

ZONING ADMINISTRATOR'S REPORT
VARIANCE APPLICATION
2301 East Springs Drive

Zoning: CC Commercial Center

Owner: Cardinal Court 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: 28.068(3)(a)

Project Description: Demolish existing retail building, construct 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 lot on the corner at East Springs Blvd. and High Crossing Blvd. (Home Depot). The subject lot has significant slope at the East Springs frontage, and 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 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 has been shifted forward, to a location behind the slope yet allowing 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, 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 currently under contract 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 Appeal referred this request. In response the applicant has redesigned the project to shift the building forward, narrow 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 has been reduced also, to offset the parking reduction.

A proposed grading plan was not submitted with this application. It is understood by staff the grades at the site are not proposed to be significantly changed.

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.

This application only requests a variance to the maximum front yard setback requirement. All other Zoning Ordinance requirements must be met with this project.

This project will require approval from the City's Plan Commission for demolition of the principal structure and a Conditional Use approval for the new hotel.

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