

GENERAL INFORMATION

Subject

- Request - Vacation of a portion of Bresnahans Green, Clemente Trace and Rogan Way adjacent to Lots 6-8 and C-D in the Second Recording of Collingwood Green
- Applicant - Lucas Metropolitan Housing Authority
424 Jackson Street
Toledo, OH 43604
- Engineer - Lewandowski Engineers, A Verdantas Company
219 S. Erie Street
Toledo, OH 43604

Site Description

- Zoning - RM36-PUD and CM-PUD / Multi-Dwelling Residential Planned Unit Development and Mixed Commercial-Residential Planned Unit Development
- Area - ± 1.6771 acres
- Dimensions - Various
- Existing Use - Public Right-of-Way
- Proposed Use - Public Right-of-Way

Area Description

- North - Single family homes / RS6
- South - Nebraska Avenue and multi-family housing/ RM36
- East - Interstate 75 / RM36-PUD, RM36 and IL
- West - Division Street, medical office, school and park / RM36 and POS

Parcel History

- Z-51-85 - Zone Change from C-3 to R-2 and R-5 to R-2 (PC rec. approval 4/25/85; CC approved 5/14/85 via Ord. 353-85).
- M-14-95 - Community Development Plan for the ONYX Community Development District (PC approved 5/3/95; CC approved 5/29/96 via Ord. 375-96).

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- S-16-02 - Preliminary Drawing Review for Washington Village Plat Ten (PC approved 11/7/02).
- S-31-04 - Washington Village Plat X Preliminary Drawing Review (Withdrawn).
- Z-1001-05 - Zone Change from RS6 to CO (Withdrawn).
- SPR-11-11 - Major Site Plan Review of a 65 Unit Senior Housing Center (PC approved 9/6/11).
- Z-9003-12 - Zone Change from RS6 to RM36 (PC rec. approval 10/11/12; CC approved 11/20/12 via Ord. 549-12).
- PUD-8007-12 - Request for a Planned Unit Development for a 207 dwelling unit housing complex located at 392 Nebraska Avenue (PC rec. approval 10/11/12; CC approved 11/20/12 via Ord. 550-12).
- V-28-13 - Request for the Vacation of portion of Avondale from Division Street to North South extension of Moorish Avenue (PC rec. approval 2/14/13; CC approved 11/11/13 via Ord. 533-13).
- V-441-13 - Request for the Vacation of all right of ways bounded by Nebraska Avenue, Division Street, Belmont Avenue, and Interstate 75 (PC rec. approval 10/10/13; CC approved 12/10/13 via Ord. 552-13).
- S-24-13 - Request for the review of the Final Plat of Collingwood Green located at the intersection of Collingwood Boulevard and Nebraska Avenue (PC approved 10/23/13).
- V-29-13 - Request for the Vacation of Weiler Avenue from Nebraska Avenue to Belmont Avenue (PC rec. approval 2/14/13; CC approved 12/10/13 via Ord. 552-13).

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- PUD-11004-16 - Amendment to a Planned Unit Development, originally granted via Ord 550-12 for new multi-family housing at 392 Nebraska Avenue (PC rec. approval 1/12/17; CC approved 2/21/17 via Ord. 87-17).
- V-166-17 - Vacation of portion of Belmont Ave, a portion of Bresnahans Green and a portion of Rogan Way (PC rec. approval 6/8/17; CC approved 2/27/18 via Ord. 77-18).
- S-6-20 - Final Plat of Bresnahans Green and part of Belmont Avenue in Collingwood Green (PC approved 01/14/21).
- V-444-20 - Vacation of a portion of Clemente Trace in Collingwood Green (PC rec. approval 12/3/20; Vacation process not completed.)
- PUD-10007-20 - Amendment to Planned Unit Development, originally approved by Ord.87-17, for multi-family development (PC rec. approval 12/3/20; CC approved 1/19/21 via Ord. 30-21).
- PUD-8005-22 - Amendment to Planned Unit Development, originally granted by Ord. 550-12, 87-17 and 30-21 for 75-unit senior housing with commercial units (PC rec. approval 10/13/22; CC approved 11/22/22 via Ord. 611-22).
- PUD-11007-23 - Amendment to Planned Unit Development granted by Ord. 550-12, 87-17, 30-21 and 611-22 for the Collingwood Green multi-family development (PC rec. approval 1/11/23; CC approved 2/28/24 via Ord. 83-24).

