

## GENERAL INFORMATION

### Subject

- Request - Zone Change from RS6 (Single-Dwelling Residential) & IL (Limited Industrial) to IG (General Industrial)
- Location - 0 S Byrne Road
- Applicant - Ed Moore  
Rocky Ridge Development LLC  
3793 Silica Road  
Sylvania, OH 43560
- Owner - Emkott LTD  
6505 W Bancroft Street  
Toledo, OH 43615
- 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) & IL (Limited Industrial)
- Proposed Zoning - IG (General Industrial)
- Area - ± 37.70 Acres
- Frontage - ± 190.53 along S Byrne Rd  
± 131.79 along Marine Rd  
± 134.01 along Marine Rd
- Existing Use - Farmland
- Proposed Use - Surface Mine

### Area Description

- North - IG / Vacant Industrial, Manufacturing, Car Sales, Supply Stores
- South - IL & RS6 / Farmland & Single-Dwelling Homes
- East - IL, CN, RS12, RD6 / Single-Dwelling Homes, Apartments, Animal Rescue
- West - RS6 / Surface Mine

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

- |            |   |   |
|------------|---|---|
| Z-8009-99  | - | Zone Change from R-2 & M-1 to M-1 at 606-636 S Byrne Road & 3550-3636 Angola (P.C. approved 02/10/00; Council approved 03/28/00, Ord. 303-00, subject to Industrial Plat) |
| Z-12002-20 | - | Zone Change from RS6 to IL at 0 S Byrne Rd (P.C. approved 02/11/21; Council referred to Ord. 303-00, which was still in effect subject to Industrial Plat)                |
| S-21-22    | - | Final Plat of Kott's Landing, located at 3550-3636 Angola Road (P.C. deferred indefinitely 02/09/23)  |
| S-8-23     | - | Final Plat of Kott's Landing, located at Angola Road & Byrne Road (P.C. approved 06/08/23, did not satisfy Industrial Plat requirement)                                   |

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) & IL (Limited Industrial) to IG (General Industrial) for 0 S Byrne Road. The ±37.7-acre parcel is currently farmland. To the north is the vacant industrial, manufacturing, car sales, and supply stores, to the south is farmland and single-dwelling homes, to the east is S Byrne Road, single-dwelling homes, apartments, and an animal rescue, and to the west is a surface mine.

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 expand the existing open-pit sand mining operation currently located to the west. Mining is only permitted in IG (General Industrial) districts.

The Ohio Department of Natural Resources (ODNR) Division of Mineral Resources Management (DMRM) reviews and issues mining permits in the State of Ohio. The applicant currently maintains an ODNR mining permit on the adjacent 4004 Angola Road, which is being considered in companion case Z25-0001. On February 25, 2025, the applicant applied to expand their ODNR mining permit to cover an additional fifty-eight (58) acres including the subject site. Other acreage in this expansion is considered in companion case Z25-0007. ODNR DMRM promptly notified Staff when they received the application and sent us a copy of the submittal documents. The applicant was informed prior to this ODNR application that a zone change would be required as none of the involved properties are zoned for mining operations.

**STAFF ANALYSIS (cont'd)**

Applications for ODNR mining permits are required to contain a plan for reclamation and future use of the mine area (see ORC§1514.02). The applicant has submitted a request to the Ohio Environmental Protection Agency (OEPA) to continue their current reclamation plan, which uses 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. Should this reclamation plan be approved and carried out the site will be left with wetland soil at the conclusion of the mining operation, which is estimated to take 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.

Neighborhood Meeting

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. These business owners were most concerned with ensuring the proposed project had nothing to do with a previous project which slated the subject property to be used as a combination of a recycling facility and urban agriculture. The applicant assured them that this project had nothing to do with that project. The business owners and other attendees speaking on the expansion area otherwise sought mitigation of adverse negative impacts – chiefly that of dust. The applicant offered to construct a berm similar to the one constructed around the current mining operation. Staff suggested a fifty-foot (50') conservation as well. With these measures the Marine Drive owners seemed amenable to the project. Other attendees either agreed with the Marine Drive owners, did not speak, or spoke about impacts from the existing mine – this last group is explained further in companion case Z25-0001.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets this site Low Impact Industrial land uses. Designations in the plan have three components which must be evaluated for compatibility: physical design, land uses, and geographic characteristics. The Low-Impact Industrial land use designation provides space for industrial uses which do not noticeably affect the character of the neighborhood. These uses are typically smaller-scale facilities, higher technology, or research and development based facilities which often cater to the demand of High Impact Industrial users. The proposed use is a high impact industrial user which could have its impacts mitigated through certain measures; however, more intense, and permanent, industrial uses could follow after the conclusion of mining activities. Therefore, the proposed zone change to IG (General Industrial) is not consistent with the Forward Toledo Plan.

