

From: Mark A. Olinger [mailto:cincygrad@yahoo.com]
Sent: Monday, March 20, 2023 8:44 AM
To: Ebinger, Matthew J. - PDR <Matthew.Ebinger@rva.gov>
Subject: TOD-1 Changes

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Good morning, Matthew:

As I will not be available to attend today's meeting, I'd like to share with you and the Commissioners my comments on the suggested changes to the TOD-1 zoning district. I have attached my responses to the presentation deck presented at the MSTeams public meeting on 3/14, but wanted to highlight a few things:

1. I am very glad and appreciate that the one-story aspect throughout the zoning district city-wide has been removed. The prepared language to support parks, plazas and arenas works well.
2. I oppose this recommendation regarding the reduction of fenestration due to a "physical infrastructure barrier." As presented, it is not well-defined and troubling. There are a lot of spaces in this city where there are significant levels of physical infrastructure and where fenestration is not only present, but in some cases, has been expanded (e.g., 1717 E. Cary).
3. Signage that creates an exciting and engaging area is appropriate given the activity of the stadium, VCU Athletic Village, and potential programming at the large public park. But people and businesses will call it home. I appreciate the creativity of good signage--including rooftop signs--but it needs to be intentional and coherent.

Other comments are shown in the attached PDF.

Thank you for your service.

Regards,

m.

Mark A. Olinger
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DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

Zoning Changes: TOD-1 & Stadium District Signage Overlay



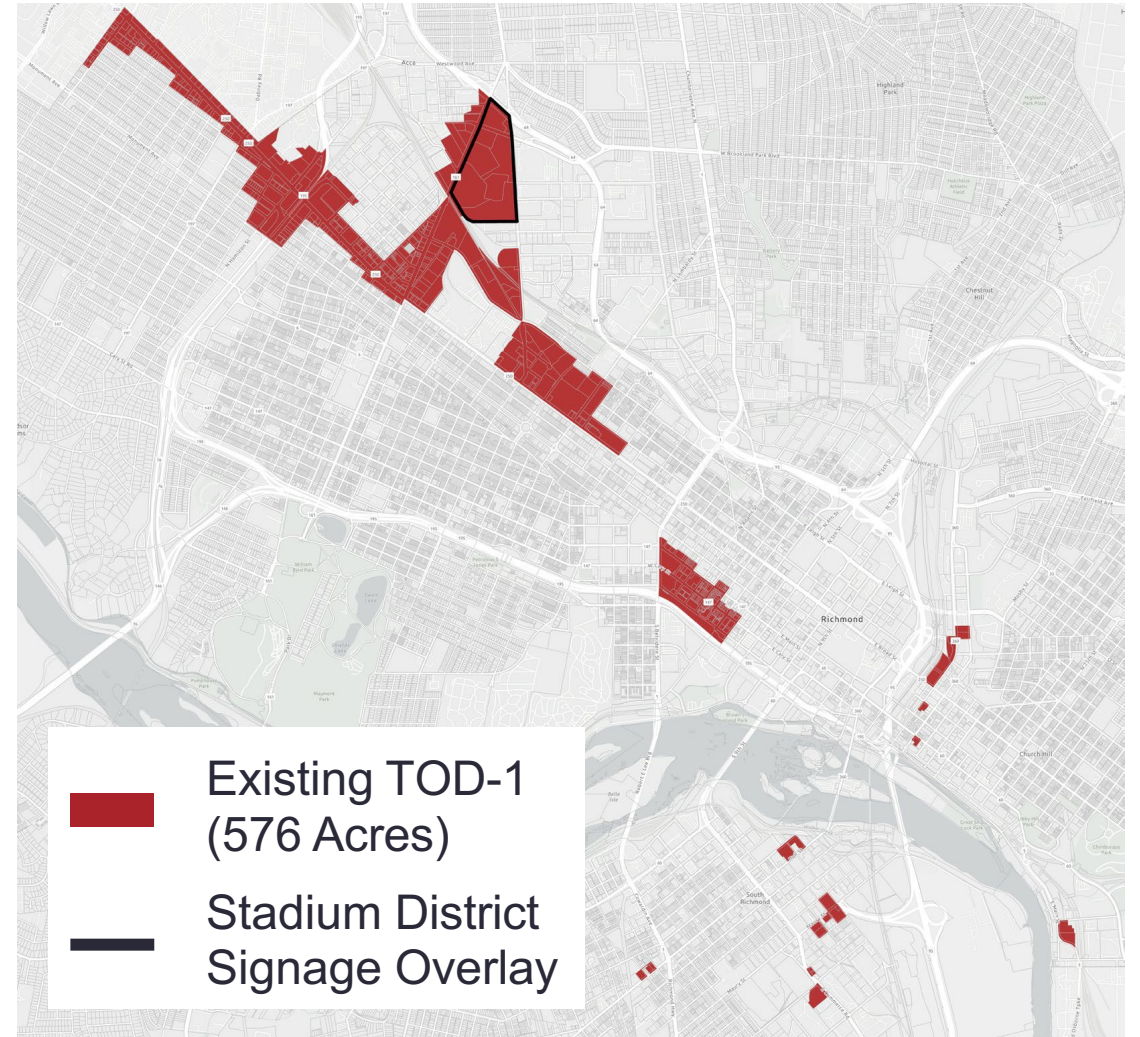
Comments/Suggestions: Mark A. Olinger
Rev. 3.19.23

