

City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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## BDS – Land Use Planner Response

### Pre-Application Conference

**Date:** June 17, 2010  
**To:** Douglas Hardy, Conference Facilitator  
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**Case File:** 10-127599  
**Location:** 4310 SW MACADAM AVE  
**Property ID:** R327918  
**Proposal:** Pre-application conference for a **Type III Design Review** to allow the construction of a four-story addition to an existing 40,000 square foot office building. The addition will contain approximately 30,000 square feet of office space and accessory uses, and 102 structured parking spaces. Vehicular access in Phase I will be from a reconfigured curb cut on SW Bancroft, with Phase 2 having additional access from SW Moody.

The information provided at the conference and included in this response is based on the information you provided prior to and at the conference and reflects regulations in effect at the time of the conference. This response provides information and guidance only. It is neither a complete review nor a decision regarding your project. References are to the Portland Zoning Code available online at [www.portlandonline.com/zoningcode](http://www.portlandonline.com/zoningcode).

#### A. Key Issues and Requirements

The following issues and requirements have been summarized for the applicant to pay special attention to as they may impact your proposed project. Please refer to the rest of this response for all the requirements and details.

1. The site and building frontage along SW Moody will be considered street-facing and, as such, held to those high standards. It is acknowledged that SW Moody is not yet constructed and may not be at the time of building construction. Therefore, you may request a Phase 2, assured to be built once SW Moody is improved to public street standards. During the Type III Design Review, it will be important to show (1) the Phase 1 approach, designed to meet guidelines and (2) the final Phase 2 design, demonstrating the final project's compliance with the criteria and justifying a phased scenario.
2. The building design facing SW Macadam should not be treated as a back-side to the building. While the building may not be accessed from SW Macadam, SW Macadam is a significant street in Portland with a Pedestrian Street designation that warrants good

design. The design should consider the variety of ways people experience buildings along the street and from properties East of Macadam.

3. The south elevation of the building faces a future proposed Accessway. It therefore also cannot be treated as a back-side and should, instead, be designed with the pedestrian in mind. The adopted 'South Waterfront District Street Plan, Criteria and Standards' include specific requirements for the design of designated Accessways.
4. The project is considered a "Major Remodel" (as defined in 33.910). Therefore the Required Building Line standard in 33.510.215 and the Ground Floor Window standard in 33.510.220 will apply not only to the new addition but to the existing building.
5. The Accessway to the south of the property is designated as a "Special Building Height Corridor". 33.510.252 A.2. limits the portion of a building within 50' of the centerline of an accessway to 50' in height.

#### B. Land Use Reviews Required

The following table identifies land use reviews required for your project. Please refer to code citations for additional information. Note that the below code citations link to chapters of the code; you will need to scroll through the chapter to find the applicable section. Information and handouts on land use reviews are available on our website.

Review Required	Review Trigger	Code Citation
Type III Design Review	Required for proposals in the South Waterfront District with a value over \$1,841,650.	<a href="#">33.825.025</a>
Design Modifications	May be requested as part of the design review for <i>site-related</i> standards (such as setbacks, size of loading spaces) that are not met. An Adjustment review is required for <i>use-related</i> development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) that are not met.	<a href="#">33.825.040</a>

#### C. Land Use Review Approval Criteria

Address the applicable zoning code approval criteria for the required reviews:

Topic	Approval Criteria Comments	Code Citation & Link
Design Review	The approval criteria for Design Review are the applicable design guidelines. For this site, the design guidelines are: <ul style="list-style-type: none"> <li>▪ <a href="#">Central City Fundamental Design Guidelines</a></li> <li>▪ <a href="#">South Waterfront Design Guidelines and Greenway Design Guidelines for South Waterfront</a></li> </ul>	<a href="#">33.825.055</a> <a href="#">33.825.065</a> <a href="#">Link to Design Guidelines</a>
Design Modifications	Modifications of site-related development standards, including the sign standards of Chapters of 32.32 and 32.34 of the Sign Code, may be requested as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to	<a href="#">33.825.040</a>

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Topic	Approval Criteria Comments	Code Citation & Link
	use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications must show that A. The resulting development will better meet the applicable design guidelines; and B. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.	

