



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: July 12, 2019

REF: Z-5005-19

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

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

SUBJECT: Request for Zone Change from IL Limited Industrial & RD6 Duplex Residential to POS Parks & Open Space at 123 Alpena Street; 708 Adrian Street; 917 Pontiac Street; 3084, 3092, 3100, and 3336 Edison Street; and, 3120, 3130, 3136, and 3146 Joseph Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 11, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Zone Change from IL Limited Industrial & RD6 Duplex Residential to POS Parks & Open Space
Location	-	123 Alpena Street; 708 Adrian Street; 917 Pontiac Street; 3084, 3092, 3100, and 3336 Edison Street; and, 3120, 3130, 3136, and 3146 Joseph Street
Applicant	-	Toledo City Plan Commission One Government Center, Suite 1620 Toledo, OH 43604

Site Description

Zoning	-	IL & RD6 / Limited Industrial & Duplex Residential
Area (Total)	-	±1.43 Acres
Frontage	-	Unimproved right-of-way (<i>pending vacation</i>)
Dimensions	-	Various size lots
Existing Use	-	Vacant, unbuildable, private property
Proposed Use	-	New metro park

GENERAL INFORMATION

Area Description

North	-	Open space, rail tracks, single-family homes / RD6
East	-	Open space, TFD Station, senior living / RD6
South	-	Open space, Chase Elementary, single-family homes / RD6 & RS6
West	-	Open space, rail tracks, single-family homes, warehouse / IG

Combined Parcel History

V-235-18	-	Right-of-Way Vacation at a site bounded by Bassett Street, Chase Street, Suder Avenue, CSX RR, and New York Avenue for the Manhattan Marsh Metropark (PC approved on 08-09-2018, CC approved on 11-14-2018, awaiting Ord.).
SPR-43-18	-	Minor Site Plan Review for the Manhattan Marsh Metropark at 510 Clifford Street. (Admin. approval on 01-28-2019).
Z-5004-19	-	Zone Change from IL, IG & RD6 to POS at a site generally bounded by Bassett Street, Chase Street, Suder Avenue, CSX RR, and New York Avenue, for the Manhattan Marsh Metropark (<i>Companion Case</i>).

Applicable Plans and Regulations

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

STAFF ANALYSIS

On June 13, 2019, the Toledo City Plan Commission approved a motion to request a Zone Change from IL Limited Industrial and RD6 Duplex Residential to POS Park & Open Space for the eleven (11) landlocked parcels (123 Alpena Street; 708 Adrian Street; 917 Pontiac Street; 3084, 3092, 3100, and 3336 Edison Street; and, 3120, 3130, 3136, and 3146 Joseph Street) surrounded by property owned by the Metropark District of the Toledo Area (the Metroparks). The Toledo City Plan Commission is requesting the Zone Change on behalf of the eleven (11) landlocked parcels which are privately owned. Pursuant to TMC§1111.0101(B), review and decision-making bodies may initiate action with or without an application from the property owner. The combined parcels are approximately ±1.43-acres and most are located within the 100-year floodplain. Surrounding land uses outside of the proposed park include single-family houses across the railroad tracks to the north, single-family houses and a senior living center to the east, Chase Elementary and single-family houses to the south, and single-family houses to the west bounded by railroad tracks.

The Toledo City Plan Commission is requesting the Zone Change to allow the Metroparks to construct the Manhattan Marsh Metropark. All rights-of-way on the site are being vacated (V-235-18) and a Minor Site Plan Review (SPR-43-18) was approved to construct and operate the metro park. The site plan submitted identifies park amenities including walking paths, boardwalks, scenic overlooks, interpretive signage, a picnic facility, restrooms, and a twenty (20) space parking lot. A Zone Change request (Z-5004-19) accompanies this case to rezone the property currently owned by the Metroparks to POS Parks & Open Space. The proposed metro park will be considered Passive Community Recreation which is defined as areas used or designed for individual sports and recreation uses of a passive nature. Typical uses include golf courses; hiking, bicycle and equestrian trails; greens and commons; sitting areas; picnic areas; botanical gardens; arboretums; conservatories; and natural wildlife or plant habitat areas (TMC§1116.0209(B)). Passive recreation is permitted in all Toledo zoning districts. The proposed Zone Change request aligns with the Metroparks' organizational goal to provide a natural based metro park within five (5) miles of every resident in Lucas County.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan future land use designation targets the proposed area for POS Parks and Open Space. POS Parks and Open Space Districts are intended to preserve and enhance major open space and recreational areas. The POS District may also be applied to privately-owned open space areas within residential developments. Typical developments include parks, golf courses, racetracks, marinas, and other areas containing recreational open space and facilities. Based on the nature of the site and its location, the proposed Zone Change is consistent with the future land use designation identified in the Toledo 20/20 Comprehensive Plan.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan (cont'd)

