



CITY OF CONCORD
New Hampshire's Main Street™
Community Development Department
Planning Division

Staff Report for Planning Board

Meeting on May 20, 2026

Project Summary – Conditional Use Permit

Project: 92 South Street Change of Use (2026-046)
Property Owner: Red Eagle Management, LLC
Applicant: MRP Construction & Restoration, LLC
Project Address: 92 South Street
Tax Map Lot: 7911Z 108

Determination of Completeness:

To determine completeness of a conditional use permit application without a companion site plan or subdivision application, the Board shall consider the requirements of Sections 14.02 and 36.14(1) of the Site Plan Regulations, the written recommendation of the Planning Division, and any written communications from the applicant, abutters, and parties of interest; **however, no hearing shall be opened nor shall testimony be received on a determination of completeness.** If it is determined that the application is complete, the Board shall then open the public hearing on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board for another determination of completeness.

The Planning Division reviewed the application for completeness based upon the criteria of the Site Plan Regulations and concluded that the application contains sufficient information and detail for a full review and action by the Board.

Based upon the Planning Division's review of the application, the Planning Division recommends that the Board move to:

- **Determine the application complete;**
- **State that the project does not meet the criteria for a development of regional impact per RSA 36:55; and**
- **Open the public hearing.**

Project Description:

Pursuant to Section 28-2-4(c) *Uses Permitted by Conditional Use Permit*, MRP Construction & Restoration LLC, on behalf of Red Eagle Management, LLC, seeks a conditional use permit application approval to permit the conversion of approximate 8,500-square-feet out of the 16,982-square-feet of total building area from retail (Zoning Classification H: Retail Trade) to a local optometry use (Zoning Classification E: Office of Healthcare Professional) at 92 South Street (most recently occupied by a Rite Aid pharmacy) in the Neighborhood Commercial (CN) District

Compliance:

The review of this application against the applicable land use regulations is based on an undated, 7-page narrative; 6 images from google earth historical imagery; an undated and untitled 1-sheet floor plan; an undated and untitled 1-sheet building use plan; 5 undated aerial drone photo images; a 14-page Trip-Generation Assessment dated August 27, 2025, from Vanasse & Associates, Inc to Capital Vision Center PC; and, a 2-page parking layout plan dated May 12, 2026.

1. Project Details and Zoning Ordinance Compliance:

Zoning District:	Neighborhood Commercial (CN) District
Existing Use:	Retail
Proposed Use:	Retail / Optometrist
Wetland:	None
Wetland buffers:	None

- 1.1 The Planning Division conducted a zoning compliance review of the submittal and determined that the conditional use permit application for the change of use to office of healthcare professional is the appropriate method for relief from the standard requirements of the Zoning Ordinance.

2. General Comments:

- 2.1 This application falls under the requirements of Section 34.04 *Independent Application* because no subdivision or site plan approval is otherwise be required. Accordingly, staff utilized the procedures for a minor site plan application in the processing of the stand-alone conditional use permit application and requirements contained in Section 14.02 *Design Review Phase* in the review for determining completeness.
- 2.2 Per Section 34.05(4) the Clerk has determined that certain requirements of Section 14.02 are not be relevant for the particular circumstances of the site or proposed use, given that the application is only for a conditional use permit to allow the change of use from retail to healthcare professional, and whereas minimal alterations are proposed to the site, the applicant has tabulated satisfactory onsite parking, and the proposed traffic generation is expected to be reduced, most of the required information has been provided, addressed in the applicant’s narrative, or is irrelevant.
- 2.3 Assessing reviewed the application and had no general or compliance comments.
- 2.4 The Engineering Services Division commented that the City is working with the NHDOT on as part of CIP 31 McKee Square Improvement Project. The project is partially funded through the State with a CMAQ grant and is currently being designed. The applicant’s property currently has an excessive driveway width (greater than 50-feet) and staff advises that as part of this change of use project the applicant consider narrowing their driveway width to a maximum of 28-feet and coordinate the design with City Engineering to optimize function with the CIP 31 project. Should the driveway width remain excessive, it is possible that for certain safety and design considerations, the City may reduce the width of the driveway as part of our project otherwise. Lastly, be advised that certain CIP 31 design considerations may include the discontinuance, or alteration to one-way of the West Street section location across from the applicant’s driveway.