**D. Use Standards**

The proposal contains approximately 30,000 square feet of new office space, which includes an approximately 4,000 square foot accessory processing facility for use by the Department of Homeland Security Immigration and Customs Enforcement staff located at the site. The use in its entirety is considered Office, a use which is allowed by right in the CXd zone.

**E. Development Standards**

The site is located in the CX base zone, d overlay zone and the Central City - South Waterfront plan district. The regulations of the overlay zone or plan district supercede the regulations of the base zone.

Topic	Requirement	Code Citation and Link
<b>Central City Plan District</b>	<p>The site is located within the Central City Plan District. There are several standards within the Plan District that supercede the base zone and overlay zone standards. These standards are noted below. In addition, the following standards apply.</p> <ul style="list-style-type: none"> <li>• Maximum base FAR 5:1</li> <li>• Maximum building height 125' (see additional height restrictions for "Special Building Height Corridor" in 33.510.252 A.2. and Map 510-15)</li> <li>• Required Building line at SW Moody – "Major Remodel" status applies to new and existing</li> <li>• Ground Floor Window Standard applies at all 4 frontages - "Major Remodel" status applies to new and existing</li> <li>• Ground Floor Active Use required at SW Moody</li> <li>• SW2 Parking Sector</li> <li>• SW Bancroft is a Parking Access Restricted Street – "street where access to parking is prohibited" (Map 510-9)</li> <li>• Retail Sales and Service use is limited per 33.510.116</li> <li>• The south frontage is a designated "Special Building Height Corridor" and a designated Accessway Map 510-15</li> <li>• 33.510.221 Required Windows Above the Ground Floor applies because of the regulations in B.3.</li> <li>• 33.510.252 C. Locker Rooms and additional bike parking requires additional bike facilities.</li> </ul>	<u>Chapter 33.510</u>
<b>Design Overlay Zone – d</b>	<p>The Design Overlay Zone promotes the conservation, enhancement and continued vitality of areas of the City with special scenic, architectural, or cultural value. Design Review or compliance with the Community design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.</p>	<u>Chapter 33.420</u> <u>33.218</u>

**Commercial Zones**

<b>Setbacks</b>	<ul style="list-style-type: none"> <li>• SW Moody: (33.510 standards apply because this frontage is a "Required Building Line")</li> <li>• South frontage: (33.510 standards apply because this frontage is a "designated Accessway")</li> </ul>	<u>Table 130-3</u>
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<b>Transit Street</b>	These standards apply to each tenant space. Each tenant space must meet the standards on at least one of the transit streets.	<u>33.130.242</u>
<b>Ground floor windows</b>	50% of the length and 25% of the area of the ground floor building wall facing all 4 property lines must be in window area. (See above Central City Plan District regulations where this standard applies to the existing building because the project is defined as a Major Remodel.)	<u>Table 130-3</u>
<b>Recycling Areas</b>	Businesses and Multifamily Complexes are required to have recycling areas.	<u>33.130.310</u> <u>17.102.180</u>
<b>Fences</b>	Regulations for type, location and height of fences.	<u>33.130.270</u>
<b>Signs</b>	In the 'd' overlay zone, exterior signs larger than 32 square feet must be reviewed through Design Review. In the Macadam Plan District, all signs limited further than the base CX zoning allows. The sign regulations are stated in Title 32, Signs and Related Regulations.	<u>Title 32</u>
<b>Screening</b>	All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Screening must be to at least L2 or F2 standard. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened.	<u>Table 130-3</u> <u>Chapter 33.248</u>
<b>Pedestrian Standards</b>	These standards apply.	<u>Table 130-3</u>
<b>Exterior Display, Storage, and Work Activities</b>	Exterior display of goods is not allowed. Exterior storage is not allowed.	<u>33.130.245</u>
<b>Trucks and Equipment</b>	Regulations applied to truck parking.	<u>33.130.255</u>
<b>Street Trees</b>	The City Forester requires street trees for all development.	<u>20.40, Street Trees and Other Public Tree Regulations</u>
<b>Nonconforming Upgrades</b>	Upgrades to existing nonconforming development are required.	<u>33.258.070.D</u>

