

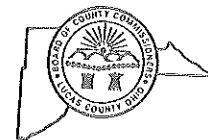


TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: June 17, 2019

REF: V-190-19

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

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

SUBJECT: Vacation of an Alley Running North to South Between 12th & 13th Streets & Terminations at Jackson Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 13, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Vacation of an Alley Running North to South Between 12th & 13th Streets & Terminations at Jackson Street
Applicant	-	Madhouse Properties 435 12 th Street Toledo, OH 43624
Attorney	-	David P. Mann, Esq. Marshall & Melhorn, LLC Four Seagate, 8 th Floor Toledo, OH 43604

Site Description

Zoning	-	IL <i>Limited Industrial</i> -UUNO <i>Uptown Urban Neighborhood Overlay</i> & -DOD <i>Downtown Overlay District</i>
Area	-	± 3,320 Feet
Dimensions	-	± 12 x 280 Feet
Existing Use	-	Dedicated Right-of-Way (Paper Street)
Proposed Use	-	Site Consolidation

GENERAL INFORMATION (cont'd)

Area Description

North	-	Mixed Use & Open Space / IL <i>Limited Industrial & CD Downtown Commercial</i>
South	-	Credit Union / CD <i>Downtown Commercial</i>
East	-	Open Space & Outdoor Storage / IL <i>Limited Industrial</i>
West	-	Multi-Dwelling Residential & Open Space / IL <i>Limited Industrial</i>

Parcel History

V-42-96	-	Vacation of Portions of an Alley in the Block bounded by Adams Street, 12 th Street, and 13 th Street. Plan Commission recommends approval 6/13/96. City Council approves Ord. 634-96 8/20/96.
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Applicable Plans and Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan
- Toledo Uptown Plan 2013
- Downtown Toledo Master Plan 2017

STAFF ANALYSIS

The request is a Vacation of a dead end paper alley running north to south between 12th & 13th Streets and terminations at Jackson Street. The applicant is requesting the Vacation in order to consolidate parcels on both sides of the alley. The south half of the alley was vacated in 1996 to facilitate the development of the Toledo Metro Credit Union. As part of that review it was recommended that the entire alley be vacated rather than leave a dead end portion but procedural issues limited the modification of the request at that time. A fence currently restricts access to the dead-end alley.

STAFF ANALYSIS (cont'd)

The alley is located in the UpTown Urban Neighborhood Overlay (UUNO). This overlay was created in order to promote the redevelopment of an urban neighborhood with an emphasis on street level windows, rear parking lots, and pedestrian-oriented site design features, while encourage public art and green infrastructure. Alleys are traditionally helpful in achieving these design efforts, however, staff is supportive of the Vacation in this instance because of the dead-end and unimproved nature of the alley while supporting an active and existing business with its expansion in downtown Toledo. The reuse of the grassy open space parcel is not known at this time, but it should be noted that the construction on new parking lots having frontage on a street is prohibited **TMC 1103.1611.B**.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-190-19, a Vacation of an Alley Running North to South Between 12th & 13th Streets & Terminations at Jackson Street, to Toledo City Council for the following **two (2)** reasons:

1. The dead-end and unimproved alley is of limited use for public purposes.
2. The Vacation will assist an existing business owner with expansion plans in downtown Toledo.

The Toledo City Plan Commission recommends approval of V-190-19, a Vacation of an Alley Running North to South Between 12th & 13th Streets & Terminations at Jackson Street, to Toledo City Council subject to the following **four (4)** conditions:

The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. Eliminate access on Jackson Street by removing existing alley apron, and installing new curb and walk through existing right-of-way. The curb height should match the exiting curb on Jackson Street.
2. 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.

Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

PLAN COMMISSION RECOMMENDATION (cont'd)

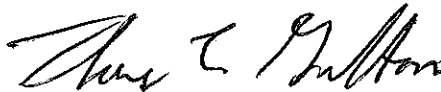
Transportation

3. 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.

