



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: February 12, 2021

REF: Z-12001-20

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 RD6 Residential Duplex to CN Neighborhood Commercial

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, February 11, 2021 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request - Zone Change from RD6 Residential Duplex to CN Neighborhood Commercial

Address - 1302 Kelsey Avenue

Owner - David Weinbrecht
10830 Cemetery Rd
Erie, MI 48133

Site Description

Zoning - RD6 / Residential Duplex

Area - ± 0.077 acres

Frontage - ± 31.5' along Kelsey Ave
± 108.5' along Plymouth St

Existing Use - Vacant residential duplex

Proposed Use - Office and showroom

Area Description

North - RD6 / Residential Duplex

South - RD6 / Residential Duplex

East - RD6 / Residential Duplex

West - RD6 / Residential Duplex

GENERAL INFORMATION (cont'd)

Parcel History

- No parcel history on record

Applicable Plans and Regulations

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

STAFF ANALYSIS

The applicant is requesting a Zone Change from RD6 Residential Duplex to CN Neighborhood Commercial for a site located at 1302 Kelsey Ave. to operate a small office with a showroom for sample materials for a roofing business. The ±0.077 acre site is currently occupied by a vacant residential duplex that was originally built and used for commercial purposes.

Surrounding land uses are single family homes and residential duplexes to the north, east, south, and west. Kelsey Avenue and Plymouth Street are residential in character. The CN Neighborhood Commercial zoning district is intended to accommodate pedestrian oriented small-scale retail and service businesses, but does allow for intense land uses such as: animal services, taverns, fast-order food, convenience stores, repair services and general retail sales.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this area and the neighborhood around the site for Single-Family Residential land uses.

The proposed CN Neighborhood Commercial zoning district is not appropriate for this site based on the size of parcel and potential range of intense commercial uses. The encroachment of CN Neighborhood Commercial zoning could be detrimental to the integrity of the adjacent residential uses and make them vulnerable to future encroachment. As a result CO, Office Commercial, would be more compatible with the area, acting as a buffer between higher intensity commercial areas and residential neighborhoods. Similar zoning exists one block to the south along Starr Avenue. Additionally, the CO Office Commercial zoning district does not allow the wide range of intense commercial uses allowed by the CN Neighborhood Commercial zoning district.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of Z-12001-20, a request for a Zone Change from RD6 Residential to CN, Neighborhood Commercial, to the Toledo City Council for the following three (3) reasons:

PLAN COMMISSION RECOMMENDATION (cont'd)

1. The request does not conform to the Toledo 20/20 Comprehensive Plan and the stated purpose of the Zoning Code (TMC§1111.0606(A) – *Review and Decision Making Criteria*).
2. The request is not consistent with existing land uses within the general vicinity of the subject property (TMC§1111.0606(B) – *Review and Decision Making Criteria*); and
3. The request is not consistent with zoning classifications of properties within the general vicinity of the subject property (TMC§1111.0606(C) – *Review and Decision Making Criteria*).

The Toledo City Plan Commission instead recommends approval of Z-12001-20, a Zone Change from RD6 Residential Duplex to CO Office Commercial for the site at 1302 Kelsey Ave to Toledo City Council for the following two (2) reasons:

1. The CO zoning will facilitate land uses similar to those currently established within the general vicinity of the subject property (TMC 1111.0606.B *Review & Decision-Making Criteria*); and
2. A zone change to CO Office Commercial is consistent with the zoning classification of properties within the general vicinity of the site (TMC §1111.0606.C *Review & Decision-Making Criteria*).

Respectfully Submitted,



Thomas C. Gibbons
Secretary

Two (2) sketches follow

Cc: David Weinbrecht, Applicant
Lisa Cottrell, Administrator
Nancy Hirsch, Planner



TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: January 29, 2021
REF: Z-12001-20
PLANNER: Hirsch

NOTICE OF PUBLIC HEARING

on

Date: Thursday, February 11, 2021

Request: Zone Change from RD6, Residential Duplex, to CN, Neighborhood Commercial

Location: 1302 Kelsey Ave

The complete legal description of the land in question is on file at the office of the Toledo City Plan Commission, located at One Government Center, Suite 1620, Toledo, Ohio 43604.

Notice of this hearing is mailed to the **project applicant** as well as owners of property within and contiguous to and directly across the street from subject parcel (or parcels at the addresses of such owners appearing on the County Auditor's current tax list). Please share this notice with neighbors that may lie beyond the range of this mailing. They may attend the public hearing and/or otherwise make their feelings known about this case.

