

## CONCORD CITY COUNCIL

### Proposed Amendment to Concord Zoning Ordinance

This request is to amend the zoning map of the Concord Zoning Ordinance, pursuant to Article 28-10-2(b). The applicant proposes to create a new overlay district that would promote an economically viable downtown for Concord. The following responses correspond to the requirements stated in Article 28-10-2(b)(1)-(6). Please see the enclosed maps depicting the proposed overlay district.

#### 1. A description of the area for which the amendment is proposed

This proposal is to create a new zoning district overlay that covers Concord's Main Street from Centre Street to Storrs Street. *See* attached Exhibit 1. The overlay district would require that all uses established or expanded after the date of adoption on the entry-level of buildings be dedicated to retail, restaurants, and entertainment. Under the Permitted Principal Use Table (Art. 28-2-4), the following principal uses would be permitted in the overlay district: Services – Entertainment & Recreation (Use #C1-7); Retail Trade (Use #H1-7); and Restaurants, Eating & Drinking Places (Use #I1-3).

#### 2. A statement of purpose and intent for the proposed amendment

The purpose of this amendment is to centralize and expand opportunities for retail businesses, restaurants, and entertainment in downtown Concord and to help ensure that the existing retail businesses can survive. Adopting the amendment would help to achieve a central tenet of the Vision for Concord as described in Concord's Master Plan. The Vision for Concord is to preserve the essential character of Concord, including its "vibrant, economically viable downtown that is the social and cultural center of the community." Master Plan at II-5. Requiring that all new development or expansion prioritize entry-level retail, restaurant, or entertainment uses ensures that Concord's downtown remains economically viable. More first-floor retail, restaurants, and entertainment uses enhance downtown's walkability. It capitalizes on the newly redeveloped sidewalk. It gives pedestrians a destination and will attract additional visitors to the City. It also enhances the City tax base.

#### 3. A map showing existing zoning districts and the changes and modifications to these districts as proposed in the amendment.

*See* attached Exhibit 1. The new district overlay would be longer than the Central Business Performance District ("CBP"), which also covers Main Street, south from Centre Street to Concord Street. The new district overlay would be narrower than the CBP, which extends east from State Street to Storrs Street. No modification to the CBP would be required.

#### 4. An evaluation of the effect of the proposed amendment within the affected districts and on adjacent neighborhoods.

The new overlay district would cover a portion of the CBP in downtown Concord, and it is largely consistent with the purposes of the CBP. The CBP was established to:

[E]ncompass the traditional downtowns of Concord and Penacook, incorporating a wide range of uses, including retail, restaurant, service, entertainment, cultural, lodging, office, governmental, and high-density residential uses as well as mixed use developments . . . in a pedestrian-oriented area. Art. 28-2-2(b)(10).

The new overlay district would exclude new service, cultural, lodging, office, governmental, and high-density residential uses on the first floor, but these uses would still be permitted on all other floors. And, any non-retail, restaurant, or entertainment use currently located in the new overlay district that pre-exists the adoption of the new district would likely receive status as a legal pre-existing non-conforming use. Therefore, all established CBP uses would continue.

The new overlay district would enhance the purposes of the neighboring districts, the Opportunity Corridor District (“OCP”) to the east and the Civic Performance District (“CVP”) to the west. The OCP is a prime place for redevelopment of otherwise underutilized urban land, and it is “intended to reinforce but not compete with the CBP District as a retail, office, and government center.” Art. 28-2-2(b)(12). Permissible uses include retail, restaurant, service, and offices. *Id.* These uses complement those permitted and existing in the new overlay district.

This is also true for the CVP. The CVP was established for “federal, state, county and local offices together with cultural and high-density residential uses.” Art. 28-2-2(b)(14). Here, too, these uses complement—not displace—the new overlay district’s focus on retail, restaurants, and entertainment.

The only residential neighborhood that would be affected by the new overlay district would be the South End residential neighborhood. The South End residents would likely appreciate additional downtown destinations, reachable by walking instead of driving.

**5. A statement of the effect of the proposed amendment on the City’s economy, environment, municipal services, and municipal facilities.**

***i. Economy***

The proposed amendment will enhance the City’s economy by attracting additional foot traffic and businesses to downtown and by expanding the retail, restaurant, and entertainment options within walking distance. This, in turn, will generate secondary development of residential buildings within walking distance to downtown’s retail corridor.

***ii. Environment***

The proposed amendment will do no harm to the environment. It will support the walkability of downtown by ensuring its continued economic viability. This, in turn, will reduce vehicular traffic along Main Street during store hours. It will also concentrate development in downtown Concord, a previously developed area, instead of breaking new ground. These are environmental benefits.

