



## Legislation Text

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**File #:** O-182-20, **Version:** 1

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Zoning & Planning Committee

**Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 1953 & 1959 Bigelow Street and 1953 and 1959 Kelly Avenue, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

### SUMMARY & BACKGROUND:

An application (Z-7009-19) for a proposed change in zoning for the property located at 1953 & 1959 Bigelow Street and 1953 and 1959 Kelly Avenue, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 13, 2020, the Toledo City Plan Commission recommended approval of the request for a zone change from “RS6” Single Dwelling Residential and “CR” Regional Commercial to “CR” Regional Commercial for the property located at 1953 & 1959 Bigelow Street and 1953 and 1959 Kelly Avenue, Toledo, Ohio.

On May 13, 2020, the Toledo City Council sent without recommendation the request for a zone change from “RS6” Single Family Residential and “CR” Regional Commercial to “CR” Regional Commercial for the property located at 1953 & 1959 Bigelow Street and 1953 and 1959 Kelly Avenue, Ohio.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised by changing the zone districts of that part of the City of Toledo more fully described as follows:

### LEGAL DESCRIPTION

Legal Description of Proposed Zone Change: Being all of Lots 39 through 50, and Part of Lots 36, 37, 38, 51, 52, 53 & 54 in Fairfax Addition as recorded in Lucas County Plat Volume 21, Page 65, together with Part of Lots 279, 280 & 281 in the Extension of Fairfax as recorded in Lucas County Plat Volume 25, Page 19, all in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Parcel 1:

Commencing at 1 inch iron bar monument found at the intersection of the centerlines of Central Avenue and Kelly Street.

Thence North 00 degrees, 54 minutes, 12 seconds West, along the centerline of Kelly Street, a distance of 180.00 feet to a point.

Thence South 89 degrees, 49 minutes, 49 seconds West, a distance of 30.00 feet to the West Right-of-way of Kelly Street and said point being the Southeast corner of Lot 50 in Fairfax Addition, as recorded in Lucas County Plat Volume 21, Page 65, said point being the True Point of Beginning.

Thence continuing South 89 degrees, 49 minutes, 49 seconds West, a distance of 522.10 feet to a point on the Limited Access Right-of-way of Interstate 475.

Thence North 49 degrees, 46 minutes, 09 seconds East, along the Limited Access Right-of-way of Interstate 475, a distance of 209.67 feet to a point of deflection in said Right-of-way.

Thence North 89 degrees, 49 minutes, 49 seconds East, along the Limited Access Right-of-Way of Interstate 475, a distance of 359.84 feet to a point on the West Right-of-way of Kelly Street, said point being the Northeast corner of Lot 50.

Thence South 00 degrees, 54 minutes, 12 seconds East, along the West Right-of-way of Kelly Street and said line also being the East line of Lot 50, a distance of 135.00 feet to the True Point of Beginning.

Containing 59,525.73 square feet or 1.3665 acres of land.

Together with the following described parcel of land.

Parcel 2:

Commencing at 1 inch iron bar monument found at the intersection of the centerlines of Central Avenue and Kelly Street.

Thence North 00 degrees, 54 minutes, 12 seconds West, along the centerline of Kelly Street, a distance of 180.00 feet to a point.

Thence North 89 degrees, 50 minutes, 50 seconds East, a distance of 30.00 feet to a point on the East Right-of-way of Kelly Street and said point also being the Southwest corner of Lot 51 in Fairfax Addition as recorded in Lucas County Plat Volume 21, Page 65, said point being the True Point of Beginning.

Thence North 00 degrees, 54 minutes, 12 seconds West, along the East Right-of-way of Kelly Street, a distance of 109.93 feet to a point on the Limited Access of Right-of-way of Interstate 475.

Thence North 89 degrees, 50 minutes, 50 seconds East, along the Limited Access Right-of-Way of Interstate 475, a distance of 25.04 feet to a point of deflection in said Right-of-way.

Thence South 47 degrees, 11 minutes, 55 seconds East, along the Limited Access Right-of-Way of Interstate 475, a distance of 124.42 feet to a point of deflection in said Right-of-way.

Thence South 00 degrees, 54 minutes, 12 seconds East, along the Limited Access Right-of-Way of Interstate 475, a distance of 25.14 feet to the Southeast corner of Lot 54.

Thence South 89 degrees, 50 minutes, 50 seconds West, a distance of 115.00 feet to the True Point of Beginning.

Containing 8,827.78 square feet or 0.2027 acres of land.

Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. This legal description is based upon a field survey prepared by Lewandowski Engineers on August 29, 2019.

SECTION 2. The Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said change on the original zoning maps.

SECTION 3. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council