



**Legistar I.D. #28462 and #28120**  
**313-315 N Frances Street**  
**Demolition and Rezoning**

Report Prepared By:  
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Planning Division Staff

**Requested Action:** Approval of the demolition of two existing buildings and the rezoning of property from C2 (General Commercial) District to PUD-SIP (Planned Unit Development-Specific Implementation Plan) to construct a twelve-story building with 31 residential units and ground floor commercial space.

**Applicable Regulations & Standards:** Section 28.12(12) provides the process for review and approval of demolitions. Section 28.12 (9) provides the process for zoning map amendments. Section 28.07 (6) of the Zoning Ordinance provides the requirements and framework for Planned Unit Development Districts, including those in Downtown Design Zones.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find that the standards for demolition, zoning map amendments, and planned unit developments are not met and forward the request to the January 8 meeting of the Common Council with a recommendation to **place the proposal on file without prejudice**. The December 3 staff report is enclosed for reference.

Alternatively, should the Plan Commission find that the standards are met and recommend approval, they should do so subject to input at the public hearing and conditions from reviewing agencies.

**Description of Changes to Proposal**

In recent weeks, the applicant has made several slight changes to the proposal, while maintaining the same general program for the building and the same building setbacks as the original proposal, (excerpts of the original submittal have been included for reference on 8 ½” by 11” sheets).

The applicant has consistently stressed to staff that the overall number of bedrooms provided must not be reduced, if the project is to move forward. Thus, staff recommendations to reduce the overall footprint of the building by increasing the front setback and the rear yard have not been addressed. The most recent version of the plans, which were reviewed by the UDC on December 5 and are included at the back of the packet on 11” x 17” sheets, incorporated the following changes:

**Interior Changes**

- A change in unit mix involving elimination of the one-bedroom units and the addition of more four-bedroom units. This change results in a reduction from 42 to 31 units, and an overall *addition* of one bedroom to the proposal. The new proposed unit mix is as follows:

Unit Type	Units	Avg. Size
2 BR	9	801 sf
3 BR	10	1,092 sf
4 BR	10	1,285 sf
5 BR	2	1,370 sf
<b>31 Total Units (270 DU/ac)</b>		
<b>98 Total Bedrooms (852 BR/ac)</b>		
<b>Avg. size per bed = 364 sq. ft.</b>		

- The addition of a closet in the common area of each unit.  
(This helps to address the design criteria related to Dwelling Unit Size, Type and Layout).

- The applicant has provided furniture layout to demonstrate that there is adequate seating in living areas to accommodate the likely number of tenants each unit.  
*(This helps to address the design criteria related to Dwelling Unit Size, Type and Layout).*
- Changes on the twelfth floor plan such that each bedroom has a window.  
*(This helps to address the design criteria related to Dwelling Unit Size, Type and Layout).*
- The addition of a recycling chute leading to the trash management area.  
*(This helps to address the design criteria related to Trash Storage).*
- A slight enlargement to the 11<sup>th</sup> floor study area

### **Exterior Changes**

- A 4-foot deep inset incorporated on the first floor of the building, in front of the commercial space, which could accommodate three small tables for an outdoor seating area next to the narrow public sidewalk.  
*(This helps to address the design criteria related to Semi-Public Spaces, and helps to activate the streetscape for pedestrians traveling along Frances Street. Even though this provides a few feet of space for outdoor commercial use, floors two through ten of the building are still virtually placed on the front property line, before the slight setback at the 11<sup>th</sup> floor. Staff believes that a slight setback of the entire building and the addition of structured landscaping to soften the front of the building would be more effective).*
- The addition of four moped stalls behind the building, for a total of twelve (approximately 1 stall per 8 bedrooms). Also, the addition of information to the Management Plan explaining that moped parking would be assigned, that mopeds with parking spaces would require stickers, and that mopeds without stickers would be removed from the property.  
*(This helps to address the design criteria related to Resident Parking).*
- The relocation of two or the four exterior bicycle parking stalls from the right side of the building to the left front of the building, near the residential entrance.  
*(These stalls will likely be more easily used by visitors to the residential portion of the building than were the stalls attached to the right side of the building).*
- The addition of a shrub on the left side of the building, behind the visitor bicycle parking, and a narrow row of grasses on the right side of a portion of the building along Conklin Place.  
*(Staff does not believe this sufficiently addresses the design criteria related to Landscaping, and questions whether grasses at grade along Conklin Place would even survive)*

The above changes do help the proposal to better meet the design criteria, but staff still believes that the proposal still fails to sufficiently address criteria related massing, landscaping, lighting, off-street loading, and importantly, the criteria for two bonus stories in Downtown Design Zone 2. Further, the proposal still raises the same concerns covered in the December 3 staff report regarding the proposed massing and density on such a small site.

### **Potential for Further Changes**

**Creation of a Front Setback** - At this time, staff understands that the applicant is working on a potential change which would set back the entire building a few feet from North Frances Street in order to provide additional space for pedestrians, and also for some structured landscaped planters in front of the building. In conjunction with this, the rear cantilevered portion of the building would be shifted back a few feet so as to maintain the same unit mix and floor plan on floors 2 through 12 of the

building. This shift will move most of the building's mass to within only a few feet of the rear lot line (and further out of compliance with the UMX District in the new zoning code). This shift toward the rear property line would be unsupported in most cases. However the presence of the narrow public alley behind the building at least provides certainty that some space will be maintained between this property and others across the alley. If proposing this shift, the applicant should ensure that proximity of the rear of the building to the property line does not significantly change the proportion of allowable window openings on the rear facade.

