



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: February 14, 2020

REF: V-446-19

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

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

SUBJECT: Request for a Vacation of Briar Cliff Road, adjacent to lots 7 & 8 of West Central Stores and lots 181-184, 201 & 202 in the Plat of Kingston, located at Briar Cliff Road & Jermain Drive.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 13, 2020 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Vacation of Briar Cliff Road, adjacent to lots 7 & 8 of West Central Stores and lots 181-184, 201 & 202 in the Plat of Kingston
Location	-	Briar Cliff Road & Jermain Drive
Owner	-	The Toledo Hospital 100 Madison Avenue Toledo, Ohio 43604
Engineer	-	Lewandowski Engineers 234 North Erie Street Toledo, Ohio 43604

Site Description

Zoning	-	RS6 & CR / Single-Dwelling Residential & Regional Commercial (<i>CM proposed</i>)
Area (Total)	-	± 0.406 acres
Frontage	-	± 60' along Central Avenue ± 170' along Jermain Drive
Dimensions	-	± 305' x 30' x 15' x 30' x 320' x 170'
Existing Use	-	Public right-of-way – Briar Cliff Road
Proposed Use	-	Consolidated land

GENERAL INFORMATION (cont'd)

Area Description

North	-	Central Avenue, parking lot, vacant land / CR
South	-	Jermain Drive, single-family residential / RS6
East	-	Construction staging area / RS6
West	-	Parking lot, vacant land / CR

Combined Parcel History

M-1-84	-	Review and adoption of the Kingston Neighborhood Association Comprehensive Land Use Plan, area bounded by Monroe, Otis, Central and Upton (P.C. approved on 3/8/1984, C.C. approved on 4/3/1984 by Ord. 255-84).
Z-17-84	-	Zone Change from R-3 to R-2 at 2700, 2800 and 2900 blocks of Upton, Wellesley, Jermain, Rathbun, Winsted, Holyoke, Burn Mawr and Bayard (P.C. approved 3/8/1984 , C.C. approved on 4/3/1984 by Ord. 256-84).
Z-8006-19	-	Zone Change from RS6 Single Dwelling Residential, RD6 Duplex Residential & CR Regional Commercial to CM Mixed Commercial Residential at 1901 & 2061 W. Central Avenue, 2918-2951 Jermain Drive, 2820-2835 Rathbun Drive & 3842, 3846, 3860 Monroe Street (<i>companion case</i>).
PUD-8007-19	-	Planned Unit Development for "The Colony South" at 1901 & 2061 W. Central Avenue, 2918-2951 Jermain Drive, 2820-2835 Rathbun Drive & 3842, 3846, 3860 Monroe Street (<i>companion case</i>).

Applicable Regulations

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

STAFF ANALYSIS

This application was deferred from the January 9, 2020 Plan Commission hearing to the February 13, 2020 Plan Commission hearing. The applicant is proposing the Vacation of Briar Cliff Road, adjacent to lots 7 & 8 of West Central Stores and lots 181-184, 201 & 202 in the Plat of Kingston. Originally dedicated in 1920 on the Kingston Subdivision plat, Briar Cliff Road is approximately 300' in length and 50' wide. The applicant is requesting the Vacation in order to consolidate land for the construction of a mixed-use commercial residential development. The proposed Vacation would eliminate Briar Cliff Road entirely from the Central Avenue and Jermain Road intersections.

The applicant intends to develop a mixed-use commercial residential development over the proposed Vacation area. A request for a Zone Change (Z-8006-19) and Planned Unit Development (PUD-8007-19) accompany this case in order to facilitate the development of the overall site.

Typically, staff would have concerns over vacating public roads that provide access to residential neighborhoods. However, Briar Cliff Road is not critical in providing access to the adjacent residential properties to the south. Residents and emergency responders can continue to access the residential properties through Jermain Road from Upton Avenue.

Staff recommends approval of the proposed Vacation because it will not impede or restrict access to any adjoining property owners abutting the site. Additionally, the Plan Commission staff supports the proposed Vacation since it will facilitate the redevelopment of the site for a Planned Unit Development. As a condition of approval, any existing right-of-way Vacation and Roadway dedications shall be required for the future developments and listed as a condition of approval.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-446-19, a request for a Vacation of Briar Cliff Road, adjacent to lots 7 & 8 of West Central Stores and lots 181-184, 201 & 202 in the Plat of Kingston, 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 will facilitate the redevelopment of the site for a Planned Unit Development.

The Toledo City Plan Commission further recommends approval of V-446-19, a request for a Vacation of Briar Cliff Road, adjacent to lots 7 & 8 of West Central Stores and lots 181-184, 201 & 202 in the Plat of Kingston, to Toledo City Council subject to the following **six (6)** conditions:

PLAN COMMISSION RECOMMENDATION (cont'd)

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

2. There is an existing 6-inch diameter public water main in the Briar Cliff Road right-of-way. This water main shall be relocated at the Developer's expense. After the new water main is in service, the existing water main shall be removed by the Developer or it will be abandoned by the City of Toledo at the Developer's expense.