The Toledo City Plan Commission will hold a hearing to consider this request at **2:00 p.m.** on **Thursday, February 11, 2021** as a Zoom meeting. You may attend this hearing by clicking on the following link at the time of the hearing. You will then be added as an "attendee" and will have opportunity to communicate via a "question and answer" tab. We will receive your comments/questions, and a facilitator will communicate them to the Commission Members. **If you are the project applicant, please make every effort to attend the hearing.**

Zoom Link:

Join from PC, Mac, Linux, iOS or Android:

<https://toledo-oh-gov.zoom.us/j/86196937519?pwd=N3FvZDIEdTgzSE5mUzRNU2ppYXNpdz09>

Passcode: 960957

Or at zoom.us enter Webinar ID 861 9693 7519

Webinar Passcode 960957

Or Telephone:

Dial: 602-333-2017 or 888-204-5987 (US Toll Free)

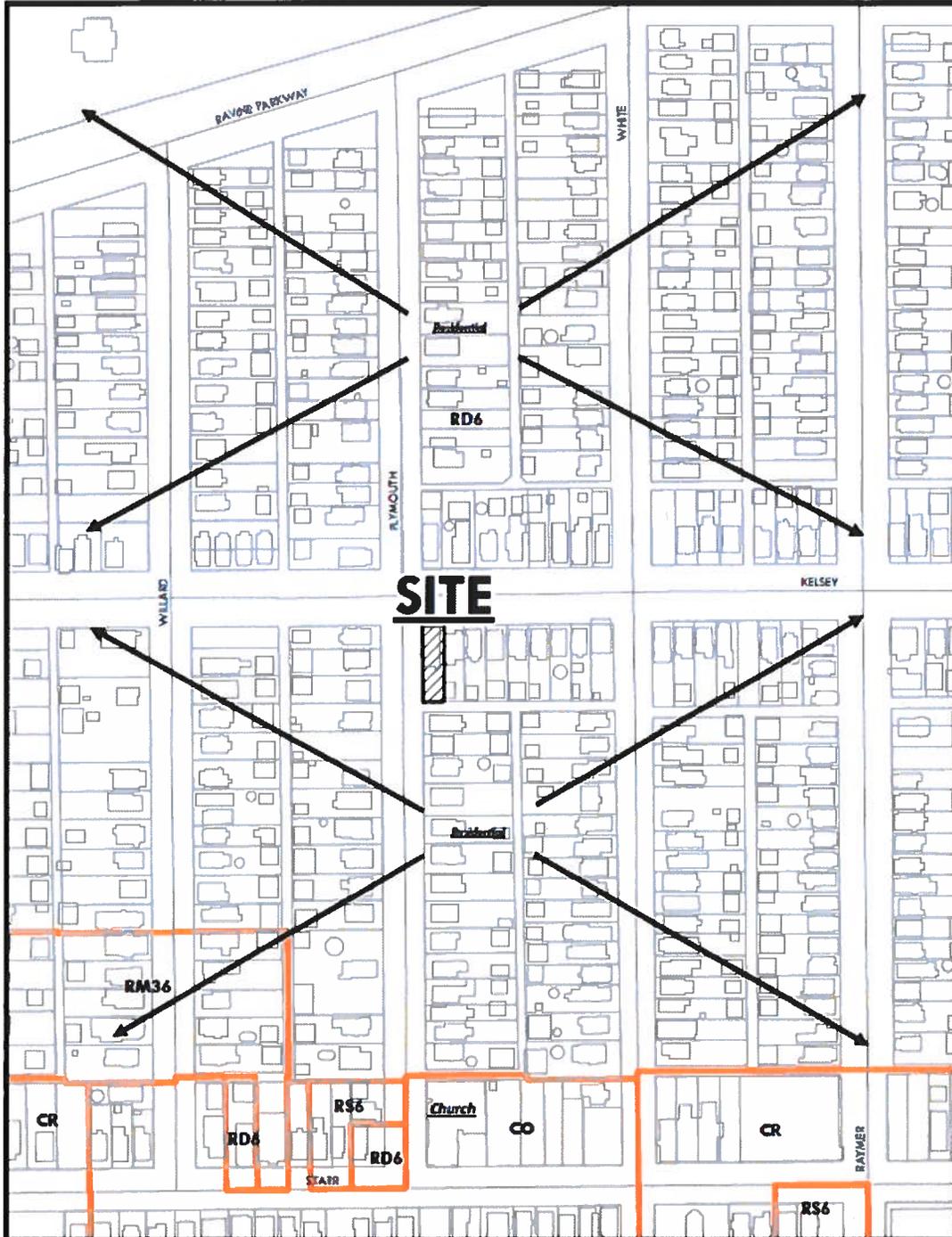
Conference code: 291916

You may also call the office of the Toledo City Plan Commission at 419-245-1200 or email any comments that you have to the planner at nancy.hirsch@toledo.oh.gov. We will ensure that your comments are incorporated as part of the public record.

