

**GENERAL INFORMATION**

Subject

- Request - Zone Change from IL-Limited Industrial to IG-General Industrial
- Location - 5439 Lewis Avenue
- Applicant & Owner - Mo Dari  
G1 Operations, LLC  
5439 Lewis Avenue  
Toledo, OH 43612
- Engineer - Matthew Lewandowski  
219 S Erie Street  
Toledo, OH 43604

Site Description

- Zoning - IL / Limited Industrial
- Area - ±10.8 acres
- Frontage - ±144' along Lewis Avenue
- Existing Use - Scrap & Salvage Facility
- Proposed Use - Scrap & Salvage Facility

Area Description

- North - Apartments, Shantee Creek / IL
- South - Auto repair, mobile home park, day care center / CR & IL
- East - Duplexes & single-family homes, warehouse / RS6 & IL
- West - Railroad, manufacturing and assembly / IG

Parcel History

- PL-3-98 - Parking lot at 5407 Lewis Avenue for Al Smith restaurant. Administratively approved 2/4/1999.
- SPR-6-11 - Minor Site Plan Review of vehicle storage area improvements at 5439 Lewis Avenue. Administratively approved 5/22/2011.

**GENERAL INFORMATION (cont'd)**

- Z-9001-22 - Zone Change from IL-Limited Industrial to IG-General Industrial at 5439 Lewis Avenue. Plan Commission recommended disapproval 12/01/2022. Zoning and Planning Committee HIC 1/04/2023.
  
- SUP-9002-22 - Special Use Permit for scrap and salvage at 5439 Lewis Avenue. Plan Commission recommended disapproval 12/01/2022. Zoning and Planning Committee HIC 1/04/2023.
  
- SUP-2006-24 - Special Use Permit for scrap and salvage at 5439 Lewis Avenue (*Companion Case*).

Applicable Regulations

- Toledo Municipal Code (TMC), Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

**STAFF ANALYSIS**

The applicant is requesting a Zone Change from IL-Limited Industrial to IG-General Industrial at 5439 Lewis Avenue in order to allow a scrap & salvage facility to operate at the site. The intent is to purchase used vehicles, process them within the building onsite, and sell the parts via the applicant’s website. The site is ±10.8 acres and was previously occupied by several light industrial uses including semi-truck parking and storage. The applicant purchased the property from the previous owner in 2020, and proposes no modifications to the existing site besides the addition of a fence and parking spaces. Surrounding land uses include apartments and Shantee Creek to the north; duplexes, single-family homes, and a warehouse to the east; a mobile home park, auto repair, and a day care center to the south; and a railroad and manufacturing and assembly to the west.

Scrap & salvage operations are only permitted in IG-General Industrial Zoning, and also require a Special Use Permit. Companion case SUP-2006-24 was submitted with the Zone Change application. The layout and landscaping are reviewed under SUP-2006-24. The site abuts legal nonconforming duplexes along the eastern border, a mobile home park to the south, and apartments nearby to the north. Although these surrounding uses have IL-Limited Industrial zoning, residential uses abutting the most intense Industrial District is concerning to staff.

Neighborhood Meeting

On April 29<sup>th</sup>, 2024, the applicant hosted a neighborhood meeting at the West Toledo Branch Library. Eighteen (18) residents were in attendance, as well as Councilmember Morris. Attendees shared concerns about noise pollution, seepage of hazardous materials into nearby properties and

**STAFF ANALYSIS (cont'd)**

Neighborhood Meeting (cont'd)

Shantee Creek, exposure to dust and toxins, increased traffic, and wildlife nuisance issues. Residents mentioned that coyotes are a problem in the mobile home park to the south, and that the animals' den is located in a large pile of sand that the applicant is stockpiling within the Edison easement area along the southern edge of the site. Residents voiced their belief that the site is already being mismanaged, and that intensifying the industrial zoning will only lead to exacerbation of existing issues.

The applicant and his design consultant addressed these concerns saying that all processing of the used vehicles will occur within the building onsite, and that vehicles will be drained of hazardous materials by an environmental firm before reaching the property. They said scrap-ready vehicles would be moved offsite within a day to two weeks. In relation to increased traffic and its impact on infrastructure, the design consultant said that bollards could be placed to keep trucks off of adjacent properties. He also said he would follow up with the City and Dog Warden to address the coyote and sand mound issues. The dust concern was not addressed; however, the applicant requested a variance in their letter of intent for paving the parking lot.

Staff conducted a site visit two weeks following the neighborhood meeting and observed that the mound of sand is still within the Edison easement, though there has been correspondence with the City that the applicant is actively working to move it within the existing fence to the north of the easement. Staff also witnessed several towaway vehicles being stored on the property, which requires a Special Use Permit that the applicant does not have, making this an illegal use. Finally, staff reviewed Code Enforcement complaints on the site and found that dust from traffic on the gravel parking lot and noise from early and late business operation (6:00a.m. – 9:00p.m.) have been issues in the past.

On May 30<sup>th</sup>, 2024, staff received correspondence that the applicant is working with Buckeye Wildlife to address the coyote issue. The wildlife inspector found multiple signs suggesting the presence of coyotes on the property. Several traps were set and the inspector will survey the traps over the next several days.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Light Industrial land uses, with the southern edge of the property being designated for Utilities. The Light Industrial district 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. Considering the surrounding residential uses and existing nuisance issues, staff recommends the property remain IL-Limited Industrial in alignment with the Comprehensive Plan.

