

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: May 10, 2010

TO: Plan Commission

FROM: Timothy M. Parks, Planner, Planning Division

SUBJECT: **ID# 18344 – Time Extension for 6509 Normandy Lane PUD-GDP-SIP**

On July 17, 2007 meeting, the Common Council conditionally approved a request by Normandy Square, LLC to rezone approximately 1.67 acres at the northeastern corner of the 10.75-acre Market Square retail center property bounded by Normandy Lane on the north, S. Yellowstone Drive on the east, Odana Road on the south and Grand Canyon Drive on the west from C3L (Commercial Service & Distribution District) to Planned Unit Development, General Development Plan, Specific Implementation Plan (PUD-GDP-SIP) to allow construction of a 91-unit residential condominium building in place of an existing 150-stall surface parking lot adjacent to the Market Square Theaters.

On April 7, 2010, Charles Duncan submitted a written request on behalf of Normandy Square, LLC requesting approval of a 24-month time extension for the implementation of the approved PUD zoning for the 1.75-acre subject site, which was re-addressed as 6509 Normandy Lane subsequent to the 2007 PUD approval.

The Zoning Ordinance requires that "...within 36 months of Common Council approval of the general development plan, the basic right of use for the areas, when in conformity with the approved specific implementation plan, shall lapse and be null and void unless the project, as approved, is commenced by the issuance of a building permit, or an application for an extension is filed at least thirty days prior to the expiration of the 36-month period." The Plan Commission may grant an extension for up to 24 months for obtaining a building permit once a specific implementation plan is approved and recorded following a public hearing where it determines that no changes in the surrounding area have occurred since approval of the general development plan that would render the project incompatible with the surrounding uses. In no case shall an extension allow a building permit to be issued more than 60 months after approval of the general development plan by the Common Council.

The Planning Division believes that no changes have occurred in the surrounding area since the 91-unit development was approved nearly 3 years ago, and staff is not aware of any new development proposals nearby that would render this project incompatible. As such, staff believes that the Plan Commission could grant the 24-month time extension requested for this project. The time extension requested by Mr. Duncan would require that a building permit be issued for the approved planned unit development by July 17, 2012.

However, staff will note that, notwithstanding the requested 24-month extension to commence construction, the Zoning Ordinance requires that the approved PUD zoning for this project be recorded within 36 months of the date of the zoning map amendment approval. Staff believes that the Commission can grant the requested 24-month extension contingent on the applicant recording the approved PUD by July 17, 2010. If the PUD zoning is not recorded by that date, the PUD zoning approval will become null and void regardless of the approval of the requested building permit issuance time extension.