



Legislation Text

File #: O-172-21, **Version:** 1

Zoning & Planning Committee

Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 0 S. Byrne, 602 S. Byrne and 3550 Angola Rd, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

An application (Z-12002-20) for a proposed change in zoning for the property located at 0 S. Byrne Rd, 602 S. Byrne Rd and 3550 Angola Rd, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation.

On February 11, 2021, the Toledo City Plan Commission recommended approval of the request for a zone change from “RS6” Single Family Residential to “IL” Limited Industrial for the property located at 0 S. Byrne Rd, 602 S. Byrne Rd and 3550 Angola Rd, Toledo, Ohio.

On March 17, 2021, the Toledo City Council sent without recommendation the request for a zone change from “RS6” Single Family Residential to “IL” Limited Industrial for the property located at 0 S. Byrne Rd, 602 S. Byrne Rd and 3550 Angola Rd Toledo, 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:

602 S Byrne and Angola

Parcel 1 - (TD Parcel No. 20-05118) (0 S, Byrne Road, Toledo, OH)

The North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), town three (3), In the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, that lies South of the South line of Air Line Gardens, an Addition in the City of Toledo, Lucas County, Ohio, excepting therefrom the following described property:

Beginning at the Northeast corner of said parcel; thence West on the North line of said parcel a distance of two hundred thirty-five and four tenths (235.4) feet; thence south parallel with the East line of said Section a distance of two hundred and eight (208) feet; thence southeasterly to a point two hundred ninety-eight (298) feet South and one hundred forty (140) feet West of the Northeast corner of said parcel; thence West on a line parallel with the North line of said parcel a distance of ninety-five and four tenths (95.4) feet; thence East parallel with the North line of said parcel a distance of thirty-five and four tenths (35.4) feet; thence south parallel with the East line of said Section a distance of fifty (50) feet; thence East parallel with the North line of said Section a distance of one hundred fifty-five (155) feet; thence South parallel to the East line of said Section seven (7); thence North along said East line to the place of beginning. Also excepting therefrom the East two hundred (200) feet of the South sixty (60) feet of the North one-half (1/2) of the Southeast quarter (1/4) of

Section seven (7), Town three (3) in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, except that portion thereof in the legal highway.

Excepting therefrom the following:

Legal Description - Southerly Parcel

A parcel of land being part of the Southeast one-quarter (1/4) of Section seven (7) Town three (3), in the United States Reserve of twelve miles square at the foot of the Rapids of the Miami of Lake Erie, City of Toledo, Lucas County, Ohio and being more particularly described as follows:

Commencing at a monument box found at the intersection of the center line of Mercer Street with the center line of Byrne Road;

Thence Northly along the center line of Byrne Road, said center line being the East line of the Southeast one-quarter (1/4) of Section seven (7), having an assumed bearing of North zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of fifteen and fifty-nine hundredths (15.59) feet to a point;

Thence Westerly along a line being sixty and zero hundredths (60.00) feet Northerly of and parallel with the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of North eighty-nine (89) degrees, twenty-four (24) minutes, and thirty-seven (37) seconds West, a distance of forty-five and zero hundredths (45.00) feet to an iron pin set on the Westerly right-of-way line of Byrne Road, said set point also being the TRUE POINT OF BEGINNING;

Thence continuing Westerly along the previously described line, a distance of one hundred fifty-five and one hundredths (155.01) feet to an iron pin set.

Contd, Parcel 1 - Excepting therefrom the following - Southerly Parcel

Thence Southerly along a line being two hundred and zero hundredths (200.00) feet Westerly of and parallel with the East line of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of sixty and zero hundredths (60.00) feet to an iron pin set on the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of section seven (7);

Thence Westerly along the South line of the North one-half (1/2) of Section seven (7), having a bearing of North eighty-nine (89) degrees, twenty-four (24) minutes, and thirty-seven (37) seconds West, a distance of two hundred forty-eight and forty-nine hundredths (248.49) feet to an iron pin set;

Thence Northerly along a line being parallel with the East line of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of North zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of three hundred fifty and ninety hundredths (350.90) feet to an iron pin set;

Thence Easterly along a line being parallel with the North line of the South one-half (1/2) of the North (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of two hundred thirteen and eight hundredths (213.08) feet to an iron pin set;

Thence Southerly along a line being two hundred thirty-five and forty hundredths (235.40) feet Westerly of and parallel with the East line of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of ninety and eighty-three hundredths (90.83) feet to an iron pin set.