### Parking and Loading

<b>Parking – Minimum/Maximum</b>	See the regulations listed in the Central City Plan District, 33.510.267. A Type III CCPR may be required.	<u>33.510.267</u>
<b>Parking</b>	<ul style="list-style-type: none"> <li>Parking spaces and aisles must meet the minimum dimensions contained in <u>Table 266-4</u>.</li> <li>Setbacks and perimeter landscaping requirements apply.</li> <li>Regulations on the allowed locations for parking areas are included in <u>Table 266-3</u>.</li> </ul>	<u>33.266.130</u>

<b>Parking – setbacks and landscaping</b>	<ul style="list-style-type: none"> <li>5' foot setback landscaped to the L2 standard</li> </ul>	<u>33.266.130</u> <u>33.248</u>
<b>Parking – interior parking lot landscaping</b>	In all zones, landscaping must be provided within the interior of parking lots for sites where there are more than 10 parking spaces on the entire site. At least 45 square feet of interior landscaped area must be provided for each parking space.	<u>33.266.130</u>
<b>Bicycle Parking – Short Term</b>	Short term bicycle parking is required on-site. The minimum number of bicycle parking spaces is based on the proposed uses in the project. See <u>Table 266-8</u> . Short-term bicycle parking must be outside a building, at the same grade as the sidewalk or at a location that can be reached by an accessible route, near the main entrance. Each space must be at least 2 feet by 6 feet.	<u>33.266.220</u>
<b>Bicycle Parking – Long Term</b>	Long-term bicycle parking is required on-site. The minimum number of bicycle parking spaces is based on the proposed uses in the project. See <u>Table 266-8</u> . Long-term bicycle parking must be in a secure location. At least 50 percent of the spaces must be covered.	<u>33.266.220</u>
<b>Loading</b>	<ul style="list-style-type: none"> <li>Required loading spaces must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.</li> <li>Loading facilities must be designed so that vehicles enter and exit the site in a forward motion</li> </ul>	<u>33.266.310</u>
<b>Loading – Setbacks &amp; Landscaping</b>	<ul style="list-style-type: none"> <li>5 feet to the L2 standard or 10 feet to the L1 standard – abutting a street</li> <li>5 feet to the L2 standard or 10 feet to the L1 standard – lot line abutting a C, E or I zone lot line</li> </ul>	<u>33.266.310.E &amp;</u> <u>Table 266-7</u> <u>Chapter 33.248</u>

#### F. Nonconforming Upgrades

Whenever a property owner or tenant makes interior or exterior improvements to a site totaling more than \$131,150, up to 10% of the project cost must be spent toward bringing the site into conformance with the zoning code. Mandatory improvements for fire, life safety, and accessibility do not count toward the thresholds. Seismic and some stormwater upgrades also do not count toward the thresholds. The following items are areas where your site is not in compliance with the zoning code. Improvements may be made in any order and any individual item may be met in part as long as the 10% requirement is fulfilled:

1. Landscaped setbacks for surface parking and exterior development areas; See above table for standards that are applicable to the zone.
2. Pedestrian circulation systems; as set out in the pedestrian standards that apply to the site; See above table for standards that are applicable to the zone.
3. Bicycle parking by upgrading existing racks and providing additional spaces. Sites that do not have accessory surface parking or are inside the Central City Core Area or Lloyd District, as shown on Map 510-8, are not required to meet this standard for long-term bicycle parking, but are required to meet this standard for short-term bicycle parking. See above table for standards that are applicable to the zone.
4. Interior parking lot landscaping. See Subsection 33.730.130.D that states that prior Adjustments to this standard before March 16, 2001 are expired. See above table for standards that are applicable to the zone.