Staff recommends disapproval of Z25-0002, a Zone Change from RS6 (Single-Dwelling Residential) & IL (Limited Industrial) to IG (General Industrial) at 0 S Byrne Road because it is not consistent with the Comprehensive Plan and it has the potential to detrimentally affect properties within the vicinity of the subject property.

**STAFF ANALYSIS (cont'd)**

Should this application be approved, this application should be contingent upon the recording of a commercial plat including a fifty-foot (50') conservation easement along the northern property line and fifty-foot (50') conservation buffers abutting residentially zoned lots on the east side of the property. See Exhibit "A".

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend disapproval of Z25-0002, a Zone Change from RS6 (Single-Dwelling Residential) & IL (Limited Industrial) to IG (General Industrial) for 0 S Byrne Road for the following reason:

1. The proposed zone change is not consistent with the Forward Toledo Comprehensive Land Use Plan (**TMC§1111.0606(A)**); and
2. The proposed zone change may detrimentally affect properties within the vicinity of the subject property (**TMC§1111.0606(E)**).

ZONE CHANGE  
TOLEDO PLAN COMMISSION  
REF: Z24-0002  
DATE: April 10, 2025  
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL  
ZONING AND PLANNING COMMITTEE  
DATE: May 14, 2025  
TIME: 4:00 P.M.