***iii. Municipal Services***

The proposed amendment will add no additional burden to municipal services such as water, sewer, and public safety. Retail and entertainment uses generally require less water and sewer services than residential uses.

***iv. Municipal Facilities***

The proposed amendment may increase the need for downtown parking, but this constraint exists with or without the adoption of the new amendment. For example, in the CBP, there is "little or no on-site parking, and parking is generally provided in structures and on the street." Art. 28-2-2(b)(10). The same parking requirements in Article 28-7 that apply to the CBP would also apply to the new overlay district.

**6. Property owner name, address, telephone number and contact information of owner's representative.**

Property Owner: Capital Plaza Concord, LLC  
Property Address: 1 Capital Plaza (57 – 81 North Main Street)  
Concord, NH 03301  
Mailing Address: c/o Foxfire Property Management, Inc.  
Attn: Steve Duprey  
PO Box 1438  
Concord, NH 03302  
Telephone: (603) 491-6080  
Email: [sduprey@foxfirenh.com](mailto:sduprey@foxfirenh.com)

Attorney: Peter F. Burger, Esquire  
Orr & Reno, P.A.  
Address: 45 South Main Street  
Concord, NH 03301  
Telephone: (603) 223-9104  
Email: [pburger@orr-reno.com](mailto:pburger@orr-reno.com)