5. Landscaping in existing building setbacks; see above table for standards that are applicable to the zone.
6. Minimum landscaped area (where land is not used for structures, parking, or exterior improvements); See above table for standards that are applicable to the zone.
7. Screening; See above table for standards that are applicable to the zone.
8. Paving of surface parking and exterior storage and display areas; see above table for standards that are applicable to the zone.

#### **G. Previous Land Use Reviews.**

As part of your application, address relevant conditions of approval from previous land use reviews on the site and discuss the current status of compliance. Below are the relevant land use case reviews that the City of Portland has on record for the subject site:

##### **1. LUR 01-00280 DZM**

*Approval of a proposal to construct a new trash enclosure as well as a new recycling storage enclosure on the east edge of the site, in an existing parking lot. The two structures are each to be built of masonry with a painted stucco finish, with a pitched roof, a door, and exterior light fixtures.*

*A Modification through Design Review is approved to allow the two structures to not meet ground floor window standards either where they face the rail corridor right-of-way or where they face SW Bancroft Street.*

*At the northwest corner of the existing building, three condensing units are to be located on a concrete pad against the building. Each unit is to be no more than 3 feet tall, and the pad is to be screened with plantings.*

*All approvals per the stamped Exhibits C-1 through C-6, signed and dated June 21, 2001, subject to the following conditions:*

*A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File #LUR 01-00270." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."*

*B. Plantings around the proposed concrete mechanical pad must meet the L3 requirement (see Section 33.248.020.C) in all respects except the height of the plantings. The height must be 4'-6" minimum (rather than the L3 standard of 6'-0"). A wall may not be substituted for the shrubs.*

*C. An existing tree at the northwest corner of the site, near the proposed mechanical pad, must be retained. The concrete pad may not be placed within the dripline of the tree.*

*D. A condition in a prior case (LUR 99-00279) requiring a fully screened trash enclosure, may now be superceded by this decision. However, if the current full proposal is not constructed, all prior conditions and approved Exhibits will remain in effect*

2. LUR 01-00667 GW, DZ

Approval of a proposal to make exterior alterations to an existing building and its site. Specific approvals for: a Relocating three existing painted metal exit doors and adding one new similar door. Two of the doors are located on the east side of the existing building, and the other two doors are located on the south side of the building. a Replacing existing English Ivy with a native species of groundcover (Kinnickinnick) at the northwestern corner of the site. a Adding 7 new 5'-0" wide and 16'-0" long planting "islands" at the east edge of the parking lot. The curbed "islands" are to be located every 22 feet (on center), each with a flowering pear tree and groundcover (Kinnickinnick). a Locating a new generator, of maximum dimensions 6'-0" tall, 11'-4" long, and 3'-6" wide, at the west edge of the site, along the Macadam Avenue frontage. The metal generator is to sit on a new concrete pad set 3 feet below the height of the Macadam right-of-way. The westernmost edge of the slab is to be no closer than 9 feet from the west property line. a Adding a new 4- to 6-foot high hedge to screen views of the generator from Macadam. A new 48" high fence on top of a 24" retaining wall (or a 72" high fence with no wall, on the east side of the enclosure) is to be erected around the generator pad. The new fence is to match the existing fence. All approvals per the stamped Exhibits C-1 through C-11, signed and dated December 3, 2001, subject to the following conditions: A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File #LUR 01-00667." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED." B. The emergency generator must meet the requirements of Chapter 22.262, Off-Site Impacts, including the Subsections for Noise, Odor, Vibration, and Glare.

