

## GENERAL INFORMATION

### Subject

- |                 |   |  |
|-----------------|---|--|
| Request         | - | Zone Change from IL Limited Industrial to CR Regional Commercial |
| Location        | - | 529 N Westwood Avenue  |
| Applicant/Owner | - | Robert Carl<br>531 N Westwood Avenue<br>Toledo, OH 43607         |

### Site Description

- |              |   |                                   |
|--------------|---|-----------------------------------|
| Zoning       | - | IL / Limited Industrial           |
| Area         | - | ± 0.4171 Acres                    |
| Frontage     | - | ± 175' along Westwood Avenue      |
| Frontage     | - | ± 115' along Nebraska Avenue      |
| Existing Use | - | Battery store                     |
| Proposed Use | - | Gas station and convenience store |

### Area Description

- |       |   |   |
|-------|---|---|
| North | - | Nebraska Avenue, religious assembly, truck repair, single-family homes / IL |
| South | - | Vacant lots, landscape business / IL  |
| East  | - | Westwood Avenue, rental hall, single-family homes / CR, CN & RS6            |
| West  | - | Appliance repair / IL   |

### Parcel History

- |           |   |  |
|-----------|---|--|
| SUP-31-82 | - | Amend a Special Use Permit granted by Ord. 1108-70 for the addition of a canopy over the pump islands at 531 N Westwood Avenue (PC rec. approval 5/6/82; CC approved 5/25/82, Ord. 323-82).    |
| Z-256-72  | - | Amend Special Use Permit authorized by Ord 1108-70 to include a 20 foot triangular easement adjacent to Lot #1 in the Site Plan (PC rec. approval 10/26/72; CC approved 11/21/72, Ord. 867-72) |

**GENERAL INFORMATION (cont'd)**Parcel History (cont'd)

- |          |   |  |
|----------|---|--|
| Z-256-72 | - | Approve minor change in Special Use permit for a gasoline service station granted by Ord. 1180-70 for the installation of a price sign, with changeable copy, underneath the Sohio oval on pole sign (CC approved 7/13/76, Ord. 518-76; CC 8/3/76, Ord. 563-76 to amend and correct "1180-70" to "1108-70"). |
| Z-269-70 | - | Zone change from M-1 Restricted Industry District to C-3 Commercial District for Lots #1 through #5 in Laurelwood Addition (PC rec. approval 10/29/70; CC 11/9/70, NOT PASSED)   |
| Z-261-70 | - | Special Use Permit to construct an automobile service station on property located at 603-615 Westwood Avenue (PC rec. approval 11/12/70; CC approved 11/30/70, Ord. 1108-70).  |

Applicable Plans and Regulations

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

**STAFF ANALYSIS**

The Applicant is requesting a Zone Change from IL Limited Industrial to CR Regional Commercial for approximately 0.4171 acres situated southwest of the intersection of Nebraska and Westwood Avenues. The Zone Change is requested to allow for the site to be developed with a gas station and convenience store by a prospective buyer.

The subject parcel is located in one of the industrially zoned areas in the City of Toledo. Land uses to the east of the site across Westwood Avenue include a banquet hall, funeral home and single family residences. The neighborhood to the south and west of the site consists of single-family residences intermixed with a number of light industrial uses that include contractor type businesses with warehouses and outdoor storage. This is also typical of the area to the north of the site across Nebraska Avenue, with the exception of a religious assembly, restaurant and office building that front on the north side of Nebraska Avenue.

The subject site is currently used as a battery store. The site was once used as a gas station; however, all of the tanks were removed in 1993. There was also a covenant placed on the property by the owner at the time, that prohibited use of the property as a gas station for 25 years. A gas station and convenience store are not permitted in the IL Zoning District. Since the gas station use has been abandoned per TMC§1114.0205 Loss of Legal Nonconforming Status, the use cannot be considered legally nonconforming. To develop the site as proposed, it would need to be rezoned and a Special Use Permit approved for gasoline sales.

**STAFF ANALYSIS (cont'd)**

Any future redevelopment of the site for Regional Commercial type uses, including the proposed gas station and convenience store, would require a site plan review in accordance with TMC§1111.0800 to ensure compliance with the standards of the Zoning Code (e.g., setbacks, parking, landscaping, screening, and design standards). The subject property is approximately 115 feet by 175 feet. For a general commercial use in the CR Zoning District, a 15 foot frontage greenbelt along both Nebraska Avenue and Westwood Avenue would be required. In addition, a Type B landscape buffer, 10 feet in width would be required along the west and south property lines. This leaves a “developable area” of approximately 90 feet by 150 feet in which to place a building, required parking, drive aisles, loading area, dumpster, lighting, interior landscaping and any other necessary appurtenances. This area, especially the 90 foot remaining width, is not enough for any measurable size commercial development.

**Toledo 20/20 Comprehensive Plan**

The Toledo 20/20 Comprehensive Plan targets this area for Light Industrial land uses. The Light Industrial future land use designation is intended to accommodate uses such as research, wholesale activities, warehouses and industrial/manufacturing operations that are not employment-intensive and are compatible with commercial and residential land uses. In comparison, the Regional Commercial land use designation is predominately large-scale commercial uses intended to accommodate auto-oriented development (e.g., malls, big box retail stores, and mixed use developments). Therefore, the proposed zone change is not consistent with the Light Industrial Land Use designation identified in the 20/20 Comprehensive Plan or the existing surrounding neighborhood land uses.