Thence Easterly along a line being parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of one hundred seventy-five and forty-one hundredths (175.41) feet to an iron pin set in the Westerly right-of-way line of Byrne Road;

Thence Southerly along the Westerly right-of-way line of Byrne Road, having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of ten and zero hundredths (10.00) feet to an iron pin set;

Thence Easterly along a line being four hundred eight and zero hundredths (408.00) feet Southerly of and

parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of south eighty-nine (89) degrees, twenty-seven (27) minutes and thirty (30) seconds East, a distance of ten and zero hundredths (10.00) feet to an iron pin set on the Westerly right-of-way of Byrne Road;

Thence Southerly along the Westerly right-of-way of Byrne Road, having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of fifty and zero hundredths (50.00) feet to a P. K. nail set; Thence Easterly along a line being four hundred fifty-eight and zero hundredths (458.00) feet Southerly of and parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of five and zero hundredths (5.00) feet to a P.K. nail set on the Westerly right-of-way line of Byrne Road;

Contd. Parcel 1 - Excepting therefrom the following - Southerly Parcel

Thence Southerly along the Westerly right-of-way line of Byrne Road, having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of one hundred forty and forty hundredths (140.40) feet to the TRUE POINT OF BEGINNING.

Containing 114,653 square feet, which is equal to two and six hundred thirty-two thousandths (2,3.2) acres of land, more or less. Subject, however, to all legal highways and easements of record.

This legal description dated October 20, 1998, was prepared by Nicholas F. Ronau, Ohio Registered Surveyor No. 6735, from a survey performed by T.R. Worline & Associates, Inc., under his direction in October of 1998.

- Iron pin set are 1/2" x 30" iron pins.

Further excepting therefrom the following:

Legal Description - Northerly Parcel

A parcel of land being part of the Southeast one-quarter (1/4) of Section seven (7), Town three (3), in the United States Reserve of twelve miles square at the foot of the Rapids of the Miami of Lake Erie, City of Toledo, Lucas County, Ohio and being more particularly described as follows:

Commencing at the concrete monument found at the intersection of the Southerly line of Air Line Gardens Subdivision with the Westerly right-of-way line of Byrne Road;

Thence Southerly along the Westerly right-of-way line of Byrne Road, said right-of-way line being two hundred thirty-five and forty hundredths (235.40) feet Westerly of the parallel with the center line of Byrne Road, having an assumed bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of one hundred thirty-three and eighty-eight hundredths (133.88) feet to an iron pion set at the TRUE POINT OF BEGINNING.

Thence continuing Southerly along the Previously described line, a distance of seventy-two and nine hundredths (72.03) feet to an iron pin set;

Thence Westerly along a line being parallel with the Southerly line of Air Line Gardens Subdivision, having a bearing of North eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds West, a distance of one hundred twenty-eight and ninety-three hundredths (128.93) feet to an iron pin set;

Thence Northerly along a line being parallel with the center line of Byrne Road, having a bearing of North zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of seventy-two and nine hundredths (72.09) feet to an iron pin set;

Thence Easterly along a line being parallel with the Southerly line of Air Line Gardens Subdivision, having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of one hundred twenty-eight and ninety-three hundredths (128.93) feet to the TRUE POINT OF BEGINNING. Containing 9,294 square feet, which is equal to two hundred thirteen thousandths (0.213) acres of land, more or less. Subject, however, to all legal highways and easements of record.