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

3. We object to the vacation. Right-of-way is needed to maintain the storm infrastructure in Briar Cliff Road right-of-way.

Applicant shall relocate existing storm infrastructure from the proposed vacated right-of-way. Alternatively, a full width easement 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 (or recorded through the final plat at the discretion of the plan commission):

"That a full width (60 foot) easement is hereby retained over, across, under and through said vacated area as described in Section 1 herein, for the existing utilities 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 structure, 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."

4. Sanitary sewer in right-of-way shall be abandoned and filled or removed, between manholes, at the developers cost.

PLAN COMMISSION RECOMMENDATION (cont'd)

Buckeye Cablevision

5. In order for buckeye to approve this vacate, Buckeye needs to be granted an easement to ensure it has access & rights to its facilities.

Plan Commissions

6. All companion right-of-way Vacations and Roadway dedications (i.e. Promedica Parkway) shall be recorded with the Lucas County Recorder's Office before building plan approval is granted.

Respectfully Submitted,



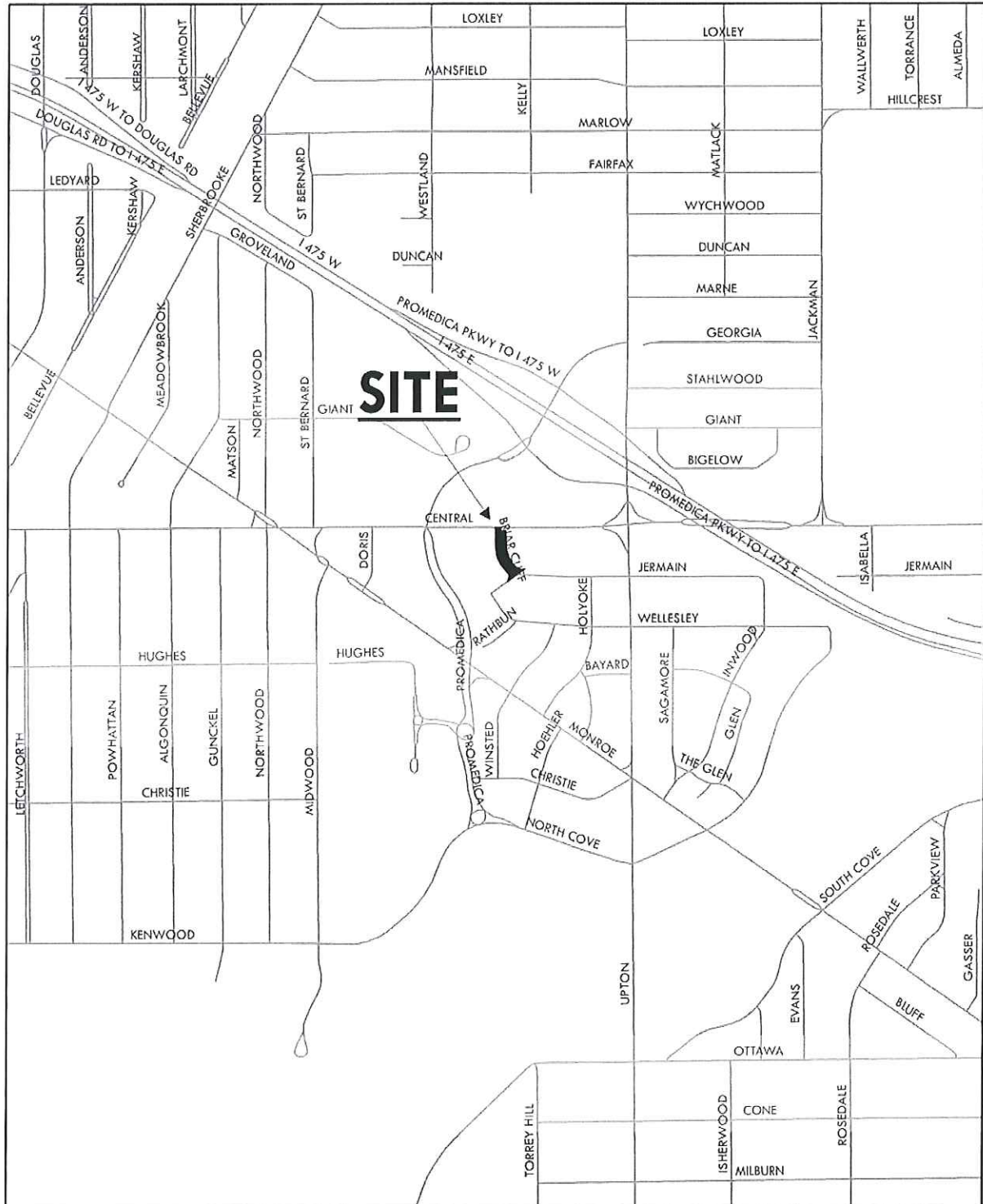
Thomas C. Gibbons
Secretary

Three (3) sketches follow

Cc: Mark Rose; The Toledo Hospital, 100 Madison Avenue, Toledo, Ohio 43604
Matt Lewandowski; Lewandowski Engineers, 234 North Erie Street, Toledo, Ohio 43604
Lisa Cottrell, Administrator
Ryne Sundvold, Associate Planner

