current vacation request for the remainder of Smith Street is to facilitate the development of a green space area. The applicant has submitted a conceptual drawing depicting a civic park / green space that consist of a patio area, lawn areas, a small shelter, raised planters, fencing, and pedestrian walkways. These improvements are intended to provide an attractive outdoor area for employee use and to be used for functions and gatherings for the business that is the owner and occupier of the site. The outdoor area will replace a small parking area and requires a site plan review to ensure that parking and circulation are adequate.

2016 Downtown Master Plan

The 2016 Downtown Master Plan recognizes that downtown Toledo needs to continue to be enhanced as a place to live, work, and shop. The Physical Conditions: Open Space and Recreation states that “from vibrant urban plazas to civic squares and riverfront tranquility, downtown is fortunate to have a rich and diverse collection of gathering spaces, many of which are vibrant and actively used. This is despite the fact that parkland accounts for just over two (2%) percent of ...the amount of dedicated parkland in the downtown area leaves room for improvement”. The 2016 Downtown Master Plan calls for the creation of a Parks Master Plan that creates a vision for a new park network and forges the partnerships that will be necessary to achieve the recommended goal of twenty (20%) percent of total parkland (open green space). The Vacation will facilitate site improvements that allows for the adaptive reuse of a property that conforms to the goals of the 2016 Downtown Master Plan.

Downtown Overlay District (DOD)

The Downtown Overlay District (DOD) is intended to provide a review process for proposed physical changes to structures within the Central Business District of the City and adjacent areas in order to evaluate the proposals in relation to the approved plan for the area. The DOD is created as an overlay district to be applied to land within and adjacent to the Central Business District. DOD regulations apply in combination with underlying base zoning district regulations and all other applicable standards of the Toledo Municipal Zoning Code. The Downtown Overlay District mandates that wherever possible, examples of the City’s traditional commercial, civic and residential architecture should be preserved, renovated and where appropriate, adaptively reused. The Vacation will facilitate site improvements that allows for the adaptive reuse of a property within in the DOD that conform to the goals of the overlay district.

STAFF ANALYSIS (cont'd)

Warren Sherman Area Council Strategic Plan

This plan is the result of collaboration between the Toledo City Plan Commission, Neighborhood Planning Program and the City of Toledo, Department of Neighborhoods along with the Warren Sherman Area Council. Developed in 1996, the plan includes a neighborhood analysis of community issues, organization issues, and future development activity. The Community Issues section sets goals, objectives and expected results for safety and crime related concerns, neighborhood activities, neighborhood appearance, housing development and economic development. The Organizational Issues section sets goals, objectives and expected results for future office space and work plan. The Vacation allows for site improvements that meet the goals of the Warren Sherman Area Council Strategic Plan.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan designates this site for Urban Village land uses and development. The intent of the zoning designation is to accommodate the development of a neighborhood in a village-like setting. The Urban Village designation is a specialized residential and commercial district that possesses characteristics of Traditional Neighborhood Development (TND), such as pedestrian orientation, zero building setbacks, mixed uses, and distinct architectural character. It is a mix of higher and lower density housing interspersed throughout, a system of sidewalks that connect the pedestrian to the street, businesses and housing that is oriented to the street rather than the back yard, and important public spaces. The Vacation will facilitate the development of site improvements that conform to the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the Vacation request because the request will not detrimentally affect the value of properties within the vicinity of the subject property. Additionally, the proposed vacation will not result in any access or circulation issues for nearby property owners and the proposed vacation will facilitate site improvements that conform to the Toledo 20/20 Comprehensive Plan and all other applicable plans.

PLAN COMMISSION RECOMMENDATION

The Plan Commission recommends the approval of V-443-17, a request for the Vacation of the sixty (60') foot wide stub street running west off Canton Avenue and adjacent to lots 226, 227, 228, 241, 242, and 243 to Toledo City Council, for the following three (3) reasons:

1. The Vacation request will not detrimentally affect the value of properties within the vicinity of the subject property.
2. The proposed vacations will not result in any access or circulation issues for nearby property owners.
3. The proposed vacation will facilitate site improvements that conform to the Toledo 20/20 Comprehensive Plan and all other applicable plans.

The Plan Commission further recommends the approval of V-443-17, a request for the Vacation of the sixty (60') foot wide stub street running west off Canton Avenue and adjacent to lots 226, 227, 228, 241, 242, and 243, to Toledo City Council, subject to the following **five (5)** 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.

