

JBPro

Top 10 Requested Changes to Chapter 407 Article VII TND & TOD Land Development Regulations (May 2024)

1. **Section 407.62 (a)** The TND / TOD Ordinance is entirely too prescriptive and does not allow enough flexibility to achieve unique designs. Sec 407.62 says it is intended to provide flexibility in development. We do not think the ordinance is crafted to allow much flexibility at all.
2. **Section 407.64 (d) (2) b.** – Suggest lowering the minimum non-residential SF above the base amount. In many instances the base amount is already enough non-residential to support a decent sized residential community. Suggest lowering the minimum amount from 50 SF to either 0 SF or 10 SF. The maximum amount of 250 SF seems to be reasonable.
3. **Section 407.64 (d) (2) g.** – Suggest changing the minimum and maximum for retail uses required. In some TND's office use or civic use may be a better choice than retail. Why prescribe this criteria? Having non-residential should be good enough and allow what might work in a given location to be enabled. Office uses may be just as important to a neighborhood to keep trips close to home whereby a commercial use may not be economically viable.
4. **Section 407.66 (C)** - This is too prescriptive. Item (1) makes sense, but the others are unnecessary. The market understands the need for multi-story buildings. Why prescribe it? Suggest changing the criteria in (3) to not allow the adjacent multi story residential to accommodate only 10% of the 25% criteria but all of it. We need the non-residential to be successful and not empty 2nd floors.
5. **Section 407.67 (a) (1)** – Why is this criteria needed? We do not have so extensively large TND's that people cannot walk to non-residential uses within a TND anywhere.
6. **Section 407.68 (a) (3)** – An 8' path would be more reasonable along with trees at 50' on center.
7. **Table 407.68.1** – Suggest the block lengths can and should be larger. An 1/8th mile standard block face of 660 ft. should be allowed as it is a very comfortable walking length. This would result in a maximum block length of 2,640 LF. Block faces that provide an internal pedestrian connection to another block face meeting the design criteria for the walkway should be allowed to increase each connected block face by up to 50% of the block face length based on the location of the internal pedestrian connection. Typical block lengths in the Cities of Manhattan and Chicago are 2,400 LF & 2,000 LF respectively with no internal pedestrian or vehicular connections.
8. **Section 407.67 (b) (4) b** – The glazing criteria are excessive and difficult to comply with for many typical building types. We do not believe this is a significant difference maker in the TND developments and the criteria adds extensive cost to each

building with very little benefit other than adding cost. We do ever recall a single resident, client, stakeholder or official who official ever commenting to us that a building has too little glazing. We agree that glazing on the ground floor is important for aesthetics but at more reasonable levels, mostly on the ground Floor. Reducing the glazing percentage would make a big difference to cost and create marginal if any negatives. Suggest changing the criteria to the following:

	<u>Ground Floor</u>	<u>2nd Floors & Above</u>
Primary Building Frontage	35%	20%
Secondary Building Frontage	20%	10%

The above criteria are especially necessary for residential and office uses. Higher criteria for commercial / retail uses may be justified at the current levels.

9. **Section 407.68 (c) (2) a.** – Where did the criteria of 75% building frontage along a block face come from? This is excessive. Suggest this gets reduced to 50%. Interior parking can be screened by garden walls, decorative fencing, and landscape shrubbery. 50% is a significant criterion that is not overly excessive. Exceptions to the building frontage requirements should be allowed for community plazas, squares, parks, gathering spaces, etc. that are provided along street frontages and include screening of interior parking areas by garden walls, decorative fencing, landscaping, etc.
10. **Section 407.68 (c) (2) a.** – The last sentence of this section is completely unnecessary, arbitrary, and egregious, especially with the building frontage requirements. There are other ways to screen interior parking from the street without creating a plaza or architectural feature with lighting, seating etc.
11. **Section 407.68 (c) (2) c.** – Suggest adding stormwater management basin to the first sentence along with conservation area, topographical constraint, or property boundary.
12. **Section 407.68 (d) (3) c. 1.** – 8 ft sidewalk widths for SFA & multifamily residential are overly large and costly. 6 ft sidewalk widths are completely sufficient for multiple pedestrians and allow more area for landscape / tree planting.
13. **Section 407.68 (d) (6) a.** – The use of bulbouts should not be universal. There is a place for them in certain locations but why require them in all locations? They can cause visibility issues, be poorly maintained vegetatively, and be eyesores. They also break up and reduce the area and ease for parallel parking, which is a valuable component of the TND street and pedestrian experience. Allowing street trees on the back side of sidewalks provides a better shade experience for pedestrians with more room available for root growth. Bulbouts can also cause more complicated grading and stormwater management, increasing cost considerably. We strongly

believe this is a dictating opinionated regulation that should be allowed optionally but not a prescribed requirement.

14. **Section 407.68 (d) (7)** – Why limit cul-de-sacs to 250 ft. when conditions are such that they make sense within the scope of a project perimeter or boundary condition. If they are allowed to be the length of a block face, say 660 ft., they can contribute to a block on other block faces. 250 ft. just seems a bit arbitrary and limiting.
15. **Section 407.69 (a)** – Suggest increasing the required block perimeter outside the TSA to ½ mile or 2,640 ft. instead of 2,000 ft.
16. **Section 407.70 (b) (3) b. 5 (C)** – 12 ft sidewalk widths along arterial roadways are incredibly wide. They are required on both sides of the road and the roadways should have on street bike lanes. Why so wide? 8 ft. wide seems more than adequate. Adding an excessive amount of impervious surface adds R/W width and reduces area for landscape. It may be required where non-residential buildings front the street and there is lots of pedestrian activity, but not all locations should require such a wide sidewalk.

Comments from eda, inc.

We believe that three other primary issues that we should work on are related to:

1) phasing schedules (Sec. 402.130(d) regarding phasing has to be completely re-written and simplified);

2) timing of construction within blocks (some new code language should be added); and

3) conflicts between landscape/sidewalks/utilities (we'll send some specific code areas out soon).

We have also struggled related to street tree requirements in Sec. 407.43.1(b)1 and Table 407.141.1, particularly when there is on-street parking. The way regulations have been applied require a street tree on the street side of the sidewalk every 40 feet, which means that a landscape island or bulb-out must be placed every 40 feet, which is excessive.

Another section that could be amended is Sec. 402.130(f) related to minor changes to an approved development plan. Currently, only an up to 5% reduction is allowed as a minor change. It would be helpful if an increase or decrease at up to 10% would be permissible as a minor change (or something similar)."

Urban Habitats – Jason Robertson Comments

Christine,

Great workshop today!!!

You and your team did a great job of bringing all the stakeholders together to get their voices heard. This is the type of public/private partnership that we need more of. I am glad you could make it happen.

I few things I wanted to make sure you include;

1. coordination with GRU on the easement requirements for water and sewer under drive aisles to allow for narrower roadway width contemplated in the TND ordinance. Currently there are conflicts that don't allow for trees to be planted within the easements, etc.

2. Since we know many TND are comprised of multiple owners, the ability of one parcel owner to make changes without the sign off of other owners. I think this has been resolved with the County Attorney's Office, but just checking with you.

3. Clarifying the PDP process so that the public and County Commissioners can see what types of buildings are planned, not just block plans with no buildings. This would bring transparency to the process and allow County leaders to really understand what is being proposed.

Thanks again for the good work,

Jason Robertson
Park Avenue