

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: December 2, 2021

REF: M-16-21

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Text amendment Text amendment to add an expiration date to Warehouse District ARC approvals

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 2, 2021 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Text amendment to add an expiration date to Warehouse District ARC approvals
Applicant	-	Toledo City Plan Commission One Government Center, Suite 1620 Toledo, OH 43604

### STAFF ANALYSIS

The request is a study of expiration dates for Warehouse District ARC approvals. Currently, there is no expiration date for when an application has been approved and when work would commence. This study examines whether the lack of current approval period requirements provides the Warehouse District ARC the possible review of projects which could change significantly from the original approval date to when construction starts. Additionally, this study examines the approval periods of other Plan Commission reviews as dictated by the TMC to determine whether all approval periods are the same length of time.

Because design professionals and developers for a project may have changed and may have significantly modified the proposed work, it is recommended to add a time limit on when work could start. Additionally, to assist developers in reapplying for design approval from the Warehouse District ARC, staff recommends the addition of a project start date extension, if there are no material alterations on an application.

**STAFF ANALYSIS (cont'd)**

*Zoning Code Research*

An analysis of other jurisdiction's Zoning Codes was completed to determine the most common approval period, as well as whether or not extensions can be requested by applicants. Cincinnati, and Youngstown require construction to begin within two (2) years after application approval, whereas Detroit's approval lasts for three (3) years. Columbus maintains a one (1) year plan approval, however applicants may request an extension.

*Other Plan Commission Approval Timeframes*

Staff noticed that the Certificates of Appropriateness in Historic Districts and Site Plan Reviews, which are a Plan Commission application requirement for exterior modifications, have a two (2) year approval period. Additionally, the Historic Commission and Plan Commission may grant an extension of time for good cause shown. As the Plan Commission already allows building permits to be acquired for Certificates of Appropriate and Site Plan Reviews within two (2) years without rereview, applying the same timeframe to Warehouse District ARC Reviews would establish consistency between approvals, and make it easier for developers to maintain construction timelines.

*Conclusion and Recommendation*

After reviewing the zoning regulations of other jurisdictions and the approval periods for other Plan Commission reviews, it is recommended that an appropriate approval period be added and implemented for two (2) years. Additionally, Warehouse District ARC applicants should be given the opportunity to request an approval extension from the Plan Director if the applicant is able to justify an undue hardship.

Staff recommends that the Warehouse District ARC project approval period be created for a period two (2) years. Additionally, applicants may apply for a project Approval Extension via a letter addressed to the Plan Director and Warehouse District ARC describing the need for the extension.

**PLAN COMMISSION RECOMMENDATION**

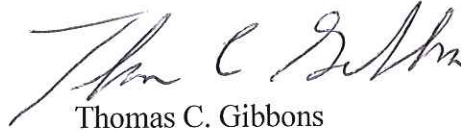
The Toledo City Plan Commission recommends approval of the text amendment modifying the approval period for Site Plan Reviews as shown in Exhibit "A" to the Toledo City Council for the following reason:

1. The proposed text amendments meet the challenge of a changing condition, where the Site Plan Review approval period does not coincide with development timelines (TMC§1111.0506(A) Review and Decision-Making Criteria).

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Gibbons". The signature is fluid and cursive, with the first name being the most prominent.

Thomas C. Gibbons  
Secretary

NH  
Exhibit "A" follows – 1103.1505.G Lapse of Approval  
Exhibit "B" follows – Research Table  
Cc: Lisa Cottrell, Administrator  
Nancy Hirsch, Plan

**Exhibit "A"**

(Additions in italic highlight. Deletions in strikethrough.)

**1111.1505.G Lapse of Approval**

*If no building permit is issued for the site within 2 years from the date of Warehouse District ARC approval, the approved plan shall lapse and become null and void. In such cases, no building permits may be issued until a new application is submitted and approved. Applicant may request an extension to a date certain prior to expiration by submitting a letter to the Plan Director describing the hardship.*

**Exhibit "B"**  
Research Table

<b>Jurisdiction</b>	<b>Code Number</b>	<b>Code Text</b>
<b>Cincinnati</b>	§1429-19 Limitation of Final Plan Implementation	Expiration. A final development plan is effective on the date approved by the City Planning Commission and expires after two years unless a building permit has been issued and construction diligently pursued. An approved final development plan may specify a development staging program exceeding two years.
<b>Columbus</b>	Website	The plan approval is valid for 1 year from the date of the plan-approval letter. If construction has not commenced within this 12-month period, an extension may be requested.
<b>Youngstown</b>	§1105.03(h)(2)	Except as otherwise specified Section 1105.04, a permit or development approval (other than a building permit) granted under this Redevelopment Code shall expire two years following the date of final approval unless, prior to the expiration date, a building permit based upon such approval is issued and construction is commenced and diligently pursued toward completion.
<b>Detroit</b>	§50-3-207 Lapse of Approval; Extension	The right to develop in accordance with an approved final site plan shall lapse and be of no further effect where all development shown on the approved site plan is not complete within three years of the date of site plan approval.