

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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DATE: September 13, 2024

REF: Z-7003-24

TO: President Carrie Hartman and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Zone Change from RS6 Single-Dwelling Residential to CN Neighborhood Commercial at 406 Westwood Avenue

The Toledo City Plan Commission considered the above-referenced request at its meeting on September 12, 2024 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Zone Change from RS6 Single-Dwelling Residential to CN Neighborhood Commercial
Location	-	406 Westwood Avenue
Applicant/Owner	-	Ron Peterson 9360 St. Angalas Way Sylvania, OH 43560
Development Representative	-	Trayvone Mathis Sav'Ayn 3350 Executive Drive, Box 351 Toledo, OH 43607

#### Site Description

Zoning	-	RS6 / Single-Dwelling Residential
Area	-	± 0.44 Acres
Frontage	-	± 56' along Westwood Avenue
Frontage	-	± 272' along Hartwell Avenue
Frontage	-	± 88' along Ascot Avenue
Existing Use	-	Tavern
Proposed Use	-	Tavern

**GENERAL INFORMATION (cont'd)**

Area Description

North	-	Single-family homes, a duplex and hall / RS6 and CR
South	-	Hartwell Avenue and manufacturing / IL
East	-	Ascot Avenue and single-family homes / RS6
West	-	Westwood Avenue, landscape contractor and auto and tire repair / IL

Parcel History

P-1-82	-	Request for off-street parking at rear of 406 Westwood Avenue, corner of Hartwell and Ascot (PC disapproved 6/17/1982).
P-5-77	-	Request for off-street parking in a R-2 Single-Family Residence District, located at the northwest corner of Ascot Avenue and Hartwell Street (PC disapproved 6/30/1977).

Applicable Plans and Regulations

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

**STAFF ANALYSIS**

The Applicant is requesting a zone change from RS6 Single-Dwelling Residential to CN Neighborhood Commercial for a site located at 406 Westwood Avenue. The subject property consists of three lots totaling 0.44 acres that are located north of Hartwell Avenue between Westwood and Ascot Avenues. Surrounding land uses include single-family homes, a duplex and a hall to the north; single-family homes to the east across Ascot Avenue; a manufacturing business to the south across Hartwell Avenue; and a landscape contractor and auto/tire repair business to the west across Westwood Avenue.

The Applicant is requesting the proposed zone change so that the property is appropriately zoned for the current use, thereby allowing for improvements to be made to the property. Currently there is a building that serves as a tavern with an attached dwelling unit and a small parking area on the west half of the property. The east half of the property is undeveloped. As it stands, the tavern is considered a nonconforming use and is limited to expansion of the nonconforming use to no more than 10 percent of the total nonconforming use area per TMC§11 14.0200 - Nonconforming Uses.

**STAFF ANALYSIS (cont'd)**

The proposed improvements include: installation of up to 134 linear feet of sidewalk along Hartwell Avenue; repaving, restriping and expansion of the existing parking lot; installation of landscape buffers; repainting and improving building exterior; and construction of a patio addition.

The tavern is a long standing use at this location. The Applicant is the owner of the tavern and has operated it since 2014. In addition, Plan Commission records show that there was a request as far back as 1977 for an off-street parking lot for a tavern that was denied at this location. The 1977 proposal and a subsequent proposal in 1982 was denied because the required twenty-five foot (25') front yard setback on Ascot and Hartwell Avenues was not provided.

Based on the history of the site, it is apparent that the tavern use will most likely continue. The CN Neighborhood Commercial Zoning District is a low intensity commercial district that is intended for service businesses, like a tavern, that serve nearby residential areas. Rezoning the property will allow for off-street parking improvements that will help to alleviate on-street parking in the neighborhood and allow for the property to be aesthetically improved. In addition, the CN zoning district will serve as a transition from the single-family homes to the north to the industrial properties to the south across Hartwell Avenue. A minor site plan review will be required for the parking lot and site improvements. All required standards will need to be met including required landscape buffers.

The Plan Director required that the Applicant hold a neighborhood meeting to discuss the proposed Zone Change request prior to the Plan Commission public hearing. A neighborhood meeting was held on September 17, 2024 at 4:00 p.m. at the Reynolds Corners Branch Library with nine neighborhood residents in attendance. The main concerns noted were: trash such as take-out containers bottles and cups strewn around; double parking on streets, limiting access; turning around in private yards because of lack of curbs and space to maneuver; noise (loud music) from cars parked on the street; safety of neighborhood children with traffic/parking concerns and being approached by individuals offering drugs; and general "hanging out" in cars along the street, drinking and smoking. While the majority of those in attendance are not against the bar itself, they are concerned with the issues/concerns that it brings to the neighborhood. Two emails are attached that have been received in concern to the Zone Change request.

Toledo 20/20 Comprehensive Plan and Forward Toledo Comprehensive Land Use Plan

The Toledo 20/20 Comprehensive Plan targets the site for Single Family Residential. The Single Family Residential designation is intended for the development of single dwelling units on individuals lots, but may also include nonresidential uses that are typically compatible with residential neighborhoods. The Forward Toledo Plan targets this site for Neighborhood Mixed-Use. The Neighborhood Mixed-Use designation is intended to preserve and promote pedestrian-oriented commercial and mixed-use areas. The CN Neighborhood Zoning District is intended to accommodate pedestrian oriented small-scale retail and service businesses that serve nearby residential areas. The proposed rezoning to CN is therefore consistent with both of these designations.