3. LUR 99-00279 DZ, GW

LUR 99-00279 Approval of a proposal to fence an existing parking lot, including the addition of security gates and equipment, at the Bank of America. In addition to the fence, the applicant proposes to add perimeter and interior parking lot landscaping, bike parking, pedestrian walkways, and trash area screening. The modification through design review is approved to allow a portion of the east lot line to have three feet of landscaped setback, instead of the 5U-0S minimum. Approval of the proposal as described in Exhibits C.1 and C.2 stamped, signed, and dated May 17, 1999, and subject to the following condition: A. The fence around the trash area as shown in Exhibit C.1, site plan, shall meet the F2 standard as required in Section 33.130.235, Screening, of the Portland Zoning Code. The fence shall be constructed of the same metal fencing proposed elsewhere on the site, with an additional sight-obscuring component, painted to match, added at the interior of the trash enclosure.

4. PC 7550

Ordinance No. 157795: An ordinance adopting the findings and recommendations of the Macadam Corridor Study, changing the zoning for several properties in the study area

H. Procedures

When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the



highest, followed by Type IIx, Type II, and then Type I. When reviews are requested concurrently with a Design Review, the reviews will be processed separately. For additional information on procedures and timelines, see the Overview of the Land Division Process and the Summary of Procedure Types.

**For a Type III Land Use Review:**

<b>Completeness</b>	Land Use Services planning staff will notify the applicant of any missing information or materials within 21 days of submittal.
<b>Posting</b>	Staff will provide the applicant with a flyer that must be posted on the site at least 30 days before the hearing.
<b>Public Notice</b>	Staff will mail public notice to all property owners within 400 feet and to the recognized organizations within 1,000 feet of the site. The notice is mailed at least 20 days prior to the hearing.
<b>Recommendation</b>	Staff will issue a written recommendation to the Hearings Officer/Design Commission 10 days prior to the hearing.
<b>Hearing</b>	The hearing will occur within 51 days after the application is determined complete.
<b>Decision</b>	Within 17 days of the close of the public record, the Hearings Officer/Design Commission will issue a decision.
<b>Appeal</b>	The decision may be appealed to the City Council.

**I. Neighborhood Notification**

When you apply for a Type III Land Use Review, all property owners within 400 feet and all neighborhood associations and recognized organizations within 1,000 feet of your site will receive notification of your proposal. (Section 33.730.030.D)

- The site is located within the neighborhood association of South Portland NA., contact Jim Davis at 503-248-9820.
- The site is located within 400 feet of
- The site is located within 1,000 feet of
- The site is located within the district neighborhood coalition of Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
- The site is located within the business association of South Portland Business Association, contact Brian Alfano at 503-288-5661.
- Additional neighborhood information, including mailing addresses, is available at [www.portlandonline.com/oni/search/](http://www.portlandonline.com/oni/search/)

**J. Submittal Requirements for Land Use**

This list identifies the materials you must submit for your application to be considered complete. For additional details, see Zoning Code Section 33.730.060.

**General Information**

	Item to submit	# of copies (8½ x 11)	Details
1.	<b><u>Application Form</u></b>	2	Complete application form.
2.	<b><u>Fee</u></b>		<u>Land Use Review fees</u>
3.	<b><u>Optional: Request for an Evidentiary Hearing and Waiver of Right to</u></b>	1	Allows new facts and evidence (an "evidentiary hearing") if your project is ultimately appealed. You

	Item to submit	# of copies (8½ x 11)	Details
	<b><u>a Decision within 120 Days</u></b>		Must submit this form within 21 days of submitting your land use review application.
4.	<b><u>Neighborhood Contact Letters</u></b>	1 (of each)	<ul style="list-style-type: none"> <li>▪ Copy of initial letter to request a meeting</li> <li>▪ Copy of mail receipts</li> <li>▪ Copy of the second letter</li> </ul>

**Written Narrative**

	Item to submit	# of copies (8 ½ x 11)	Details
5.	<b>Written Statement</b>	2	Statement that describes the project.
6.	<b>Written Statement</b>	2	Provide a written statement that describes the project and includes the following items: <ul style="list-style-type: none"> <li>▪ A complete list of all land use reviews requested;</li> <li>▪ A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);</li> <li>▪ Additional information needed to understand the proposal.</li> </ul>
7.	<b>LEED Narrative</b>	2	Describe sustainable features, green technology, etc.
8.	<b>Design Review Narrative</b>	2	Address, in written form, the approval criteria in Section 33.825.055 and 33.825.065 and the applicable design guidelines (noted above).
9.	<b>Design Modifications Narrative</b>	2	Address, in written form, the approval criteria in Section 33.825.040.