March 14, 2023

What are the three changes?

Amend TOD-1 District, **the Unabashedly Urban Zoning District**

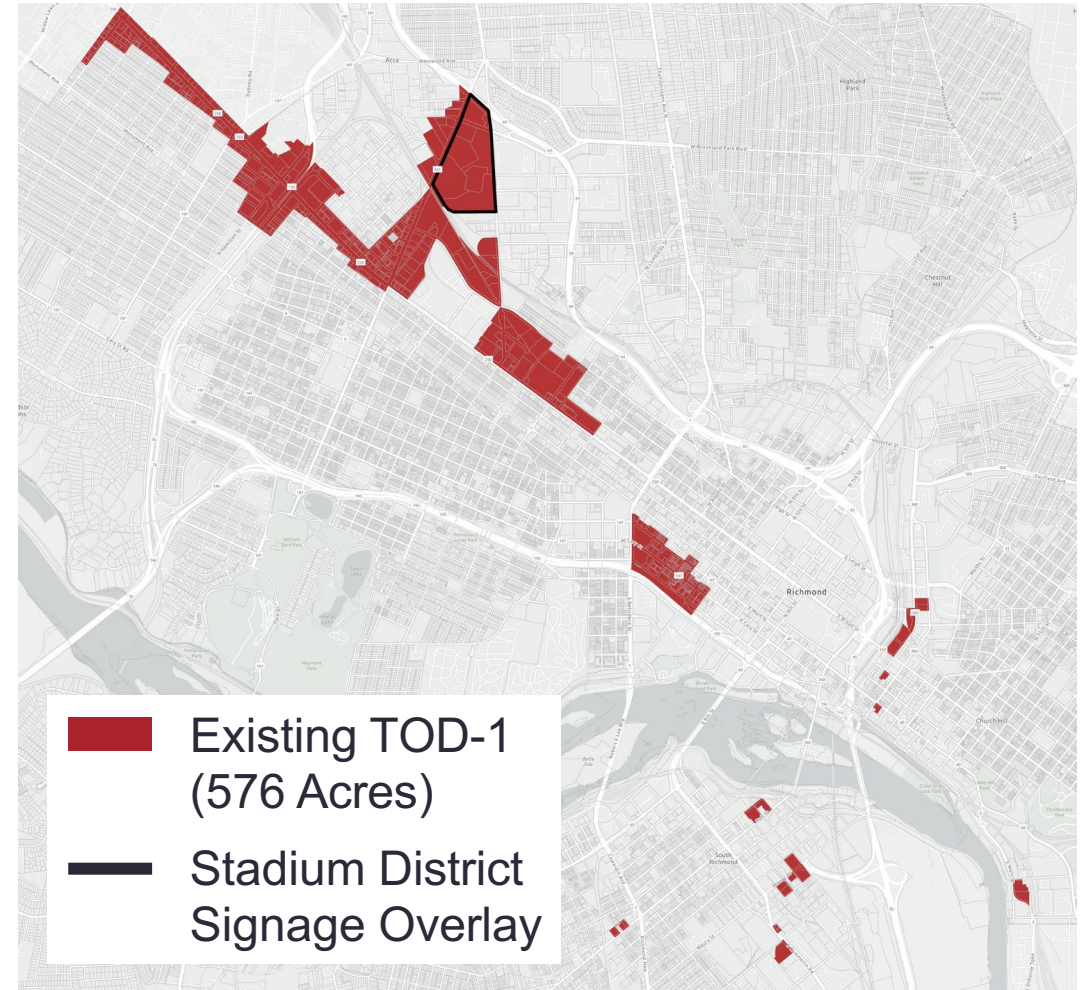
- Permitted uses
- Yards
- Parking and circulation
- Height
- Fenestration
- Operable windows



What are the three changes?