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The applicant is requesting the Vacation of a portion of Bresnahans Green, Clemente Trace and Rogan Way adjacent to Lots 6-8 and C-D in the Second Recording of the Collingwood Green Subdivision. Collingwood Green is a multi-family development that consists of ±20.0 acres located northeast of the intersection of Nebraska Avenue and Division Street. The Collingwood Green development was originally approved by the Plan Commission as a Planned Unit Development in 2012 with subsequent amendments in 2017, 2021, 2022, and 2023. The development has been completed in phases and to date twenty (20) buildings have been constructed on the site that consist of sixty-five (65) apartments and one hundred and twenty-three (123) townhomes. Surrounding land uses include single-family homes to the north; I-75 to the east; a multi-family development to the south across Nebraska Avenue; and a medical office, Jones Leadership Academy and Gunckel Park to the west across Division Street.

The applicant, Lucas County Metropolitan Housing Authority (LMHA), is proposing the Vacation of a portion of Bresnahans Green, Clemente Trace and Rogan Way in order to facilitate construction of roadway improvements. The ± 1.6771 acres of right-of-way to be vacated is currently unimproved. In 2013 the City of Toledo passed legislation to fund the roadway improvements for Collingwood Green, which helped LMHA leverage funding for the project. In 2016 the City indicated that it would not be able to fund all the roadway improvements. LMHA will instead fund the roadway improvements. Based on funding source requirements, LMHA must own the property upon which funds will be spent. Since the subject right-of-way has been dedicated for public use, it must be vacated for LMHA to own the property in order to use their funding for roadway construction. LMHA's intent for the Vacation request is to have the subject right-of-way vacated, construct the roadway improvements, and then re-dedicate the right-of-way for public use. The same process was completed for roadway construction in previous phases of the development.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan designates the subject right-of-way and the associated development as Neighborhood Residential. The Neighborhood Residential designation is intended to provide areas that meet low- and medium-density housing demands and are predominately pedestrian oriented. Three-, four-, and multi-family homes are compatible when located near and along busier corridors where lot size and building height are most appropriate. The Collingwood Green multi-family development and associated roadways are compatible with this land use designation. The development is situated north of Nebraska Avenue and west of I-75, both major roadways. The development provides for a transition from these roadways to the single family homes to the north and west. In addition, the development is consistent with the multi-family development to the south. The Collingwood Green development also provides for pedestrian scale improvements such as sidewalks, street lights and landscaping along interior roadways.

STAFF ANALYSIS (cont'd)

Staff recommends approval of the proposed Vacation as it will allow for the applicant to fund necessary roadway improvements and the right-of-way will be re-dedicated for public use following roadway improvement construction. In addition, the Vacation will facilitate continued development of Collingwood Green, a use that is consistent with the Forward Toledo Comprehensive Land Use Plan. Additionally, the Vacation will not impede or restrict access to any adjoining property owners abutting the site as the subject rights-of-way are currently undeveloped and other means of access is available.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of V-505-24, the request for the Vacation of a portion of Bresnahans Green, Clemente Trace and Rogan Way, adjacent to Lots 6-8 and C-D in the Second Recording of Collingwood Green, to Toledo City Council for the following three (3) reasons:

1. The proposed Vacation will facilitate construction of roadway improvements and the right-of-way will be re-dedicated for public use following roadway construction;
2. The proposed Vacation will facilitate continued development of a use that is consistent with the Forward Toledo Comprehensive Land Use Plan; and
3. The proposed Vacation will not impede or restrict access to any adjoining property owners abutting the Collingwood Green development.

