

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: April 11, 2025

REF: Z25-0001

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 IG (General Industrial) at 4004 Angola Road

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, April 10, 2025 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Zone Change from RS6 (Single-Dwelling Residential) to IG (General Industrial)
Location	-	4004 Angola Road
Applicant / Owner	-	Ed Moore Rocky Ridge Development LLC 3793 Silica Road Sylvania, OH 43560
Surveyor / Engineer	-	George Oravec, P.E., P.S. Oravec Consulting & Engineering Services 5333 Secor Road, Suite 2 Toledo, OH 43623

Site Description

Existing Zoning	-	RS6 (Single-Dwelling Residential)
Proposed Zoning	-	IG (General Industrial)
Area	-	± 29.81 Acres
Frontage	-	± 285.70' along Angola Road & ± 124.88' along Angola Road
Existing Use	-	Open-Pit Mine
Proposed Use	-	Open-Pit Mine

Area Description

North	-	IG / Railroad, Auto Salvage, Warehouse
South	-	RS6 & RS12 / Single-Dwelling Homes
East	-	RS6 & IL / Farmland
West	-	RS6 / Single-Dwelling Homes

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GENERAL INFORMATION (cont'd)

Parcel History

Z-9001-20	-	Zone Change from RS6 to IG at 4004 Angola Road (withdrawn by applicant on 9/21/20)
BCZ20-00610	-	Certificate of Zoning Compliance granting approval for the creation of a wetland (Approved 9/30/20)

Applicable Plans & Regulations

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

STAFF ANALYSIS

The applicant is requesting a Zone Change from RS6 (Single-Dwelling Residential) to IG (General Industrial) for 4004 Angola Road. The ±30-acre parcel is currently an open-pit mine. To the north is the Norfolk Southern Railroad, an auto salvage facility, and warehouses, to the south is Angola Road and single-dwelling homes, to the east is farmland, and to the west are single-dwelling homes within the Autumn Wood Village subdivision.

TMC§1116.0232 defines Mining as “Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.” The applicant is requesting the zone change to continue the site’s current open-pit mine use. Mining is permitted only in IG (General Industrial) districts. Aerial imagery attached to this analysis shows the progression of the mine over the past decade. These have been attached as Exhibit “B”. Photos showing the mine as it currently sits are attached as Exhibit “C”.

2013 & 2021 ODNR DMRM Mining Permits

The Ohio Department of Natural Resources (ODNR) Division of Mineral Resources Management (DMRM) reviews and issues mining permits in the State of Ohio. A mining permit was first acquired on this site in 2013, permitting then-owner Dennis Topsoil & Landscaping to, as stated in the letter of intent, “construct a farm pond on his land.” Dennis Topsoil & Landscaping stated in their application that “Toledo has no zoning ordinances regarding mining or agricultural ponds.” While it is true that the City of Toledo Zoning Code does not reference agricultural ponds, it has defined and relegated mining to IG (General Industrial) districts only since at least 2004. As stated previously, the site is zoned RS6 (Single-Dwelling Residential) and has been zoned similarly since its annexation into the City of Toledo. Dennis Topsoil & Landscaping mostly used the site as a sod farm – where grass is cultivated before being rolled into sod for purchase – which was permitted in such residential zoning district. However, the mining operation as it began did not conform with the zoning code. The extent of this original mining permit has been attached as Exhibit “D”.

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STAFF ANALYSIS (cont'd)2013 & 2021 ODNR DMRM Mining Permits (cont'd)

In 2020, Rocky Ridge Development, the applicant, sought to expand the mining operation to the majority of the ±29.81-acre property. As such, the applicant submitted an application to change the site's zoning to IG (General Industrial). The application was shortly withdrawn and, days later, the applicant applied for a Certificate of Zoning Compliance to occupy the site as "a wetland." This Certificate of Zoning Compliance was issued with a letter (attached as Exhibit "E") stating that "The applicant proposes to reclaim a sand/mining area via the use of [spent lime]; with the end use to be a wetland. ... The proposed future use is a wetland and this letter grants zoning approval for said wetland. This is a permitted use in the RS6 Single Family Residential zoning district. This letter does not grant approval for a mining operation." In 2021, the applicant submitted an amendment to the ODNR mining permit. Attached to this expansion application was a sworn statement by the applicant that they would "comply with all applicable zoning resolutions or ordinances that are in effect at the time of this application..." The expansion application was approved by ODNR. As stated by the Certificate of Zoning Compliance letter, a mining operation was not permitted on this site. Only reclamation of the area into wetlands was permitted. The extent of this expansion is attached as the site plan.

Collins Park Spent Lime & Future Wetland

Applications for ODNR mining permits are required to contain a plan for reclamation and future use of the mine area (see ORC§1514.02). As part of their 2021 proposed mining permit expansion, the applicant submitted a request to the Ohio Environmental Protection Agency (OEPA) to use clay on the subject property and blend it with Drinking Water Treatment Material (DWTM) – or spent lime – generated by the Collins Park Water Treatment Plant to refill the mined site up to grade. The end result would be wetland soil which could be used for agricultural planting or conservation. The OEPA accepted this beneficial reuse reclamation plan. This is the reason why the applicant applied for a certificate of zoning compliance to occupy the site as a wetland. Should this reclamation plan be carried out the site will be left with wetland soil at the conclusion of the mining operation. The applicant has stated that the project on this site will be complete within the next two (2) to three (3) years. However, the applicant plans to expand the mining operation further east into those areas covered by companion cases Z25-0002 & Z25-0007. The mining operation on those properties will take an estimated ten (10) to fifteen (15) years to complete. It is worth noting that the applicant is seeking an agreement with the City of Toledo and/or Toledo Metroparks to turn the land over as a public park / conservation area at the conclusion of their mining / reclamation activities.

Proposed Expansion

The applicant now wishes to expand their mining operation into the areas covered by companion cases Z25-0002 and Z25-0007. In discussion with staff regarding a lot split connected to the expansion, the applicant's engineer admitted that they had been mining the subject property

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STAFF ANALYSIS (cont'd)

Proposed Expansion (cont'd)

for sand. Staff then informed the applicant that they would have to apply for a zone change in order to continue their mining operation which is in violation of the Zoning Code.

Neighborhood Meeting & Dust Complaints

A neighborhood meeting was held on February 24, 2025. Roughly twenty (20) people were in attendance, most of whom were business owners along neighboring Marine Drive. Said business owners had dust concerns about the existing mining area, but were focused upon the expansion area abutting their properties.

Only one group in attendance voiced major concerns about the existing mining area covered by this application. The group was a family who lives on Angola Road adjacent to the site. Their issue was with noise and dust which disrupted the enjoyment of their property. They claimed the dust can get so bad that they are unable to sit on their patio. Staff consulted with the Division of Environmental Services, who handles environmental complaints related to dust, and discovered that the subject site has received four (4) dust complaints since 2021. These complaints and a violation letter sent by Environmental Services were addressed by the applicant, who has been attempting to mitigate these effects by spraying chloride, sweeping Angola Road, and – in one instance – paying for a neighbor's car wash membership. However, there is only so much one can do when two incompatible land uses are placed next to each other. Staff finds dust pollution to be a credible and serious negative secondary effect of allowing mining, an intensive land use, next to people's homes.

