



**REQUEST
PROJECT**

Concept Review and Modifications Review
Fogg Street Lawn Club

**Council District
Requested by**

19 – O’Connell
Blake Daniels/Daniels & Chandler Architects, applicant;
Thor’s Hammer Properties, LLC, owner.

Staff Reviewer

Islas

Staff Recommendation

Approve with conditions and defer without all conditions

Applicant Request

A request to approve a concept plan and modifications to various DTC requirements for property located at 648 Fogg Street, zoned DTC (0.35 acres), and within the Lafayette Subdistrict of the DTC.

Project Overview

The project proposes an 8,140 square foot rooftop addition with a bar, outdoor bowling, a new stair, and a new elevator core. The existing building is a one-story structure built prior to the adoption of the Downtown Code, and currently occupied by Bad Axe Throwing. There are 11 surface parking spaces on the site along Fogg Street, which are proposed to remain. A portion of the site was impacted by the closing of the at-grade railroad crossing at the intersection of 7th Avenue South and Fogg Street between 2017 and 2018.

Plan Details

The proposed rooftop addition would extend past the existing structure’s front façade on Fogg Street, and over the existing surface parking lot by approximately 34 feet. This would result in an 18’ 3” floor to floor height for the “ground floor,” which would be occupied by the surface parking lot for the foreseeable future (Figure 1). The owner envisions a second phase of this project (Figure 2) that would transform the surface parking lot into an outdoor patio space and bar, screened by planters, and street trees planted within a planting strip – meeting MCSP requirements.



Figure 1 – “Phase 1”



Figure 2 – “Phase 2”



Downtown Code DRC Meeting of 11/3/2022

MODIFICATION REVIEW

The DTC requires that additions or expansions of 1,000 square feet or greater (such as this one) “improve the pedestrian realm according to the Major and Collector Street Plan, add street trees (where possible), meet parking lot landscaping standards, and shall not increase the degree of nonconformity (DTC page 15).” However, the project, as proposed, does not meet the typical interpretations of several DTC requirements, including:

1. Active Use Ground Floor Requirement

- Required: An active use on the ground floor fronting Fogg Street (a secondary street)
- Phase 1 Request: Providing active use on the rooftop addition, but not on the ground floor
- Phase 2 Intent: Activate the space underneath the rooftop addition with outdoor patio and bar space
- Request for interpretation: Does Phase 1 meet the street activation intent of the DTC regulation?

2. Build-To Zone Requirement (“the specified depth along a property’s street frontage in which the required minimum façade width must be located.” (DTC page 67))

- Required: 0’-10’ build-to zone on Fogg Street
- Phase 1 Request: Meeting the build-to zone for the rooftop addition, but not at ground floor
- Phase 2 Intent: Meeting build-to zone on ground floor with outdoor patio and bar space
- Request for interpretation: Does Phase 1 meet the intent of the build-to zone requirement?

3. Minimum Façade Width (“the minimum amount of the frontage that must be defined by a building.” (DTC page 67))

- Required: 80% or 107’ of the approximately 134’ lot frontage on Fogg Street
- Phase 1 Request: The rooftop addition would occupy 49% or 65’ of the approximately 134’ lot frontage on Fogg Street
- Phase 2 Intent: No change from Phase 1
- Request for interpretation: If the DRC determines that Phase 1 meets the intent of the build-to zone requirement, does Phase 1 meet the intent of the minimum façade width requirement?

4. MCSP Requirement

- Required: 8’ sidewalk and 4’ planting strip with street trees on Fogg Street
- Phase 1 Request: Not included
- Phase 2 Intent: Included
- Request for interpretation: Given the nature of the proposed Phase 1 addition, should MCSP compliance be postponed to Phase 2?



Downtown Code DRC Meeting of 11/3/2022

STAFF RECOMMENDATION

As the nature of this project is not anticipated by the existing Downtown Code regulations, Planning Staff recommends that the DTC DRC provide project-specific and site-specific interpretations of the aforementioned DTC requirements in relation to the project's first phase.

Staff recommends approval of the first phase with the following conditions and deferral without all conditions:

1. The rooftop addition should be designed and constructed so that it will not extend over the pedestrian realm post-MCSP improvements.
2. Prior to Final Site Plan review and approval, the applicant shall integrate feedback from the DTC DRC meeting.
3. If the scope of work associated with the first phase of the project were to change, the DTC DRC must review and approve a new concept plan.
4. Concept plans for any subsequent phases shall be reviewed by the DTC DRC.