Contd. Parcel 1 - Further excepting therefrom the following:

Legal Description - Northerly Parcel

This legal description dated October 20, 1998, was prepared by Nicholas F. Ronau, Ohio Registered Surveyor No. 6735, from a survey performed by T.R. Worline & Associates, Inc., under his direction in October of 1998.

*Iron pin sets are ½" x 30" iron pins.

Parcel 2 - (TD Parcel No. 20-05120) (602 S. Byrne Road, Toledo, OH)

Legal Description - Southerly Parcel

A Parcel of land being part of the Southeast one-quarter (1/4) of Section seven (7), Town three (3), in the United States Reserve of twelve miles square at the foot of the Rapids of the Miami of Laker Erie, City of Toledo, Lucas County, Ohio and being more particularly described as follows:

Commencing at a monument box found at the intersection of the center line of Mercer Street with the center line of Byrne Road;

Thence Northerly along the center line of Byrne Road, said center line being the East line of the Southeast one-quarter (1/4) of Section seven (7), having an assumed bearing of North zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of fifteen and fifty-nine hundredths (15.59) feet to a point;

Thence Westerly along a line being sixty and zero hundredths (60.00) feet Northerly of and parallel with the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing North eighty-nine (89) degrees, twenty-four (24) minutes, and thirty-seven (37) seconds West, a distance of forty-five and zero hundredths (45.00) feet to an iron pin set on the Westerly right-of-way line of Byrne Road, said set point also being the TRUE POINT OF BEGINNING;

Thence continuing Westerly along the previously described line, a distance of one hundred fifty-five and one hundredths (155.01) feet to an iron pin set;

Thence Southerly along a line being two hundred and zero hundredths (200.00) feet Westerly of and parallel with the East line of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of sixty and zero hundredths (60.00) feet to an iron pin set on the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7);

Thence Westerly along the South line of the North one-half (1/2) of Section seven (7), having a bearing of North eighty-nine (89) degrees, twenty-four (24) minutes, and thirty-seven (37) seconds West, a distance of two hundred forty-eight and forty-nine hundredths (248.49) feet to an iron pin set;

Thence Northerly along a line being parallel with the East line of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of North zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of three hundred fifty and ninety hundredths (350.90) feet to an iron pin set.

Contd. Parcel 2 - (TD Parcel No. 20-05120) (602 S. Byrne Road, Toledo, OH)

Legal Description - Southerly Parcel

Thence Easterly along a line being parallel with the North line of the South one-half (1/2) of the North (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of two hundred thirteen and eight hundredths (213.08) feet to an iron pin set.

Thence Southerly along a line being two hundred thirty-five and forty hundredths (235.40) feet Westerly of and parallel with the East line of the Southeast one-quarter (1/4) of section seven (7), having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of ninety and eighty-three hundredths (90.83) feet to an iron pin set.

Thence Easterly along a line being parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South eighty-nine (89) degrees, twentyseven (27) minutes, and thirty (30) seconds East, a distance of one hundred seventy-five and forty-one hundredths (175.41) feet to an iron pin set in the Westerly right-of-way line of Byrne Road;

Thence Southerly along the Westerly right-of-way line of Byrne Road, having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of ten and zero hundredths (10.00) feet to an

iron pin set;

Thence Easterly along a line being four hundred eight and zero hundredths (408.00) feet Southerly of and parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of ten and zero hundredths (10.00) feet to an iron pin set on the Westerly right-of-way of Byrne Road;

Thence Southerly along the Westerly right-of-way of Byrne Road having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of fifty and zero hundredths (50.00) feet to a P.K. nail set;

Thence Easterly along a line being four hundred fifty-eight and zero hundredths (458.00) feet Southerly of and parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of five and zero hundredths (5.00) feet to a P.K. nail set on the Westerly right-of-way line of Byrne Road.

Thence Southerly along the Westerly right-of-way line of Byrne Road, having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of one hundred forty and forty hundredths (140.40) feet to the TRUE POINT OF BEGINNING.