Applicant's Mitigation Plan

The applicant has sent a letter with a plan to help mitigate some of the neighbor's dust concerns. The first thing they have agreed to do is to record a one-hundred-foot (100') conservation easement along the western property line and a two-hundred-foot (200') conservation easement along the northern property line. Second, they plan to implement a dust management plan, including the use of water sprays and dust suppressants during excavation activities, regular monitoring of air quality, and the installation of barriers to limit the spread of dust. Additional Control measures include the installation of a wheel wash and concrete approach at the S Byrne Road exit along with chip & tar treatment on the interior dirt roads. The applicant commits in the letter to transparent communication, keeping the residents informed about these measures to ensure their well being.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets this site for Park Land land uses. Designations in the plan have three components which must be evaluated for compatibility: physical design, land uses, and geographic characteristics. The Park Land designation provides space for parks, gathering spaces, recreation areas, open spaces, and nature conservation areas for

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STAFF ANALYSIS (cont'd)

Forward Toledo Comprehensive Land Use Plan (cont'd)

public use. Land uses within this designation provide public benefit and enjoyment without payment, membership, or other form of exclusivity. This use designation is separate from other public spaces in acknowledgment of the vital role parks play in quality of life for Toledo's residents. Preservation of existing parks is a key priority of this land use designation.

The Park Land designation was given to this site based upon the 2020 Certificate of Zoning Compliance discussed above and discussions with the Collins Park Water Treatment Plant staff, both of which stated that the applicant was creating wetlands and that the site's future land use would be wetlands. Staff has no reason to distrust that the site's future land use would be that of a wetland should the operation continue, however it has been stated that it will take another two (2) to three (3) years for that to come to fruition on this site. The proposed wetland future land use, should it become a conservation area or public park post-mine, would comply with the Forward Toledo Plan. However, the proposed zone change to IG (General Industrial) promotes the most intensive industrial uses, whether those be temporary like the current open-pit mine or some unknown future permanent use. The proposed zone change to IG (General Industrial) is not consistent with the Forward Toledo Plan.

Recommendation

Unfortunately, an open-pit mine has existed on the subject site for a number of years and much of the land has already been excavated. It is clear from the attached exhibits that this has been in violation of the Zoning Code. Staff recommends disapproval of Z25-0001, a Zone Change from RS6 (Single-Dwelling Residential) to IG (General Industrial) at 4004 Angola Road, because it is not consistent with the Comprehensive Plan, it is not compatible with existing land uses within the general vicinity of the subject property, and the rezone will detrimentally affect properties within the vicinity of the subject property.

Should this application be approved despite Staff's recommendation, this application should be contingent upon the recording of a commercial plat including a one-hundred-foot (100') conservation easement along the western property line and a two-hundred-foot (200') conservation easement along the northern property line. See Exhibit "A".

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of Z25-0001, a Zone Change from RS6 (Single-Dwelling Residential) to IG (General Industrial) at 4004 Angola Road, to the Toledo City Council, for the following three (3) reasons:

1. The proposed zone change is not consistent with the Forward Toledo Comprehensive Land Use Plan (TMC§1111.0606(A));

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PLAN COMMISSION RECOMMENDATION (cont'd)

2. The proposed zone change is not compatible with existing land uses within the general vicinity of the subject property **(TMC§1111.0606(B))**; and
3. The proposed zone change will detrimentally affect properties within the vicinity of the subject property **(TMC§1111.0606(E))**.

Respectfully Submitted,



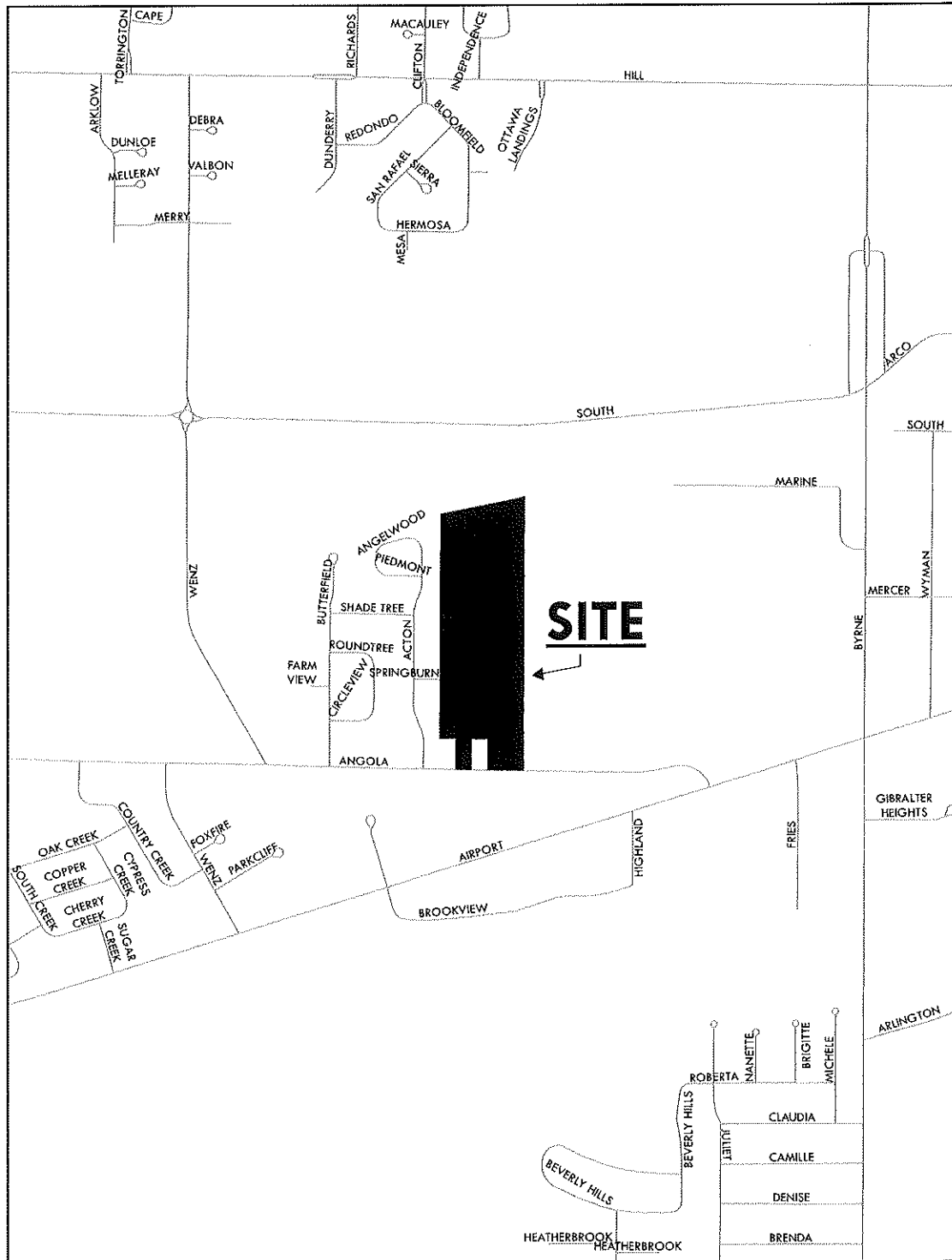
Thomas C. Gibbons
Secretary

AS
Three (3) sketches follow
Five (5) exhibits follow

Cc: Ed Moore, Rocky Ridge Development LLC, 3793 Silica Road, Sylvania, OH 43560
George Oravec, P.E., P.S., Oravec Consulting & Engineering Services, 5333 Secor Road,
Suite 2, Toledo, OH 43623
Lisa Cottrell, Deputy Director
Alex Schultz, Planner

