



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 5, 2019

REF: Z-10003-19

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

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

SUBJECT: Request for a Zone Change from RM36 Multi-Dwelling Residential and CR Regional Commercial to CR Regional Commercial

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 5, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request - Zone Change from RM36 Multi-Dwelling Residential and CR Regional Commercial to CR Regional Commercial

Location - 2015 Putnam Street

Applicant - Garrett Burkhart
11851 S Carson Way
Gold River, CA 95670

Site Description

Zoning - RM36 / Multi-Dwelling Residential and CR Regional Commercial

Area (Total) - ±0.0486 Acres

Frontage - 45' along Putnam Street

Existing Use - Undeveloped Land

Proposed Use - None Specified

Area Description

North - Undeveloped land & Multi-family residential / CR & RM 36

East - Undeveloped land / RM36

South - Outreach community center / CR

West - Outreach community center / CR

GENERAL INFORMATION (cont'd)

Parcel History

- | | | |
|-----------|---|--|
| Z-3001-14 | - | Zone Change from RM36 to CR at 2015 Putnam Street. PC disapproved 04/10/2014. CC disapproved 05/14/2014. |
| V-173-16 | - | Vacation of an alley bounded by Ashland, Woodruff, Putnam, & Irving Streets. PC approved 06/09/2016. CC approved 07/13/2016. Ordinance 384-16 approved 10/11/2016. |

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Zone Change from RM36 Multi-Dwelling Residential and CR Regional Commercial to CR Regional Commercial for a site located at 2015 Putnam Street. The ±0.0486 acre site is undeveloped and surrounded by CR Regional Commercial. Surrounding land uses include a parking lot to the south, undeveloped land to the east, undeveloped land to the north, and an outreach community center to the west.

The applicant requested the Zone Change in an effort to better market the property and to provide flexibility in the type of commercial uses that may occupy the land in the future. In 2016, a Zone Change was approved by Ord. 430-16 for surrounding parcels from RM36 Multi-Dwelling Residential to CR Regional Commercial. The subject site is the remaining parcel on the block not zoned CR Regional Commercial.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for CN Neighborhood Commercial uses. The CN Neighborhood Commercial category is intended to accommodate pedestrian oriented small-scale retail and service businesses that serve nearby residential areas. Although the proposed Zone Change is not CN Neighborhood Commercial, the Zone Change to CR Regional Commercial would bring the site closer to the future land use designation identified in the Toledo 20/20 Comprehensive Plan.

Staff recommends approval of the Zone Change from RM36 Multi-Dwelling Residential and CR Regional Commercial to CR Regional Commercial because the proposed zoning is compatible with the zoning classifications of properties within the general vicinity of the subject property.

TO: President Cherry and Members of Council
December 5, 2019
Page 3

REF: Z-10003-19

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of Z-10003-19, a request for a Zone Change from RM36 Multi-Dwelling Residential and CR Regional Commercial to CR Regional Commercial for 2015 Putnam Street for the following reason:

1. The proposed Zone Change is compatible with the zoning classifications of properties within the general vicinity of the subject property (TMC§1111.0606(C) – *Review & Decision-Making Criteria*).