Create a Stadium District
Signage Overlay

Amend the zoning map to show
boundaries of the Stadium
District Signage Overlay



DRAFT – TOD-1 Changes

Amend permitted uses

- change bank use to allow **ATM** accessible from exterior
- change requirements for **sizing of ground-floor commercial uses on street-oriented** commercial frontages
 - * I think this is great change that should, in zoning code re-write, remove the 20' depth requirement for ground-floor commercial. Bad planning, even worse interior layout with that dimension
- change entrance requirements for **hotels**
 - * Concerned about attempt by hotels for pull-off areas and to encroach into heavily-used pedestrian zones. We have new hotels downtown without it

DRAFT – TOD-1 Changes

Amend permitted uses (cont.)

- change **noise** requirements
- add **stadiums** and **arenas** as principal uses, permitted they are not within 500 feet for an R district
- add **tourist homes** as a principal use

* **No issues here**

DRAFT – TOD-1 Changes

Amend permitted uses (cont.)

- change accessory uses to allow **ATMs** accessible from exterior
 - * **I think this is a duplicate from Slide 4**
- change accessory uses to allow **flea markets, sales lots for Christmas trees, vegetable stands, farmers markets** and other **seasonal uses**, provided they are not within 100 feet of an R district

DRAFT – TOD-1 Changes

Amend yards for **ground floor dwelling units**

- do not require a front yard
 - * **This was included to provide that bit of semi-private/private space from the sidewalk and to provide opportunity for entryways that do not immediately empty out onto sidewalk. There are some locations where we have this condition, and it feels very uncomfortable; literally opening into their living space. All of these were about providing some space from public to private and provide some semi-private space as an amenity. Still think there is validity to this**
- front yard of 0 to 15 feet may be provided, if it has a fenced yard, stoop porch, elevated terrace, sunken lightwell, or combination thereof **OK**
- front yard of less than 5 feet shall require the first floor finished elevation to be at least 3 feet above median grade
 - * **This is an issue for accessibility, but if there is a way to accommodate, they should be able to, but keep the minimum 3' measurement. Think about depth of stoop/porch, etc., too, for usability**

DRAFT – TOD-1 Changes

Amend yards for **all other uses**

- do not require a front yard
- front yard of 0 to 30 feet may be provided, if it forecourt or entry plaza, arcade of open walkway, recreational or play area, outdoor dining, or for a principal use
- no front yard greater than thirty feet except for stadium, arena or recreation uses

* **No issues here**

DRAFT – TOD-1 Changes

Amend parking and circulation:

- remove restrictions on **location of parking and circulation** for stadium, arenas, hotels, libraries, museums, and schools

***Clarify that this is for circulation as it reads that maybe there will be possibility of parking between building front and street...and I don't think that's the idea based on your presentation**

DRAFT – TOD-1 Changes

Amend height:

- clarify **maximum height restriction** to specify where the inclined plane originates from

*** I totally believe that this was a drafting error. Maybe Yessenia kept a copy of our original thoughts, but my recollection is that the point of angle began at minimum, the top of the 2nd story, not the 3rd floor (using the 2-story minimum as guidance). Although I don't know why, if someone wanted to come in with a 3-story rear building (if permitted), that the angle would proceed from the top of the 3rd floor. Would create some variation along the primary street and I think that could be a very good thing. This works well in lots with some depth...along W. Broad west of the I-195 it may present challenges due to the lot depth in some of those areas**

DRAFT – TOD-1 Changes

Amend height:

- change **minimum height restriction** to remove requirement for recreational use, parks, stadiums, and arenas

***Thank you for changing this from the draft presentation at CPC on 3.6.23. This works well and protects the 2-story minimum in the other TOD-1 areas. By the way:**

*** B-4 has a minimum height of 3 stories**

*** B-6 has a minimum height of 2 stories**

*** Fix what constitutes a 2-story building so there never needs to be another drawn-out discussion that gets to the building at N. Thompson and W. Broad (essentially a one-story building)**