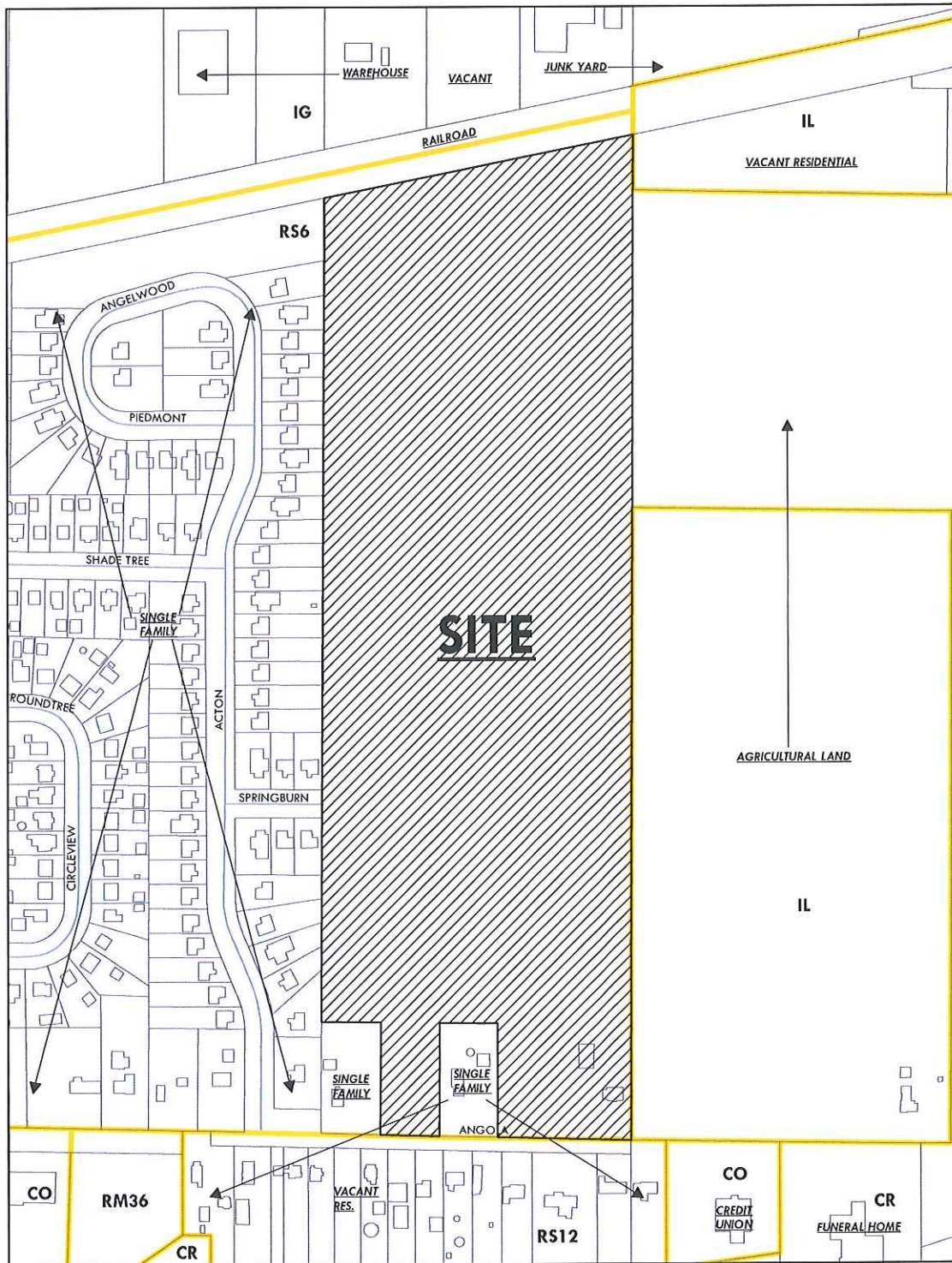
GENERAL LOCATION

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ZONING & LAND USE

Z25-0001
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SITE PLAN

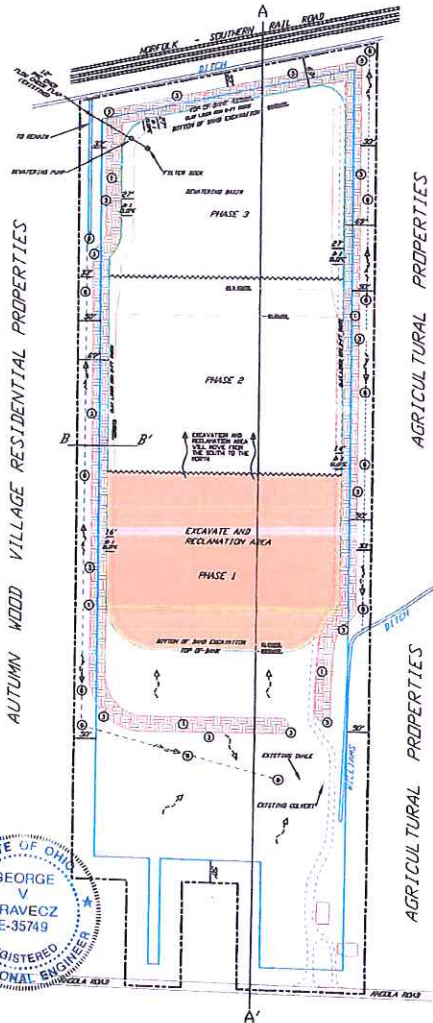
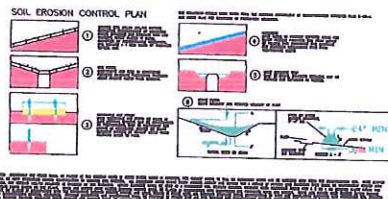
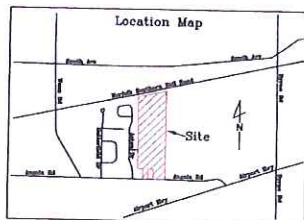
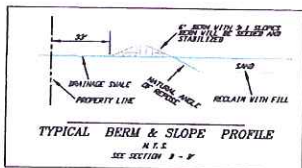
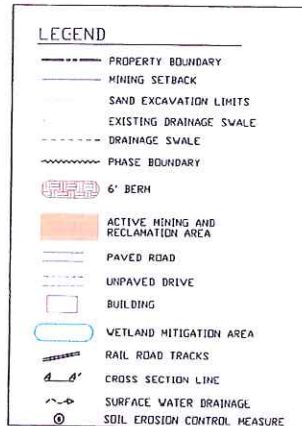
Z25-0001
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SITE PLAN 2: MINING & RECLAMATION PLAN
ROCKY RIDGE DEVELOPMENT
4004 ANGOLA RD., TOLEDO, OH 43609

PREPARED BY: FRANK TOKAR JR., C.P.G.
NATURAL RESOURCES MANAGEMENT, LLC
7901 SYLVANIA AVE., SYLVANIA, OH 43560
AUGUST 2, 2019

NOTE: THE TOPOGRAPHY ON THIS MAP HAS BEEN PREPARED BY NATURAL RESOURCES MANAGEMENT, LLC USING AERIAL PHOTOGRAPHY OF 2018/2019. THE PROPERTY LINES WERE COMPILED FROM COUNTY TAX MAPS. DEEDS OR LEASES HAVE NOT BEEN FIELD VERIFIED AT THIS TIME.