The Toledo City Plan Commission recommends approval of the Zone Change from IL Limited Industrial and RD6 Duplex Residential to POS Park & Open Space because the proposed Zone Change is compatible with properties within the general vicinity of the subject property. Additionally, the physical suitability of the subject site and the uses permitted under the proposed Zone Change are compatible with uses in the existing zoning classification. Finally, the proposed zoning conforms to the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z-5005-19, a request for Zone Change from IL Limited Industrial and RD6 Duplex Residential to POS Park & Open Space for the properties of 123 Alpena Street; 708 Adrian Street; 917 Pontiac Street; 3084, 3092, 3100, and 3336 Edison Street; and, 3120, 3130, 3136, and 3146 Joseph Street, landlocked within the Manhattan Marsh Metropark to Toledo City Council for the following three (3) reasons:

1. The proposed Zone Change conforms to the Toledo 20/20 Comprehensive Plan (TMC§1111.0606(A) – *Review & Decision-Making Criteria*);
2. The proposed Zone Change is compatible with zoning classifications of properties within the general vicinity of the subject property (TMC§1111.0606(C) – *Review & Decision-Making Criteria*); and
3. The physical suitability of the subject site and the uses permitted under the proposed Zone Change are more compatible than uses in the existing zoning classification (TMC§1111.0606(D) – *Review & Decision-Making Criteria*).

Respectfully Submitted,



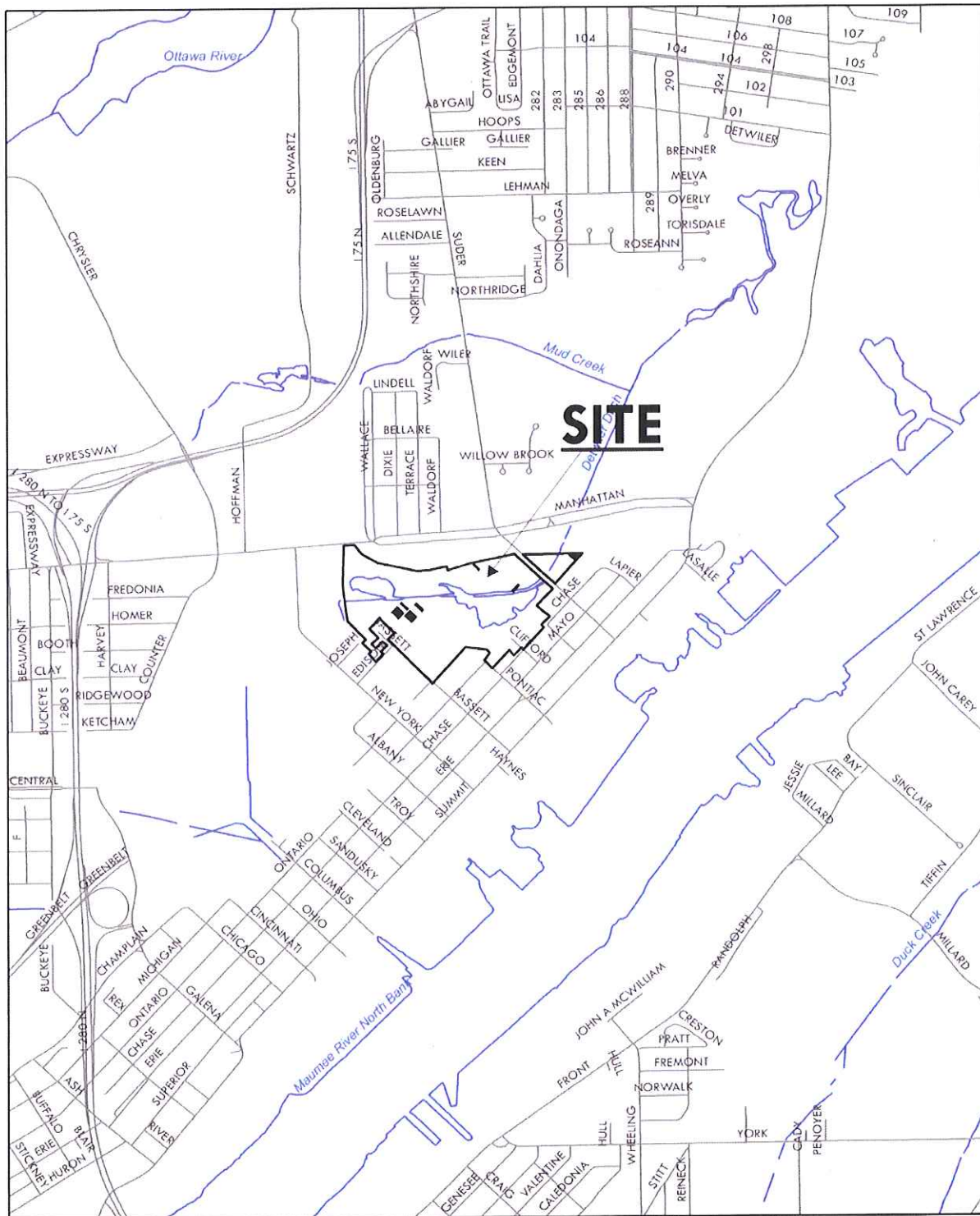
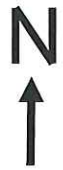
Thomas C. Gibbons
Secretary