Staff recommends disapproval of the Zone Change from IL Limited Industrial to CR Regional Commercial for this location because it is not compatible with the Future Land Use designation identified in the 20/20 Comprehensive Plan, and the subject property is not physically suitable for commercial uses permitted in the CR Zoning District.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend disapproval of Z-1023-24, a request for Zone Change from IL Limited Industrial to CR Regional Commercial at 529 N Westwood Avenue to Toledo City Council for the following **two (2) reasons**:

1. The rezoning is not consistent with the Comprehensive Plan or the stated purpose of the Zoning Code (TMC§1111.0606(A)).
2. The subject property is not physically suitable for uses permitted under the proposed zoning classification (TMC§1111.0606(D)).

REF: Z-1023-24 . . . March 14, 2024

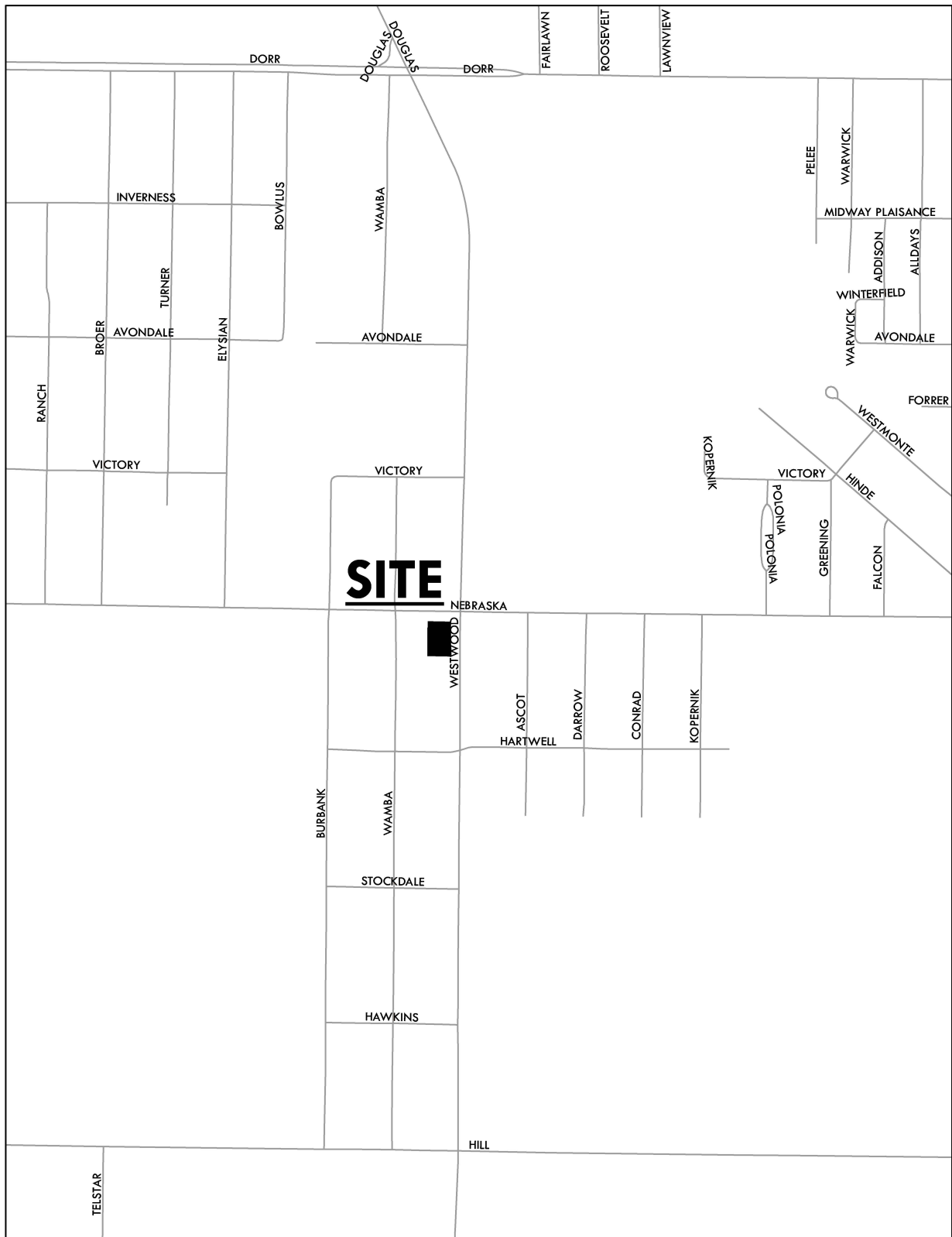
ZONE CHANGE  
TOLEDO CITY PLAN COMMISSION  
REF: Z-1023-24  
DATE: March 14, 2024  
TIME: 2:00 P.M.

CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: April 16, 2024  
TIME: 4:00 P.M.

LK  
Two (2) sketches follow

# GENERAL LOCATION

Z-1023-24



**N**  