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, ph. 419-245-1344

Water: Andrea Kroma, ph. 419-936-2163

Stormwater Drainage: Lorie Haslinger, ph. 419-245-3221;

Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling, ph. 419-936-2276

2. A full-width easement will be required to maintain the existing water main. The easement shall be dedicated to the City of Toledo, for City utility use only, to allow for future maintenance and shall not be combined with easements for other utilities. 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:

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services

That a full-width (60 foot) easement is hereby retained over, across, under, and through said vacated area as described in Section 1 herein, for the existing water main, sanitary sewer, and storm sewer located in said vacated 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 within the easement. The property owner shall not construct fences, walls, or other barriers that 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 that deny ingress or egress from the easement or that 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 the removed facilities. Further, any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained by the owner separately from each utility, as to their interest(s) only, by separate, recordable instrument.

Division of Transportation

3. The proposed vacation does not prohibit access to the parking lot to the north, which was an expressed issue of concern. A cross-access agreement should be obtained and formalized between the affected property owners.
4. 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

5. The applicant must submit plans for a Minor Site Plan Review for the proposed development.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

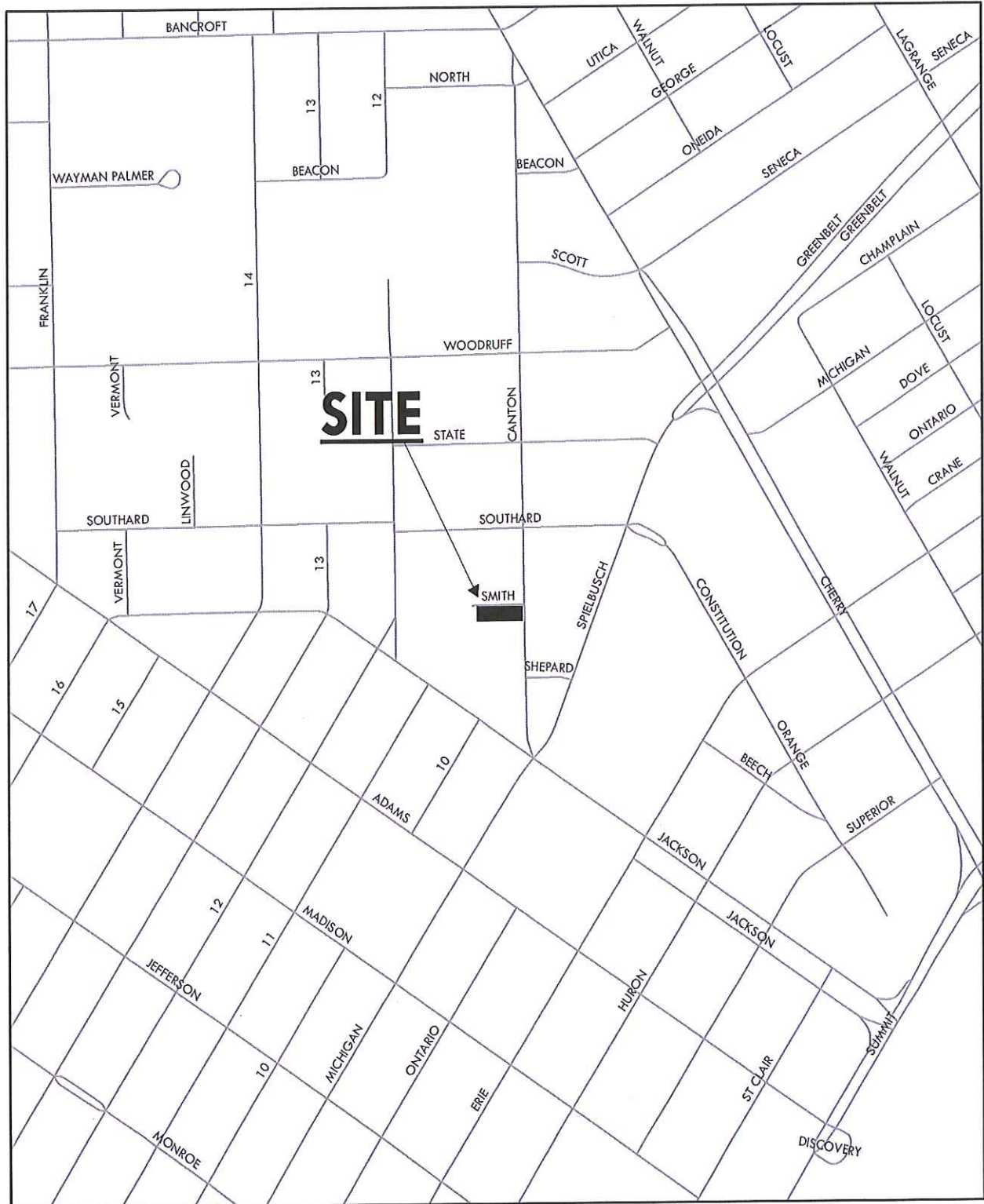
GP
Four (4) sketches follow

CC: Feller Finch & Associates, 1683 Woodlands Drive, Maumee, OH 43537

Lisa Cottrell, Administrator
Gyasi "JC" Pullum, Planner

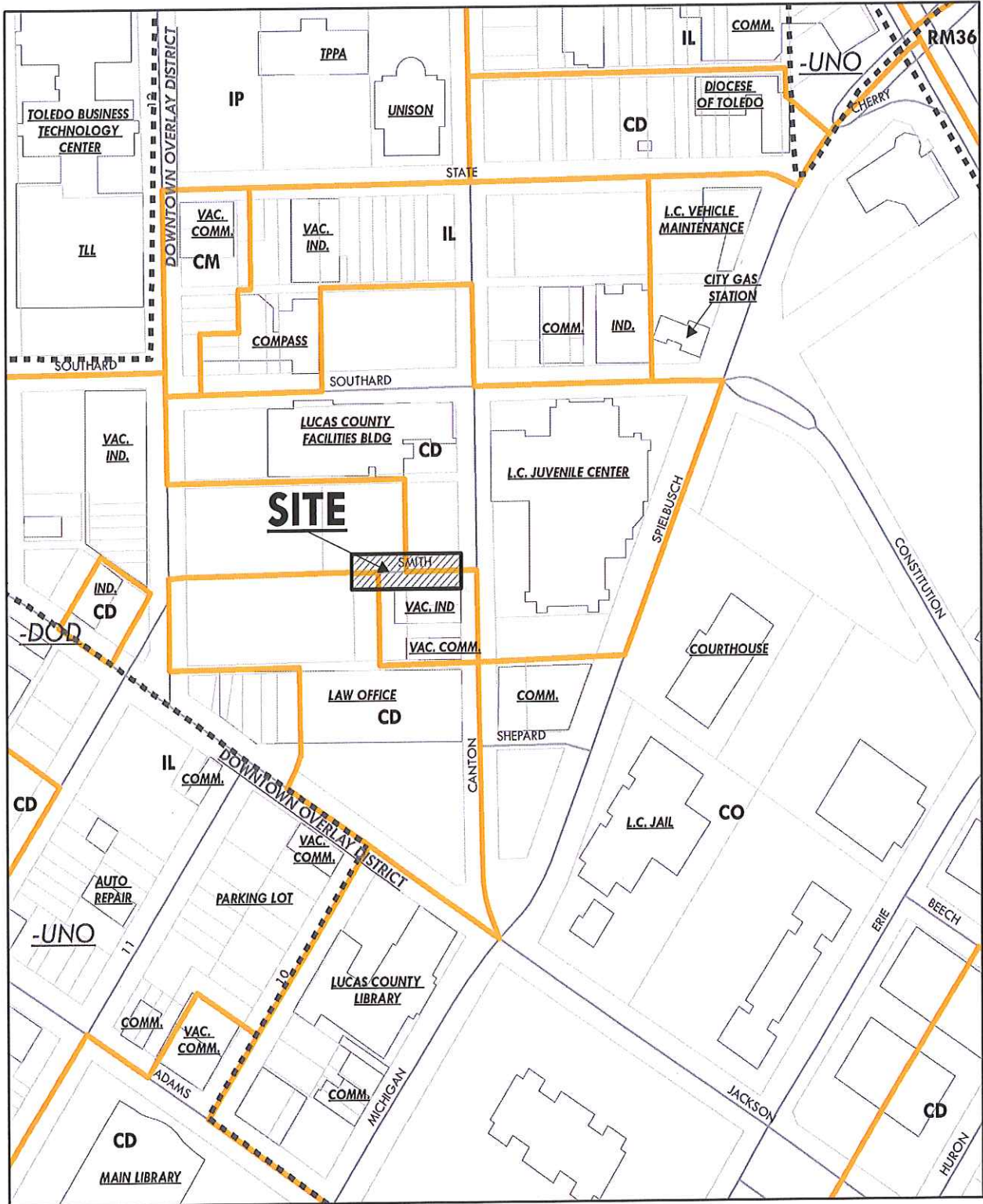
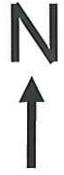
GENERAL LOCATION