AS  
Three (3) sketches follow  
One (1) exhibit follows



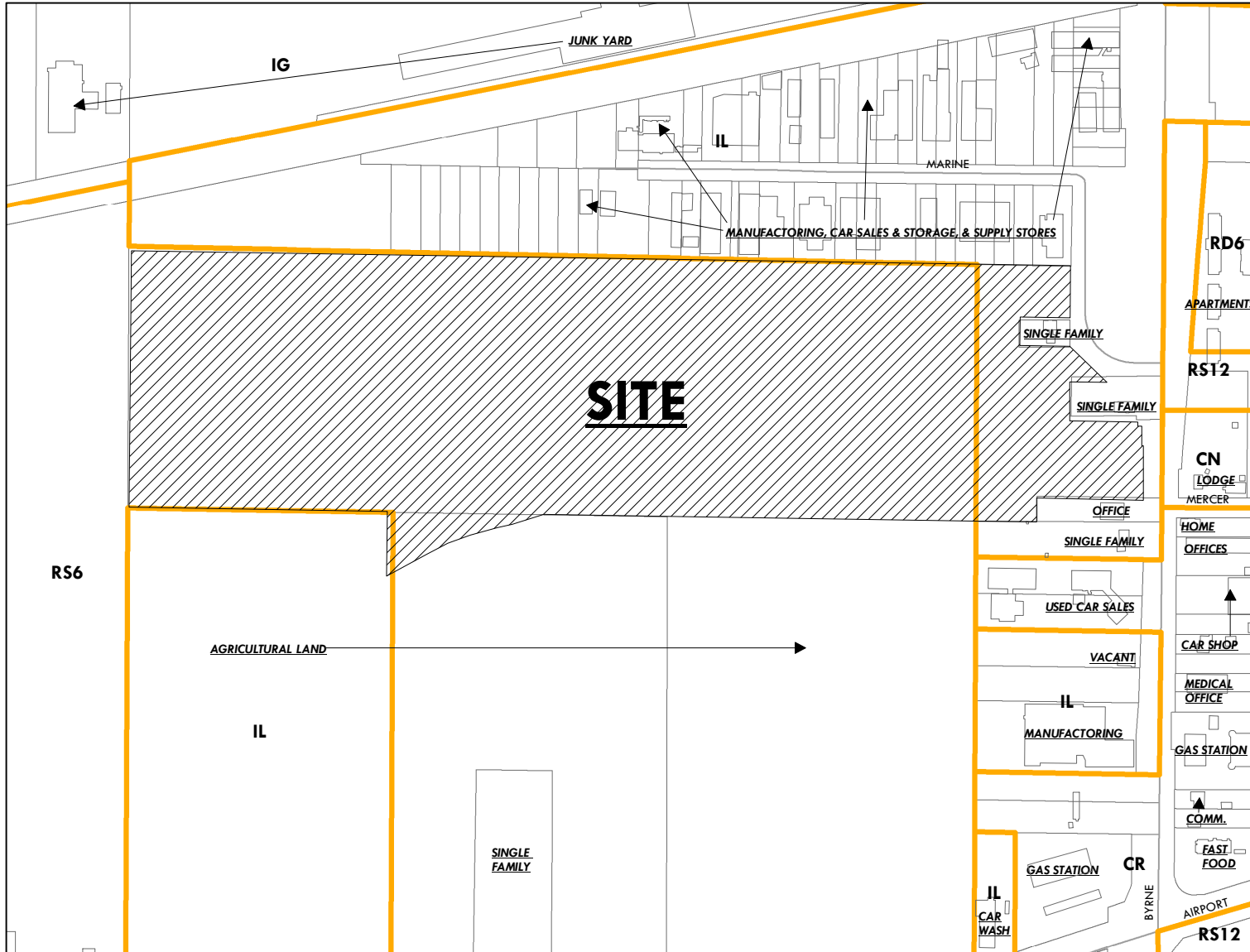
# GENERAL LOCATION

Z25-0002  
ID 84



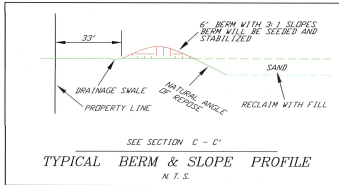
# ZONING & LAND USE

Z25-0002  
ID 84



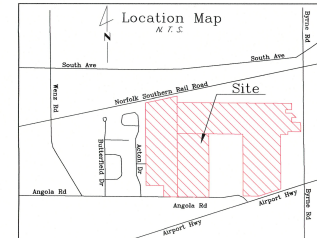
# SITE PLAN

**Z25-0002**  
ID 84



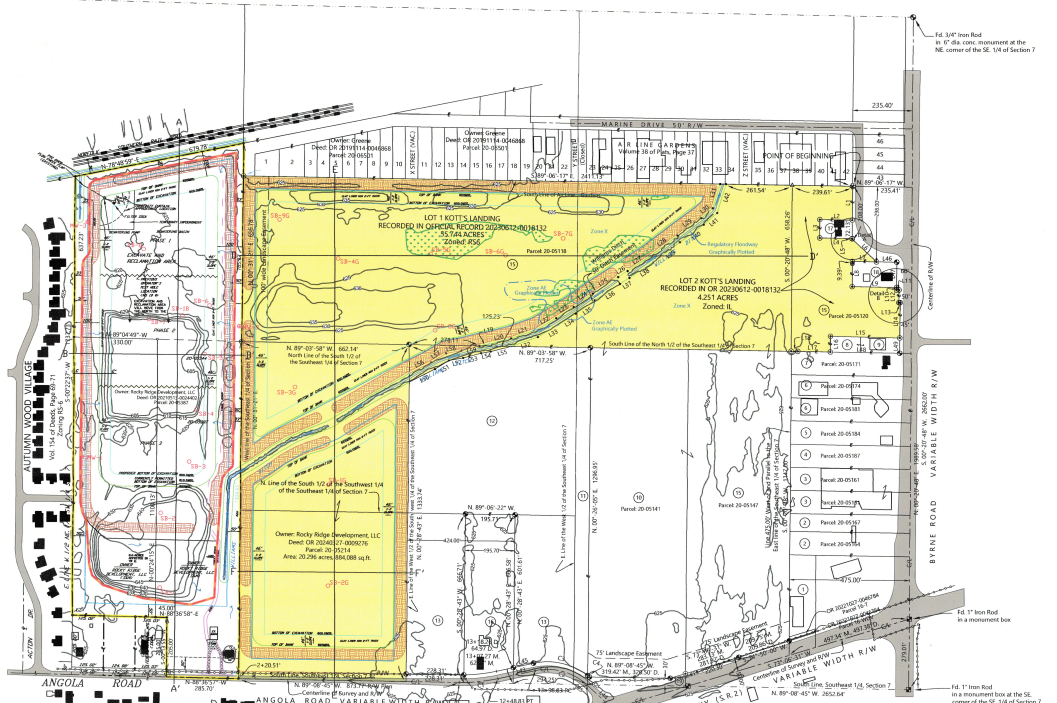
YEAR	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
PERMIT YEAR	1	2	3	4	5	6	7	8	9	10	
CUMULATIVE ACRES AFFECTED DASHED RED LINE	7	7	7	7	7	7	7	7	7	7	7
AFFECTED TO BE RECLAIMED (TBR) SOLID RED LINE	0	0	0	0	0	0	0	0	0	0	0
ESTIMATED TO BE AFFECTED DASHED RED LINE	7	7	7	7	7	7	7	7	7	7	7
1ST BOND RELEASE (GRABING) PURPLE X-HASH	0	0	0	0	0	0	0	0	0	0	0
2ND BOND RELEASE (PLANTING) GREEN X-HASH	0	0	0	0	0	0	0	0	0	0	0
ACTIVE MINING ACRES ORANGE WITHIN THE RED DASHED LINE	7	7	7	7	7	7	7	7	7	7	7