Respectfully Submitted,



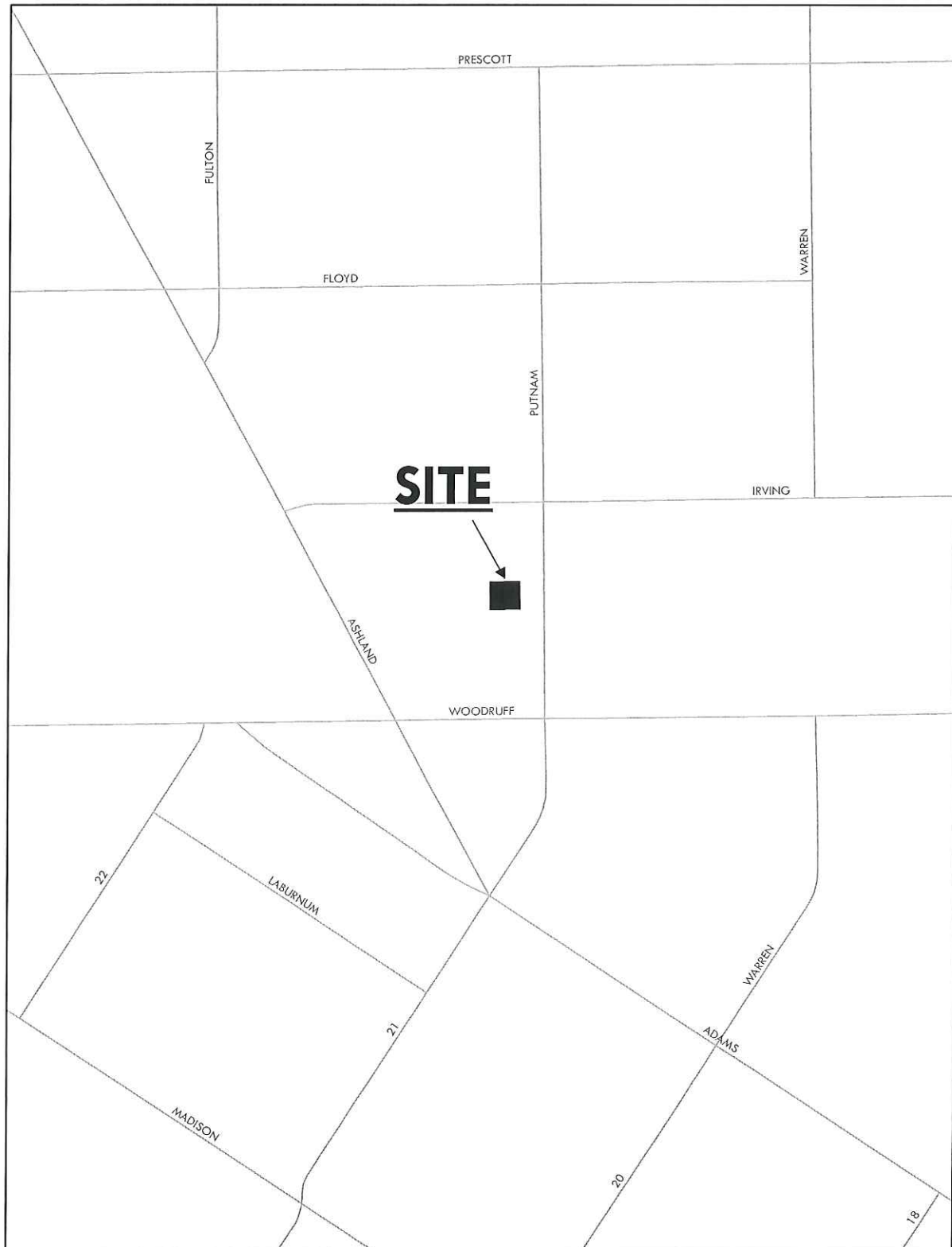
Thomas C. Gibbons
Secretary

Two (2) sketches follow

Cc: Garrett Burkhart, 11851 S Carson Way, Gold River, CA 95670
Lisa Cottrell, Administrator
Dana Doubler, Planner