**STAFF ANALYSIS (cont'd)**

Staff recommends approval of the Zone Change from RS6 Single-Dwelling Residential to CN Neighborhood Commercial as the current use of the property is a permitted use in the CN Zoning District, which will allow for improvements to be made to the property; the proposed zoning district is consistent with both the 20/20 Comprehensive Plan and the Forward Toledo Plan; and the property is physically suitable for the use as it will provide a transition from industrial uses to the south to the single-family uses to the north.

**PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of Z-7003-24, a request for a Zone Change from RS6 Single-Dwelling Residential to CN Neighborhood Commercial at 406 Westwood Avenue, to Toledo City Council for the following **two (2) reasons**:

1. The rezoning is consistent with the 20/20 Comprehensive Plan, Forward Toledo Plan, and the stated purpose of the Zoning Code (TMC§1111.0606(A)).
2. The subject property is physically suitable for the uses permitted under the existing and proposed zoning classifications (TMC§1111.0606(D)).

Respectfully Submitted,



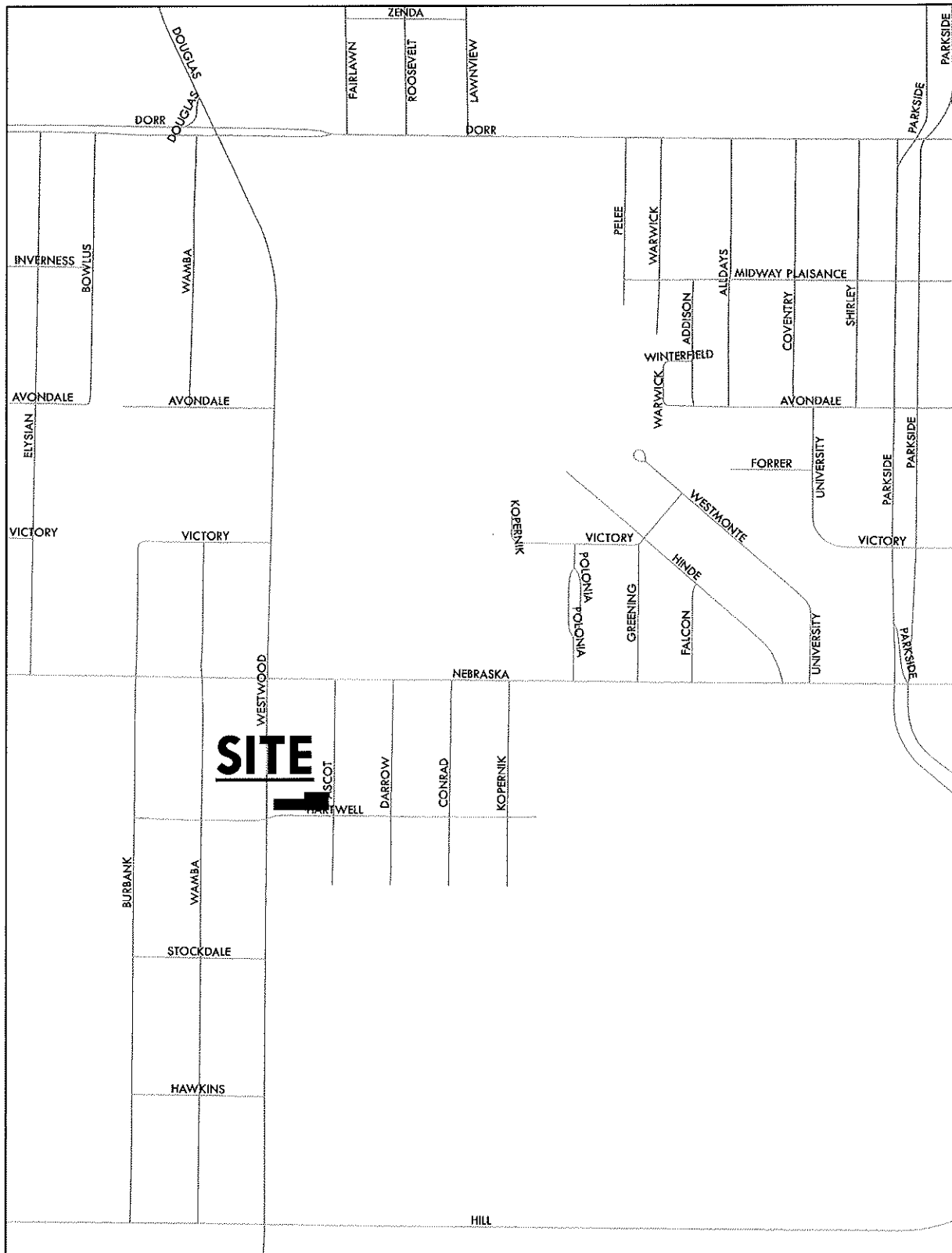
Thomas C. Gibbons  
Secretary

LK  
Two (2) sketches follow

CC: Lisa Cottrell, Deputy Director  
Lisa Karcher, Planner

# GENERAL LOCATION

Z-7003-24



# ZONING & LAND USE

Z-7003-24

