



# **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: August 8, 2019

REF: V-315-19

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

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

SUBJECT: Request for the Vacation of Water Street from Jefferson Avenue to Monroe Street, behind Fort Industry Square.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, August 8, 2019 at 2:00 P.M.

## **GENERAL INFORMATION**

### Subject

Request	-	Vacation of Water Street from Jefferson Avenue to Monroe Street, behind Fort Industry Square
Applicant	-	Kevin Prater 401 S Washington Square Suite 102 Lansing, MI 48933
Engineer	-	Dave Root Giffels Webster 28 W Adams Street Suite 1200 Detroit, MI 48226

### Site Description

Zoning	-	POS & CD, DOD / Parks and Open Space & Downtown Commercial, Downtown Overlay District
Area (Total)	-	± 1.11 acres
Frontage	-	± 500' along Water Street ± 155' along Monroe Street ± 255' along Jefferson Street
Dimensions	-	± 20' x 255' x 610' x 155' x 500' x 115'
Existing Use	-	Improved right-of-way
Proposed Use	-	Improved right-of-way and parking lot
Neighborhood Org.	-	Downtown Toledo Improvement District
Overlay	-	Downtown Overlay District

## GENERAL INFORMATION (cont'd)

### Area Description

North	-	Parking Garage / CD, DOD
South	-	Owens Corning Headquarters and Park / IL, DOD & MRO
East	-	Off street parking lot / POS, DOD
West	-	Fort Industry Square / CD, DOD

### Parcel History

DOD-3-19	-	Downtown Overlay District Review for façade improvements and storefront modifications for the property located at 114-152 Summit Street.
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### Applicable Regulations

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

## STAFF ANALYSIS

The applicant is requesting the Vacation of Water Street from Jefferson Avenue to Monroe Street, behind Fort Industry Square. This portion of Water Street is one-way with metered, on-street parking. Surrounding land uses include downtown commercial to the north and west, Owens Corning Headquarters and a park to the south, and a parking lot to the east. Vacations are typically split between adjoining property owners, but as the applicant owns the properties on either side of Water Street, all ownership will go to the applicant.

The applicant is requesting the Vacation to facilitate the Fort Industry Square project. Staff typically has concerns with vacating streets and alleys. However, the Vacation will convert Water Street into a private drive with public access. It will be realigned and include speed tables to improve traffic flow and safety. A Concept Plan is included at the end of this report showing the proposed layout and areas maintained for public use.

The applicant has stated that the parking lot east of the proposed Vacation site will have reconfigured parking (see Concept Plan). Should the existing parking lot expand, a Site Plan Review will be required in accordance to TMC§1111.0802 – *Site Plan Review - Applicability*. Furthermore, a Site Plan Review shall be required for any future developments on the Vacation area in accordance with the provisions of TMC§1111.0800.

## **STAFF ANALYSIS (cont'd)**

### Downtown Master Plan

The 2017 Downtown Toledo Master Plan targets street directionality as one of the relevant physical conditions that currently shape Downtown Toledo. Returning streets to two-way operation has been found to result in safer traffic speeds, enhanced wayfinding and access, and more social and economic vitality. Toledo has been proactive in this regard, having completed the conversion of six (6) key downtown corridors from one-way streets to two-way streets. The benefits can already be seen around Fifth Third Field and Hensville where the conversion of one-way streets has helped to transform the area. This conversion has also set up a framework for the continued revitalization of the Warehouse District.

### 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 Code. The DOD mandates that wherever possible, examples of the City's traditional commercial, civic and residential architecture should be preserved, renovated and where appropriate, adaptively reused.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan future land use designation targets the proposed Zone Change area for CD Downtown Commercial. CD Downtown Commercial zoning district is intended to accommodate a broad range of uses to reflect downtown's role as a commercial, cultural and governmental center. Development is intended to be intense with high building coverage, large buildings, and buildings placed close together while also being pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. 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.

Additionally, the Toledo 20/20 Comprehensive Plan recommends that the Downtown street system be returned to a two-way pattern as resources permit. Roadway capacities are adequate to do so. This will ensure traffic calming and more opportunity for window-shopping. It will also produce a friendlier pedestrian environment.

Staff recommends approval of the proposed Vacation since it will not impede or restrict access to any adjoining property owners abutting the site. The request also conforms to the Toledo 20/20 Comprehensive Plan and the Downtown Master Plan.



## PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-315-19, the request for the Vacation of Water Street from Jefferson Avenue to Monroe Street, behind Fort Industry Square to Toledo City Council for the following two (2) reasons:

1. The proposed Vacation will not impede or restrict access to any property owners abutting the site; and
2. The proposed Vacation conforms to the Toledo 20/20 Comprehensive Plan and the 2017 Downtown Toledo Master Plan (TMC§1111.0606(A) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission recommends approval of V-315-19, the request to Vacate Water Street from Jefferson Avenue to Monroe Street, behind Fort Industry Square to Toledo City Council subject to the following **fourteen (14)** 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.

### 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

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

Division of Engineering Services

2. Easements are needed to maintain the public waterlines in vacated Water Street between Monroe Street and Jefferson Avenue, and in Jefferson Avenue between Summit Street and Water Street. Full width easements shall be retained by the City of Toledo over vacated right of way. 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:

"That a full width (variable width) 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, which would impede access onto the easement. No temporary or permanent structures 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 which deny ingress or egress from the easement or which 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."

3. If the petitioner wishes to reduce the size of the easement, the water main shall be located by survey and a twenty-foot (20') easement centered on the water main will be acceptable. Additional easement width at hydrants will be required such that each hydrant, hydrant valve and hydrant branch are centered in a ten-foot (20') easement. The survey shall be conducted by and paid for by the petitioner.

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

Division of Engineering Services

4. The above described full width easements are needed for the future maintenance, repairs, replacements, etc. of existing public storm infrastructure. At the time of future city approval of redevelopment plans, if any public storm infrastructure remains within, a new easement or easements of reduced size and scope may be provided with dimensions found satisfactory to the city at that time based on the approved redevelopment plan.
5. Sanitary sewer located in street shall become 'Private Sewer' if area is vacated. All maintenance and repair on the sewer line shall be the responsibility of the property owner.

Toledo Edison

6. Toledo Edison has existing underground electrical facilities within a conduit/manhole system which lies in the proposed area to be vacated. These facilities currently serve the Fort Industry Square complex, as well as the ProMedica Campus and Hensville, and therefore will need to remain in place.
7. Truck access will need to be maintained throughout the vacated area. Any new pavement shall be able to support a 40,000 lb line truck. Line trucks will need to be able to drive up to the existing manholes in this area for future operation and maintenance of our distribution system.



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

Buckeye Telesystems

8. O.R.C. 5553.043 Railroad or public utility company deemed to have permanent easement in vacated portion of road. When any street, highway, or road, or a portion of any street, highway, or road, is vacated pursuant to any section of this chapter or Chapter 5571. of the Revised Code, and the relocation of any conduits, cables, wires, towers, poles, sewer lines, steam lines, pipelines, gas and water lines, tracks, or other equipment or appliances of any electric cooperative, railroad, or public utility, whether owned privately or by any governmental authority, located on, over, or under the portion of the street, highway, or road affected by the vacation, are not required for purposes of the vacating authority, any affected electric cooperative, railroad, or public utility company shall be deemed to have a permanent easement in the vacated portion of the street, highway, or road for the purpose of accessing, maintaining, operating, renewing, reconstructing, and removing those utility facilities. The permanent easement also confers a right of ingress and egress to service and maintain those utility facilities and a right to trim or remove any trees, shrubs, brush, or other obstacles growing in or encroaching onto the permanent easement that may affect the operation, use, or access to those utility facilities. Nothing in this section shall be construed to relieve an owner of the right to mine coal who petitions for a proposed improvement from the obligation to pay the relocation costs and expenses of public utility or electric cooperative facilities as provided in this chapter or Chapter 5571. of the Revised Code. As used in this section, "electric cooperative" has the same meaning as in section 4928.01 of the Revised Code. Effective Date: 10-16-1961; 06-10-2004.
9. Buckeye approves the vacation of Water Street with the condition that the developer/owner will provide continual access to Buckeye's existing facilities & that the developer/owner will provide Buckeye a 10' easement at the locations where Buckeye will relocate to. The locations for Buckeye's relocated facilities will be worked out with the engineer with Giffels Webster & the developer.

Fire Prevention

10. Access to the two hydrants at the rear of Fort Industry Square along Water St. needs to be maintained.

Division of Streets Bridges and Harbors

No objections to vacation.