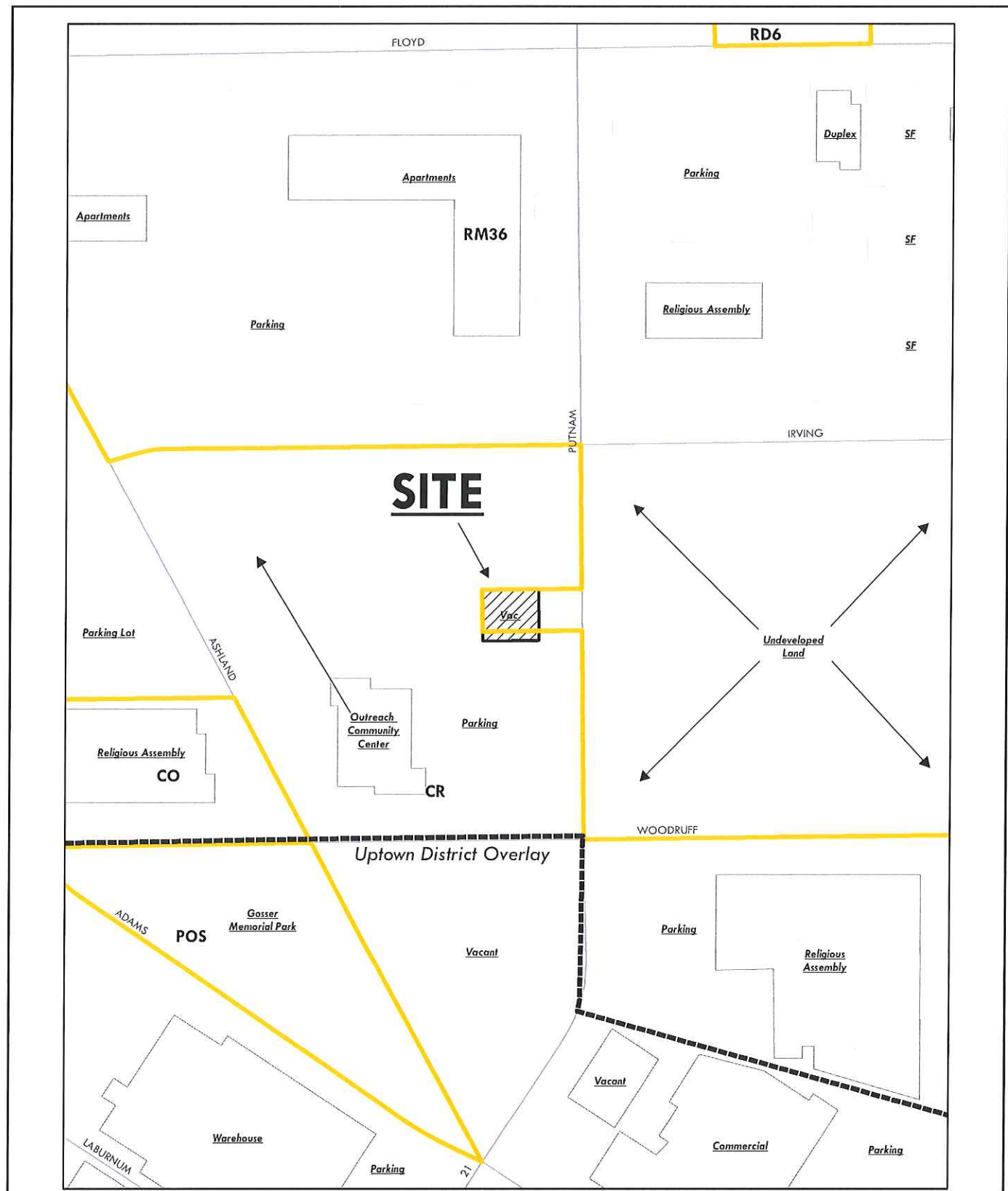
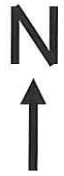
GENERAL LOCATION

Z-10003-19
ID 14



ZONING AND LAND USE

Z-10003-19
ID 14



Doubler, Dana

From: Garrett Burkhart <gnfortord2001@yahoo.com>
Sent: Tuesday, December 3, 2019 4:49 PM
To: Gibbons, Thomas
Cc: Gibbons, Julie; Doubler, Dana; Cottrell, Lisa
Subject: Re: "It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler

Dear Mr. Gibbons, etc.:

Our Family Attorney Margaret Weisenburger will be representing me for the rezoning of 2015 Putnam Street.

Sincerely,

Gary

(Garrett Burkhart)

On Thursday, November 21, 2019, 5:17:50 AM PST, Gibbons, Thomas <thomas.gibbons@toledo.oh.gov> wrote:

The staff report and notices for the December 5th hearing were placed in the mail yesterday to the address that you provided on your application. The notice has that statement on the bottom of the page.

From: Garrett Burkhart [mailto:gnfortord2001@yahoo.com]
Sent: Wednesday, November 20, 2019 9:44 PM
To: Gibbons, Thomas
Cc: Gibbons, Julie
Subject: Re: "It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler

Dear Mr. Gibbons:

With respect: Who sent me such Notice about the bottom of the notice that was sent to you for your case it states the following: "Please Note: Failure to attend or be represented could result in the Plan Commission deferring action on your request."???

How did they send such Notice to me? U.S. postal mail? answer: no Email? answer: no

Please share with me the exact address for the hearing.

Sincerely,

Garrett (Gary) Burkhart ('82 St. Francis)
11851 S. Carson Way
Gold River, CA 95670

On Wednesday, November 20, 2019, 4:23:56 AM PST, Gibbons, Thomas <thomas.gibbons@toledo.oh.gov> wrote:

If you choose not to be present or have a representative present to answer questions from the Plan Commission and eventually City Council then you take the risk of this issue being postponed. This is entirely your decision. At the bottom of the notice that was sent to you for your case it states the following:

"Please Note: Failure to attend or be represented could result in the Plan Commission deferring action on your request."