YEAR	2024	24-25	25-26	26-27	27-28	28-29	29-30	30-31	31-32	32-33
PERMIT YEAR	11	12	13	14	15	16	17	18	19	20
CUMULATIVE ACRES AFFECTED DASHED RED LINE	22	4								
AFFECTED TO BE RECLAIMED (TBR) SOLID RED LINE	0									
ESTIMATED TO BE AFFECTED DASHED RED LINE	22	4								
1ST BOND RELEASE (GRABING) PURPLE X-HASH	0									
2ND BOND RELEASE (PLANTING) GREEN X-HASH	0									
ACTIVE MINING ACRES ORANGE WITHIN THE RED DASHED LINE	22	4								



SITE ADDRESS: 4024 ANGOLA RD., TOLLEDO, OH 43609  
LOCATION MAP BASED ON USGS SYLVANIA, OH-MI QUADRANGLE AND MAUMEE, OH QUADRANGLE MAPS.

- OWNERSHIP**
- Parcel 1: Owner: Chatham P. Conrad  
Deed: 08-03-00860-601  
Parcel: 20-05157
  - Parcel 2: Owner: Feltz Holdings, LLC  
Deed: 08-20-01118-000339  
Parcel: 20-05164, 20-05157
  - Parcel 3: Owner: JANAM, LLC  
Deed: 08-20-02133-000270  
Parcel: 20-05161
  - Parcel 4: Owner: Feltz Holdings, LLC  
Deed: 08-20-01118-000339  
Parcel: 20-05167, 20-05171
  - Parcel 5: Owner: JANAM, LLC  
Deed: 08-20-01118-000339  
Parcel: 20-05164
  - Parcel 6: Owner: Joan B. Blank Roundtable Trust  
Deed: 08-20-01118-0002094  
Parcel: 20-05191, 20-05174
  - Parcel 7: Owner: Colman Cuts  
Deed: 08-20-01101-0002046  
Parcel: 20-05171
  - Parcel 8: Owner: Lutz Metropolitan Housing Authority  
Deed: 08-20-01101-0001131  
Parcel: 20-05177
  - Parcel 9: Owner: Lutz Metropolitan Housing Authority  
Deed: 08-20-01101-0001132  
Parcel: 20-05178
  - Parcel 10: Owner: DMG&L, Ltd.  
Deed: 08-20-01101-0000967  
Parcel: 20-05141
  - Parcel 11: Owner: DMG&L, Ltd.  
Deed: 08-20-01101-0001302, Parcel 3  
Parcel: 20-05134
  - Parcel 12: Owner: DMG&L, Ltd.  
Deed: 08-20-01101-0001302, Parcel 2  
Parcel: 20-05134
  - Parcel 13: Owner: DMG&L, Ltd.  
Deed: 08-20-01101-0001302, Parcel 1  
Parcel: 20-05134
  - Parcel 14: Owner: DMG&L, Ltd.  
Deed: 08-20-01101-0000547  
Parcel: 20-05131
  - Parcel 15: Owner: VEM WIRELESS, LLC  
Deed: 08-20-01101-0000651  
Parcel: 20-05261
  - Parcel 17: Owner: Michael H. Ashbaugh  
Deed: 08-20-01101-0002275  
Parcel: 20-05119
  - Parcel 18: Owner: Gaudin and Son, LLC  
Deed: 08-20-01101-0002776  
Parcel: 20-05111
  - Parcel 19: Owner: City of Toledo  
Deed: 12-20-07915-0005603  
Parcel: 20-05160