Plan Commission

4. A Uptown District Architectural Review is required for any future developments in accordance with the provisions of the Toledo Municipal Code Part Eleven, Planning and Zoning, Sec. 1103.1600 *UpTown Urban Neighborhood Overlay District*.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

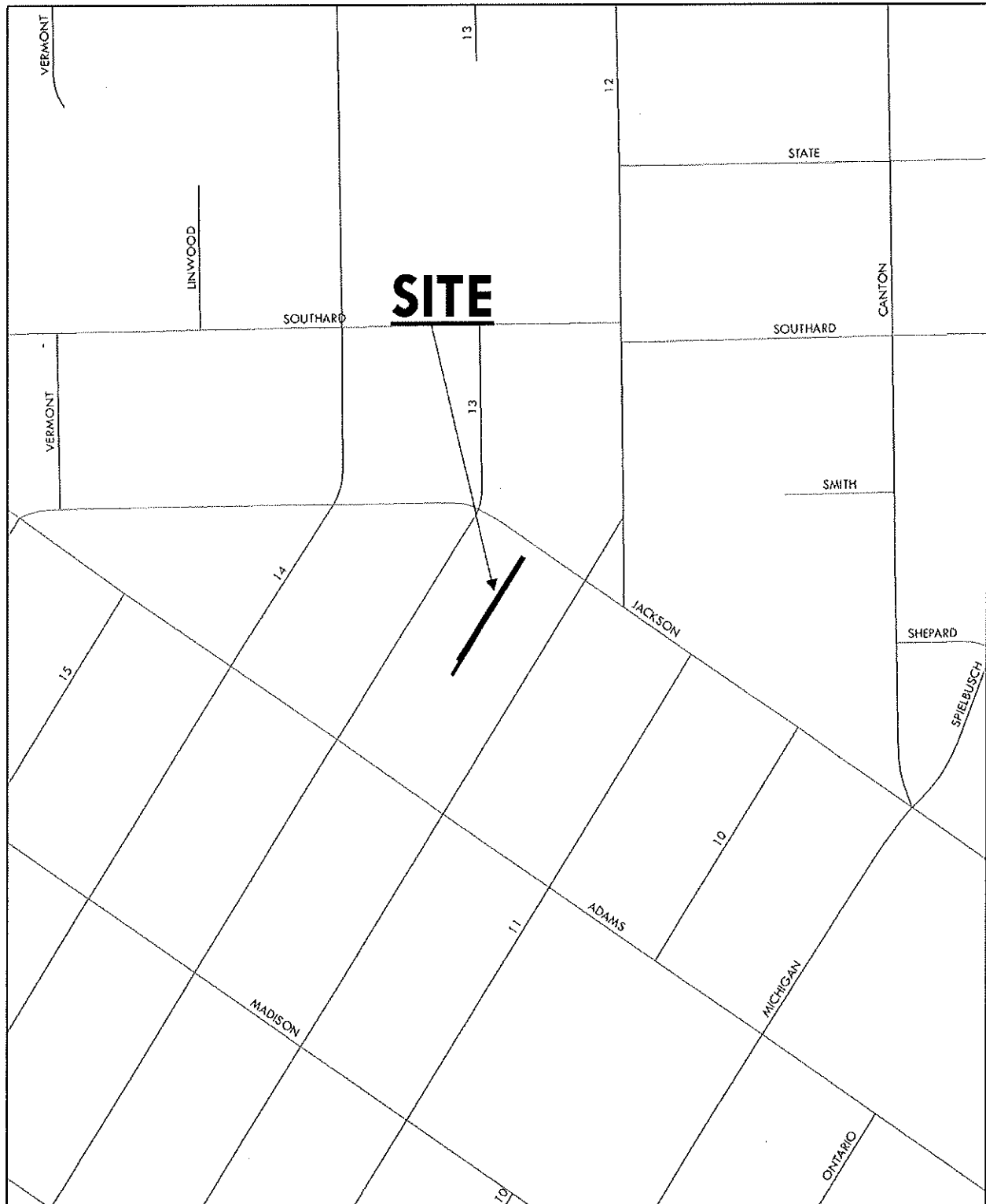
JL

Two (2) sketches follow

Cc: Madhouse Properties, 435 12th Street, Toledo, OH 43624
David P. Mann, Esq., Marshall & Melhorn, LLC, Four Seagate, 8th Floor, Toledo, OH
43604
Commissioner, Division of Engineering Services
Commissioner, Division of Transportation
Lisa Cottrell, Administrator
Josh Lewandowski, Principal Planner