Plan Notes:

- Berm will be 6' feet tall and will be constructed from excavated material and topsoil, seeded and mulched.
- Sand mining will occur concurrently to reclamation fill.
- Mining area will be dewatered in accordance with DNR and DEPA permits.
- Mining slopes will be at a natural angle of repose and faced with clay from excavation minimum 2-feet thick.
- At the suggestion of the DEPA, site to be backfilled and reclaimed into vegetated wetland system. See Figure 3 For conceptual wetland plan.
- Reclamation material volume is estimated to be 200,000 yrd³

George V. Oravec
5-8-20



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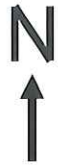
REF: Z25-0001

Exhibit "A"
Conditions

1. That the zoning not take effect until a commercial plat is approved and recorded;
2. That commercial plat shall include a one hundred foot (100') wide conservation easement along the west side of the site; and
3. That commercial plat shall include a two hundred foot (200') wide conservation easement along the north side of the site

EXHIBIT "B" - 2011

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4004 ANGOLA

2011 IMAGERY

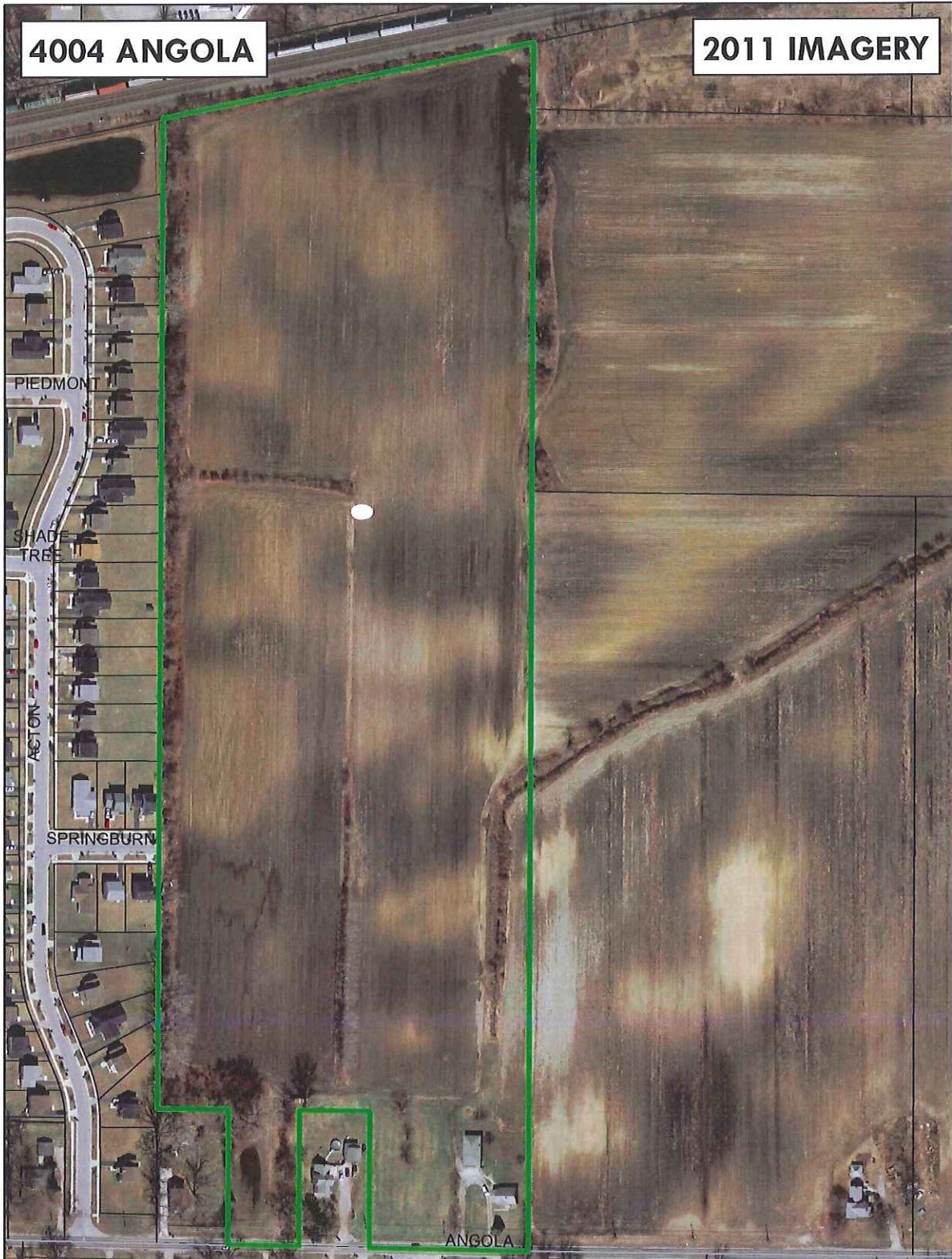
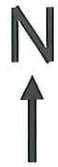