The staff further recommends that the Toledo City Plan Commission recommend approval of V-505-24, the request for the Vacation of a portion of Bresnahans Green, Clemente Trace and Rogan Way, adjacent to Lots 6-8 and C-D in the Second Recording of Collingwood Green, to Toledo City Council subject to the following eight (8) conditions:

The conditions of approval are as follows and listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Law Department

1. That a full width easement in favor of the City of Toledo is retained across, under and through said vacated area as described in Section 1 herein for the purpose of the City of Toledo's maintaining, operating, renewing, reconstructing, and removing utility facilities. All City of Toledo facilities located within said vacated area are hereby dedicated to the City of Toledo for exclusive City of Toledo utility use only and shall not be combined with easements or rights for other utilities. The easement retained by the City of Toledo shall be primary to any other utilities located therein, and any easement retained by any other utility shall be subordinate to and subject to the easement rights of the City of Toledo. Said easement shall be permanent in nature for each utility and shall run with the land. Said easement also includes reasonable rights of egress and ingress over and through the vacated

STAFF RECOMMENDATION (cont'd)

Law Department (cont'd)

area. No fence, wall, building foundation, roof overhang, or other barrier which would impede access to the easement shall be constructed or maintained. Driveways, parking lots, walkways and other similar improvements are permitted subject to the prior written consent of the City of Toledo. The City of Toledo shall be released and held harmless for any liability, responsibility costs, or damages resulting from the City of Toledo's removal of any barriers which impede the City of Toledo ingress or egress from the easement or which obstruct access to the utilities located within the vacated area. The City of Toledo shall have no obligation or duty to restore or compensate the barrier owner for any barrier removed in whole or in part by the City of Toledo. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained separately from each utility, as to their interest(s) only, by separate recordable instrument.

Division of Engineering Services

2. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from Ted Rousos, 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
5. The typical section for the pavement on the public right-of-way needs to be constructed in accordance with the City of Toledo Construction Standards.
6. A full-width easement will be required to maintain the existing public utilities. The easement shall be dedicated to the City of Toledo, for City utility use only, to allow for future maintenance and shall not be combined with easements for other utilities. The following language shall appear in the authorizing vacation ordinance that shall be recorded and a notation placed in the remarks section of the County's real estate records:

STAFF RECOMMENDATION (cont'd)

Division of Engineering Services (cont'd)

That a full width (60 foot) easement is hereby retained over, across, under and through said vacated area as described in Section I herein, for the existing water main, sanitary sewer, and storm 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 that 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 that deny ingress or egress from the easement or that 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.

Division of Transportation

7. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Fire Prevention Bureau

No objection to vacation.

Division of Streets, Bridges and Harbors

No objection to vacation.

STAFF RECOMMENDATION (cont'd)

Toledo Edison

No objection to vacation with the understanding that the right-of-way will be re-dedicated after the roads are constructed.

Columbia Gas

No comments received at time of print.

Republic Services

No comments received at time of print.

Lucas County Solid Waste Management District

No comments received at time of print.

Toledo Area Regional Transit Authority (TARTA)

No comments received at time of print.

Plan Commission

8. Right-of-way for the portion of Bresnahans Green, Clemente Trace and Rogan Way adjacent to Lots 6-8 and C-D in the Collingwood Green development as approved in the Planned Unit Development shall be re-dedicated for public use following construction of roadway improvements per Final Plat procedures of the City of Toledo Subdivision Rules and Regulations.