DRAFT – TOD-1 Changes

Amend fenestration

- allow for reduced fenestration requirements when there are **physical infrastructure barriers**
 - * As I've mentioned before, generally opposed to this. Runs counter to the 360 degree building design I think we all want. 1717 E. Cary looks great against the railroad in the curve where pedestrian access is extremely limited. I could see this one becoming a real issue sooner rather than later
- change operable window requirements
 - * A little confused about this. Is this about operable windows above a certain height, or that windows be a uniform style (I think that's what is said in fenestration section). Is there a way to provide for operable on lower floors, but keep the same design and have inoperable windows to protect from falls...fresh air, where possible, is always nice

DRAFT – Stadium District Signage Overlay

Types of permitted signs

- **permit animated signs, commercial flag signs, pennant signs, and off-premises signs** that are not roof signs
- **portable signs, roof signs, and signs that emit sound** shall be permitted on a lot containing a stadium structure of at least three thousand seats, or as approved by the Director of PDR or, on appeal, by the City Council
 - * Only comment is to keep area from being swamped w/ larger signs which became part of issue w/Navy Hill. Creative signage is a real plus
 - * Roof signs should be able to be on other buildings, subject to max. size restrictions. Sauer Vanilla sign is 1000sf, Whole Foods, maybe 600sf, plus Downtown roof signs. All iconic. Perfectly appropriate in this area

DRAFT – Stadium District Signage Overlay

Sign area permitted per each street frontage

- along a **priority street**: 400 SF
- along a **street-oriented commercial street**: 600 SF

* **The size doesn't bother me as much as the tendency, once a building is designed, to put signage on its face. They should have "signable areas that don't impinge on architectural detail, windows, etc. Creativity, but with intent and coherence**



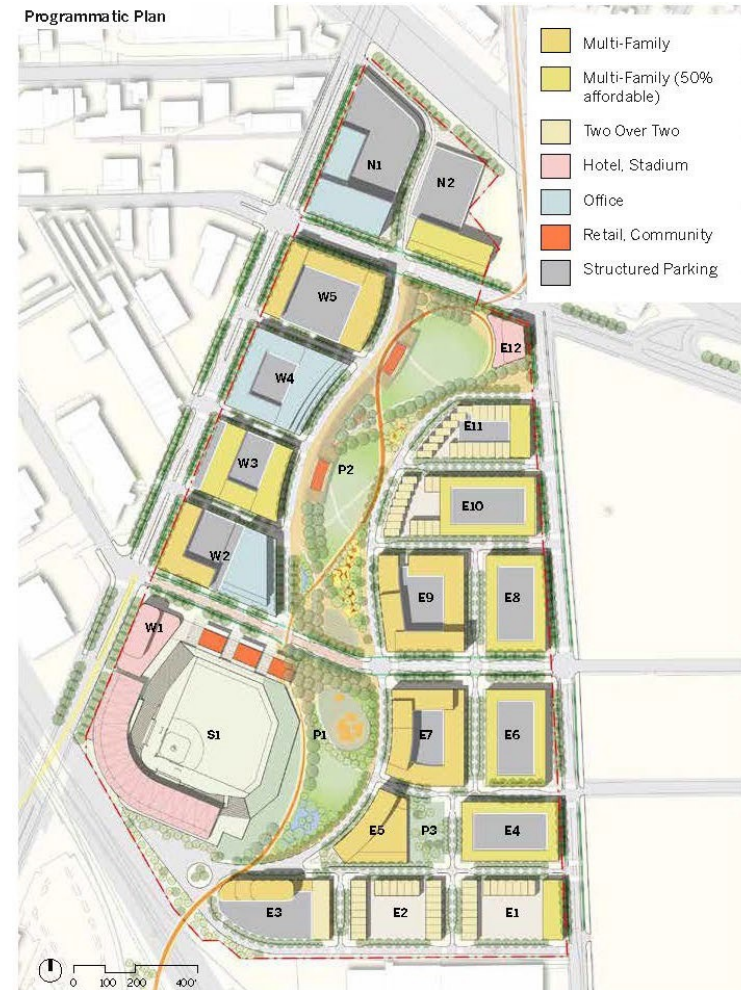
- Stadium District Signage Overlay
- Priority street
- Street-oriented commercial

DRAFT – Stadium District Signage Overlay

Sign area permitted per each street frontage (cont.)