EXHIBIT "B" - 2014

Z25-0001
ID 84



4004 ANGOLA

2014 IMAGERY



EXHIBIT "B" - 2017

Z25-0001
ID 84



4004 ANGOLA

2017 IMAGERY

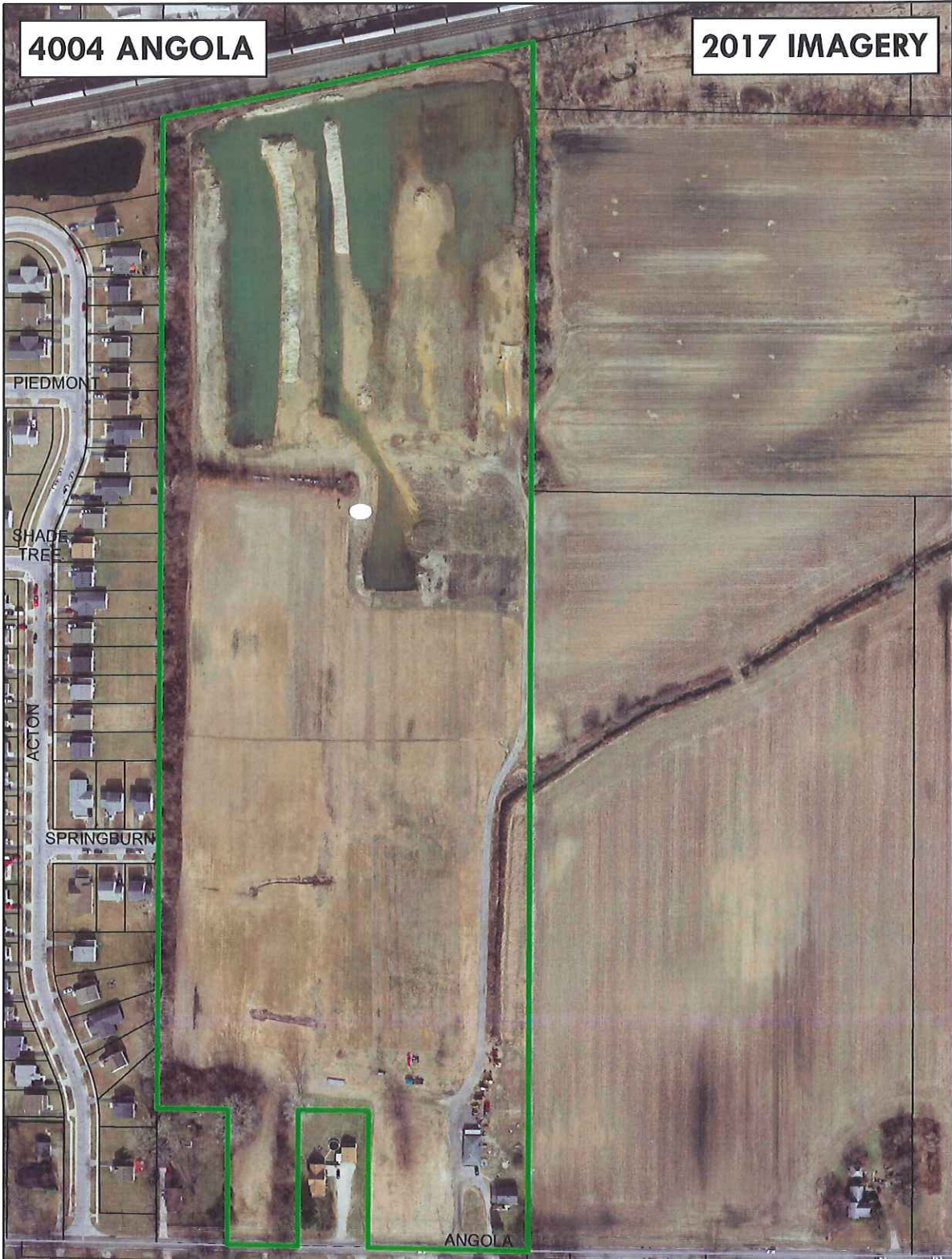


EXHIBIT "B" - 2020

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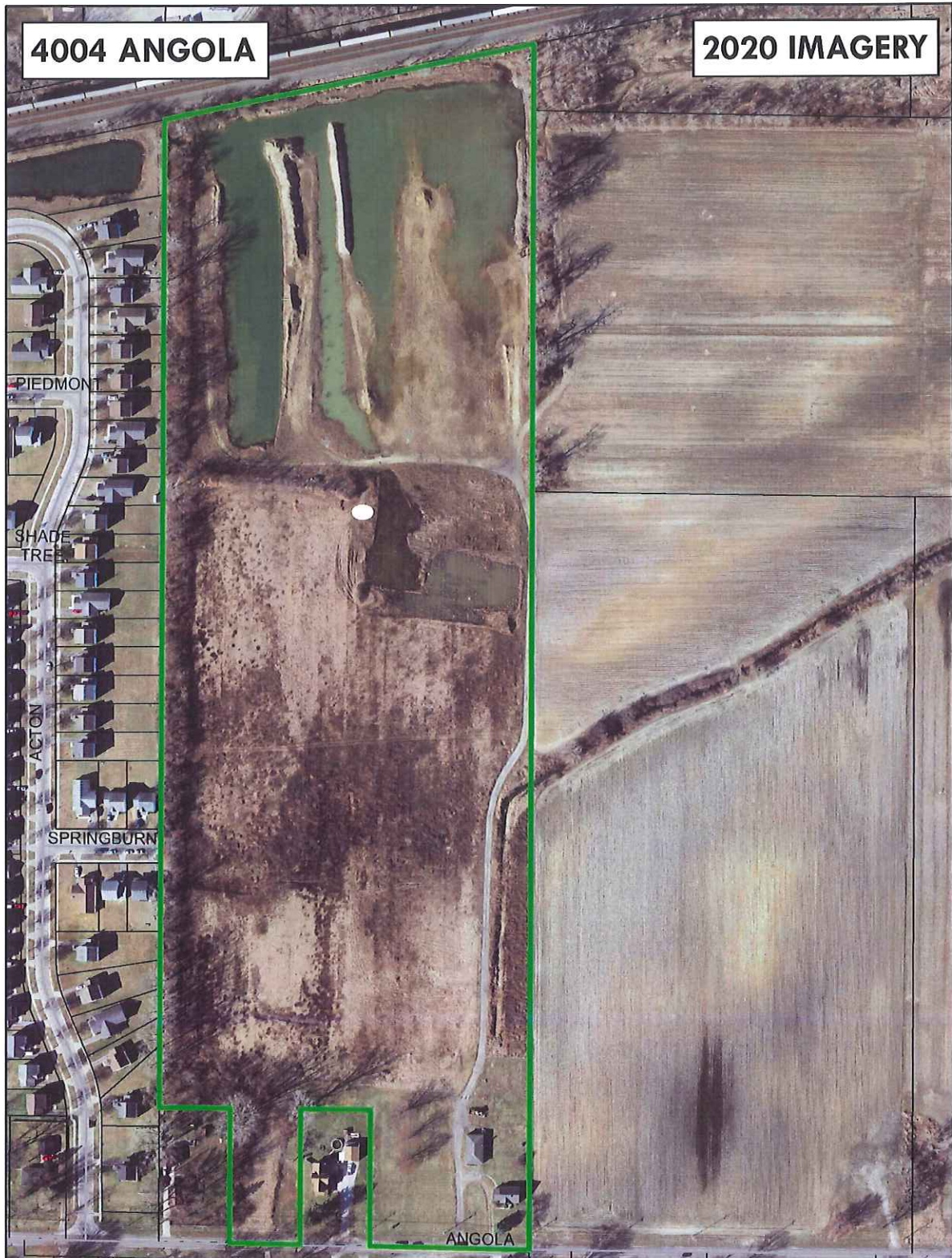
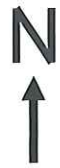


EXHIBIT "B" - 2022

Z25-0001
ID 84



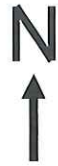
4004 ANGOLA

2022 GOOGLE IMAGERY



EXHIBIT "A" - 2023

Z25-0001
ID 84



4004 ANGOLA

2023 IMAGERY

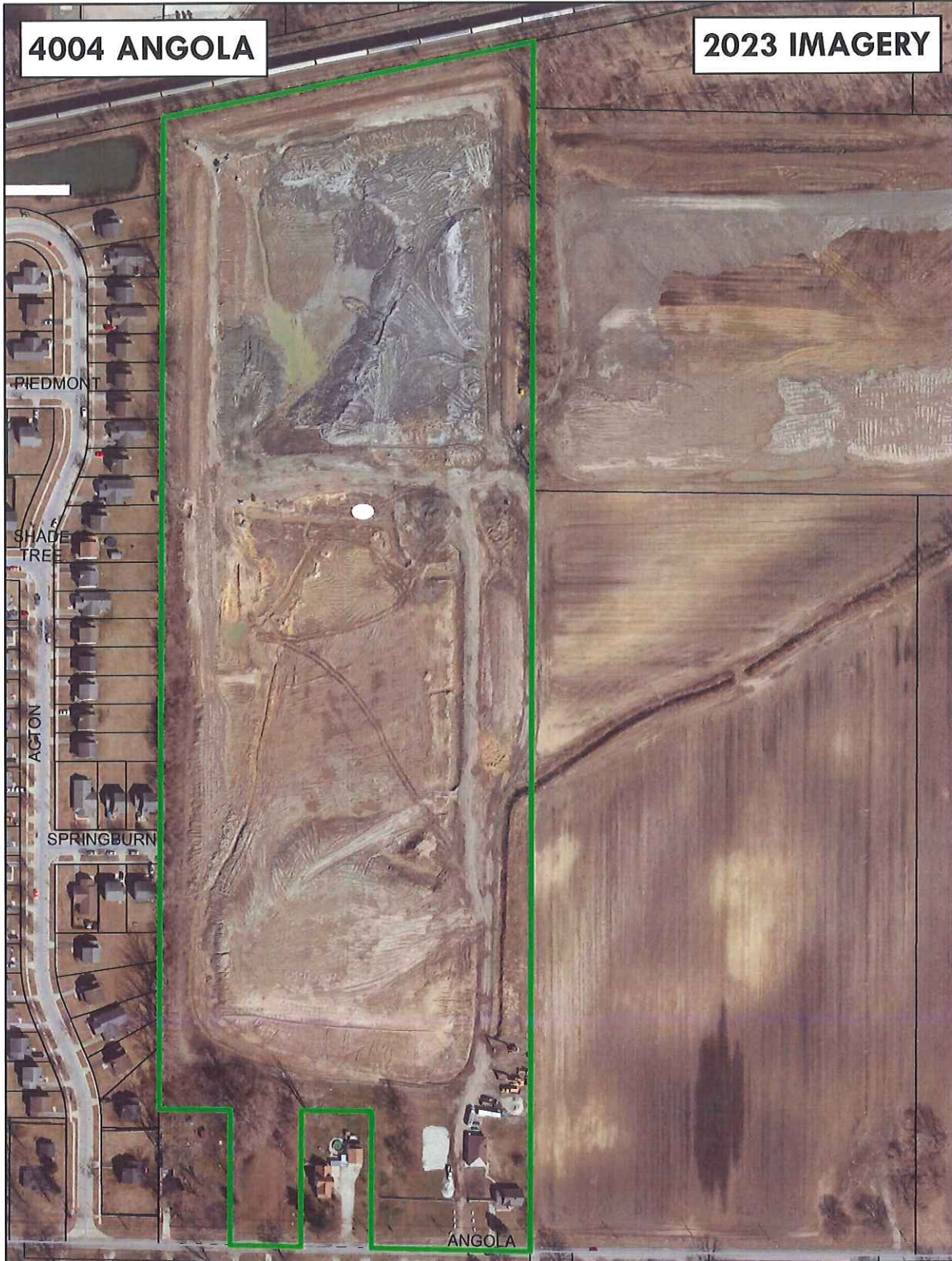
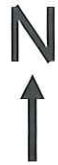


