



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-448-19

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 Rathbun Drive, adjacent to lots 108 & 109 and 157 & 158 in the Plat of Kingston, located at Monroe Street & Rathbun 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 Rathbun Drive, adjacent to lots 108 & 109 and 157 & 158 in the Plat of Kingston
Location	-	Monroe Street & Rathbun 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 & RD6 / Single-Dwelling Residential & Duplex Residential
Area (Total)	-	± 0.102 acres
Frontage	-	± 50' along Monroe Street
Dimensions	-	± 50' x 90'
Existing Use	-	Public right-of-way – Rathbun Drive
Proposed Use	-	Consolidated land
Neighborhood Org.	-	None
Overlay	-	Monroe Street Corridor UNO District

GENERAL INFORMATION (cont'd)

Area Description

North	-	Single-family residential / RS6
South	-	Monroe Street, Toledo Hospital / RD6
East	-	Single-family residential / RS6
West	-	Promedica Parkway / RS6

Combined Parcel History

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.1 (j) 74-07	-	Text Amendment adding Monroe Street Corridor Overlay District (P.C. approved 6/14/2007, C.C. approved 7/24/2007 by Ord. 497-07, amending Ord. 811-07 passed on 12/11/2007).
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
- Monroe Street Corridor Design and Livability 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 a Vacation of a portion of Rathbun Drive, adjacent to lots 108 & 109 and 157& 158 in the Plat of Kingston, located at the corner of Rathbun Drive and Monroe Street. The proposed Vacation area is approximately 50' wide and 90' in length. The applicant is requesting the Vacation for this portion of Rathbun Drive in order to correct the current configuration of the right-of-way since vehicular access was eliminated from Monroe Street due to the construction of Promedica Parkway.

The applicant intends to develop a mixed-use commercial residential development at the corner of Central Avenue and Promedica Parkway, which includes 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, this portion of Rathbun Drive was closed at Monroe Street when Promedica Parkway was completed. Residents and emergency responders can continue to access the residential properties through Wellesley Road from Upton Avenue.

Staff recommends approval of the proposed Vacation since it will not impede or restrict access to any adjoining property owners abutting the site. Additionally, staff recommends approval of the proposed Vacation because it will correct the existing right-of-way configuration due to the construction of Promedica Parkway. Finally, staff recommends approval of the proposed Vacation since it will eliminate unnecessary right-of-way. 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-448-19, a request for Vacation of Rathbun Drive, adjacent to lots 108 & 109 and 157& 158 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 eliminate unnecessary right-of-way along this portion of Monroe Street.

The Toledo City Plan Commission further recommends approval of V-448-19, a request for Vacation of Rathbun Drive, adjacent to lots 108 & 109 and 157& 158 in the Plat of Kingston, to Toledo City Council subject to the following **five (5)** 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

PLAN COMMISSION RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

2. We object to the vacation. Right-of-way is needed to maintain the public water and sanitary main in Rathbun Drive right-of-way.

Applicant shall relocate existing public water main and sanitary sewer 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:

"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 water main and sanitary 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 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."

3. If the petitioner wishes to reduce the size of the easement, the water main and sanitary main shall be located by survey and a twenty-foot (20') easement centered on the water main and sewer main will be acceptable. The survey shall be conducted by and paid for by the petitioner.

PLAN COMMISSION RECOMMENDATION (cont'd)

