

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: Z25-0002

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) & IL (Limited Industrial) to IG (General Industrial) at 0 S Byrne 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) & 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

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GENERAL INFORMATION (cont'd)

Site Description (cont'd)

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

Parcel History

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.

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STAFF ANALYSIS (cont'd)

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.

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.

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STAFF ANALYSIS (cont'd)

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.

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".

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of Z25-0002, a Zone Change from RS6 (Single-Dwelling Residential) & IL (Limited Industrial) to IG (General Industrial) for 0 S Byrne Road, to the Toledo City Council, for the following Two (2) reasons:

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)**).

Respectfully Submitted,

Thomas C. Gibbons
Secretary

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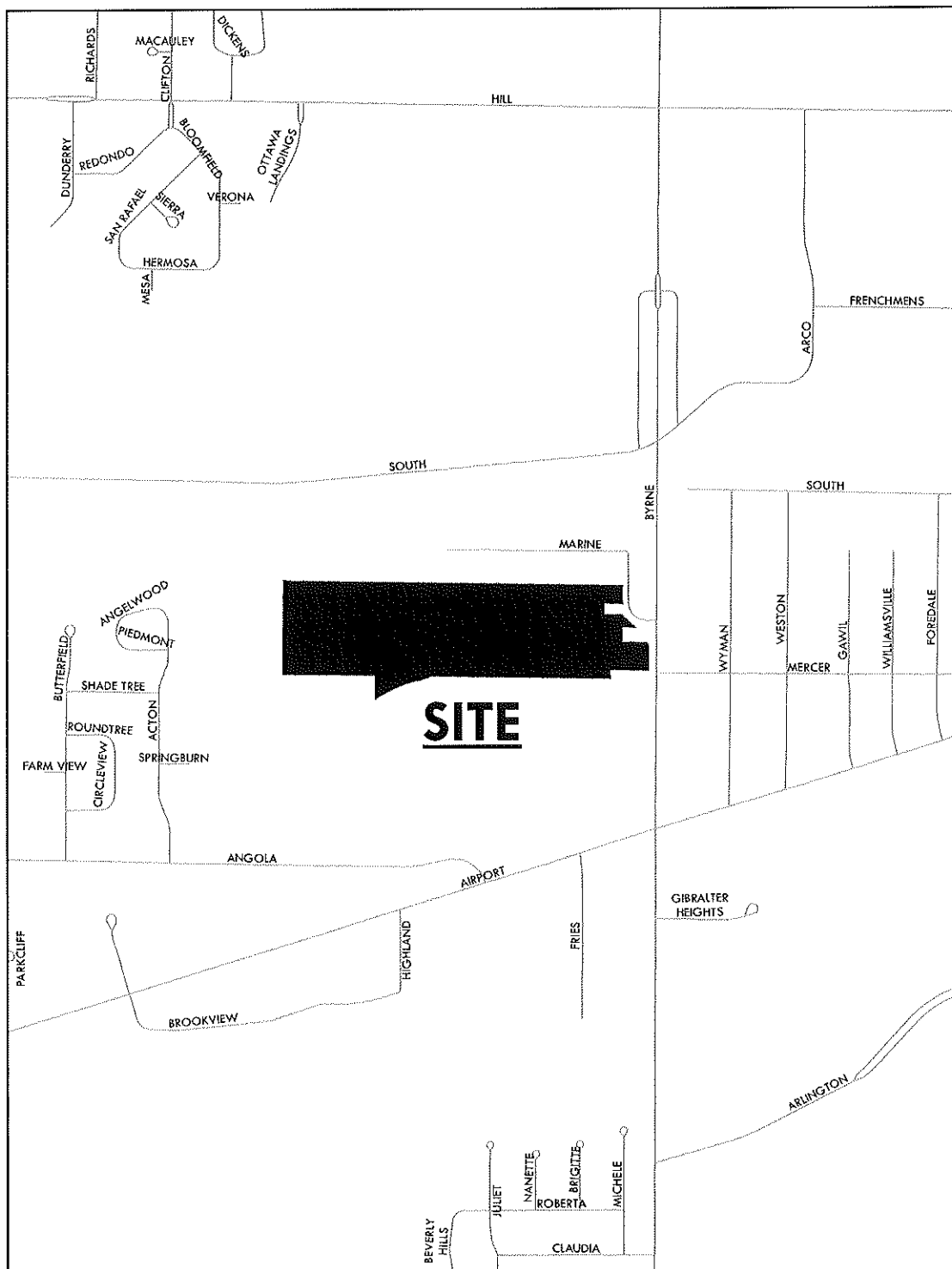
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AS
Three (3) sketches follow
One (1) exhibit follows