Regards,

Tom Gibbons

Director

Toledo-Lucas County Plan Commissions

419.245.1200

From: Garrett Burkhardt [mailto:gnfortord2001@yahoo.com]
Sent: Wednesday, November 20, 2019 1:42 AM
To: Gibbons, Thomas
Cc: Gibbons, Julie
Subject: Re: "It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler

Dear Mr. Gibbons:

Exactly when are where is the hearing for 2015 Putnam Street to rezone it to commercial so that it is consistent with its neighbors?

I do not think our family attorney Peg Weisenburger needs to get involved. I did not read that it is a requirement that someone be present. I thought it would be a no brainer because the surrounding neighbors are commercial zoned. Even your Planner Dana Doubler said, "It makes sense to have it [2015 Putnam Street] rezoned commercially".

Sincerely,
Garrett Burkhardt ('82 St. Francis)
11851 S. Carson Way
Gold River, CA 95670

On Tuesday, November 19, 2019, 4:32:33 AM PST, Gibbons, Thomas <thomas.gibbons@toledo.oh.gov> wrote:

We do not have phones down in City Council chambers. Do you have a representative that can attend? Perhaps an attorney?

From: Garrett Burkhart [mailto:gnfortord2001@yahoo.com]
Sent: Tuesday, November 19, 2019 12:44 AM
To: Gibbons, Thomas
Cc: Gibbons, Julie
Subject: "It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler

Dear Mr. Thomas Gibbons:

Attached photograph proof that the Sign for the hearing to have 2015 Putnam Street rezoned commercial to be consistent with the neighbors has been posted.

"It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler last week.

Regarding the hearing(s) may I make my appearance by telephone?

Sincerely,
Garrett Burkhart ('82 St. Francis)
11851 S. Carson Way
Gold River, CA 95670

On Friday, November 15, 2019, 5:30:44 AM PST, Gibbons, Thomas <thomas.gibbons@toledo.oh.gov> wrote:

Garrett,

We do not normally provide this service but given your circumstances we can accommodate your request. This is considered a special project and we charge \$75 for this request. Please submit a check payable to The Toledo-Lucas County Plan Commissions with a letter requesting what you are requesting. Once we receive payment we will install the sign for you.

Regards,

Tom Gibbons
Director
Toledo-Lucas County Plan Commissions
419.245.1200

-----Original Message-----

From: Garrett Burkhart [mailto:gnfortord2001@yahoo.com]
Sent: Friday, November 15, 2019 2:12 AM
To: Gibbons, Thomas
Cc: Gibbons, Julie
Subject: Please follow previous course of performance regarding posting sign on 2015 Putnam Street as Tom Lemon had it posted for me.

Dear Thomas and Julie Gibbons:

Would you be so kind to follow the same course of performance as before and have someone from your office post the sign at 2015 Putnam Street, which is a short distance away from you. See Tom Lemons email below writing that he would have the sign posted on 2015 Putnam Street for me because of my unique situation that I live in California.

Thank you for your attention.
Sincerely,
Garrett Burkhart ('82 St. Francis)
11851 S. Carson Way
Gold River, CA 95670

RE: 2015 Putnam sign posted something that your employee could do please?
Apr 1, 2014 at 5:58 AM
PrintRaw message

Lemon, Thomas <thomas.lemon@toledo.oh.gov>
To: 'Garrett Burkhart' <gnfortord2001@yahoo.com>
Mr. Burkhart,

We don't normally do the sign posting for the applicant, but given your unique situation we have taken care of it for you.

Tom Lemon

Doubler, Dana

From: Gibbons, Thomas
Sent: Thursday, November 21, 2019 8:18 AM
To: 'Garrett Burkhart'
Cc: Gibbons, Julie; Doubler, Dana; Cottrell, Lisa
Subject: RE: "It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler

The staff report and notices for the December 5th hearing were placed in the mail yesterday to the address that you provided on your application. The notice has that statement on the bottom of the page.

From: Garrett Burkhart [mailto:gnfortord2001@yahoo.com]
Sent: Wednesday, November 20, 2019 9:44 PM
To: Gibbons, Thomas
Cc: Gibbons, Julie
Subject: Re: "It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler

Dear Mr. Gibbons:

With respect: Who sent me such Notice about the bottom of the notice that was sent to you for your case it states the following: "Please Note: Failure to attend or be represented could result in the Plan Commission deferring action on your request."???

