

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
900 John Nolen Drive

Zoning: SE Suburban Employment

Owner: Causeway Centre Office, John H Heibl

Technical Information:

Applicant Lot Size: 463.56' frontage, irregular	Minimum Lot Width: 65'
Applicant Lot Area: 78,457 sq. ft.	Minimum Lot Area: 20,000 sq. ft.

Madison General Ordinance Section Requiring Variance: 28.085(4)(b)

Project Description: Construct new six-story mixed-use building on vacant lot. Project requests variance from parking/drive aisle setback requirement.

Zoning Ordinance Requirement:	25'
Provided Setback:	0'
Requested Variance:	25'

Comments Relative to Standards:

1. Conditions unique to the property: The property is irregularly (triangle) shaped and has an existing access drive aisle parallel to the right-of-way of John Nolen Drive, in an easement, that serves the two properties to the southeast of this site. This approximately 25' wide drive aisle serves as an extension of the frontage road, which ends at the northeast end of the subject property, and is the only point of access for the neighboring commercial developments. The property abuts a right-of-way that is over 200' wide, and includes a landscaped area that is about 20' to the edge of the bike path on the southeast end, and tapers to about 40' on the northwest end. The property provides about a 65' distance to the curb of East Beltline Highway off-ramp to John Nolen Drive, which is all right-of-way.
2. Zoning district's purpose and intent: The regulation being requested to be varied is the *drive/parking aisle setback*. In consideration of this request, the intent of the setback design requirement is to establish a landscaped buffer between a street and a parking/drive aisle on the private property. Since this drive aisle and the associated easement on the property provide no setback, there is no area remaining for landscaping to be installed. The developer has indicated a desire to work with the City to install landscaping features in the right-of-way, however, such installation will need to be coordinated around utilities, drainage, establishment of maintenance responsibilities and

other potential conflicts. When combined with the trees in the existing right-of-way, the site will appear adequately landscaped.

3. Aspects of the request making compliance with the zoning code burdensome: See comment #1 above. The existing access road to the adjacent properties cannot be eliminated or modified without the approval of the adjacent properties. Also, this access functions more like a road, providing limited access to the sites, as differentiated from an access aisle with direct access to 90° style parking.
4. Difficulty/hardship: The ordinance requires the landscaped setback regardless of the lot condition and does not take into consideration the other aspects of the developable area on the lot or any existing impediments, such as easements. With the existing easements and private road, this lot could not be developed without a variance being granted or all parties agreeing to a modification to the easement/drive. As stated above, the existing easement/drive design is the safest and best alternative to allow traffic to reach the properties to the southeast, by separating the traffic from on-site parking at the subject property.
5. The proposed variance shall not create substantial detriment to adjacent property: The varied setback would not be apparent given the distance the development is shifted back from the paved portion of John Nolen Drive. The development would appear consistent with other similar developments in the area, particularly the two developments to the southeast that share access rights across the subject property.
6. Characteristics of the neighborhood: The general area is comprised of large-scale commercial development, generally similar to the proposal. Other properties provide a similar or less setback for the parking and drive aisle, but they were developed at a time when the zoning code did not require the 25' landscaping setback.

Other Comments: There are no plans to improve this area or vacate any of the right-of-way adjacent to this site.

The subject property suffered a catastrophic fire a few years ago, and was razed. This site is considered a vacant infill lot, with the only approved improvement condition being the existing access drive serving the two developments to the southeast.

The subject property falls within the boundaries of Urban design District #1, which require the Madison Urban Design Commission review and approve the development, including building placement, setbacks, and site landscaping. The development also requires approval from the City's Plan Commission as a Conditional Use. The project has been approved by both the Plan Commission and UDC, with said approved plans showing a compliant landscaping/access aisle configuration. Both UDC and Plan Commission actions will require additional reviews if the variance is approved, since this plan deviates from the approved plan from UDC and Plan Commission.

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, with following condition:

1. The developer provide landscaping within in the adjacent right-of-way, as prescribed and approved by City Parks, Forestry, Traffic Engineering ad City Engineering.