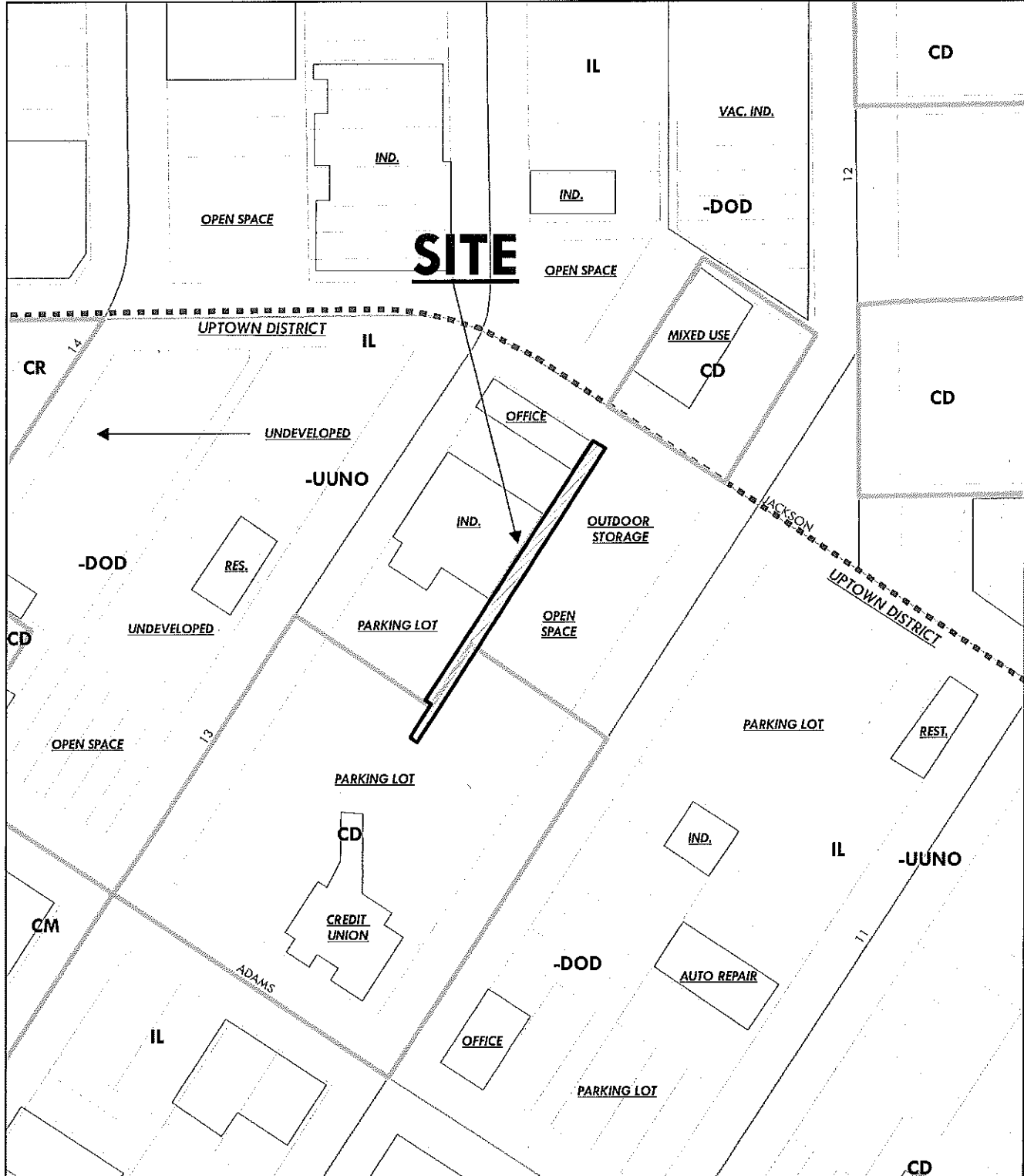
GENERAL LOCATION

V-190-19
ID 09



ZONING AND LAND USE

V-190-19
ID 09



Call Log: SUP-3009-19

2222 N. Reynolds

06-06-19

- Cynthia Isaac – 5322 Bancroft – Objects to another convenience store. Neighborhood already has issues with the Stop and Shop: maintenance of property, illegal drinking, public urination. Less opposed to a store that is open during regular business hours. Neighbor at 5329 Bancroft is also in objection.

06-04-19

- Tracy Turner – Neighbor. Received notice. Looking for more information. Not for/against, but does think that generally more business is a good thing.

05-03-19

- Tyrone Sturdivant – 2234 Reynolds – Concerns about maintenance of property, litter, debris. Has tried talking to tenants with little success. Against the request for a convenience store and mentioned the existing store just across the street.

05-01-19

- Neighbor – Looking for additional information. Did not indicate for or against.

Four (4) Calls: 1 call against and 1 seeking additional information this month. 1 call against and 1 call seeking additional information from last month.