Two (2) sketches follow

Cc: Toledo City Plan Commission; One Government Center, Suite 1620; Toledo, OH 43604
Lisa Cottrell, Administrator
Ryne Sundvold, Associate Planner
Dana Doubler, Planner

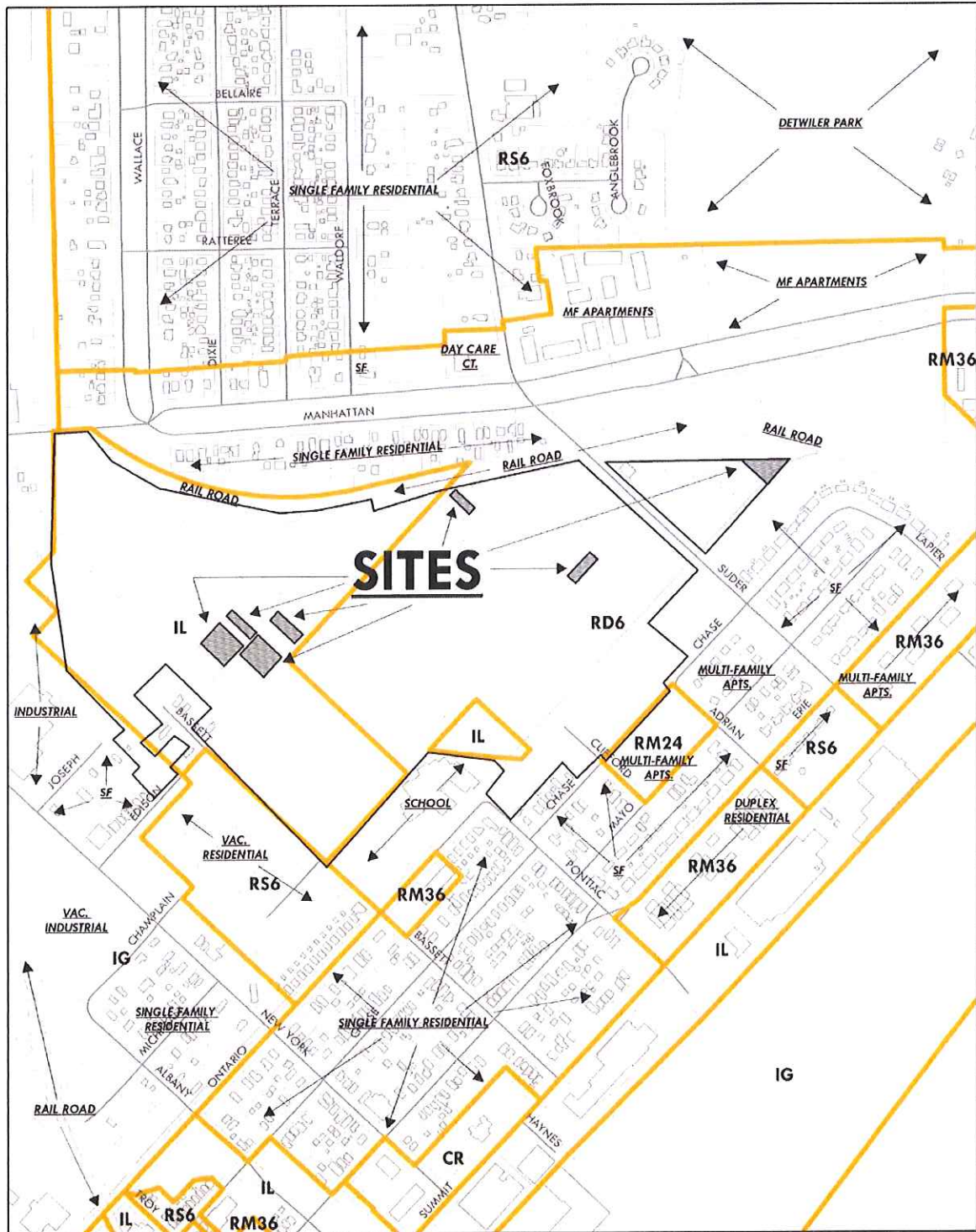
GENERAL LOCATION

Z-5005-19
ID 2



ZONING AND LAND USE

Z-5005-19
ID 2



Manhattan Marsh Rezoning Legal Description Overview



Colored lines indicate survey bearings/distances called out in the legal description.

Doubler, Dana

Subject: FW: SPR-43-18 & "Manhattan Marsh Preserve Metropark" planning
Attachments: Alternative Parking Lot Configuration (4).jpg; Alternative Parking Lot Configuration (1).jpg; Clifford Street storm drain into Manhattan Marsh.jpg; 2019-06-30 Canoe Launch Access at Suder Avenue.jpg; 2019-06-30 Canoe Launch Access at Suder Avenue.jpg

From: rick v <shootingsurvivor@yahoo.com>
Sent: Thursday, July 4, 2019 4:46 PM
To: Gibbons, Thomas <Thomas.Gibbons@toledo.oh.gov>
Cc: Gibbons, Thomas <Thomas.Gibbons@toledo.oh.gov>; Syring, Paul <Paul.Syring@toledo.oh.gov>; Henderson, Karlene <Karlene.Henderson@toledo.oh.gov>; Sundvold, Ryne <Ryne.Sundvold@toledo.oh.gov>; Doubler, Dana <Dana.Doubler@toledo.oh.gov>; Cottrell, Lisa <Lisa.Cottrell@toledo.oh.gov>
Subject: RE: SPR-43-18 & "Manhattan Marsh Preserve Metropark" planning



CITIZENS FOR BUCKEYE BASIN PARKS, INC.
c/o 318 Buckeye Street, Toledo, Ohio 43611

To: Thomas Gibbons, Director, Plan Commissions
From: Rick VanLandingham, Founder
Citizens for Buckeye Basin Parks, Inc.
RE: Site Plan Review, "Manhattan Marsh Preserve Metropark"

Tom,

I am writing regarding SPR-43-18, which was reviewed by your office and approved administratively on January 28th, 2019. I have several concerns with the site plan, and the SPR.