EXHIBIT "B" - 2024

Z25-0001
ID 84



4004 ANGOLA

2024 GOOGLE IMAGERY



EXHIBIT "C" - PICTURE 1

**Z25-0001
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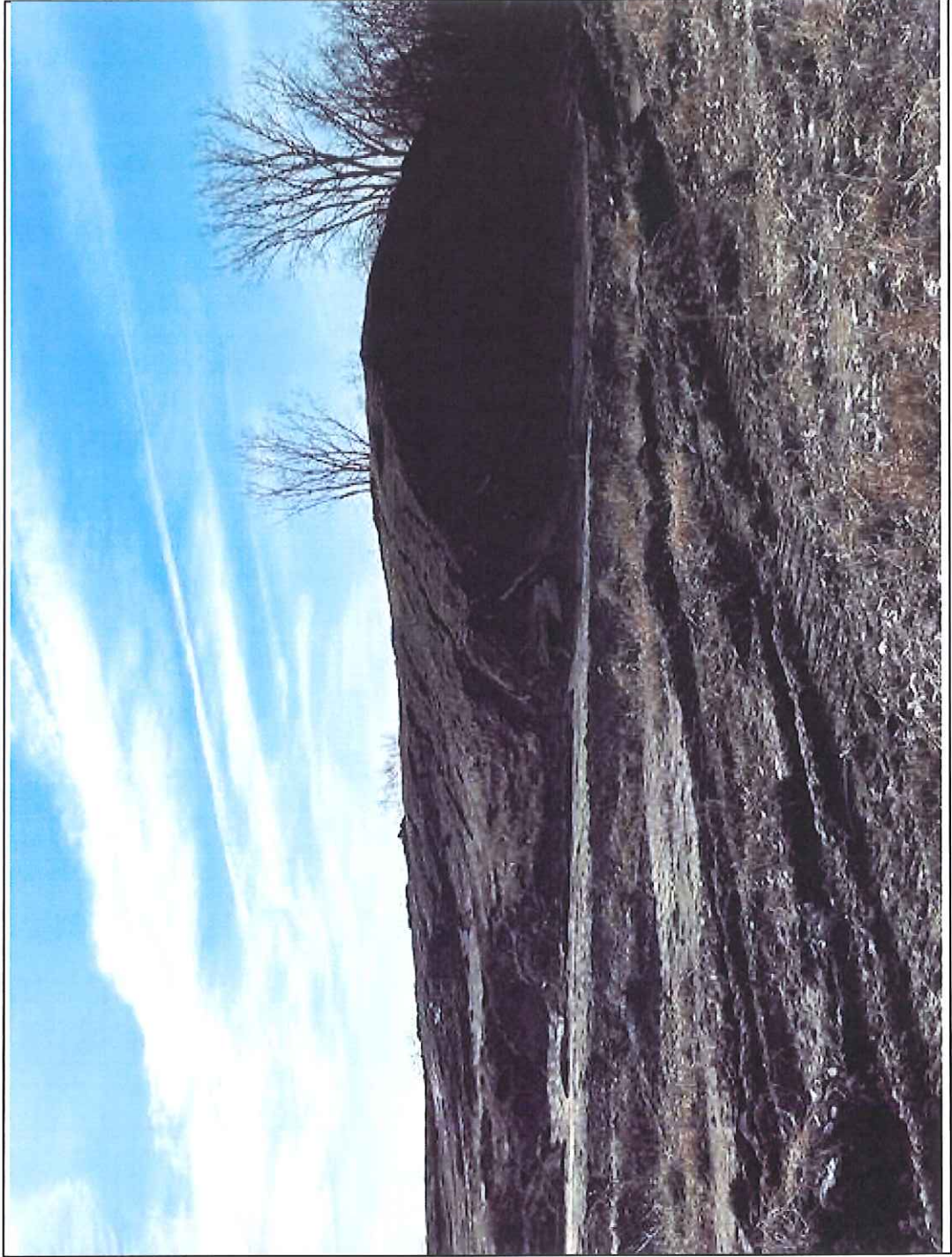
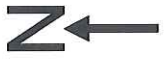