Toledo Area Regional Transit Authority

No objections to vacation.

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

Division of Transportation

11. New lane configuration for Jefferson Street South of Summit is required to be 12' outer lanes with a 10' turn lane.
12. An agreement with Promedica must be established to allow Promedica workers use of the existing Water Street until lane alignment is established and completed for Jefferson Street allowing for left turn onto Summit Street South bound.
13. 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 for 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

14. A Site Plan Review shall be required for any future developments on the Vacation area in accordance with the provisions of the Toledo Municipal Code Part Eleven, Planning and Zoning, Sec. 1111.0800, *Site Plan Review*.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

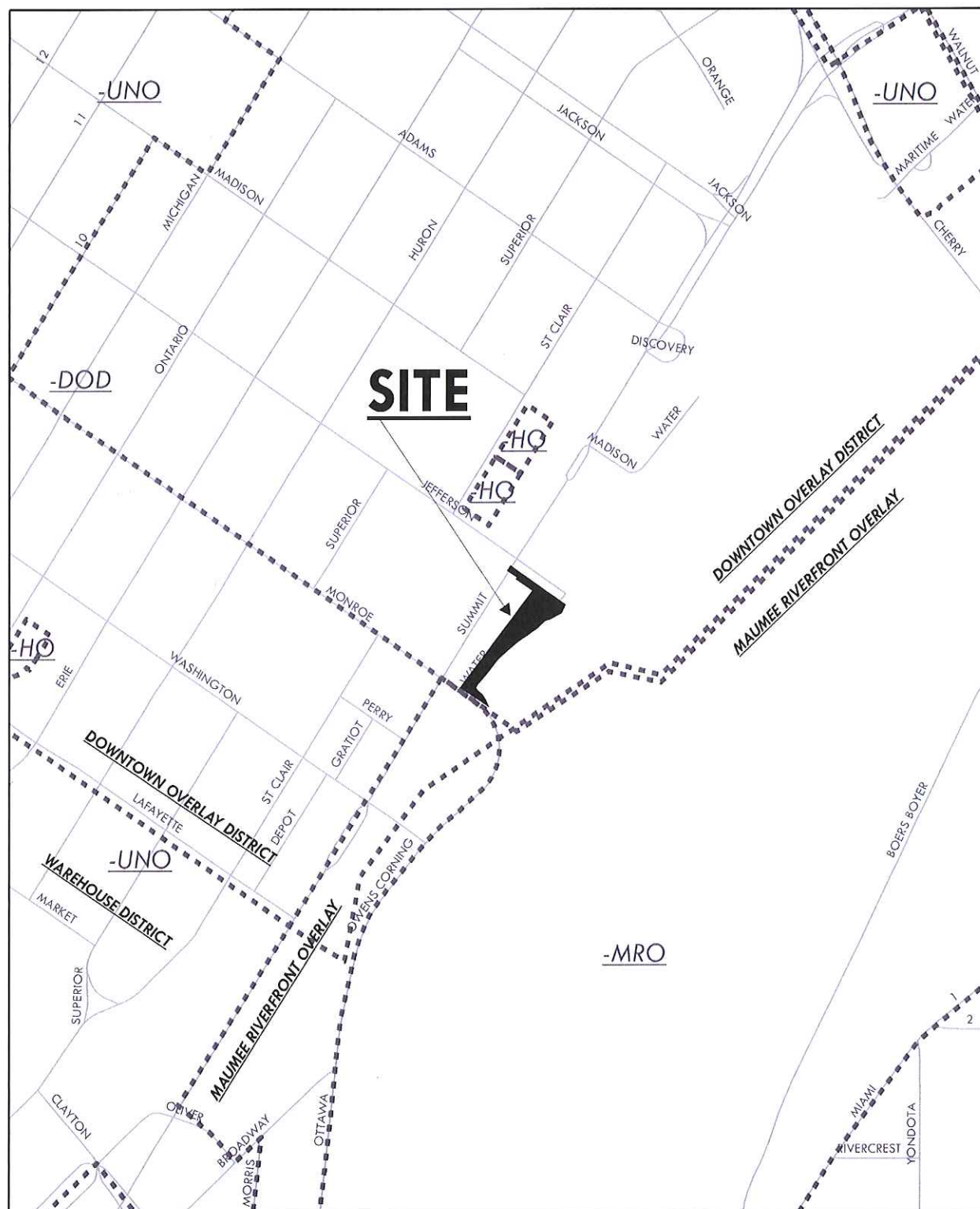
Five (5) sketches follow

Cc: Kevin Prater, 401 S Washington Square, Suite 102, Lansing MI 48933  
Dave Root, Giffels Webster, 28 W Adams Street, Suite 1200, Detroit MI 48226  
Lisa Cottrell, Administrator  
Dana Doubler, Planner