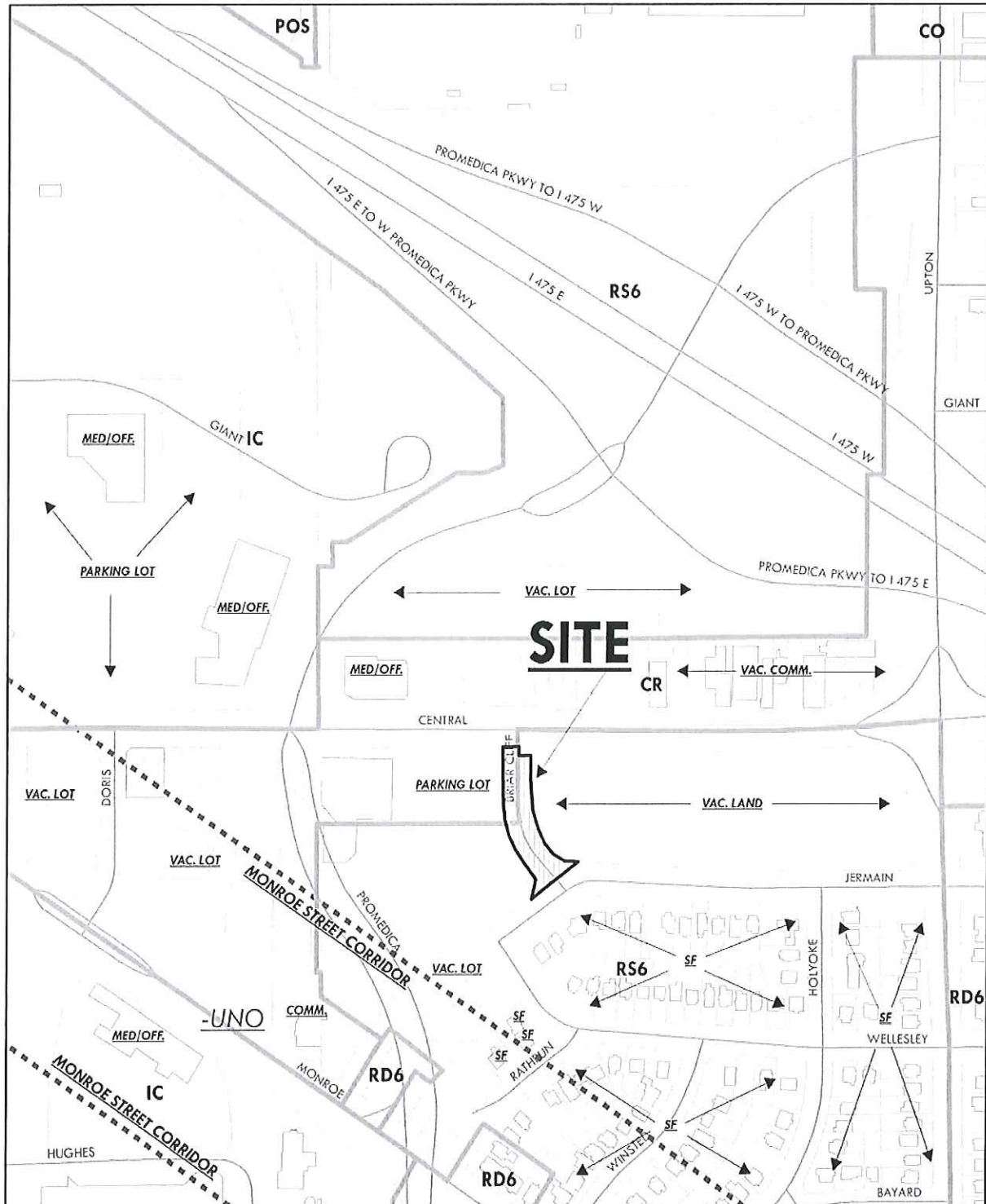
GENERAL LOCATION

V-446-19
ID 45



ZONING AND LAND USE

V-446-19
ID 45



SURVEY OF PROPOSED VACATION

V-446-19
ID 45



SURVEY #50701

SEPTEMBER 4, 2019

CONTRACT: Q-6284 PROPOSED PARTIAL STREET VACATION OF:

BRIAR CLIFF

CITY OF TOLEDO, LUCAS COUNTY, OHIO