V-443-17
ID 9



ZONING & LAND USE

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SITE PLAN

V-443-17
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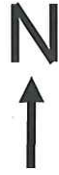
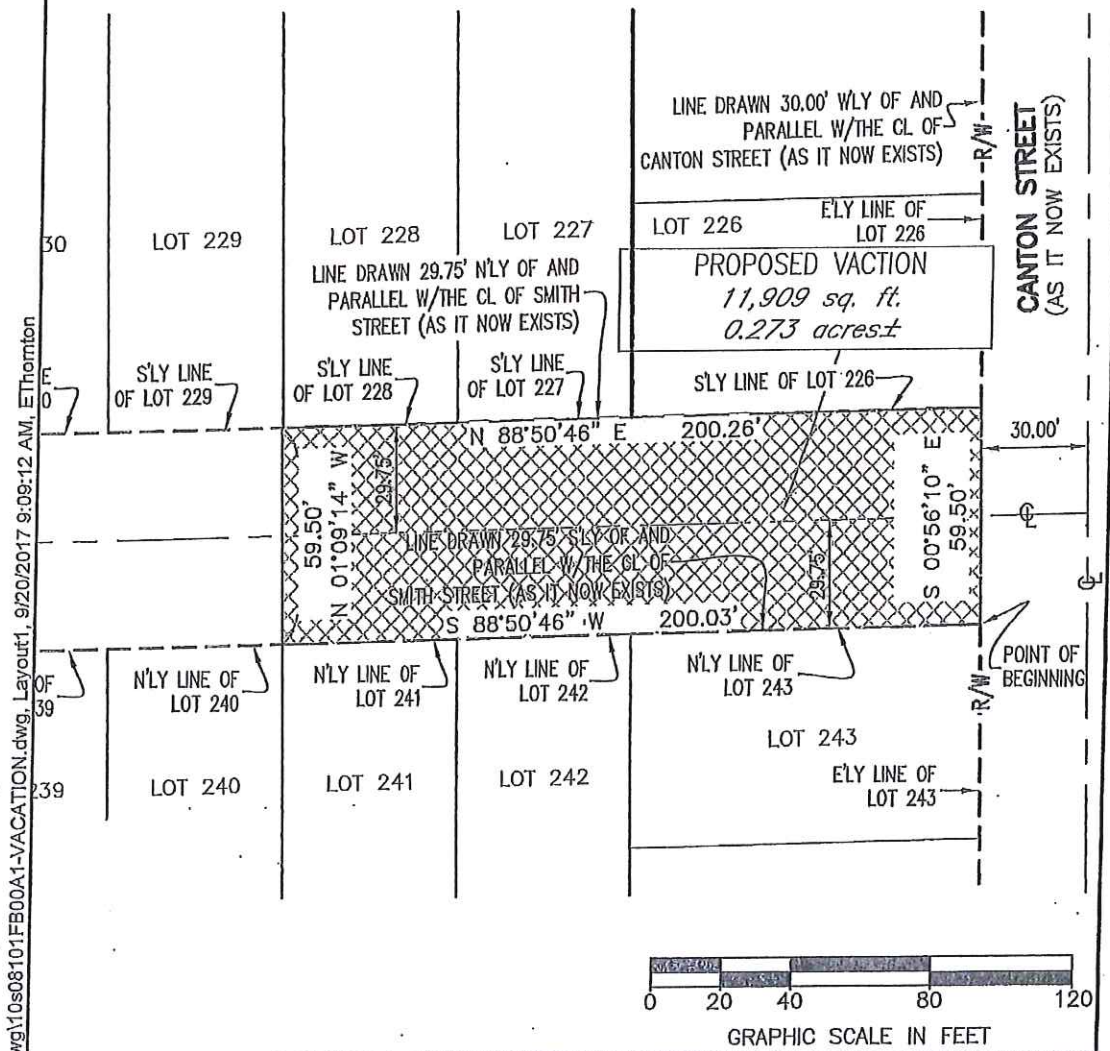


EXHIBIT B

EXHIBIT
PROPOSED VACATION OF
PART OF SMITH STREET AS SHOWN IN
WOODRUFF'S ADDITION AS RECORDED IN
VOLUME 1, PAGE 71, LUCAS COUNTY PLAT RECORDS