EXHIBIT "C" - PICTURE 2

**Z25-0001
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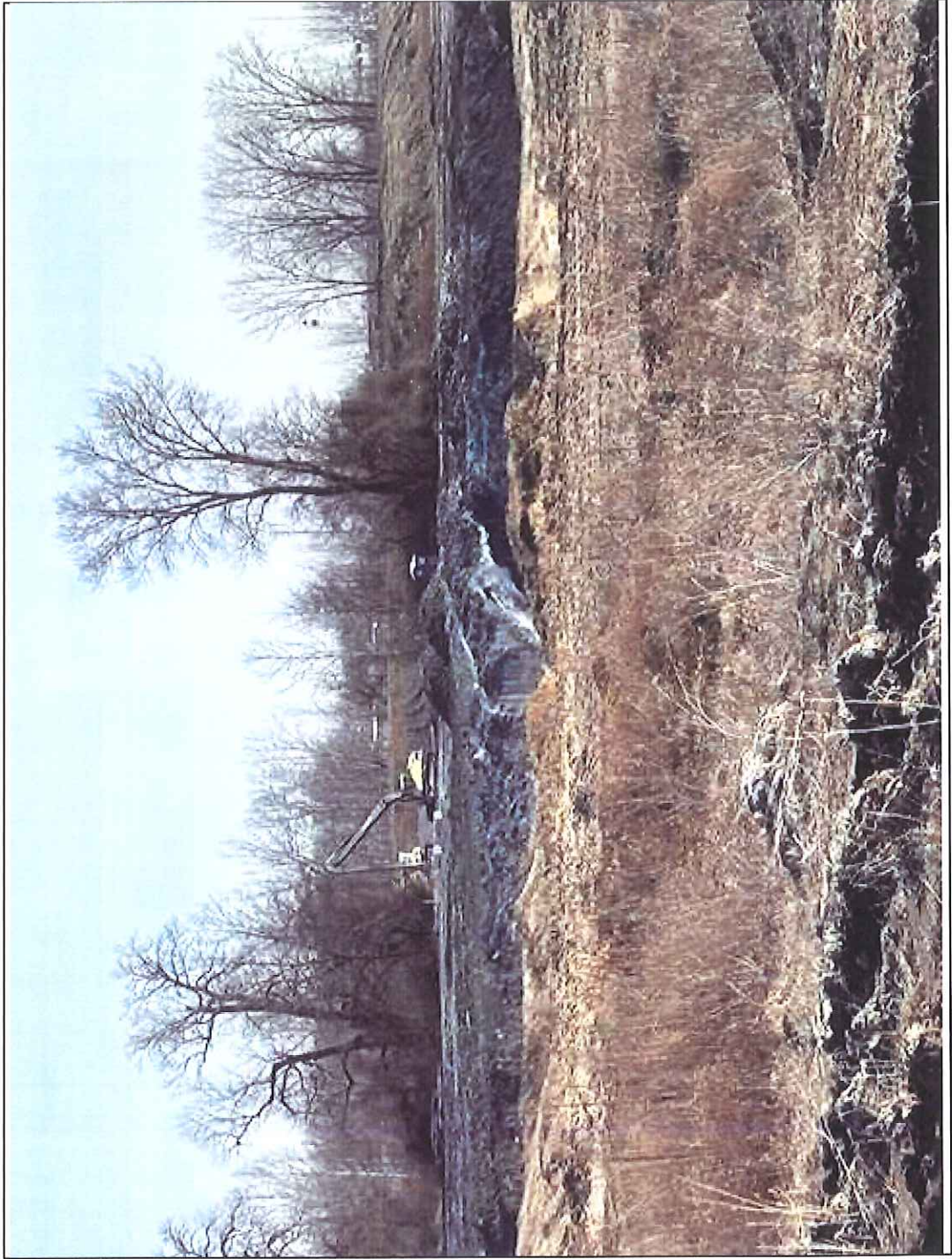
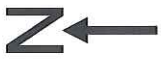
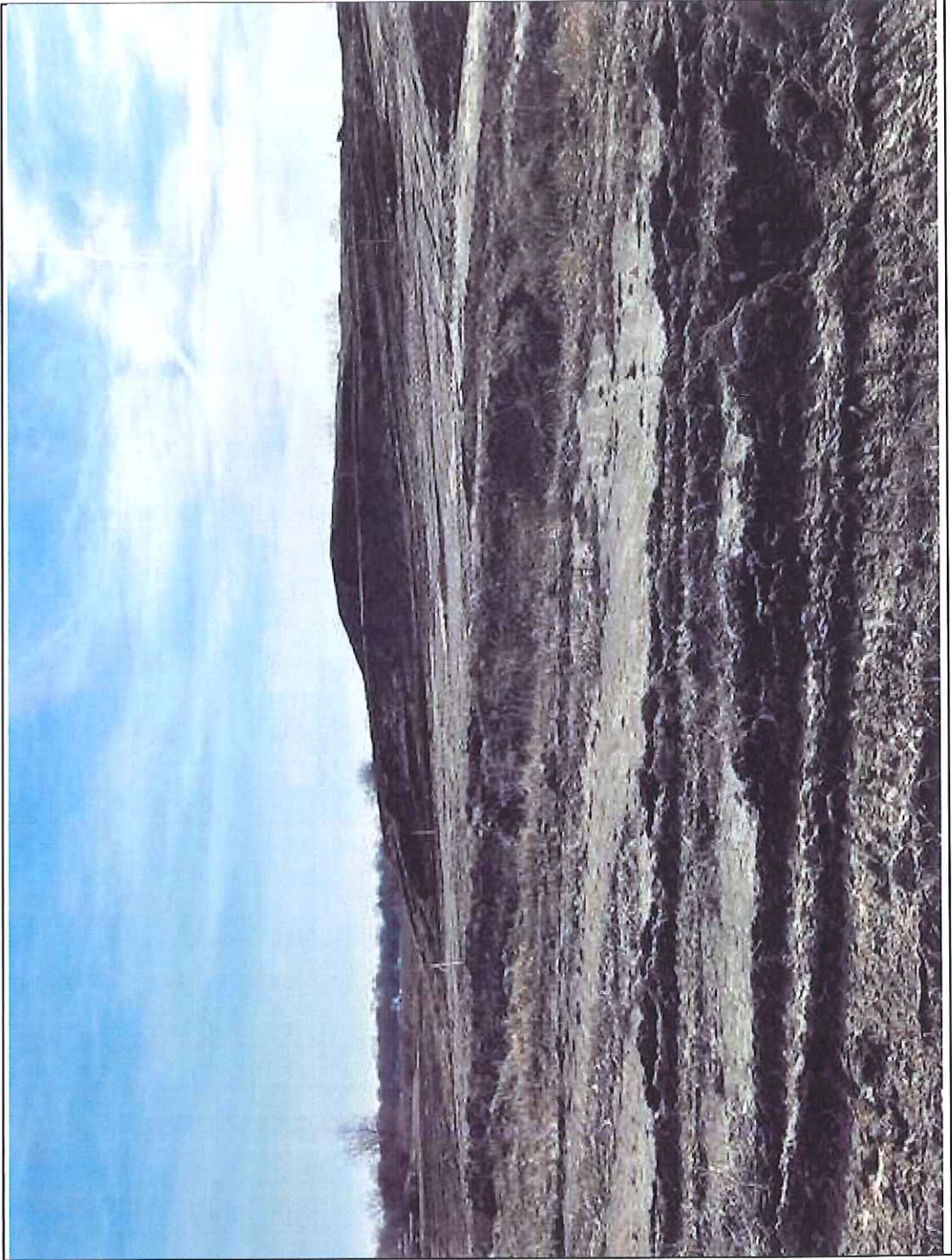
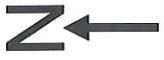
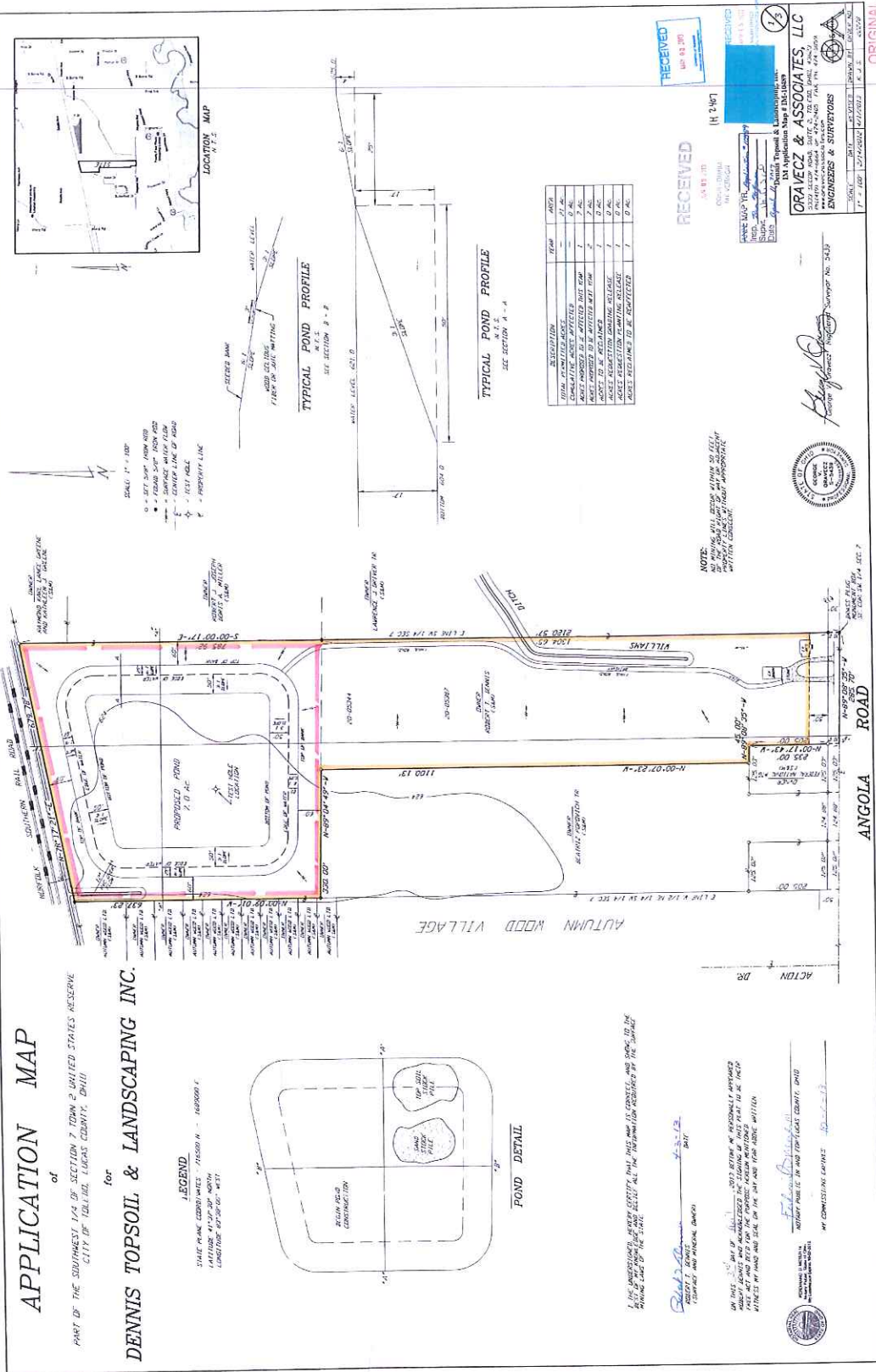