TOLEDO CITY PLAN COMMISSION

Land Use and Zoning

Z-12001-20



CITY OF TOLEDO, OHIO

Clerk of Council
One Government Center
Toledo, Ohio 43604

Julie Gibbons
Assistant Clerk of Council

Telephone
419-245-1060

Date: January 29, 2021
Ref: Z-12001-20

NOTICE OF PUBLIC HEARING

Wednesday, March 17, 2021

The Zoning and Planning Committee of Council, at a Zoom meeting to be held on Wednesday, March 17, 2021 at 4:00 p.m., will consider the following request:

Zone Change from RD6 to CN at 1302 Kelsey Ave.

When: March 17, 2021 04:00 PM Eastern Time (US and Canada)
Topic: Toledo City Council Zoning & Planning Committee Meeting

Please click the link below to join the webinar:

<https://toledo-oh-gov.zoom.us/j/84938443246?pwd=bn5DVjVvNEtQcnJIN2ZIY2h5WVY0dz09>

Passcode: 253123

Or Telephone:

Dial:
USA 602 333 2017
USA 8882045987 (US Toll Free)
Conference code: 623767

Julie Gibbons
Assistant Clerk of Council

****Failure of applicant to appear may result in a deferral or denial of your request.**

NOTICE PUBLISHED IN TOLEDO CITY JOURNAL

| owner | mailing address 1 | mailing address 2 |
|--------------------------------|--------------------------|--------------------------|
| DW ROOFING & CONSTRUCTION LLC | 10830 CEMETERY RD | ERIE MI 48133 |
| STAERKER DENNIS | 1175 MAPLEWAY DR | TEMPERANCE MI 48182 9561 |
| REDFOX JEREMEY A & SARAH J | 12158 JEFFERSON ST | PERRYSBURG OH 43551 |
| SCHMIDT VICKIE | 1301 KELSEY AVE | TOLEDO OH 43605 1741 |
| MOLNAR ROBERT E & HELEN J | 1308 KELSEY AVE | TOLEDO OH 43605 1742 |
| SCHROEDER ANNA | 1309 KELSEY AVE | TOLEDO OH 43605 1741 |
| SNOW JUSTIN | 1314 KELSEY AVE | TOLEDO OH 43605 |
| HAMRICK SANDRA | 1318 KELSEY AVE | TOLEDO OH 43605 1742 |
| DESELMs JEFFRY | 1320 KELSEY AVE | TOLEDO OH 43605 1742 |
| SOTO JESUS J JR | 1321 KELSEY AVE | TOLEDO OH 43605 1741 |
| ETTL MICHAEL | 1323 KELSEY ST | TOLEDO OH 43605 |
| COFFMAN ROY | 1324 KELSEY AVE | TOLEDO OH 43605 1742 |
| STUART SARAH | 1621 PEMBERVILLE RD | NORTHWOOD OH 43619 |
| SCOTT JUAN JR | 1713 GREENWOOD | TOLEDO OH 43605 |
| CROMBERG CHRISTY | 1724 BERDAN AVE | TOLEDO OH 43613 |
| ETTL ROBERT & DEANNA | 1757 MAHALA ST | OREGON OH 43616 3727 |
| D & G PREFERRED PROPERTIES LLC | 2055 STARR | TOLEDO OH 43605 |
| FEWLESS SUSAN | 2309 SHERMAN RD | REMUS MI 49340 |
| LANZ CHARLES G JR & BILLIE JO | 264 PLYMOUTH ST | TOLEDO OH 43605 1752 |
| GORKA SUSAN M & JOHN | 264 WHITE ST | TOLEDO OH 43605 1756 |
| BECKER J S & C D | 265 WILLARD ST | TOLEDO OH 43605 1759 |
| ARNOLD MARK | 268 PLYMOUTH ST | TOLEDO OH 43605 |
| HAMMAN KAREN | 274 PLYMOUTH ST | TOLEDO OH 43605 1752 |
| TARDIFF MICHELLE | 305 WILLARD ST | TOLEDO OH 43605 |
| BEAL RONALD W | 306 PLYMOUTH ST | TOLEDO OH 43605 1754 |
| CHRISTIAN JEFFERY | 310 WHITE ST | TOLEDO OH 43605 1758 |
| KLEEMAN RONNIE J & DEBRA A | 313 PLYMOUTH ST | TOLEDO OH 43605 1753 |
| GREL ERIC J & JODI RAE | 313 WILLARD ST | TOLEDO OH 43605 1761 |
| TAITE DOROTHY & BARRETT | 3138 CHRISTINE LN | OREGON OH 43616 |
| RICHARDS D J & M J | 314 PLYMOUTH ST | TOLEDO OH 43605 1754 |
| MOLNAR JEFFREY | 317 PLYMOUTH ST | TOLEDO OH 43605 1753 |
| SAUNDERS CHRISTINA | 317 WILLARD ST | TOLEDO OH 43605 |
| GARBERS AMANDA | 320 PLYMOUTH ST | TOLEDO OH 43605 |