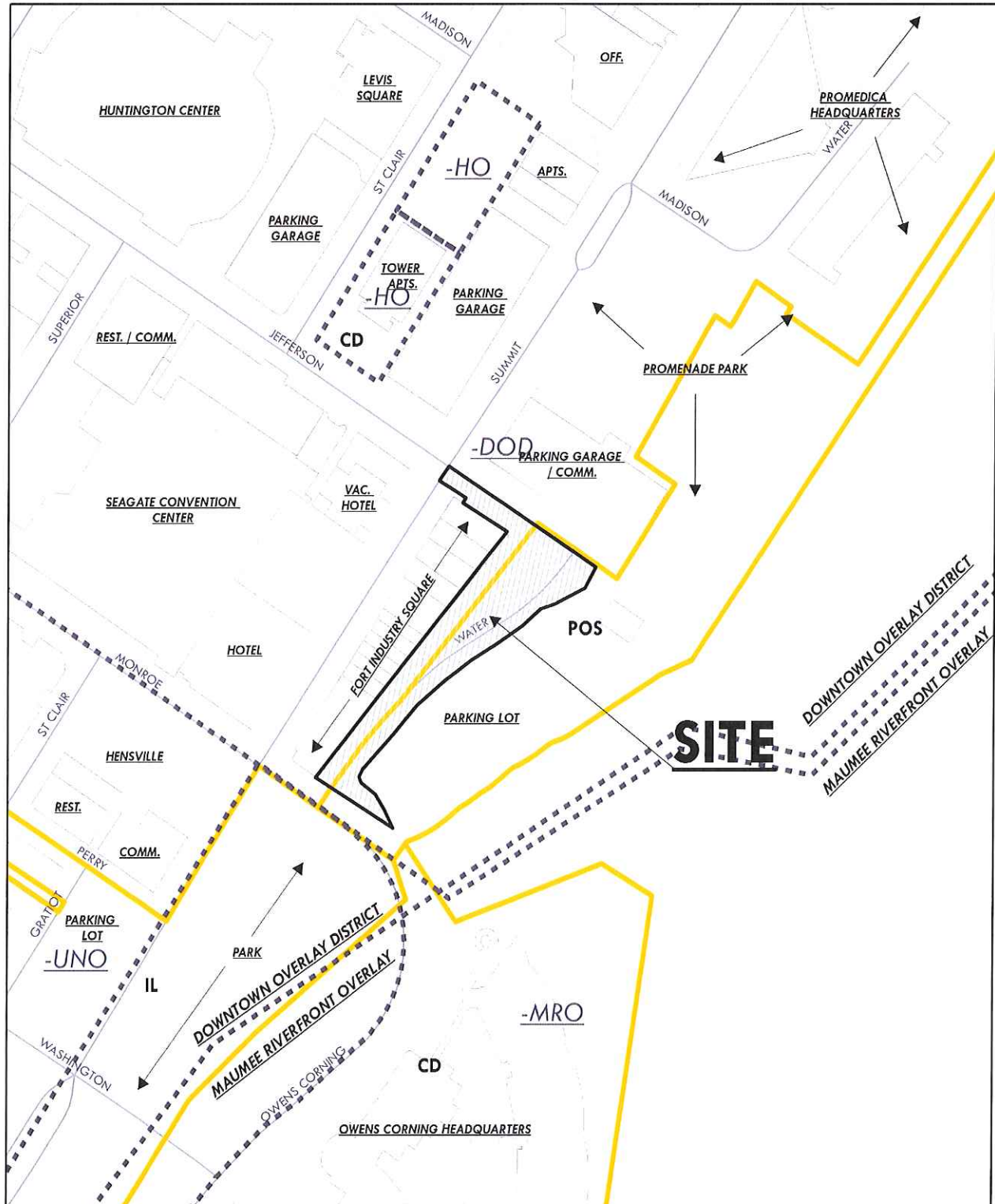
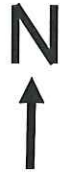
## GENERAL LOCATION

