



PREPARED FOR THE PLAN COMMISSION

**Project Address:** 5535 University Avenue (District 19 – Ald. Furman)  
**Application Type:** Demolition Permit and Conditional Use  
**Legistar File ID #:** [66120](#)  
**Prepared By:** Chris Wells, Planning Division  
Report Includes Comments from other City Agencies, as noted  
**Reviewed By:** Heather Stouder, AICP, Planning Division Director

---

On August 20, 2021, the Planning Division received an updated first floor plan of the proposed building at 5535 University Avenue. The revised floor plan shows a commercial space which has been increased from 2,735 to 3,564 square-feet in size. To make room for this 829-square-foot enlargement, the one-bedroom unit which was previously in that location, has been moved and replaced the exercise room. As a result, the unit count and breakdown for the building has not changed. Justifying the elimination of the exercise room amenity, in communications with staff, the applicant has stated that they plan to rent a portion of the commercial space to a personal fitness company. The space would be used both by the tenants in the building but also the greater public. They also stated that if they are not able to lease a portion of the space to a personal fitness company, they would be willing to make arrangements for our tenants to have access to a nearby fitness center.

While some agencies have not had time to review the changes, Staff believe that the changes are limited enough to be handled during the review phase before final sign off. Importantly however, the Assistant Zoning Administrator did determine that with the changes noted above, the commercial space now occupies at least 50 percent of the ground-floor frontage facing University Avenue. Therefore, with this updated site plan, the applicant is no longer requiring the following conditional use:

*Consideration of a conditional use for a building in the NMX District with non-residential uses occupying less than 50 percent of the ground-floor frontage facing the primary street, including all frontage at a street corner.*

**Recommendation**

Staff believes that the modifications and additional information provided in the revised materials have improved the proposal related to the concerns raised regarding the amount of commercial space (as compared to what was approved back in 2018). Given the changes outlined above, and the elimination of one of the conditional uses, the Planning Division recommends that the Plan Commission find that the standards can be met and **approve** the demolition permit and three conditional use requests to demolish a grocery store before constructing a four-story, mixed-use building with 3,564 square-feet of commercial space and 66 apartments at 5535 University Avenue. These recommendations are subject to input at the public hearing and the conditions recommended by reviewing agencies in the August 23, 2021 staff report.