

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2403 East Springs Drive

Zoning: CC

Owner: Badger Lodging, LLC

Technical Information:

Applicant Lot Size: 260' w, 600'+ d

Minimum Lot Width: N/A

Applicant Lot Area: 4.6 acres

Minimum Lot Area: N/A

Madison General Ordinance Section Requiring Variance: 20.068(3)(a)

Project Description: Petitioner requests a maximum building placement variance to construct a new five-story hotel.

Zoning Ordinance Requirement: Maximum 100' setback for (70%) of the street-facing building wall

Provided Setback: 194'-11"

Requested Variance: 94'-11"

Comments Relative to Standards:

1. Conditions unique to the property: The property is a typical large commercial lot for the area, with frontage on East Springs Drive and Interstate 39/90/94. This lot is one of a series of lots that slope from north to south, starting at the high point with the Home Depot lot on the corner at East Springs Blvd. and High Crossing Blvd. The subject lot has significant slope at the East Springs frontage, and then flattens out about 130' to 150' from the front lot line, where the driveway and parking meet. Traversing the slope for vehicles and pedestrians to access the site does affect where the building may be placed, however, the slope appears to significantly decrease just past where the existing driveway and parking meet.
2. Zoning district's purpose and intent: The regulations requested to be varied is the *maximum front yard setback*. In consideration of this request, the *maximum front yard setback* is intended to establish a physical relationship between the building and the street it fronts, which results in quality pedestrian and vehicle connectivity, and building form-based relationship between buildings and the streets on which they front.

With the existing slope condition and the serpentine driveway/walkway necessary to access the site, street connectivity and a physical relationship between the building and the street is difficult. The proposed building was shifted forward after its first ZBA hearing in February 2019, to a location behind the slope that still allows for the necessary circling drive. This change meets the needs of the proposed building for circulation and also shifts the building back from the retaining wall/slope, to break up the bulk of the five-story building as viewed from East Springs Drive.

3. Aspects of the request making compliance with the zoning code burdensome: As noted above, the lot has significant slope towards East Springs Drive, and a maximum front setback variance seems to be appropriate. The placement responds to the slope hardship and also the need for a drive that encircles the building.
4. Difficulty/hardship: The lot was created in 1994 and was purchased by the property owner in November 2019 for purchase and redevelopment. See comment #1 and #3 above.
5. The proposed variance shall not create substantial detriment to adjacent property: There does not appear to be any obvious detriment to adjacent properties with this project or variance request.
6. Characteristics of the neighborhood: The general area is characterized by large-scale auto-oriented commercial development, with some structures meeting maximum setback requirements and others not. A five-story hotel is appropriate for the lot.

Other Comments:

At its February 21, 2019 meeting, the Madison Zoning Board of Appeals heard and referred a request for a 144'-4" variance to the maximum setback. In response, the applicant redesigned the project to shift the building forward for a 94'-11" variance, narrowed the width of the access drive to 24', and eliminated parking and an unnecessary green space between the building and East Springs Drive. The room count was also reduced to offset the parking reduction.

Typical commercial development for the area would be represented by a building with a parking/drive area that encircles the principal structure. Consideration of the slope as it affects the ability to access the lot, turning radius requirements for commercial vehicles and emergency vehicles and relocating or reducing the number of parking stalls all could allow for the building to shift toward East Springs Drive and be placed as reasonably close to East Springs Dr. as possible. It appears as though the building placement and site design building has been adequately redesigned.

At its April 18, 2019 meeting, the Zoning Board of Appeals approved the revised, proposed setback. This variance request is before the Zoning Board Appeals again because the previous variance approval expired before a building permit was pulled. The variance request is the same as the variance request approved by the ZBA at its April 18, 2019 meeting. Minutes from both the February and April 2019 meetings are included with your meeting packet.

This project also previously received approval from the City's Plan Commission for demolition of a principal structure and a Conditional Use approval for the new hotel. These approvals have also expired and are needed again.

The previous variance used the address 2301 East Springs Dr. 2403 East Springs Dr. is now the primary address for the site.

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