

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
1429 Monroe Street

Zoning: CC-T

Owner: Board of Regents, University of Wisconsin System

Technical Information:

Applicant Lot Size: L-Shaped Lot

Minimum Lot Width: None

Applicant Lot Area: 93,541 sq. ft.

Minimum Lot Area: None

Madison General Ordinance Section Requiring Variance: 28.060(2)(b) and 28.060(2)(d)

Project Description: Two-story public safety and service facility. Replace existing open-air parking lot with two-story office/garage addition. Variance request from certain form-based zoning requirements.

28.060(2)(b) façade articulation (requires articulation at 40' intervals)

28.060(2)(d) Door and window openings on facades

Requests are as shown on submitted plans.

Comments Relative to Standards:

1. Conditions unique to the property: The subject lot is part of a planned multi-use site, comprised of what appears to be two lots with two existing buildings. The property contains one institutional use (the ROTC facility) and a public safety and service facility (UW Police Department). The sensitive nature of the use of the UWPD facility creates a conflict between the commercial storefront style design requirements conflicting with the intended user.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *facade articulation requirement* and the *door and window openings requirement* on facades. In consideration of this request, the *facade articulation requirement* is intended to encourage a visually pleasing street frontage in a commercial district, by breaking down a larger façade into smaller increments, such as traditional storefronts. The *door and window openings requirement* are intended to result in high visibility into and out of building spaces. These standards are also intended to encourage a relationship and activity between the inside of buildings and the activity on adjacent streets.

Being a public safety and service facility, what occurs inside this building is necessarily important to be not-visible or interactive with activity on the adjacent street. In the rare event that interaction between the inside and outside might occur (such as during a football

Saturday event where pedestrian interaction and activity is high) the garage doors could be opened if the UW Police Department so desired.

3. Aspects of the request making compliance with the zoning code burdensome: The intended use of these properties is not for retail or similar-type development, so the requirements generally applicable to commercial storefronts are not practical or appropriate in this case.
4. Difficulty/hardship: See comments #1 and #3. The property was originally developed as a public safety and service facility. Per the petitioner, the plans for expansion of the facility have been in a work program dating back to 2009, before the current zoning ordinance form-based requirements were in place (1/2013).
5. The proposed variance shall not create substantial detriment to adjacent property: The project in-fills between an institutional facility and public safety and service facility, and appears as though it will have no impact on adjacent property.
6. Characteristics of the neighborhood: The general area is characterized by institutional buildings, residential buildings and one corner-location mixed-use building with a first-floor retail space.

Other Comments: The request for variance from the design standards intermingle. The requirement to establish vertical articulation in “storefronts” directly relates to the requirement for storefront-type window openings on the façade. It is possible to meet the vertical articulation requirement, but in no way would such articulation appear as a “storefront” without providing the required window openings.

The design requirements only apply to that portion of the building under construction, which means the existing police facility or the adjacent ROTC facility will not require any changes or modifications.

This project results in a building over 25,000 sq. ft in floor area in the CC-T district, which is a Conditional Use. The petitioner has submitted a Conditional Use application for the project, which is scheduled for public hearing at the Plan Commission on August 29, 2016.

This request points out a potential shortcoming of the new zoning ordinance, where certain building users and their activities can be directly in conflict with the design requirements for the buildings. This matter will be discussed at an upcoming Plan Commission work session of possible amendments to the City’s new Zoning Ordinance.

Staff Recommendation: It appears standards have been met, therefore staff recommends **approval** of the variance requests, subject to further testimony and new information provided during the public hearing.