First, the application was submitted unsigned, and without identifying all of the property owners. Is a signature required? In fact, the Metroparks DOES NOT OWN a key parcel on which much of the proposed project would be constructed. The application, as follows, is largely blank, and so incomplete, and identified ONLY "Metroparks Toledo" as the property owner:

APPLICATION FOR MINOR SITE PLAN REVIEW
City of Toledo / Toledo Lucas County Plan Commissions
Fee: \$100

DATE 12-18-18 APPLICATION # SPR-43-18
ZONING DISTRICT IL, RDB

LEGAL DESCRIPTION (Print below, or attach)

PROPERTY LOCATION (Street Address) Manhattan Marsh (Sinker, Clifford, Russett)
TAX DISTRICT AND PARCEL NO. _____ ASSESSOR NO. _____

ADDRESS and SIGNATURE OF PROPERTY OWNER(S), LESSEE, OPTION HOLDER
(please print)

NAME: Metropoles Toledo

ADDRESS / STREET 5100 W. Central Avenue

CITY / STATE / ZIP Toledo, OH 43615

SIGNATURE _____

CONTACT PERSON (if different from above) _____

ADDRESS / STREET _____

CITY / STATE / ZIP _____

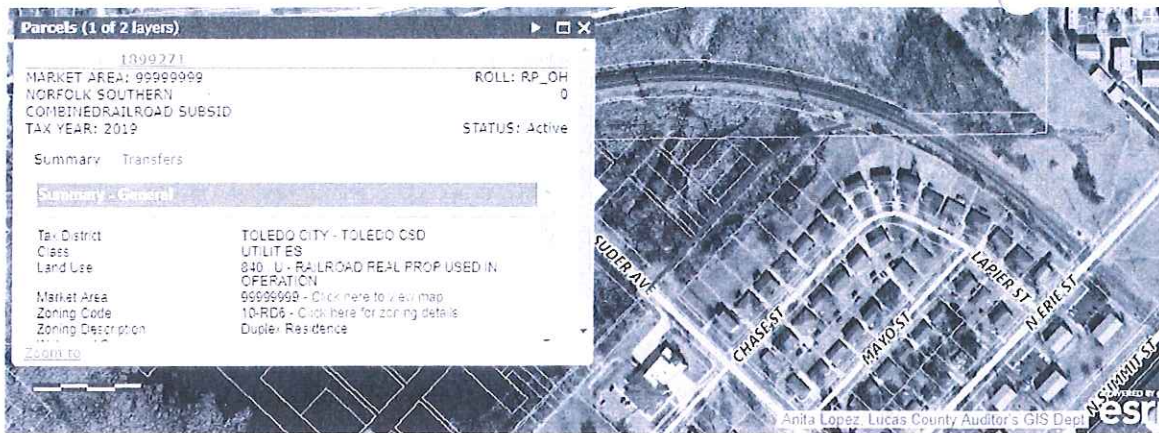
CONTACT PERSON TELEPHONE _____ FAX (optional) _____

CONTACT PERSON EMAIL _____

SITE PLANS ATTACHED (See City of Toledo Site Plan Submission Requirements) _____

This application is fraudulent, in that no where does it identify the Norfolk Southern Combined Railroad as one of the property owners. The parcel(s) owned still by the NSRR is identified as follows by the ARIES records:





I have spoken with Dave Zenk, Metroparks Director, about the fact that the Metroparks does not own this key strip of land. His response was that it is "easier to beg forgiveness than to plead permission". In other words, it is his intent to proceed as if the Metroparks does own the land, even though he knows they do not. Everything done to date by the Metroparks with regard to this land has been without legal authority to do so, including making application for the SPR.

I submit that as such, with this information, you must reconsider and disapprove the Site Plan as submitted, as Metroparks lacks the legal authority to request SPR for the subject parcel. The Site Plan includes construction of a trail on this parcel, as well as a "Canoe/Kayak Launch", with stone stairs that would be built on the subject parcel leading down to the boat launch.

Please note also that this is absolutely the WRONG location for a boat launch, as the marsh is not navigable at this location. The ONLY logical location for a boat launch is where we have been launching canoes and kayaks for over thirty years, just off Suder Avenue. The Suder Avenue location has a gentle slope, with a change in grade that is easily improvable to allow for easy access without the need for stairs (which would be in violation of Americans with Disabilities Act). I have repeatedly attempted to inform and persuade Metroparks staff of the error in their planning, and to change the boat launch and in fact the entire main entrance and access to the marsh to Suder Avenue, where it belongs. This has fallen on deaf ears.

