

On Planned Developments

Ye who live by the PD will also die by the PD. And so it is written.

A number of recent letters to the editor have bemoaned the City of Oshkosh's treatment of developer Kurt Koeppler, in particular its turning down his development proposal for Grove Street. Maybe his proposal was a major improvement to the area, and maybe it wasn't. But it was a PD proposal, and that always carries political risks, risks that Mr. Koeppler should have been prepared for.

A little background. Most of us live in fairly "vanilla" R1 or R2 zoned neighborhoods, in which the rules for development are clearly defined. In my neighborhood, zoned R2, one or two unit houses can be built, provided there is an adequately sized lot, sufficient parking, and the building meets all the required setbacks. R3 and R4 zoning allows larger apartment buildings, but again the required minimum lot area per unit, minimum parking spaces per unit, and required setbacks are all spelled out in the zoning ordinance.

The advantage of "vanilla" zoning for the developer is that the rules are predetermined and clearly spelled out. A development that follows those rules gets automatic approval, no matter what – for example the new house built just down the street from mine, with an enormous garage in the front, that sticks out like a sore thumb in my neighborhood.

But the disadvantage of "vanilla" zoning for the developer is that he has to follow all those rules, whether appropriate to what he wants to do or not. Which is why PD, or Planned Development zoning, was created. PD zoning lets the developer propose whatever he wants, whatever he can make a good case for, and then puts his proposal through a screening process. City staff review it, and make a recommendation to the Planning Commission. The Commission holds a public hearing on it, and makes a recommendation to the Council. The Council then votes to approve, or to deny approval.

Mr. Koeppler wanted a certain amount of freedom in redeveloping the old Mercy Hospital building, a freedom that PD zoning permitted him (including the freedom to build 4 unit condos in what is otherwise a 1 or 2 family neighborhood). But with that extra freedom came extra scrutiny, and that extra scrutiny gave the residents on Grove Street an opportunity to review his design, and criticize it. And that criticism doomed his plan, at least for this construction season. Thus the PD game is played.

Should the Planning Commission and the Council be criticized for nixing Mr. Koeppler's plan? You can disagree with their vote, but not with the legitimacy of voting that way. After all, the neighbors objected to how the proposal fit into their neighborhood, objections that would be out of order in R1, R2, R3, or R4 zoning, but are fair game in PD zoning. And Mr. Koeppler should know that.

PD zoning was not created to make life easy for developers. Easy is what "vanilla" zoning is for. Rather, PD zoning was created to allow creativity, to allow a breaking of the standard rules to create a nonstandard but better outcome. Mr. Koeppler was benefiting from that freedom, in the three "Base Standard Modifications" that his proposal was being granted. But creativity in not sticking large garages in the fronts of 4 unit condos in a 100 year plus old neighborhood. Maybe with a long winter at the drawing board, Mr. Koeppler can come up with an actually creative solution, one that deserves the neighborhood's, the Planning Commission's and the Council's approval.