Staff recommends disapproval of the Zone Change from IL-Limited Industrial to IG-

**STAFF ANALYSIS (cont'd)**

Toledo 20/20 Comprehensive Plan (cont'd)

General Industrial because the request is not consistent with the Comprehensive Plan or the stated purpose of the Zoning Code, which is to protect the health, safety, and general welfare of the citizens of Toledo.

**STAFF RECOMMENDATION**

The staff recommends that the Toledo City Plan Commission recommend disapproval of Z-2005-24, a request for a Zone Change from IL-Limited Industrial to IG-General Industrial at 5439 Lewis Avenue to the Toledo City Council, for the following three (3) reasons:

1. The request is not consistent with the Comprehensive Plan or the stated purpose of the Zoning Code (TMC§1111.0606(A) – Review & Decision-Making Criteria).
2. Existing land uses within the general vicinity of the subject property are not compatible with the requested Zoning District (TMC§1111.0606(B) – Review & Decision-Making Criteria).
3. The rezoning will detrimentally affect properties within the vicinity of the subject property (TMC§1111.0606(E) – Review & Decision-Making Criteria).

ZONE CHANGE  
 TOLEDO PLAN COMMISSION  
 REF: Z-2005-24  
 DATE: June 13, 2024  
 TIME: 2:00 P.M.

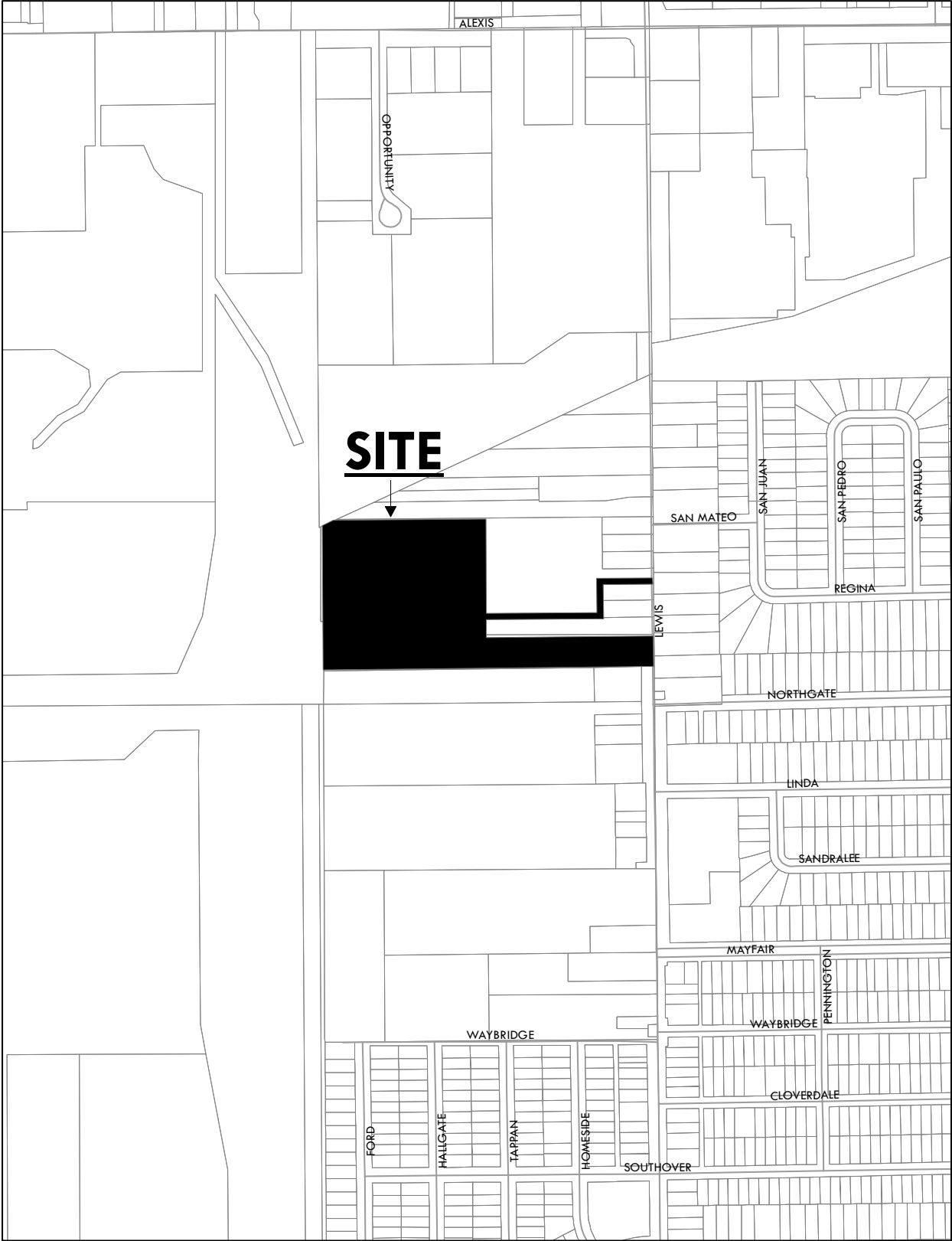
TOLEDO CITY COUNCIL  
 ZONING AND PLANNING COMMITTEE  
 DATE: July 16, 2024  
 TIME: 4:00 P.M.

MJM

Two (2) sketches follow

# GENERAL LOCATION

Z-2005-24  
ID 57



# ZONING AND LAND USE

Z-2005-24  
ID 57