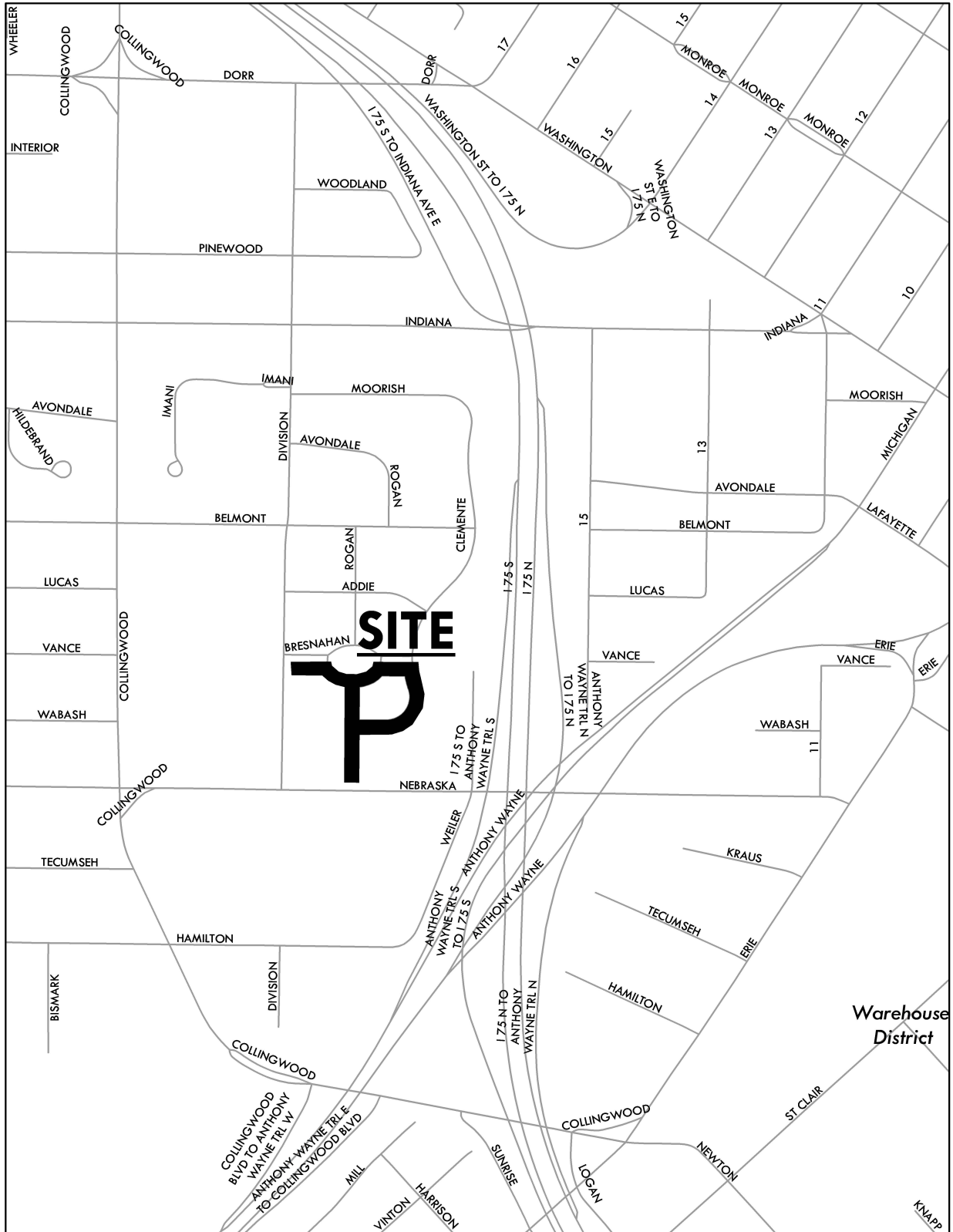
RIGHT OF WAY VACATION
TOLEDO CITY PLAN COMMISSION
REF: V-505-24
DATE: December 5, 2024
TIME: 2:00 PM

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: January 8, 2025
TIME: 4:00 P.M.

