



## TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

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THOMAS C. GIBBONS, DIRECTOR



DATE: June 14, 2019

REF: V-87-19

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

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

SUBJECT: Request for Vacation of a 20' wide alley between Majestic Drive and Manhattan Boulevard, adjacent to Lots 12-18 and Lot 56 in the Manhattan Park Subdivision.

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 20' wide alley between Majestic Drive and Manhattan Boulevard, adjacent to Lots 12-18 and Lot 56 in the Manhattan Park Subdivision
Applicant	-	RIDI REIO LLC. 5131 W. Alexis Road Sylvania, OH 43560
Architect	-	Architecture by Design, Ltd. 5622 Mayberry Square Sylvania, OH 43560

#### Site Description

Zoning	-	RS6 & CS / Single-Dwelling Residential & Storefront Commercial
Area (Total)	-	± 0.08 acres
Frontage	-	± 20' along Manhattan Boulevard ± 20' along Majestic Drive
Dimensions	-	± 245' x 20'
Existing Use	-	Alley
Proposed Use	-	Gas station/convenience store
Neighborhood Org.	-	None
Overlay	-	None

## GENERAL INFORMATION (cont'd)

### Area Description

North	-	Majestic Drive, single-family dwellings / RS6
South	-	Manhattan Boulevard, library / CS
East	-	single-family dwellings / RS6
West	-	Gas station convenience store / CS

### Parcel History

SUP-9005-18	-	Amendment to Special Use Permit, originally approved by Ord. 160-89 and Ord 65-06, for gas station rebuild ( <i>companion case</i> ).
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### Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Storefront Commercial Additional Review Procedures

## STAFF ANALYSIS

The applicant is requesting to Vacate a 20' wide alley between Majestic Drive and Manhattan Boulevard, adjacent to Lots 12-18 and Lot 56 in the Manhattan Park Subdivision. The applicant is proposing the Vacation in order to demolish and rebuild the existing gas station at 3504 Lagrange Street. Surrounding land uses include; an auto service station and single-family homes to the north across Majestic Drive, single-family homes the east, a public library to the south across Manhattan Boulevard and the gas station convenience store to the west.

The applicant is requesting the Vacation in order to expand the adjacent gas station at 3504 Lagrange Street. On 2/19/2019, City Council approved a declaration of intent (*Res. 87-19*) to Vacate the alley. The Division of Engineering Services has objected to the proposed Vacation because it will limit access to Lot 18 in the Manhattan Park Subdivision (213 E. Manhattan Boulevard). Staff typically discourages eliminating alleys needed to access properties however the property at 213 E. Manhattan Boulevard has a driveway on Manhattan Boulevard and a privacy fence currently restricts the residential properties from accessing the alley. If approved, the alley would be split between adjoining property owners and the applicant will be entitled to half of the twenty-foot (20') alley. As a condition of approval, the applicant shall purchase the entire alley to allow for the expansion of the gas station/convenience store. Additionally, the applicant shall consult with the Division of Engineering Services to provide an easement and/or relocate the existing 10" sanitary sewer in the alley.

**STAFF ANALYSIS (cont'd)**

The alley is currently split zoned RS6 Single Dwelling Residential & CS Storefront Commercial. A Petition to City Council shall be submitted for a Zone Change from RS6 to CS in order to allow for the proposed expansion of the gas station on the vacated alley and included as a condition of approval. A Special Use Permit is required in accordance to TMC§1111.0700 for the expansion of the gas station onto the Vacated area. A companion application for an amendment to the Special Use Permit (*SUP-9005-18*) accompanies this request.

Staff recommends approval of the proposed Vacation because it will allow for the expansion of the gas station/convenience store. Furthermore, staff recommends approval of the proposed Vacation since it will not restrict the primary access to any adjoining property owners abutting the site.

**PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of V-87-19, the request to Vacate a 20' wide alley between Majestic Drive and Manhattan Boulevard, adjacent to Lots 12-18 and Lot 56 in the Manhattan Park Subdivision, to Toledo City Council for the following two (2) reasons:

1. The proposed Vacation will allow for the expansion of the gas station/convenience store; and
2. The proposed Vacation will not restrict primary access to any adjoining property owners abutting the site.

The Toledo City Plan Commission further recommends approval of V-87-19, the request to Vacate a 20' wide alley between Majestic Drive and Manhattan Boulevard, adjacent to Lots 12-18 and Lot 56 in the Manhattan Park Subdivision, to Toledo City Council subject to the following **ten (10)** 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.



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

Division of 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 419-245-1344

Water: Andrea Kroma 419-936-2163

Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling 419-936-2276

2. This request is being denied because it will cut off access to lot 18 in the Manhattan Park Subdivision (213 E. Manhattan Boulevard).
3. Object to vacation of northern part of alley. Need r/w to maintain 10" sanitary sewer in the area.

Toledo Edison

4. Toledo Edison has existing aerial electrical facilities within the proposed area to be vacated. These facilities will remain in place.

Buckeye Telesystems

5. Buckeye requests a 10' easement in order to maintain access to its existing aerial CATV & fiber optic cables on the pole line in the alley.

Division of Transportation

6. 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

7. The applicant shall purchase the entire alley to allow for the expansion of the gas station/convenience store.

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

Plan Commission (cont'd)

8. Applicant shall consult with the Division of Engineering Services to provide an easement and/or relocate the existing utilities within the alley.
9. A Special Use Permit will be required in accordance to TMC§1111.0700 for the expansion of the gas station/convenience store.
10. A Petition to City Council shall be submitted for a Zone Change from RS6 Single-Dwelling Residential to CS Storefront Commercial in order to allow for the expansion of the gas station on the alley.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

Two (2) sketches follow

Cc: RIDI REIO LLC.; 5131 W. Alexis Road, Sylvania, OH 43560  
Tadd Stacy; Architecture by Design, Ltd.; 5622 Mayberry Square, Sylvania, OH 43560  
Lisa Cottrell, Administrator  
Ryne Sundvold, Associate Planner

# GENERAL LOCATION

V-87-19  
ID 07



# ZONING AND LAND USE

V-87-19  
ID 07