Fire Prevention

4. There are two fire hydrants along this portion of Rathbun, which need to remain or be relocated.

Plan Commission

5. 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,



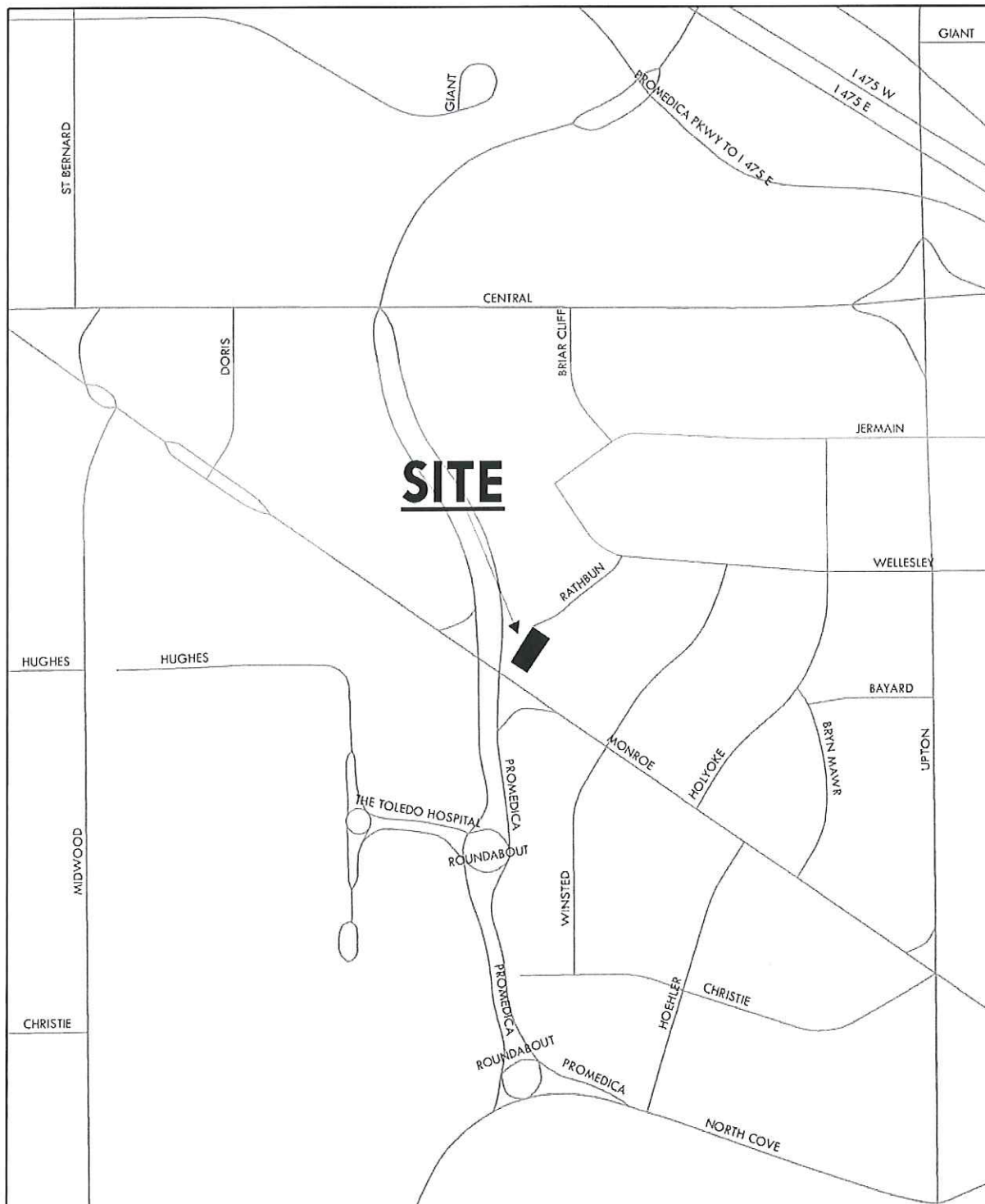
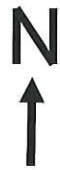
Thomas C. Gibbons
Secretary