How did they send such Notice to me? U.S. postal mail? answer: no Email? answer: no

Please share with me the exact address for the hearing.

Sincerely,
Garrett (Gary) Burkhart ('82 St. Francis)
11851 S. Carson Way
Gold River, CA 95670

On Wednesday, November 20, 2019, 4:23:56 AM PST, Gibbons, Thomas <thomas.gibbons@toledo.oh.gov> wrote:

If you choose not to be present or have a representative present to answer questions from the Plan Commission and eventually City Council then you take the risk of this issue being postponed. This is entirely your decision. At the bottom of the notice that was sent to you for your case it states the following:

"Please Note: Failure to attend or be represented could result in the Plan Commission deferring action on your request."

Regards,

Tom Gibbons

Director

Toledo-Lucas County Plan Commissions

419.245.1200

From: Garrett Burkhart [mailto:gnfortord2001@yahoo.com]
Sent: Wednesday, November 20, 2019 1:42 AM
To: Gibbons, Thomas
Cc: Gibbons, Julie
Subject: Re: "It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler

Dear Mr. Gibbons:

Exactly when are where is the hearing for 2015 Putnam Street to rezone it to commercial so that it is consistent with its neighbors?

I do not think our family attorney Peg Weisenburger needs to get involved. I did not read that it is a requirement that someone be present. I thought it would be a no brainer because the surrounding neighbors are commercial zoned. Even your Planner Dana Doubler said, "It makes sense to have it [2015 Putnam Street] rezoned commercially".

Sincerely,
Garrett Burkhart ('82 St. Francis)
11851 S. Carson Way
Gold River, CA 95670

On Tuesday, November 19, 2019, 4:32:33 AM PST, Gibbons, Thomas <thomas.gibbons@toledo.oh.gov> wrote:

We do not have phones down in City Council chambers. Do you have a representative that can attend? Perhaps an attorney?

From: Garrett Burkhart [mailto:gnfortord2001@yahoo.com]
Sent: Tuesday, November 19, 2019 12:44 AM
To: Gibbons, Thomas
Cc: Gibbons, Julie
Subject: "It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler

Dear Mr. Thomas Gibbons:

Attached photograph proof that the Sign for the hearing to have 2015 Putnam Street rezoned commercial to be consistent with the neighbors has been posted.

"It makes sense to have it [2015 Putnam Street] rezoned commercially" said Planner Dana Doubler last week.

Regarding the hearing(s) may I make my appearance by telephone?

Sincerely,
Garrett Burkhart ('82 St. Francis)
11851 S. Carson Way
Gold River, CA 95670

On Friday, November 15, 2019, 5:30:44 AM PST, Gibbons, Thomas <thomas.gibbons@toledo.oh.gov> wrote:

Garrett,

We do not normally provide this service but given your circumstances we can accommodate your request. This is considered a special project and we charge \$75 for this request. Please submit a check payable to The Toledo-Lucas County Plan Commissions with a letter requesting what you are requesting. Once we receive payment we will install the sign for you.

Regards,

Tom Gibbons
Director
Toledo-Lucas County Plan Commissions
419.245.1200

-----Original Message-----

From: Garrett Burkhart [mailto:gnfortord2001@yahoo.com]

Sent: Friday, November 15, 2019 2:12 AM

To: Gibbons, Thomas

Cc: Gibbons, Julie

Subject: Please follow previous course of performance regarding posting sign on 2015 Putnam Street as Tom Lemon had it posted for me.

Dear Thomas and Julie Gibbons:

Would you be so kind to follow the same course of performance as before and have someone from your office post the sign at 2015 Putnam Street, which is a short distance away from you. See Tom Lemons email below writing that he would have the sign posted on 2015 Putnam Street for me because of my unique situation that I live in California.

Thank you for your attention.

Sincerely,

Garrett Burkhart ('82 St. Francis)

11851 S. Carson Way

Gold River, CA 95670

RE: 2015 Putnam sign posted something that your employee could do please?

Apr 1, 2014 at 5:58 AM

PrintRaw message

Lemon, Thomas <thomas.lemon@toledo.oh.gov>

To: 'Garrett Burkhart' <gnfortord2001@yahoo.com>

Mr. Burkhart,

We don't normally do the sign posting for the applicant, but given your unique situation we have taken care of it for you.