**V-315-19**  
**ID 09**



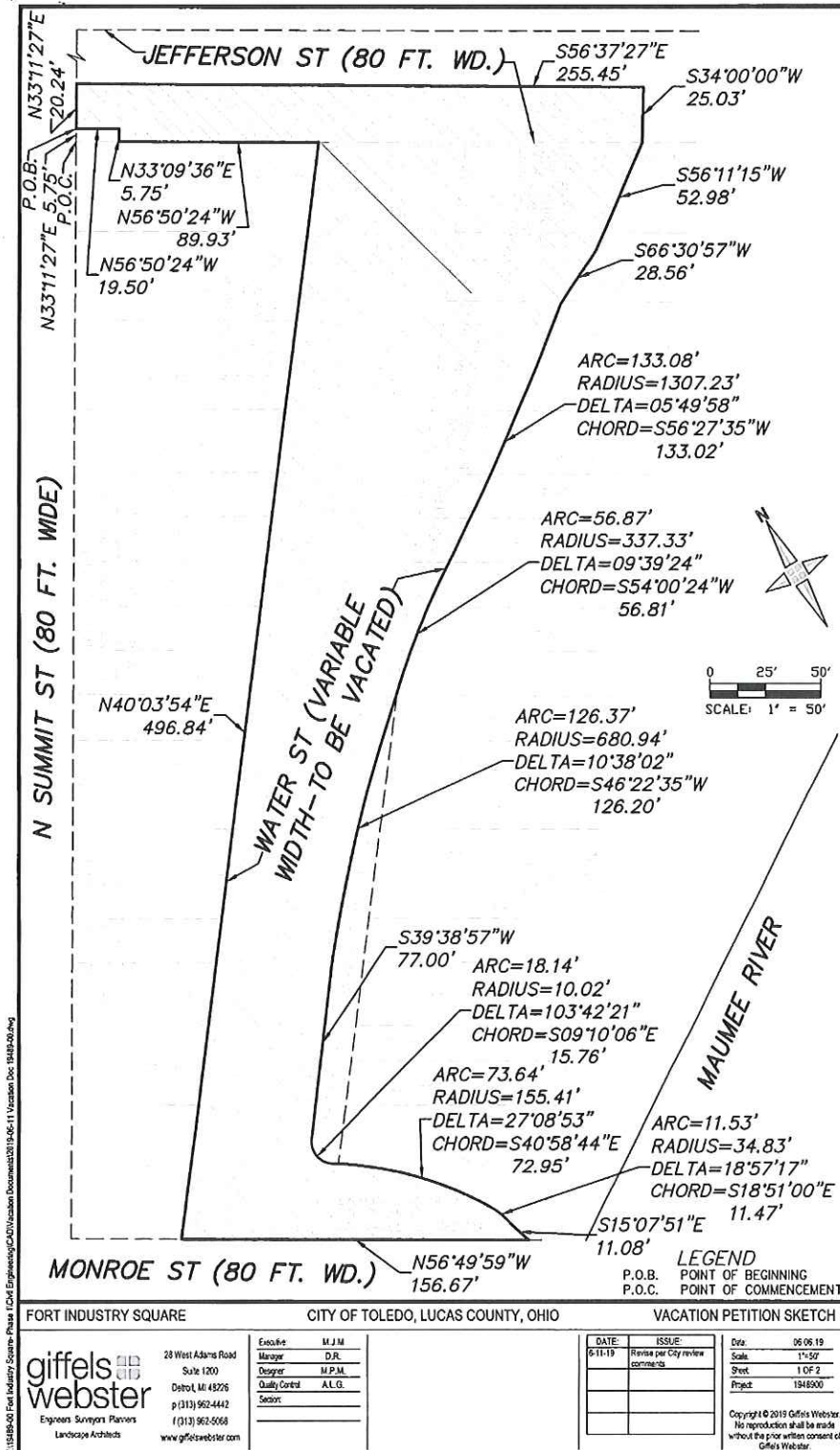
# ZONING AND LAND USE

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# SITE PLAN

V-315-19  
ID 09





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ID 09

