

2. 54577

Jay Patel, representative of the owner of property at 2301 East Springs Dr., requests a maximum building placement variance to construct a new five-story hotel. Alder District #17

Tucker explained that the property in question is a commercial property zoned CC on East Springs Dr. which is the last road before Interstates 90/94/39. The area consists of primarily large commercial auto centers and a variety of retailers. The required building placement is 70% frontage maximum 100 ft. from front property line. The request is for a 144 ft. 4 in. variance to have the building placed 244 ft. 4.5 in. back from the front property line.

Jay Patel, representative of the applicant, provided an overview of the hotel developer and this specific project: a dual-brand hotel that would require 250 keys to be a viable project in the area and require 1:1 parking ratio. He stated the concerns about the steep slope at the entrance of the site, which would require extensive grading to comply with the current zoning requirement.

Nick Bower, associate of the representative and engineer on the project, reiterated that the slope at the entrance of the drive, which is further complicated by being shared with the neighboring Home Depot, is the main reason behind the variance request. He explained the reasoning behind the presented design of the parking lot, including ease of movement and circulation for fire protection. Bower also noted that ADA compliance for the sidewalk was a major consideration. Bower further explained that the considerations of corporate's requirements for the development play into the presented design.

The Board questioned the representatives about the lack of elevation information in the submission, as it seems to be of vital importance to the request. Patel and Bower conceded that it would be helpful, but they provided as much information as was available at the time and could get the needed information for the Board.

The Board discussed various other options for making the building more compliant with the zoning code, including altering the proposed parking lot to move more parking to the rear of the building and raising the parking lot with a retaining wall. The Board noted these options may be less desirable from an industry standpoint, but would take more consideration of the relevant zoning ordinances. Tucker added that if certain other features are altered, other zoning requirements may become non-compliant as a result of those changes, as some requirements were met by the presented plans. Tucker also added that the current zoning code was adopted after this site and its neighbors were originally developed in the 1990s and is the direction the City would like to see future developments and redevelopments in this zoning district move toward.

The Board acknowledged that meeting that 100 ft. requirement would be challenging, but stated that the need for the 244 ft. placement due to the zoning code rather than industry preference had not been sufficiently made. Bower noted that the ADA requirements for the development are a major factor in the decision presented. He presented specifics for ADA compliance on the submitted plans. The Board asked if a referral would be acceptable to the representative if more information about elevation and grading options could be compiled for the Board's consideration. Patel indicated that he would be in

favor of that option.

Ostlind moved to refer the variance as stated to a date no later than May 16, 2019; Heck seconded the motion.

The Board went over the Review of Standards to help the representative compile necessary information.

Review of Standards:

Standard 1: The Board noted the key issue here is the steep grade at the shared entrance of the drive. It likely is not possible to be completely compliant, but other options that would reduce the non-compliance need to be explored in greater detail with more factual evidence to support each option.

Standard 2: The Board noted that the intent of the zoning code is to present the building closer to the street, whereas in the past it was suitable for a building to sit further back on the lot. The Board noted the variance request would put the proposed hotel more in line with neighboring properties that were built before the current zoning code was adopted, but this is not how the City wants redevelopment to proceed in the present and into the future. The Board noted it would be useful to have data about how much of an effort was made and what options were explored to become more compliant.

Standards 3 & 4: The Board noted the representative should focus on Standards 3 & 4 when the case is brought back. The applicant and their representative(s) must prove that the burden and hardship is caused by the zoning code rather than interest in the property and the needs of corporate. The Board stated that exact costs are not necessary, but fact-based estimates about grading would be acceptable and the reasoning behind corporate's needs for the development.

Standards 5 & 6: The Board noted that these Standards have already been satisfied with current presented information.

The Board voted 5-0 to refer the variance as stated to a date no later than May 16, 2019 by voice vote.

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Tucker explained that this item was deferred from the February 21st meeting and the proposal is to demolish a one-story commercial building and then to construct a five-story hotel. The variance request is for building placement.

Nick Bower reiterated the existing site conditions presenting challenges too include the shape of the lot, significant change in grade across a 45 foot distance and the driveway entrance shared with Home Depot. Bower presented new topographical information detailing the 6.5% grade in the driveway, and an expanded setback exhibit to show more detail with surrounding businesses. Bower stated that the major changes in design were the elimination of some parking stalls, green space and an ADA entrance on the west side of the building, along with a reduction in drive lane width. Bower also presented a new grading plan with slight changes to the current grades, ranging from ½ to 2 feet, to mainly improve on drainage. The revised plans included a 3-D rendering of the finished property.

The Board questioned if parking could be moved further to downward slope as there appears to be some discrepancy between the original and revised plans; additionally asked what the rationale was for not moving the drive closer to the street and bring the building along. Bower stated that there was essentially no change to the parking, that the plan holds the existing edge on the slope 3 to 1 to prevent erosion. If the drive were moved closer a retaining wall would be needed along the length of the property at street level, which they felt would present a less desirable/more massive view from the street.

The Board asked for clarification on ordinance compliance in regard to fire access. Bower noted that the revised plan allows for a full drive around the building. If the building was placed to be code compliant, the drive would become a dead end on the north side and there would not be enough room for fire vehicles to turn around, therefore the looping drive maintains complete access.

In regard to standards #3 and #4, Angie Black stated that the layout with the neighboring businesses creates a stair-step down effect resulting in this particular lot to be graded in multi directions narrowing to a pie shape. Also, the intent of the new code is to make the area more pedestrian friendly but doesn't accommodate the out-lot system used when the area was first developed.

Nick Bower added that these issues would not only apply to this specific project, but to any type of building project chosen for this site.

Tucker made note of how when this lot was first developed, due to the steep grade, a T-intersection was built on the private property entrance shared with Home Depot. This driveway entrance is needed to accomplish the grade and allow traffic to access the property. Tucker stated that although this may not necessarily be a zoning code issue, situations like this occur frequently and in this instance traffic engineering and civil engineering on this site affects the building placement opportunity.

Collins moved to approve the variance as stated; Berenyi seconded the motion.

Review of Standards:

Standard 1: The Board noted the conditions unique to the property are the grading issues in front that limit placement of the building, and that code compliance is unattainable due to the easement and shared access with the neighboring Home Depot property.

Standard 2: The Board noted that the intent of the zoning code is to get buildings to shift toward the front property line. However, the private roadway and t-intersection placed in the 100 ft. setback result in a building can only be placed beyond that point. The revised plans show that the applicant is attempting to get as close as possible to meet the building placement rule given the site constraints.

Standards 3 & 4: The Board noted the easement makes it impossible to comply with zoning code, and other construction alternatives would be quite burdensome. Since the original structure was built the code has changed from allowing placement of the building at the back of the lot to requiring a more forward placement, creating difficulty in redeveloping this lot.

Standard 5: The Board noted that among the neighboring businesses, this property would be closest to the front lot line while still respecting the easement and maintaining a buffer between adjacent properties.

Standard 6: The Board noted that the commercial business character of the neighborhood would be maintained and this would be an improvement over the previous building at this location.

The Board voted 4-0 to approve the variance as stated by voice vote.