Containing 114,653 square feet, which is equal to two and six hundred thirty-two thousandths (2,632) acres of land, more or less. Subject however, to all legal highways and easements of record.

This legal description dated October 20, 1998, was prepared by Nicholas F. Ronau, Ohio Registered Surveyor's No. 6735, from a survey performed by T.R. Worline & Associates, Inc., under his direction in October of 1998.

- Iron pin sets are 1/2" x 30" iron pins.

Contd. Parcel 2 - Excepting therefrom the following:

A parcel of land being part of the Southeast one-quarter (1/4) of Section seven (7), Town three (3) in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas county, Ohio, and being more particularly described as follows:

Commencing at a monument box found at the intersection of the center line of Mercer Street with the center line of Byrne Road.

Thence Northerly along the center line of Byrne Road, said center line being the East line of the Southeast one-quarter (1/4) of Section seven (7), having an assumed bearing of North zero (00) degrees, zero (00) minutes, and zero (00) seconds East, a distance of fifteen and fifty-nine hundredths (15.59) feet to a point; Thence Westerly along a line being sixty and zero hundredths (60.00) feet Northerly of and parallel with the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of North eighty-nine (89) degrees, twenty-four (24) minutes, and thirty-seven (37) seconds West, a distance of two hundred and one hundredths (200.01) feet to an iron pin found, said iron pin also being the True Point of Beginning;

Thence Southerly along a line parallel with the East line of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South zero (00) degrees, zero (00) minutes, and zero (00) seconds East, a distance of sixty and zero hundredths (60.00) feet to a 1/2" x 30" iron pin found on the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of section seven (7);

Thence Westerly along the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of North eighty-nine (89) degrees, twenty-four (24) minutes, and thirty-seven (37) seconds West, a distance of one hundred twenty and zero hundredths (120.00) feet to an iron pin placed'

Thence Northerly along a line being parallel with the East line of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of North zero (00) degrees, zero (00) minutes, and zero (00) seconds East, a distance of sixty and zero hundredths (60.00) feet to an iron pin placed;

Thence Easterly along a line being sixty and zero hundredths (60.00) feet Northerly of and parallel with the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section seven (7), having a bearing of South eighty-nine (89) degrees, twenty-four (24) minutes, and thirty-seven (37) seconds East, a distance of one hundred twenty and zero hundredths (120.00) feet to the True Point of Beginning.

Containing 7,200 square feet, which is equal to zero and one hundred sixty-five thousandths (0.165) acres of land, more or less. Subject, however, to all legal highways

Description based upon a survey by Timothy R. Worline, Ohio Reg. Surveyor No. s-6741.

Parcel 3 - (TD parcel no. 20-05147) (3550 Angola Road, Toledo, OH)

That part of the Southeast quarter (1/4) of the Southeast quarter (1/4) of Section seven (7), town three (3), United States Reserve of twelve (12) miles square in the City of Toledo, Lucas County, Ohio, described more particularly as follows:

Commencing on the South line of said Section at a point four hundred forty-one and nine-tenths (441.9) feet East of the Southwest corner of said Southeast quarter (1/4) of the Southeast quarter (1/4) and running thence North parallel with the West line of the same to the North line of the Southeast quarter (1/4) of the Southeast quarter (1/4) of said Section; thence east along the said line four hundred six and four tenths (406.4) feet; thence South parallel with the East line of the Southeast quarter (1/4) of the Southeast quarter (1/4) of said Section to the center of the Old Springfield Plan Road, so called; thence Southwesterly along the centerline of said road to the place of beginning, and containing eleven and eighty-two hundredths (11.82) acres of land, more or less, according to a survey made by C.W. Shoemaker on the 7th, 8th, and 9th days of December 1899, excepting therefrom that part thereof appropriated by the City of Toledo in Cause #206072 Common Pleas Court, Lucas County, Ohio.

Subject to legal highways.

Excepting therefrom that part thereof appropriated by the City of Toledo shown by Stipulated Judgment Entry recorded as Official Record Number 20070615-0035603.

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