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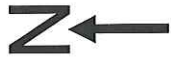
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SCALE:	1"=40'
DATE:	09-20-2017
DRAWN BY:	SCC
PROJECT NO.:	10S08101
DRAWING:	10S08101FB00A



FellerFinch
& ASSOCIATES, INC.
Engineers • Surveyors

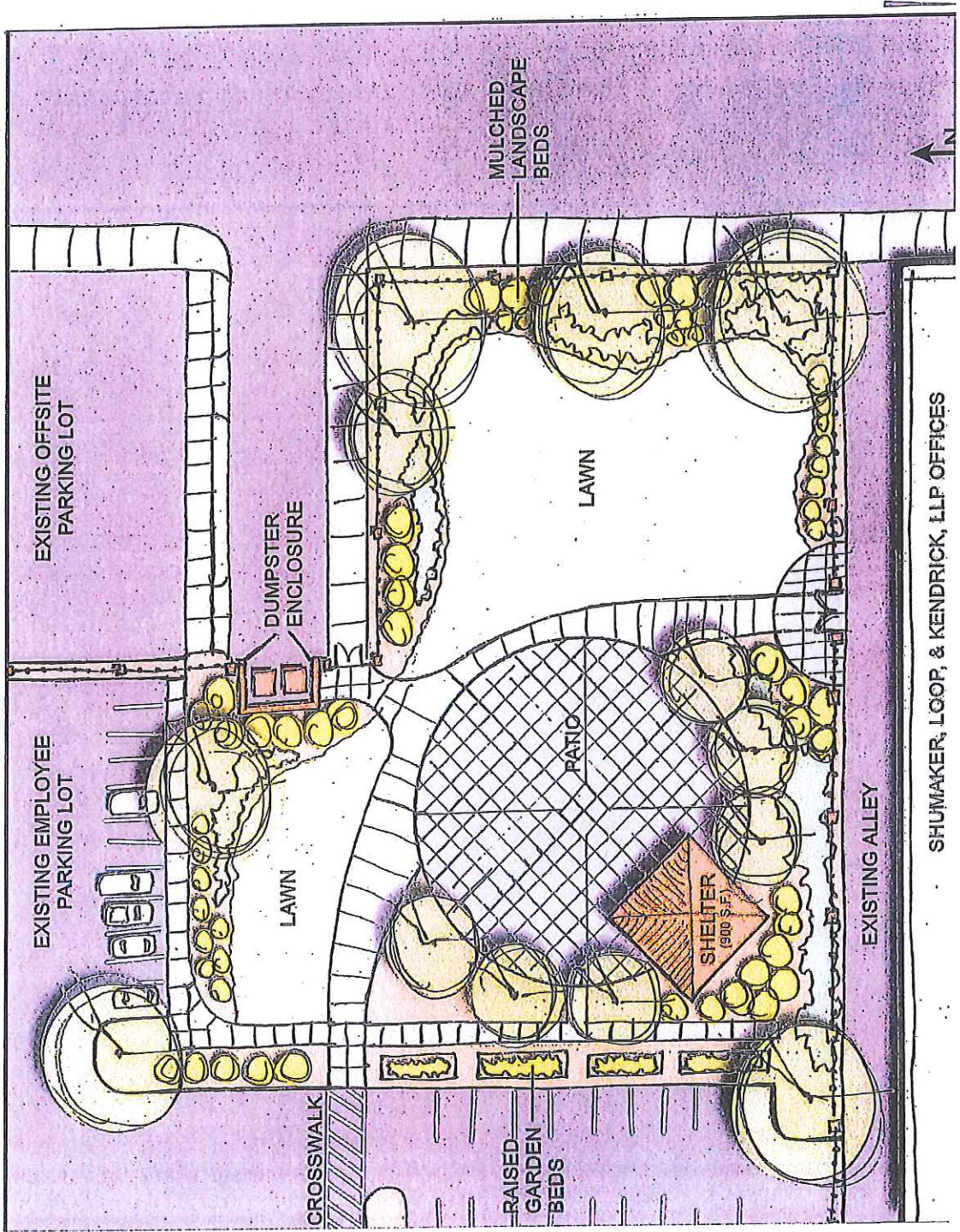
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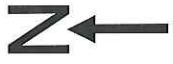


V-443-17
ID 9

LANDSCAPE PLAN

EXHIBIT C





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LANDSCAPE PLAN

EXHIBIT C