Tom Lemon

Doubler, Dana

From: Garrett Burkhart <gnfortord2001@yahoo.com>
Sent: Tuesday, November 19, 2019 12:57 AM
To: Doubler, Dana
Cc: Lindsay.Rankins-Andeson@toledo.oh.gov
Subject: 2015 Putnam Street Sign Posted See Photo Attached
Attachments: ToBeConsistantWithNeighborsPutnamPublicHearingSignPosted.doc;
ToBeConsistantWithNeighborsPutnamPublicHearingSignPosted.jpg;
ToBeConsistantWithNeighborsPutnamPublicHearingSignPosted.pdf

Dear Ms. Dana Doubler:

It was a pleasure to talk with you last week. You are right when you said "It makes sense to have it [2015 Putnam Street] rezoned commercially"

Attached photograph proof that the Sign for the hearing to have 2015 Putnam Street rezoned commercial to be consistent with the neighbors has been posted.

Regarding the hearing(s) may I make my appearance by telephone?

Sincerely,
Garrett Burkhart ('82 St. Francis)
11851 S. Carson Way
Gold River, CA 95670

On Monday, October 7, 2019, 5:27:44 AM PDT, Doubler, Dana <dana.doubler@toledo.oh.gov> wrote:

Hi Garrett,

Here are the answers to your questions:

- 1) You can email us the legal description as a word document.
- 2) For the letter of intent, simply state why you want the zone change. It can be as generic or as specific as you'd like. Note that the more information you provide, the more information the Plan Commission and City Council have to make a decision.
- 3) CR is the commercial zoning category which has the most uses permitted.
- 4) No, we do not post signs on behalf of applicants.
- 5) You may apply for a zone change at any time. Just note that the zone change typically takes 90 days minimum.

6) If you are referring to the apartment buildings bounded by Woodruff, Putnam, Irving, and Franklin, they have deferred their application and have until November of this year to bring it to the Plan Commission. After then, they will have to reapply.

Thanks,

Dana Doubler

Planner

Toledo-Lucas County Plan Commissions

One Government Center, Suite 1620

Toledo, OH 43604

(419) 245-1200

From: Garrett Burkhardt <gnfortord2001@yahoo.com>
Sent: Sunday, October 6, 2019 11:56 PM
To: Doubler, Dana <Dana.Doubler@toledo.oh.gov>
Subject: Re: Zone Change Request - 2015 Putnam St

Dear Planner Ms. Dana Doubler:

Thank you for your email.

I paid Lewandowski for a survey. See attached.

Some questions:

- 1.) How is the easiest way for me to submit electronically the legal descriptions with my petition?
- 2.) Do I have to specify in my letter of intent? I would like to keep my options open.
- 3.) Is CR Regional Commercial the most flexible commercial zoning?
- 4.) Since I live in California, could someone from your office be nice enough to post the sign?
- 5.) Is there a benefit for me to wait until the land across the street from 2015 Putnam Street gets developed?
- 6.) I heard the Warren Church is building a senior living housing across the street. How is that progressing? How many stories will it be?

Thank you for your attention.

Sincerely,
Garrett Burkhart
11851 S. Carson Way
Gold River, CA 95670

On Wednesday, October 2, 2019, 11:02:40 AM PDT, Doubler, Dana <Dana.Doubler@toledo.oh.gov> wrote:

Hi Garrett,

Attached is the Petition for a Zone Change. I would suggest a Zone Change from RM36 Multi-family Residential to CR Regional Commercial for 2015 Putnam Street.

I have also provided a checklist which outlines what all you will have to submit when petitioning for a Zone Change. This includes the following:

1. Petition – filled out completely
2. Letter of Intent
3. Legal Description – you can find this on the Auditor's website

here:<http://icare.co.lucas.oh.us/LucasCare/search/commonsearch.aspx?mode=address>

Simply type in the address and you will find the legal description on the property summary.

Lastly, I attached the Planning Process Guide. It outlines the Zone Change process.

The application fee is \$600. Also note that you will have to have signs posted at the property notifying surrounding property owners that a Zone Change is being petitioned. Also, you will have to appear at the Plan Commission Hearing. The next application deadline is October 21st.

Thank you,

Dana Doubler
Planner
Toledo-Lucas County Plan Commissions
One Government Center, Suite 1620
Toledo, OH 43604
(419) 245-1200