Given that there has been no public hearings whatsoever on the Metropark plans for Manhattan Marsh, I am regrettably forced to oppose the current site plan, as submitted, and am prepared to take legal action to enjoin its implementation if necessary. The basis of such a legal challenge would be, in part, that the SPR was unlawfully approved because it was submitted without legal authority to do so. It is my hope that you will withdraw your previous administrative approval of SPR-43-18, and inform Metroparks that they must resubmit after having obtained either title or other legal authority from the NSRR to include their property in the plans.

Note that Metroparks has the legal authority to use eminent domain to acquire title to the property, if necessary. So should the NSRR continue to not respond to Metroparks, there is an avenue that may be pursued to obtain title. Until legal authority has been obtained, however, any application for SPR that includes this parcel is, at best, premature.

Alternatively, Metroparks could simply amend the site plan to shift the main entrance to the new metropark, including the proposed parking, restrooms, trailhead and boat launch, all to Suder Avenue, where they should have been proposed to begin with. The Clifford Street location is entirely unsuitable for these park features, as Clifford Street should be REMOVED and replaced with a storm water retention / filtration bioswale. At present, polluted runoff from Clifford Street enters the Marsh directly via a storm sewer outfall. As a result, road salt has caused that portion of the Marsh to become dominated by the invasive plant species, Phragmites. To restore and protect the marsh, stormwater from that location ought to be discharged into a bioswale, first, before being secondarily discharged into the marsh.

Construction of a parking lot (which is entirely unnecessary anyway) as proposed by the current Site Plan would serve to increase the discharge of polluted stormwater runoff into the marsh. The proposed parking lot would be located on the lowest portion of the property, a piece of Blair Park (owned by the City of Toledo), which is atop the former canal bed.

The entire way in which this new metropark has been planned is a disappointment, and counter to the open, inclusive planning the Metroparks, City of Toledo and Plan Commission herald. Planning was done entirely in-house along with consultants, and the public was not involved until after the plan had been formulated. Really, the plan out to torn up, and

the Metroparks ought to "go back to the drawing board", with a new planning process that actually involves and includes the public.

I've been personally leading the efforts to save Manhattan Marsh for just over thirty years, and know the marsh and surrounding properties better than anyone. I founded the organization that acquired nearly all of the marsh for preservation purposes, and lobbied Metroparks to assume ownership of the marsh many years ago, then under the leadership of Gene Ward. More recently, the more urban focus of the Metroparks made acquisition of the Marsh consistent with their goals. I was jubilant when Metroparks embraced and embarked on establishing what is now officially the "Manhattan Marsh Preserve Metropark"!

However, actual planning and implementation of the new Metropark as been anything but worth celebrating. Metroparks has only paid lip service to genuine public participation. North End residents such as myself were excluded from the planning process entirely until after the fact. Neighbors living right next to the marsh have complained to me that they still don't know what exactly the plans are. Only ONE belated public information meeting was held, at which vague plans were displayed. Decisions had clearly already been made about what improvements would be made, and where facilities would be located. I've had to make several public record requests to obtain copies of the actual plans. And each attempt at dialogue with staff about changing the plan was been met with argument and rejection rather than open consideration.

Compliance with federal requirements, including the Americans with Disabilities Act and National Historic Preservation Act, has been ignored. Rather than embrace the unique opportunity to create a completely wheelchair accessible nature preserve, the Metroparks plan calls for STAIRS to be built to access a boat launch. These stairs would alter the character of the historic canal tow path which remains as the eastern bank of the Marsh. There has been no historic review, nor public hearing on impacts to historic resources as is required when federal funds are involved. Requests to Metroparks for such a hearing have also been ignored.

Perhaps the Plan Commission staff might play a role in bringing stake holders and interested parties together to formulate a plan that might be adopted by the Metroparks Board, comply with local, state and federal regulations, and address property inholdings?

Finally, the SPR submission references a "Landscape Plan" that was attached, but I see no such plan in the documents provided to me. Is that something that can be provided in digital format via email?

Thanks!