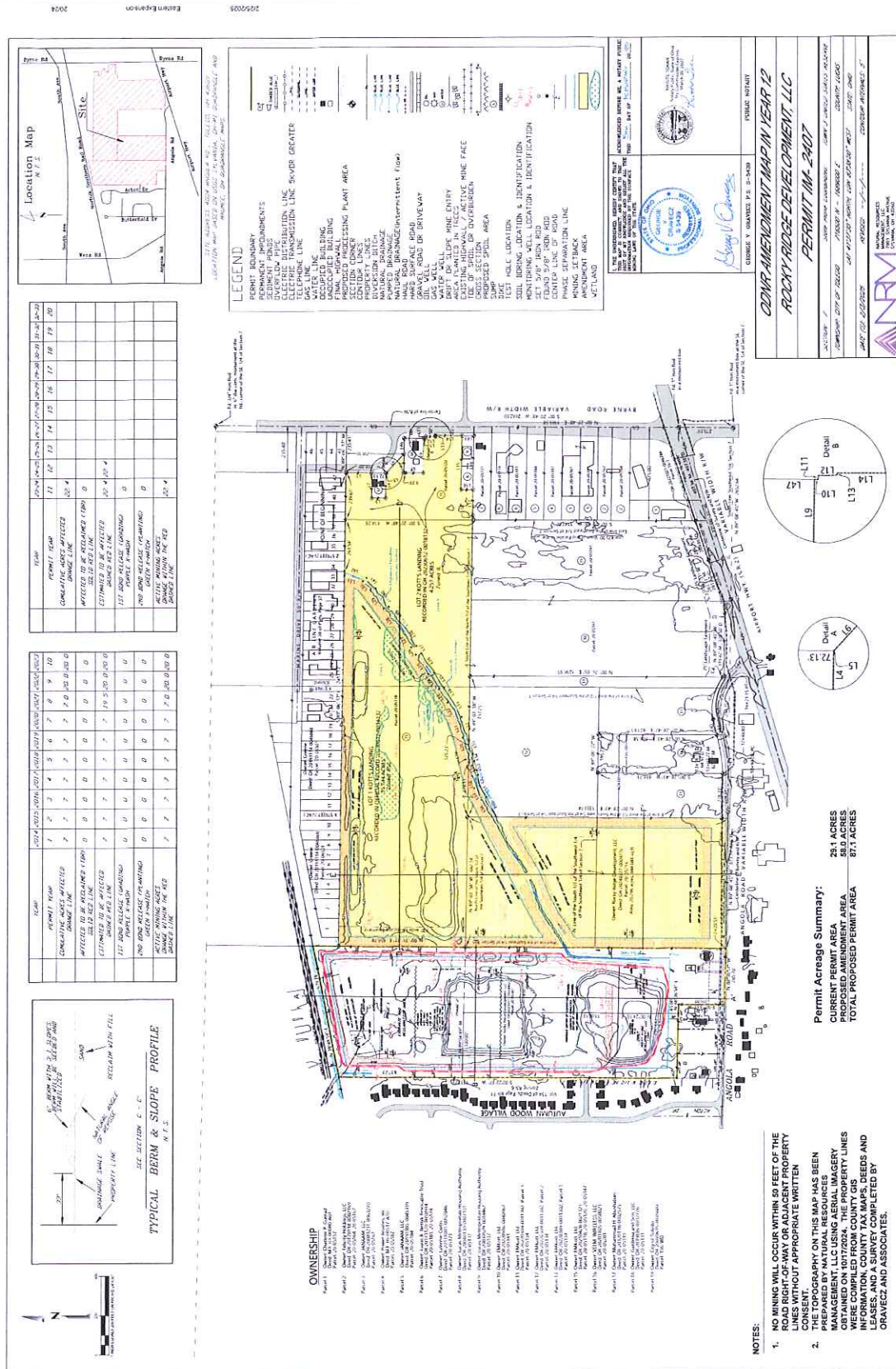
Cc: Ed Moore, Rocky Ridge Development LLC, 3793 Silica Road, Sylvania, OH 43560
George Oravec, P.E., P.S., Oravec Consulting & Engineering Services, 5333 Secor Road,
Suite 2, Toledo, OH 43623
Lisa Cottrell, Deputy Director
Alex Schultz, Planner

GENERAL LOCATION

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ID 84



Z25-0002
ID 84



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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.