**Materials and Photos**

	Item to submit	# to submit	Details
10.	<b>Manufacturer's Cutsheets</b>	2	Show proposed exterior light fixtures, rooftop equipment, exterior vents, etc.
11.	<b>Site Photos</b>	1	Provide photos of site, neighborhood and surrounding context.

**Design Plans and Elevations**

	Item to submit	# of copies (1/2 size, scalable)	# of copies (11 x 17)	# of copies (8 ½ x 11)	Details
12.	<b>Site Utility Feasibility Plan</b>		2	2	Show proposed and existing sewer service connections, water service connections, septic drainfields and stormwater disposal methods.

	Item to submit	# of copies (1/2 size, scalable)	# of copies (11 x 17)	# of copies (8 1/2 x 11)	Details
13.	Vicinity Plan	1	2	2	Submit plan that shows buildings, streets and open space in a 3-block context.
14.	Site Plan	1	2	2	Submit plan that shows adjacent street frontages, relationship of existing curb-cuts and building entrances, base points for height measurements and FAR
15.	Landscape Plan	1	2	2	Provide details including plant species.
16.	Floor Plan Diagrams	1	2	2	Show floor areas and FAR calculations.
17.	Floor Plans and Roof Plan	1	2	2	
18.	Building Elevations	1	2	2	
19.	Enlarged Elevations	1	2	2	At the street level, windows, balconies, garage gates, railings, vents, parapets and rooftop mechanical enclosures
20.	Building Sections	1	2	2	Showing building height and base point height.
21.	Typical Sections and Details	1	2	2	Show walls, windows, balconies, railings, canopies, garage gates, exterior vents, rooftop mechanical enclosure, material joints.
22.	Perspectives	1	2	2	Show context, distinct sightlines
23.	Sightline Studies	1	2	2	
24.	Colored Renderings	1	2	2	Include nighttime renderings.
25.	Sign Plans	1	2	2	Provide elevations, details, sections and mounting details.

## Plans and Elevations

	Item to submit	# of copies (full-size, to scale)	# of copies (8 1/2 x 11)	Details
26.	Site Plan	1	1	Show: <ul style="list-style-type: none"> <li>All property lines with dimensions and total lot area;</li> <li>North arrow and scale of drawing;</li> <li>Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;</li> </ul>

	Item to submit	# of copies (full-size, to scale)	# of copies (8 1/2 x 11)	Details
				<ul style="list-style-type: none"> <li>Existing natural features such as watercourses including the ordinary high water line and top of the bank;</li> <li>All trees greater than 6 inches in diameter, measured 5 feet above the ground, in areas to be disturbed;</li> <li>Easements and on-site utilities;</li> <li>Existing and proposed development with all dimensions;</li> <li>Building elevations;</li> <li>Location of adjacent buildings;</li> <li>Distances of all existing and proposed development to property lines;</li> <li>Types and location of vegetation, street trees, screening, fencing, and building materials;</li> <li>Percentage of the site proposed for building coverage, and landscaping coverage;</li> <li>Motor vehicle and pedestrian access and circulation systems, including connections off-site;</li> <li>Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;</li> <li>Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and</li> </ul>
27.	<b>Stormwater Management Plan and Site Utility Plan</b>	1	2	Show proposed and existing sewer service connections, water service connections and stormwater disposal methods.
28.	<b>Building Elevations</b>	1	1	

You may submit your application in the Development Services Center, 1900 SW 4<sup>th</sup> Ave., 1<sup>st</sup> floor from 12:00 pm to 3:00 pm, Tuesday through Friday.