



PREPARED FOR THE URBAN DESIGN COMMISSION

Project Address: 6302, 6402, 6410, 6418 Driscoll Drive
Application Type: Re-Approval of a PD(GDP) – Final Approval is Requested
Legistar File ID # 58530
Prepared By: Janine Glaeser, UDC Secretary and Matt Tucker, Zoning Administrator

Background Information

Applicant | Sponsor: Lindsay Lemmer, District 3 Alder

Project Description: The applicant is seeking re-approval of an expired Planned Development-General Development Plan-Specific Implementation Plan (PD-GDP-SIP) for a development of four lots as new four (4)-unit apartment buildings.

Project History: In May 2005, the Plat for Nelson Addition to Rustic Acres and accompanying Planned Development zoning was approved. Prior to these approvals, in early 2005, the Sprecher Neighborhood Development Plan was revised to reflect the Rustic Acres subdivision. An alteration to the adopted SIP reducing the number of vehicle stalls in the garages for 6302 Driscoll Drive was approved in late 2006. In late 2009, another SIP alteration was proposed for 6402, 6410, and 6418 Driscoll Drive. The proposal was reviewed favorably by UDC, but never proceeded to Plan Commission or Common Council, and was subsequently dropped. **The underlying PD approval has therefore subsequently expired per the regulations found in 28.098(5)(g) M.G.O.**

Project Schedule:

- The Plan Commission is scheduled to review this item on March 23, 2020.
- The Common Council is scheduled to review this item on March 31, 2020.

Approval Standards:

The UDC is an **advisory body** on this request. As with any **Planned Development**, the Urban Design Commission is required to provide a recommendation to the Plan Commission with specific findings on the design objectives listed in Zoning Code sections 28.098(1), Statement of Purpose, and (2), Standards for Approval.

Project Summary and Considerations

This particular PD consists of seven lots, with buildings that share drainage and driveway access via easements. The project originally was owned under a master developer, who lost the land in foreclosures. Three of the lots did obtain permits in a timely fashion (Lots 2, 3, and 29) and have been built-out, but the remaining four lots did not (Lots 1, 30, 31, 32). Two of the undeveloped lots have shared driveways already installed that serve neighboring developed lots (Lots 1 and 30). The four remaining vacant lots were purchased by three different owners. Because the PD has lapsed, the current owners cannot obtain permits of the previously-approved buildings.

Recent aerial photo of the subject PD:



Because of the unique condition where four ownership interest own land covered by the PD, with one owner being out-of-state and out-of-contact, staff asked Alder Lemmer to sponsor the Zoning Map Amendment that would re-approve the PD. This was necessary as the Zoning Code only allows a member of the Common Council or property owners to request a zoning map amendment, and we were missing one owner for such amendment to proceed (lot 1, out-of-state).

The application team is aware the plans are not at the level the UDC is used to being presented for their review. Staff worked closely with three of the (local) owners of the property to pull together the best information we could find relative to the project. Staff sourced the recorded PD documents, but some detail is degraded in the recording. Even though the presented plans may not meet the expectations of the current UDC, these plans provide the detail necessary for the project to be re-approved from a Zoning perspective, and for building permits to be issued.

What is in front of the UDC will be an opportunity to provide their *recommendation*, as part of a re-approval of the project, so it can be built out. There are not too many similar development situations, but there are some. Staff requests that the UDC recognizes that this is a difficult and unique situation, with a phased development that has multiple property owners stuck in a position where the pattern of development is established (driveway-building-driveway-building etc.) and property owners are unable to develop their land as approved.

The request is to simply re-approve a PD that was originally approved under the old zoning ordinance, so it can proceed to build-out, with a few minor changes. The proposed changes are minimal, at staff's insistence. Had there been significant changes proposed, staff would not have supported this approach to re-approval.