- along **park or recreational** open space: 400 SF
- along a **frontage** directly across from a **stadium**: 800 SF

***Pls. see notes on Slide #14. 800 sq. ft. on a building face is a lot**



DRAFT – Stadium District Signage Overlay

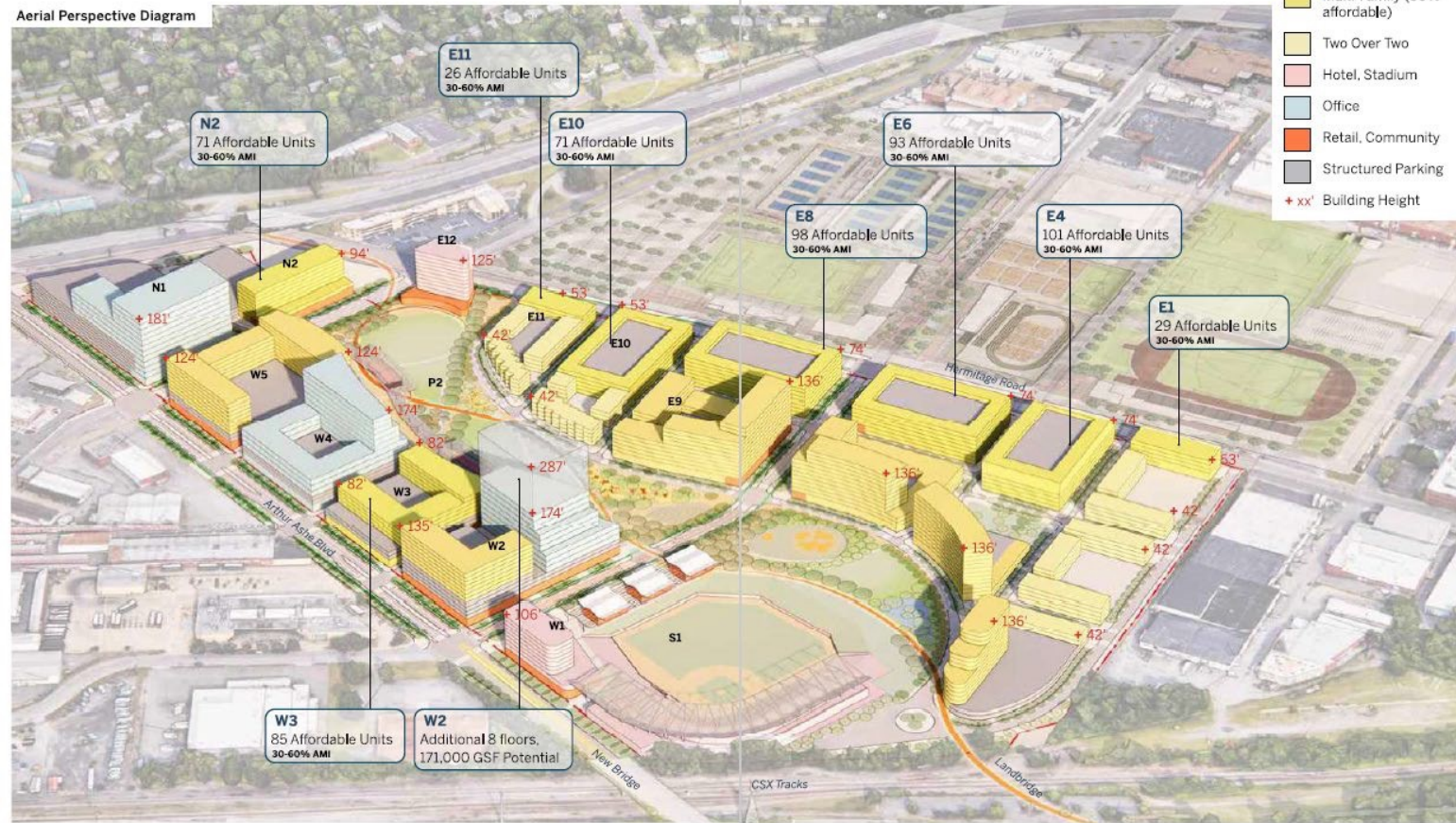
Sign area permitted per each street frontage (cont.)

- for buildings **above 7 stories** when no other signs are above the 3rd story: 600 SF

* **No real issue here**

Programmatic Plan

Aerial Perspective Diagram



DRAFT – Stadium District Signage Overlay

Exempt signs

- on a lot with a stadium with at least 3,000 seats
- engraved into bricks, pavers, or similar hard horizontal surface

*** No issue here**

DRAFT – Stadium District Signage Overlay

* Thought the discussion at CPC re: VCU Athletic Village coordination made some sense. Yes, they don't need to follow zoning, etc., on VCU property, but I don't believe that extends to right-of-way. How signage, esp. in R/W relates between these 2 areas makes some sense

* Don't forget Wayfinding Signage program and build into that with new