Importantly, staff has not had an opportunity to review or evaluate this potential change. However, if presented by the applicant, the Plan Commission could carefully consider whether or not a front setback of the building for increased landscaping and semi-public space in front of the building could effectively meet the criteria for two bonus stories and the PUD criteria.

**Further Consideration on Recycling Management** – Despite showing a recycling chute in the latest plans, as would be consistent with a suggestion by staff in Condition No. 2a, staff understands that the applicant's preference would be to forego the recycling chute. Instead, recycling would be managed by picking up recycling bins in the common hallways outside of the units on a weekly or more frequent basis as needed. Staff suggests that the provision of a recycling chute is likely a better way to handle it and maintain free and clear common hallways, especially as the building changes ownership through the years. Recycling information could be provided next to the chutes and updated as City recycling policies change in the future. The applicant and Plan Commission may further discuss this issue and decide on an appropriate scenario.

**Occupancy** – As per Condition No. 1, staff has recommended that the occupancy of the building be limited to one tenant per bedroom (now 98 tenants). This type of limitation has been applied to at least two recently constructed high-density, furnished student apartment buildings (621 Mendota Court and 229 Lakelawn Place). As the applicant will note, however, this limitation is not applied to several of the nearby student apartment buildings, many of which have been approved as planned unit developments.

Staff still believes that it is appropriate for a building with this density which takes up almost the entire property to be subject to such an occupancy limitation. However, if the Plan Commission approves the proposal, this issue will likely need to be discussed further at the Plan Commission meeting. If an occupancy greater than one tenant per bedroom is supported by the Plan Commission, staff recommends that the Plan Commission add a condition requiring that the applicant clearly indicate an occupancy limit for each type of unit in the zoning text. Further, the furnishings, which currently show up as one bed per bedroom, should be provided for review and approval by staff, and should coincide with the occupancy limits.

## **Related Actions**

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On December 5, the Urban Design Commission granted **final approval** for the design of the proposal, after finding that it met the Interior and Exterior Design Criteria in Downtown Design Zones, including the criteria for two additional bonus stories in Downtown Design Zone 2. During the meeting, the UDC reviewed an analysis of the proposal compared with requirements in the UMX District (enclosed), which they had requested of staff.

In their action, the UDC suggested that the City consider “bump-outs” for tree planting in the terrace, as a way to provide additional landscaping in this area. Planning Division staff generally disagrees with this approach, and instead suggests that landscaping requirements for private property be met on private property. A draft report from the December 5 UDC meeting will be provided to the Plan Commission for review.

## **Conclusion**

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The applicant has worked to make several slight changes to the proposal, while maintaining the same basic program for this small property. Staff believes that while the building is well-designed, and while the changes made recently have moved the proposal in the right direction, the standards for rezoning, criteria for Planned Unit Developments, and a few of the design criteria for downtown design zones are still not sufficiently addressed. Therefore, the Planning Division recommends that the Plan Commission find that standards for demolition approval and rezoning to PUD-SIP (Planned Unit Development-Specific Implementation Plan) cannot be met, and forward this request to the January 8 meeting of the Common Council with a recommendation to **place the proposal on file without prejudice**.

Alternatively, should the Plan Commission recommend approval of the proposal in its current form, or based on changes made by the applicant at or shortly before the Plan Commission meeting, they should do so subject to input at the public hearing and conditions from reviewing agencies as included in the December 3 staff report and amended below.

## **Recommendations and Proposed Conditions of Approval**

Major/Non-Standard Conditions are shaded

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### **Planning Division Recommendation**

The Planning Division recommends that the Plan Commission find that standards for demolition approval and rezoning to PUD-SIP (Planned Unit Development-Specific Implementation Plan) cannot be met, and forward this request to the January 8 meeting of the Common Council with a recommendation to **place the proposal on file without prejudice**.

Alternatively, should the Plan Commission recommend approval of the proposal in its current form, or based on changes made by the applicant at or shortly before the Plan Commission meeting, they should do so subject to input at the public hearing and the conditions from reviewing agencies in the December 3 staff report, with changes to Condition Nos. 5 and 43 as outlined below:

### **Planning Division** (Contact Heather Stouder, 266-5974)

~~5. Prior to the Common Council hearing for this project, the applicant shall obtain final approval for the design from the Urban Design Commission. In making their finding, the Urban Design Commission shall pay close attention to the following details (not yet provided to staff) as they pertain to the Design Criteria in Downtown Design Zones.~~

- ~~a) Landscaping (details pertaining to the green roof element).~~
- ~~b) Lighting~~

Final plan sets shall include updated landscaping and lighting plans for review and approval by Planning Division and Urban Design staff.

**Parks Divison** (Contact Kay Rutledge, 266-4714)

43. The developer shall pay approximately \$70,057.52 for park dedication and development fees for the new 31 MF unit building after a credit is given for the existing single family home and three-unit multi-family building currently located on the property. (See calculation of 2012 rates below. Rates will be higher if paid after 2012).

Fees in lieu of dedication = (42 31 mf @ \$1,631) =	\$50,561.00
Park development fees = (42 31 mf @ \$628.92) =	\$19,496.52
<b>Subtotal Fees =</b>	<b>\$70,057.52</b>
<b>Credit for Existing Development</b>	
Fees in lieu of dedication (1SF @ \$2,563 + 3MF @ \$1,631) =	\$ 7,456.00
Park development fees = (1SF @ \$978.33 + 3MF @ \$628.92) =	\$ 2,865.09
<b>Subtotal Credit =</b>	<b>\$10,321.09</b>
<b>Total Fees =</b>	<b>\$59,736.43</b>