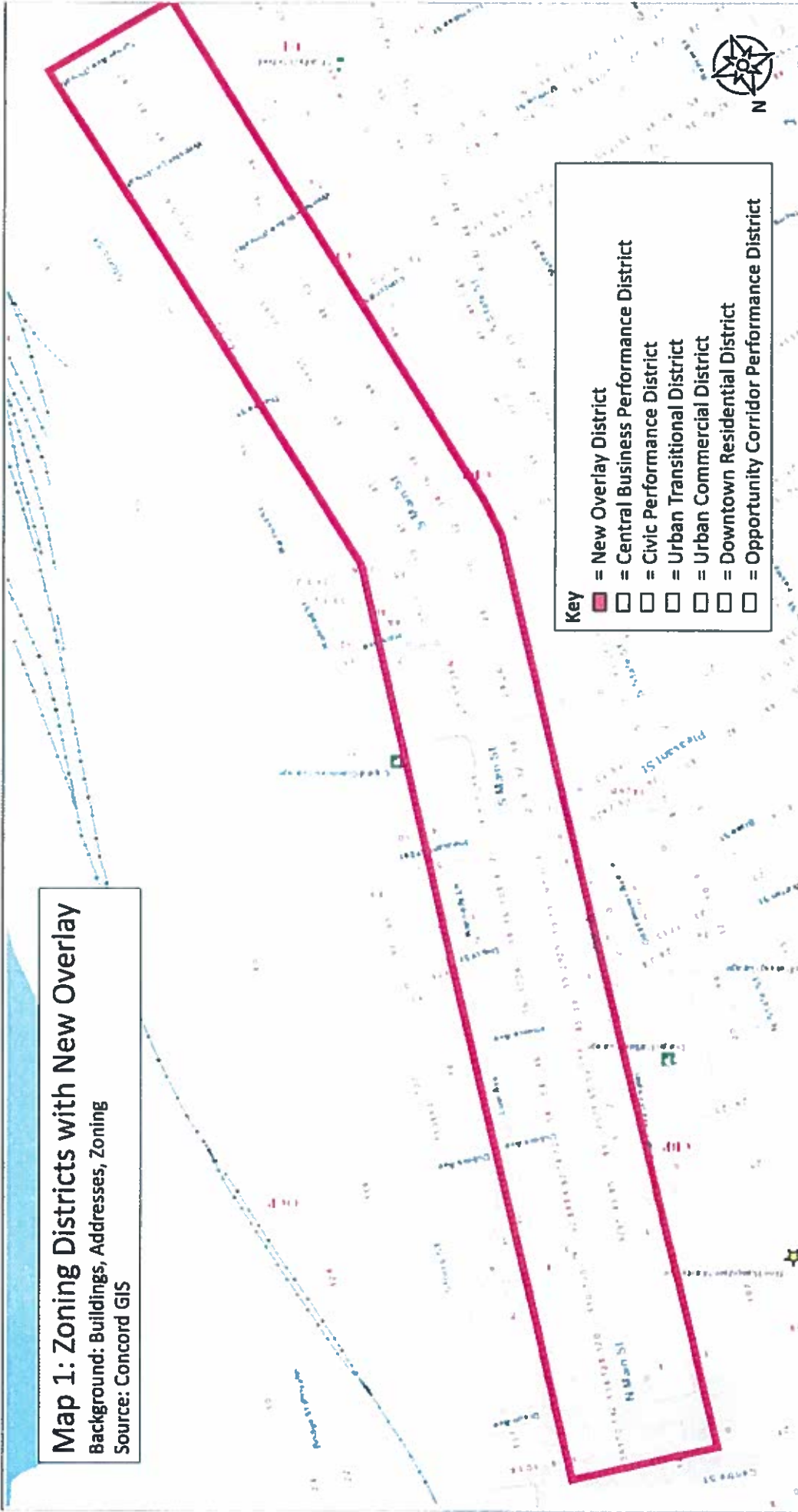
**EXHIBIT 1**

**[Maps 1-6 of New Overlay]**

# Map 1: Zoning Districts with New Overlay

Background: Buildings, Addresses, Zoning

Source: Concord GIS



## Map 2: Zoning Districts with New Overlay

Background: April 2020 Aerial Photos, Addresses, Zoning  
Source: Concord GIS



- Key**
- = New Overlay District
  - = Central Business Performance District
  - = Civic Performance District
  - = Urban Commercial District
  - = Opportunity Corridor Performance District

### Map 3: New Overlay

Background: Buildings, Addresses, April 2020 Aerial Photos  
Source: Concord GIS



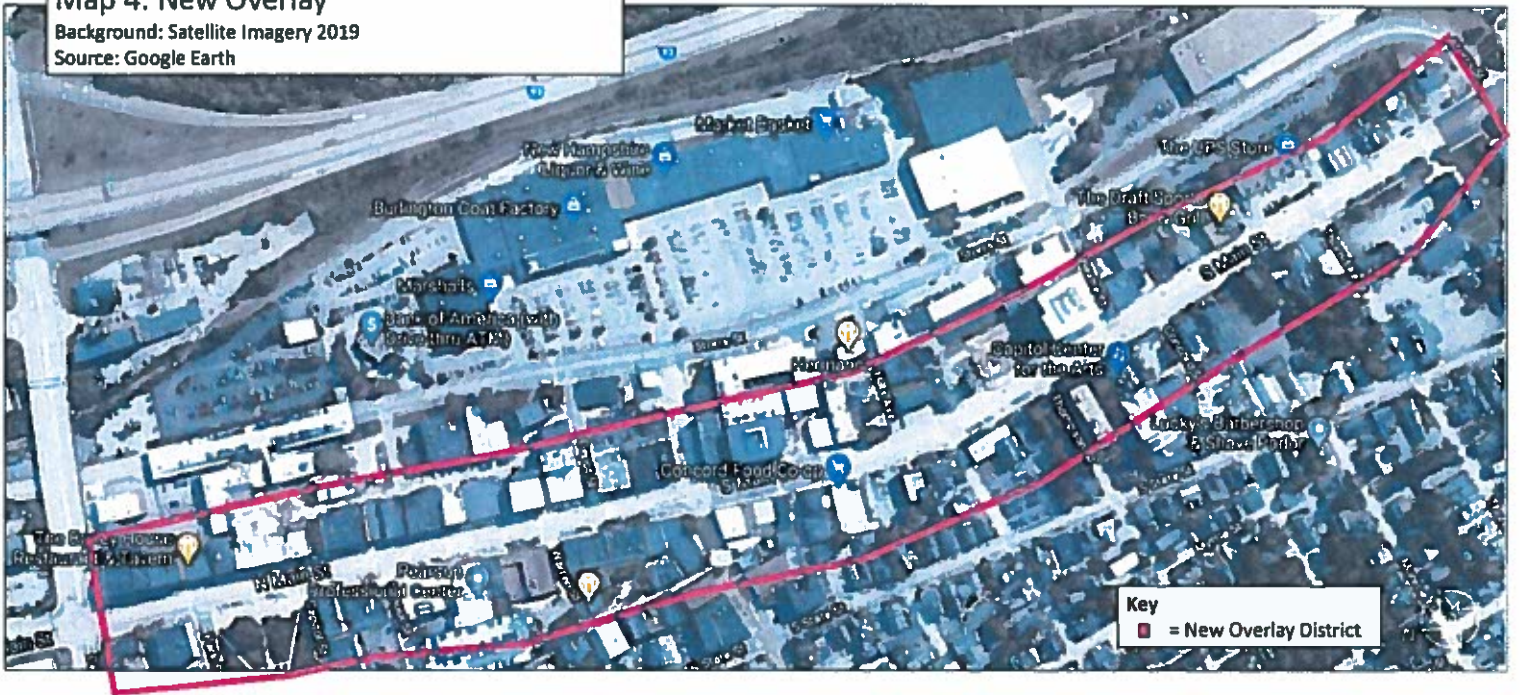
Key  
■ = New Overlay District





**Map 4: New Overlay**

Background: Satellite Imagery 2019  
Source: Google Earth





### Maps 5 & 6: New Overlay

Background: Satellite Imagery 2019

Source: Google Earth