Respectfully,

Rick VanLandingham III

On Wednesday, July 3, 2019, 10:21:36 AM EDT, Cottrell, Lisa <Lisa.Cottrell@toledo.oh.gov> wrote:

Rick:

Per your records request, I have attached the following for V-235-18:

Council letter (which documents the staff report and the action that the Plan Commission recommended),
notices, mailing list, correspondence

Per your record request, I have attached the following for SPR-43-18:

Site plan approval letter

Site plans

*note that this was a minor, administrative review, so there are no notices and/or mailing list

**We do not have transcripts for hearings, however, audio is made available to the public via the Toledo Legistar website (<https://toledo.legistar.com/Legislation.aspx>). You can find the audio for V-235-18 on this website. The Plan Commission hearing date was 8/9/18 and the City Council Committee of Planning and Zoning hearing date was 9/12/18. There is no audio for SPR-43-18 because that case was approved administratively.

Please let me know if you would like hard copies as well – we are happy to mail them.

Best Regards,

Lisa

Lisa Cottrell

Administrator

Toledo-Lucas County Plan Commissions

419-245-1200

Lisa.cottrell@toledo.oh.gov

From: rick v [<mailto:shootingsurvivor@yahoo.com>]
Sent: Wednesday, July 03, 2019 12:27 AM
To: Harbert, William
Subject: Re: July 11 City of Toledo Plan Commission Staff Report

Bill,

Thank you. Please note that the Staff Report incorrectly refers to the "Manhattan Marsh Metropark" throughout the companion rezoning cases. The actual name is "Manhattan Marsh Preserve Metropark", which is not only significant but very much relevant to the rezoning for passive use. The report ought to be corrected and reposted, and any printed copies should contain this correction prior to being distributed or made available.

Also, pursuant to the Ohio Public Records Act, please provide me with a copy of all records pertaining to the related Vacation V-235-18 including but not limited to the application for vacation, staff case review, written statements / comments, and a transcript of the Plan Commission hearing on this case:

Combined Parcel History

V-235-18	-	Right-of-Way Vacation at a site bounded by Bassett Street, Chase Street, Suder Avenue, CSX RR, and New York Avenue for the Manhattan Marsh Metropark (PC approved on 08-09-2018. CC approved on 11-14-2018. awaiting Ord.)
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Please also provide a copy of all records relating to SPR-43-18 including but not limited to the application for Site Plan Review, staff case review / recommendation, any written statements / comments received by the Plan Commission pertaining to the SPR, and any or all correspondence regarding the SPR.

SPR-43-18

- Minor Site Plan Review for the Manhattan Marsh
Metropark at 510 Clifford Street. (Admin. approval
on 01-28-2019).

Respectfully,

Rick

On Tuesday, July 2, 2019, 12:30:26 PM EDT, Harbert, William <William.Harbert@toledo.oh.gov> wrote:

Good Afternoon,

This email is to inform you that the Toledo City Plan Commission Staff Report for the July 11th, 2019 hearing is now available. A copy of this report is attached for your review and is also located on the Plan Commission Website.

