

CITY OF MADISON
INTER-DEPARTMENTAL
CORRESPONDENCE

DATE: May 16, 2011

TO: Plan Commission

FROM: Timothy M. Parks, Planner, Planning Division

SUBJECT: **ID# 22445 – Time Extension for properties zoned PUD-GDP in 1000 Oaks subdivision, 702 South Point Road**

The developer of the 1000 Oaks subdivision, Veridian Homes, is requesting approval of a time extension of two additional years for the implementation of the approved general development plan that governs approximately 2.5 acres of the larger 124.7-acre development. The PUD-GDP zoned portions of the development include 9 lots for the future construction of two-family residences and 1 lot for future townhouse development. The 10 PUD-zoned lots are scattered throughout the 1000 Oaks development, which is generally located at the northwestern corner of South Point and Valley View roads.

The most recent iteration of the general development plan was approved by the Common Council on June 3, 2008 as part of the rezoning and preliminary and final plat approvals of 1000 Oaks, which also included the creation of 274 single-family lots in the R2T, R2Y and R2Z Single-Family Residence Districts, 3 lots for future multi-family development in the R5 General Residence District and 23 outlots for public and private open space, landscaping and stormwater management in Conservancy zoning. The approved general development plan was recorded on June 19, 2009. The first final plat of 1000 Oaks, which created the 3 R5-zoned lots for future multi-family development, was recorded on May 15, 2009. The remainder of the subdivision lots, including the 10 PUD-zoned lots, has not been created to date by final plat.

The June 2008 zoning and subdivision approvals were themselves re-approvals of zoning and subdivision approvals first granted to the development in December 2005, when the 124.7-acre site was first proposed to be zoned and subdivided in generally the same fashion as noted above. However, the subdivision approved in 2005 was not consummated by satisfaction of the conditions of approval and a final plat was not recorded within 24 months as then required in the City's Subdivision Regulations and in Wisconsin Statutes Chapter 236. As a result, the 2005 zoning and subdivision entitlements were deemed null and void, requiring that new zoning and subdivision approvals be granted to the project, as occurred in June 2008.

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 two-year time extension requested would require that a building permit be issued for some portion of the development contained in the approved general development plan by June 3, 2013. Prior to the issuance of the building permit, the Common Council would have to approve a specific implementation plan for at least a portion of the Planned Unit Development-zoned property following recommendations from the Urban Design Commission and Plan Commission.

The developer indicates that no changes have occurred in the area surrounding the 1000 Oaks subdivision since the project was approved nearly three years ago that would render this project incompatible. The Planning Division agrees with this assertion and recommends that the Plan Commission grant the requested two-year time extension for the PUD-GDP-zoned lands in the 1000 Oaks development.