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

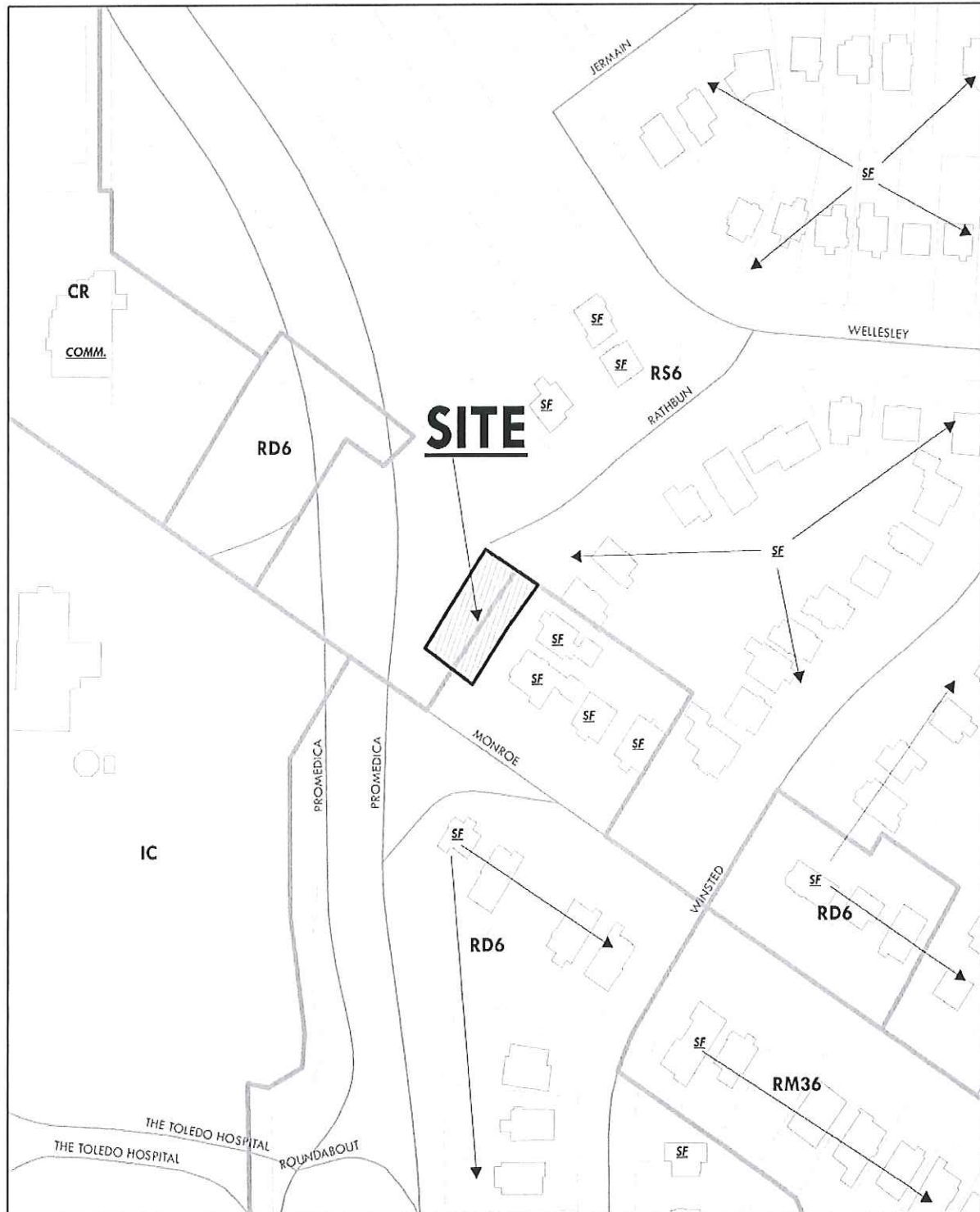
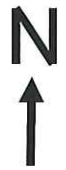
GENERAL LOCATION

V-448-19
ID 41



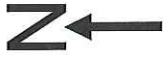
ZONING AND LAND USE

V-448-19
ID 41



SURVEY OF PROPOSED VACATION

V-448-19
ID 41



SEPTEMBER 4, 2019

SURVEY #50701

CONTRACT: Q-6284

PROPOSED PARTIAL STREET VACATION OF:
RATHBUN DRIVE
CITY OF TOLEDO, LUCAS COUNTY, OHIO