| | | |
|------------------------------|-------------------------|-----------------------------|
| SORTER JASON M | 321 PLYMOUTH ST | TOLEDO OH 43605 |
| HAMILTON AISHA SEMONA | 321 WILLARD ST | TOLEDO OH 43605 |
| MAREK DIANE M TRUSTEE | 3834 SEAMAN RD | OREGON OH 43616 2424 |
| WILLIAMS CHRISTOPHER J | 5368 BROWN RD | OREGON OH 43616 5802 |
| CORNELIUS JOHN T | 5496 JONATHAN PL | MILBURY OH 43447 |
| SFR VENTURE FUND SERIES 1LLC | 6641 ESPLANADE | PLAYA DEL REY CA 90293 7523 |
| MASSEOUD EMADELDIN R | 7115 ADDICKS CLODINE RD | HOUSTON TX 77083 |
| MARTIN ANTHONY S | P.O. BOX 167793 | OREGON OH 43616 7793 |

MAILING MAP

Z-12001-20



PUBLIC HEARING

CASE NO. Z-12001-20

REQUEST: Zone Change from RD6, Residential Duplex, to CN, Neighborhood Commercial
at 1302 Kelsey Street

APPLICANT NAME: David Weinbrecht

ADDRESS: 10830 Cemetery Rd, Erie, MI 48133

DATE: February 11, 2021 TIME: 2:00 p.m.

Contact Person: Nancy Hirsch

Contact Person Phone Number: 419-936-2585

PLACE: Council Chamber, 1st Floor, One Government Center
Jackson & Erie Streets, Toledo, OH

**For Further Information, Contact
The Toledo-Lucas County Plan Commissions**

PHONE: (419) 245-1200

FAX: (419) 936-3730

TMC 1111.0304

CITY OF TOLEDO

SIGN POSTING REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedure established by the City Zoning Code (TMC 1111.0304) are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of the public rights-of-way (if the way has been in use) also require signs.

The applicant is responsible for posting the required sign(s) and ensuring that the signs remain posted throughout the 15-day period prior to public hearing. **Failure to maintain the signs during this entire period may be cause for deferral or denial of the application.** Upon notification, the sign(s) is to be picked up at the Toledo-Lucas County Plan Commission office between the hours of 8:00 a.m. and 4:45 p.m.

1. LOCATION

- A. The sign shall be conspicuously located. **It shall be located within twenty feet of the public sidewalk** (or edge of public street). Plan Commission staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be two to seven feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign in order to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then in addition to a sign placed on the property a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. Sign(s) shall be mounted on a post, stake or building at the site.

4. PERIOD OF POSTING

- A. Signs must be posted from (dates) 01.26.21 to 03.26.21.

5. REMOVAL

- A. The sign shall not be removed before the final hearing on the request.
- B. The sign shall be removed between seven (7) and ten (10) days after the final hearing.

I hereby acknowledge that I have read the above Sign Posting Requirements and discussed them with the Plan Commission staff. I understand all the requirements and agree to comply with each of them. I acknowledge receiving a copy of these Sign Posting Requirements.

(Applicant or Agent)

(Print Name or Organization)

(Telephone No.)

I issued 1 signs for this application 01.19.21
(Date)

Nancy Hirsch
(Staff Member)

Location of sign(s) 1302 Kelsey Street

CASE NUMBER Z-12001-20