EXHIBIT "C" - PICTURE 3

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City of Toledo



Building Inspection

One Government Center, Suite 1600. Toledo, Ohio 43604
Telephone 419-245-1220. www.toledo.oh.gov Fax 419-245-1329

September 30, 2020

George V. Oravec
Oravec Associates
2807 West Course Road
Maumee, Ohio 43537

Subject: 4004 Angola Road
Toledo, Ohio 43615
Tax Parcel No. 20-05337, 20-05344, 20-05387
Zoning Certification Letter #BCZ20-00610

This letter responds to your inquiry on the subject properties. City of Toledo employees, trained to research such information, gathered supporting documents from public records. Any further questions may be directed to Ken A. Fischer, (419-245-1229) Commissioner of the Division of Building Inspection, who drafted this letter.

1. The current zoning district of the property is RS6 Single Dwelling Residential as defined in Toledo Municipal Code (TMC) §1102.1000 Base Zoning Districts, a copy of which is attached as Exhibit A.
2. The applicant proposes to reclaim a sand/mining area via the use of DWTM (drinking water treatment material); with the end use to be a wetland. Lime from the City's Wastewater treatment plan, clay and sand will be utilized to create the wetland.

The applicant has submitted a "Wetland Construction Plan" with the Ohio Department of Natural Resources (ODNR) and a "Flood Hazard Area Development Permit" with the City of Toledo. Rocky Ridge Development will maintain/monitor drainage on site to ensure that neighboring properties are not affected.

The proposed future use is a wetland and this letter grants zoning approval for said wetland. This is a permitted use in the RS6 Single Family Residential zoning district. This letter does not grant approval for a mining operation.

3. The property is part of not part of an approved community plan.

EXHIBIT "E"

4. The zoning designations of the abutting properties are:
 - a. North = RS6 Single-Dwelling Residential
 - b. South = RS12 Single-Dwelling Residential
 - c. East = IL Limited Industrial
 - d. West = RS6 Single-Dwelling Residential
5. The property is not in a special use, restrictive, or overlay district.
6. Our records indicate no unresolved or active zoning or building code violations for this property.
7. The property is considered to be legal and conforming to its underlying zoning district and its use. In the event of a catastrophic event destroying the structure in any percentage, the structure on the property may be rebuilt to 100% of its existing footprint and size.
8. Previously the property was developed without site plan approval, although at the date of this letter a "Wetland Construction Plan" has been submitted and the drawings are attached.
9. A Certificate of Occupancy could be located for this property. The absence of a Certificate of Occupancy for a project will not make the property vulnerable to adverse enforcement actions affecting the entire property. Certificates of Occupancy are issued to a building at a specific address, not to an owner. A new purchaser of a property is not required to obtain either a new Certificate of Occupancy or an amendment to an existing Certificate of Occupancy in order to own, use, and occupy the structure in the same manner in which it is presently being used by the current owner(s) and their tenants. The circumstances which necessitate issuing a new Certificate of Occupancy are:
 - A change of use in the building or the property;
 - A change that occurs through an addition or reduction of the square foot area of the building.

If you have any questions, please feel free to direct them to me personally.

Sincerely,



Ken A. Fischer
Commissioner
Building Inspection
One Government Center, Suite 1600
Toledo, Ohio 43604
(419) 245-1229 Office
(419) 245-1329 Fax
ken.fischer@toledo.oh.gov

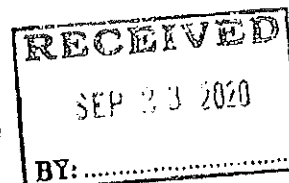
EXHIBIT "E"



CITY OF TOLEDO

Division of Building Inspection

Certificate of Zoning Compliance



One Government Center, Suite 1600 • Toledo, OH 43604 • Phone (419) 245-1220 • Fax (419) 245-1329 • www.toledo.oh.gov

This certificate is issued to ensure that the building or land will be used only for the purpose indicated in this application, and in compliance with the Zoning Ordinances of the City of Toledo (TMC 11). This certificate is required to determine the zoning compliance of any new structure or addition regulated by the Ohio Building Code or the Residential Code of Ohio; of any fence, regardless of height; of any above-ground or in-ground swimming pool greater than 24" in depth; of any residential or commercial accessory structure; or of any ramp or deck.

Application - Please print and complete only the information relating to your project.

Application Date 9/24/2020 Fee Amt. \$50.00
 Log No. 20-05337, 05344, 05387 Building Permit No. RS6 Map No. 84
 Property's Tax Parcel No. 4004 Angola Rd, Toledo OH 43615
 Property's Street Address, City, State, Zip See attached
 Legal Description
 Current Use Sand Removal Pond
 (i.e., office, factory, restaurant, 1-dwelling home, apartments, etc.)
 To be occupied as A wetland
 (i.e., office, factory, restaurant, 1-dwelling home, apartments, etc.)

Is Applicant ☐ Property Owner ☒ Owner's Agent ☐ Contractor
 George V. Oravec
 Applicant's Name
 2807 West Course Rd
 Applicant's Street Mailing Address
 Maumee, OH 43537
 Applicant's City, State, Zip
 419 351-2725 419 474-5059
 Applicant's Phone No. Applicant's Fax No.
 goravec@oraveczassociates.com
 Applicant's E-Mail Address

A site plan is required with the following information.

- ☐ New structure, addition, accessory structure, ramp, deck (Describe)
☐ Fence (Describe height and location in relation to house)
☐ Above-ground / in-ground pool, greater than 24" deep (Describe)
☐ Concrete driveway (width and length)

The Division of Building Inspection will review this application for its compliance with the City's zoning regulations and makes no representation as to encroachments of easements or violations of deed restrictions. The owner/applicant assumes responsibility for structures and/or improvements made on the property not in compliance with recorded easements and/or deed restrictions.

I hereby certify that the information provided is true and correct and that the building or land will be used only for the purpose stated in this application, and in compliance with the zoning ordinances of Toledo.

George V. Oravec 9/24/2020
 Applicant's Signature Date

Make checks payable to City of Toledo. Mail application and fee to Department of Inspection. One Government Center, Suite 1600, Toledo, OH 43604

To be completed by City's Staff

	Yes	No
In compliance with: Required front, rear & side set backs	___	___
Distance to existing structures	___	___
Building-to-site coverage requirements	___	___

Overlay District 39095C0232E Certificate of Appropriateness Y
 FEMA Map No. SFHA Development Permit

Board of Zoning Appeals (BZA case) Major/Minor Site Plan attached

Special Use permit (SUP Ord.) Permanent Encroachment Ord.

Comments or Conditions of (approval) (disapproval) approval for wetland

[Signature] 9/29/20 Date
 Use (approved) / (not approved) by

[Signature] 9-30-20 Date
 Commissioner of Building Inspection