PLANNING DIVISION STAFF REPORT

November 13, 2023

PREPARED FOR THE PLAN COMMISSION

Proposal: **Zoning Text Amendment**

Legistar File ID #: 80307 (Downtown Height Map Change – Increase Allowable Height on Block 113 (AKA Brayton Lot))

Prepared By: Planning and Zoning Staff

80307 – This amendment changes the downtown height map to increase the height limit for a portion of Block 113, also known as the Brayton Lot. The 2-acre block is owned by the City and is being used as a staging area for Bus Rapid Transit construction after decades of use as a surface parking lot. It is bounded by E. Washington Ave., S. Butler St., S. Hancock St., and E. Main St.

Background

Currently, a portion of Block 113 (approximately 1.4 acres) allows a maximum height of 10 stories/144 feet and a portion (approximately 0.6 acres) allows a maximum of 4 stories/60 feet. The amendment changes the portion that is currently 4 stories/60 feet to be 10 stories/144 feet. With the change, the entirety of the lot would allow buildings of up to 10 stories/144 feet.

Development of the site has been anticipated for decades and has been addressed in the First Settlement Master Plan (1995), Brayton Lot Framework (2001), Comprehensive Plans (2006, 2018), and the Downtown Plan (2012). These plans have been consistent in the recommended scale of new buildings with the larger buildings towards E. Washington Ave. occupying the majority of the block, stepping down to smaller buildings on E. Main St. to provide a transition to the First Settlement Neighborhood and local historic district across E. Main St. and S. Hancock St.

Block 113 was included as part of the City's match to fund the Bus Rapid Transit (BRT) project. A requirement of that match is that the City develop the site with transit supportive uses and the City is currently working through a process to determine how the development of this site can achieve other City priorities, such as providing affordable housing.

Zoning Code Height Provisions

The Downtown Plan recommended maximum building heights, in stories, across the downtown. For Block 113, it recommended 10 stories and 4 stories and that recommendation was codified (along with the other heights recommended in the Downtown Plan) with the adoption of the new Zoning Code in 2013. Below is an excerpt from the from the Zoning Code's Downtown Height Map that highlights Block 113.

MGO 28.071(2)(a)

On March 7, 2023, the Common Council adopted an amendment to the Zoning Code that added an affordable housing incentive where a project with affordable housing units can exceed the number of stories as long as the project does not exceed the maximum height in feet. That amendment included the table to the right that expresses the maximum height associated with each story limit in feet.

In the case of Block 113, this would likely mean that, due to the Capitol View Preservation Limit, a total of 11 stories could be built on the 10-story portion of the site if it met the affordable housing requirements. A total of 5 stories could likely be built on the 4-story portion.

Maximum Height
3 stories/46 feet
4 stories/60 feet
5 stories/74 feet
6 stories/88 feet
7 stories/102 feet
8 stories/116 feet
9 stories/130 feet
10 stories/144 feet
11 stories/158 feet
12 stories/172 feet

MGO 28.071(2)(a)

Proposed Amendment

On balance, staff believes that the current 10 and 4 story height limits for this block as reflected in the Downtown Plan and on the Downtown Height Map provide sufficient flexibility for a City-initiated development that would incorporate a substantial amount of affordable housing. In making their recommendation/decision, the Plan Commission and ultimately the Common Council should consider this, among other perspectives heard at the public hearings.