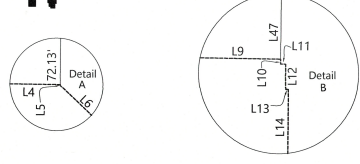
**LEGEND**

- PERMIT BOUNDARY
- PERMANENT IMPROVEMENTS
- SEDIMENT POND
- OVERFLOW PIPE
- ELECTRIC DISTRIBUTION LINE
- ELECTRIC TRANSMISSION LINE SKVDR GREATER
- TELEPHONE LINE
- GAS LINE
- WATER LINE
- OCCUPIED BUILDING
- UNOCCUPIED BUILDING
- FINAL HIGHWALL
- PROPOSED PROCESSING PLANT AREA
- SECTION CORNER
- CONTOUR LINES
- PROPERTY LINES
- DIVERSION DITCH
- NATURAL DRAINAGE
- PUMPED DRAINAGE
- NATURAL DRAINAGE (intermittent flow)
- HAIL ROAD
- HARD SURFACE ROAD
- GRAVEL ROAD OR DRIVEWAY
- DRI WELL
- GAS WELL
- WATER WELL
- DRIFT OR SLOPE MINE ENTRY
- AREA PLANTED IN TREES
- EXISTING HIGHWALL / ACTIVE MINE FACE
- TOE OF SPOIL OR OVERBURDEN
- CROSS SECTION
- PROPOSED SECTION
- SUMP
- DYKE
- TEST HOLE LOCATION
- SOIL BORING LOCATION & IDENTIFICATION
- MONITORING WELL LOCATION & IDENTIFICATION
- SET 5/8" IRON ROD
- FOUND 5/8" IRON ROD
- CENTER LINE OF ROAD
- PHASE SEPARATION LINE
- MINING SETBACK
- AMENMENT AREA
- WETLAND

- NOTES:**
- NO MINING WILL OCCUR WITHIN 50 FEET OF THE ROAD RIGHT-OF-WAY OR ADJACENT PROPERTY LINES WITHOUT APPROPRIATE WRITTEN CONSENT.
  - THE TOPOGRAPHY ON THIS MAP HAS BEEN PREPARED BY NATURAL RESOURCES MANAGEMENT, LLC USING AERIAL IMAGERY OBTAINED ON 10/17/2024. THE PROPERTY LINES WERE COMPILED FROM COUNTY GIS INFORMATION, COUNTY TAX MAPS, DEEDS AND LEASES, AND A SURVEY COMPLETED BY ORAVECZ AND ASSOCIATES.

**Permit Acreage Summary:**

CURRENT PERMIT AREA	29.1 ACRES
PROPOSED AMENDMENT AREA	58.0 ACRES
TOTAL PROPOSED PERMIT AREA	87.1 ACRES



THE UNDERSIGNED, HEREBY CERTIFY THAT THIS MAP IS CORRECT AND SHOWS TO THE BEST OF MY KNOWLEDGE AND BELIEF ALL THE INFORMATION REQUIRED BY THE SURFACE MINING LAWS OF THE STATE.

ACKNOWLEDGED BEFORE ME, A NOTARY PUBLIC, THIS 20th DAY OF February, 2025.

*George V. Oravec*  
GEORGE V. ORAVEC, P.S. S-5439  
PUBLIC NOTARY

**CDNR AMENDMENT MAP IN YEAR 12**  
**ROCKY RIDGE DEVELOPMENT, LLC**  
**PERMIT IM-2407**

SECTION: 7 State Plane Coordinates: TOWN 3 UNITED STATES RESERVE  
TOWNSHIP: CITY OF TOLLEDO 716300 N - 1680000 E COUNTY: LUGOS  
LAT: 41°13'00" NORTH LONG: 82°08'00" WEST STATE: OHIO  
DATE: 02/20/2025 REVISION: 1/1 CONVEYOR INTERVALS: 5'

**NRM**  
NATURAL RESOURCES MANAGEMENT, LLC  
7501 SYLVANIA AVENUE  
TOLLEDO, OH 43629  
(419) 841-2222  
WWW.PEMCONSULT.COM

**Exhibit "A"**  
Conditions

1. That the zoning not take effect until a commercial plat is approved and recorded;
2. That commercial plat shall have a fifty foot (50') wide conservation easement along the north side of the site.
3. That commercial plat shall have fifty foot (50') wide conservation easements along the residentially zoned properties to the east side of the site.