LK
Three (3) sketches follow

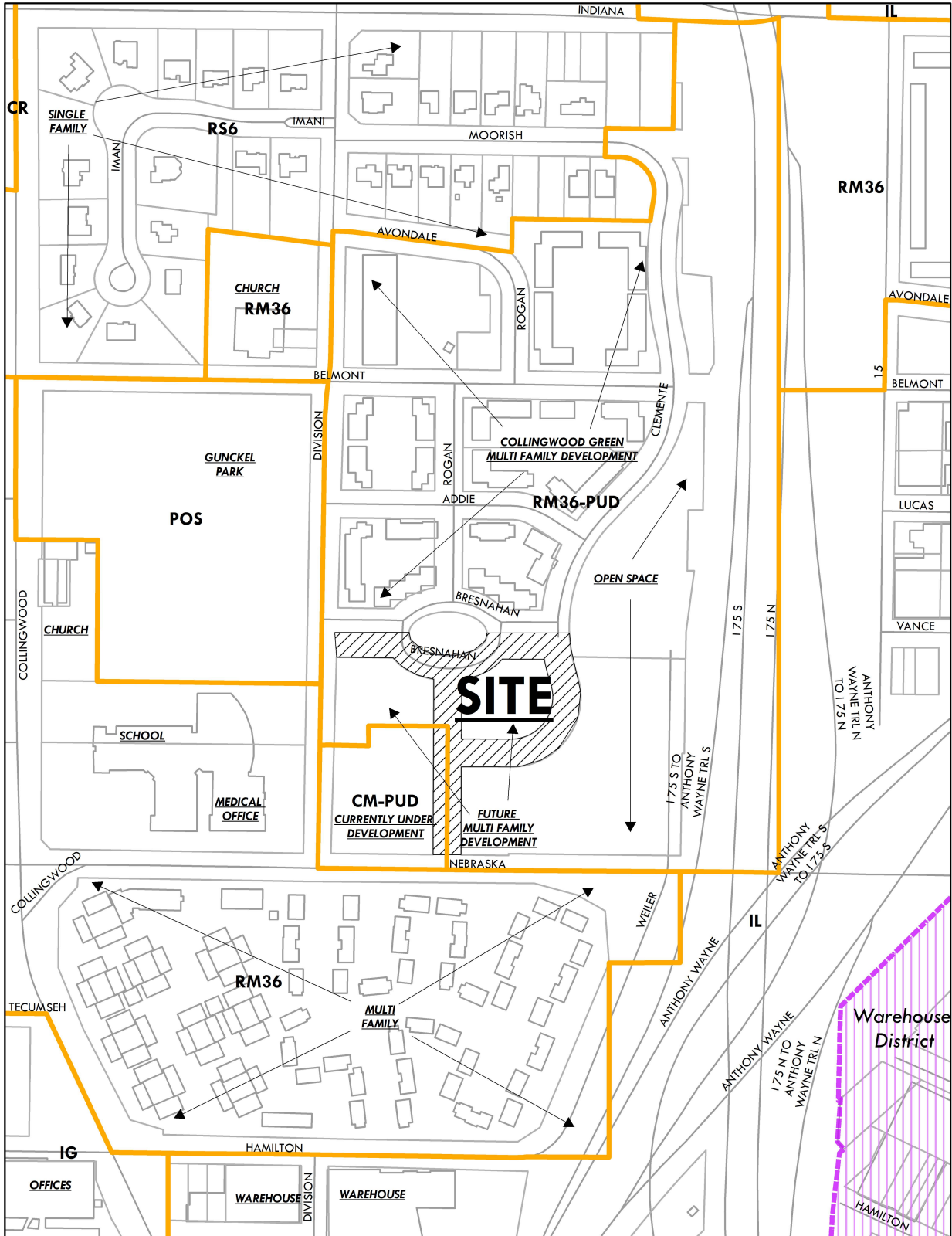
GENERAL LOCATION

V-505-24



ZONING & LAND USE

V-505-24



SURVEY

V-505-24