Bill Harbert

County Planner

Toledo-Lucas County Plan Commissions

1 Gov Center, Suite 1620

Toledo, OH 43604

(419) 245-1200

Manhattan
Marsh

BLAIR PARK

D

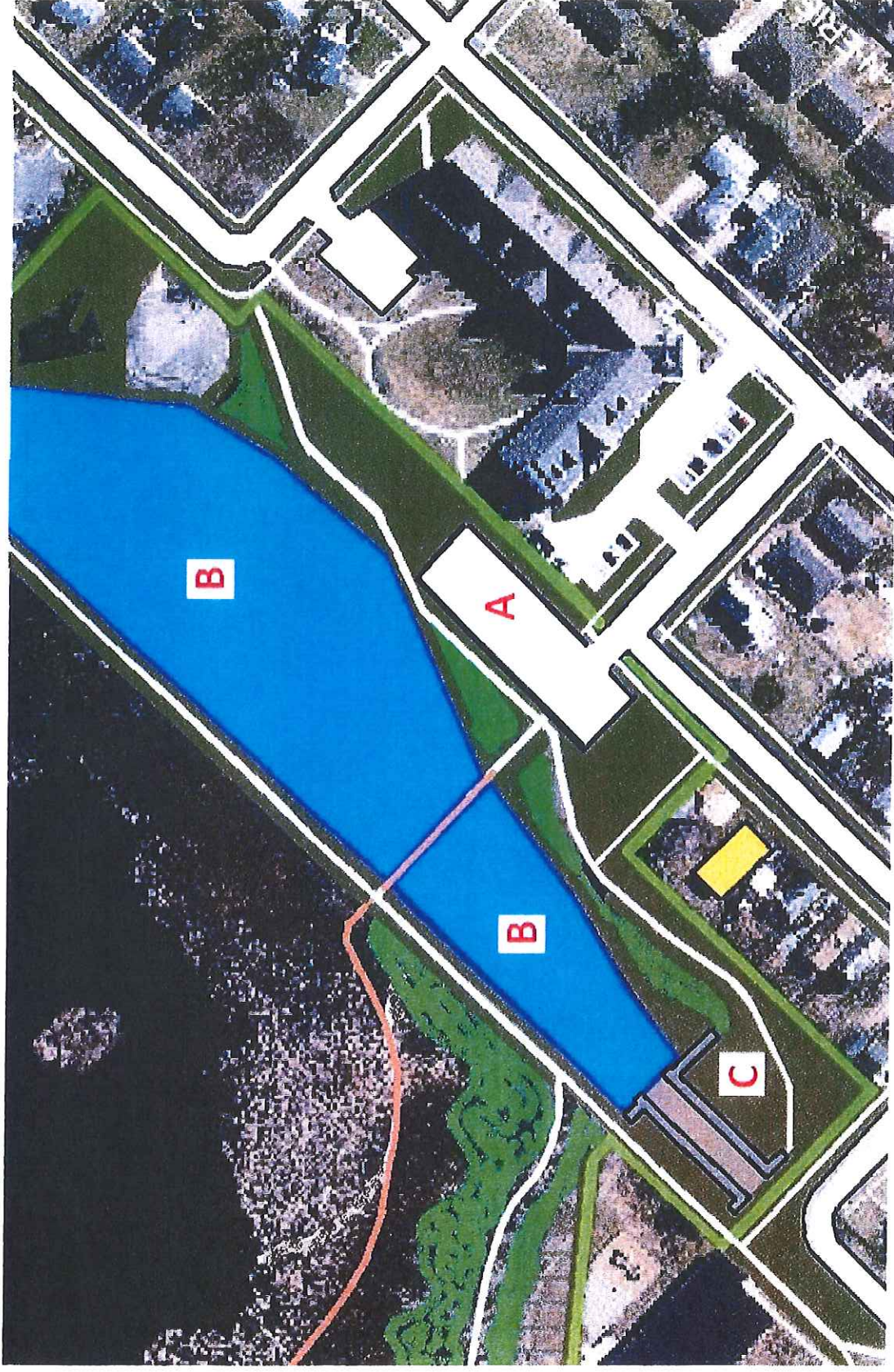
B

C

A

C

- A -- Parking lot shifted away from marsh and canal zone
- B -- storm water detention
- C -- Future excavated canal bed
- D -- Rerouted Boardwalk & Marsh Access Trail



A -- Parking lot shifted away from marsh and canal zone

B -- Future excavated canal bed, storm water detention

C -- Relocated & Restored Stone Canal Lock No. 2



[illegible]

CLIFFORD STREET

DGL CONTROL
POINT #504 (MAG NAIL)
N=736804.60
E=1695939.65

MEET EXISTING GRADE
AT EDGE OF PAVEMENT
AND TOP OF GRASS

EX R/W

MANHATTAN MARSH TRAIL

MANHATTAN MARSH TRAIL WALKING PATH

EX STM L/H PER PLAN T/RIM=583.43

EX R/W

EX CONCRETE CLEAN CUT AREAS (TBR)

MANHATTAN MARSH #2

STA 234+97.20 = CLIFFORD STREET STA 210+77.40

RELOCATE POST/SIGN

N46°20'30"W

23'-12" STW@2.25% EX 12"

12" INV=581.00

24'-12" STW@8.70%
12" INV=580.75

12" INV=580.48

12" INV=578.68

L=5.51', R=25.00'
Δ=12°37'11"

8"x1' 5" NATURAL STONE STEPS WITH 3" OVERLAP AND HANDRAIL (SEE STRUCTURAL DRAWINGS FOR DETAILS)

12" INV=574.71

10'-12" STW@35.00%

12" INV=578.29

65.00'

12.00'

[illegible]