3. Site Plan Regulations Determination of Completeness:

- 3.1 The required information is present, partially present enough for review, or not relevant to the application as noted in Item 2.1 and 2.2 above, thus allowing for the application to be deemed complete.

Site Plan Regulations Compliance:

The submittal was found to be compliant with all other sections of the Site Plan Regulations except as listed below, noting that the items below are missing as required for full compliance but are **not required for the determination of completeness.**

- 3.2 The applicant's narrative indicated their intention to submit a conditional use permit application to not require the complete amount of required parking spaces for the permitted use. However, no accompanying conditional use permit application was submitted. Instead, the applicant has submitted a parking plan demonstrating the construction of the required number of parking spaces.

Prior to the issuance of a building permit, staff recommends that the Board require that the applicant either receive a conditional use permit to not require total number of parking spaces to be constructed, or, submit with their building permit a demolition and site plan for all site work to take place as part of the change of use, subject to the review and approval by the City Engineer and Clerk of the Planning Board. The applicant will also need to submit a driveway permit for the removal and construction work necessary for the improvements if deemed necessary by the City Engineer.

- 3.3 Combine the 1-sheet building plan for CUP and the 2-page parking layout into a single plan set, and provide the Planning Board Approval Block. Staff can provide a template as a .pdf, .dwg, or .jpg, if requested.



4. Variances:

- 4.1 No variances had been requested for this application.

5. Waivers:

- 5.1 No waivers had been requested for this application.

6. Conditional Use Permits:

- 6.1 The applicant requests approval for a conditional use permit pursuant to Section 28-2-4(c) *Uses Permitted by Conditional Use Permit* and Section 28-9-4(b) *Conditional Use Permits* of the Zoning Ordinance to allow for the conversion of about 8,500-square-foot retail use to instead office of healthcare professional for the use of an optometrist office. The applicant's response to the CUP criteria is in the Board's packet materials.

Analysis of the required criteria for Section 28-9-4(b) Conditional Use Permits follows:

- A. The use is specifically authorized in this ordinance as a conditional use;

Review: The applicant states the use is expressly permitted as a conditional use in the CN District. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal and receipt of a conditional use permit.**

- B. If completed as proposed by the applicant, the development in its proposed location will comply with the requirements of this article, and with the specific conditions of standards established in this ordinance for the particular use;

Review: The applicant states the project complies with applicable zoning provisions. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal with recommended conditions of approval.**

- C. The use will not materially endanger the public health or safety;

Review: The applicant states the use is a standard outpatient healthcare office with no hazardous operations. No major surgical procedures performed. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- D. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located;

Review: The applicant states the use is consistent with neighborhood-scale commercial activity and represents a reduction in intensity from the prior use. This will not negatively effect surrounding property values. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- E. The use will not have an adverse effect on highway or pedestrian safety;

Review: The applicant states traffic volumes are significantly reduced and adequate parking is provided. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal and staff' recommended conditions of approval.**

- F. The use will not have an adverse effect on the natural, environmental, and historic resources of the City;

Review: The applicant states no environmental impact is proposed, no medical waste produced, and no sounds or smells produced. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

- G. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity.

Review: The applicant states the existing utilities and infrastructure are sufficient. **Staff recommends the Board find that this criterion is satisfied by the applicant's proposal.**

7. Architectural Design Review:

- 7.1 Architectural Design Review is not required for this application.

8. Conservation Commission:

- 8.1 Conservation Commission review is not required for this application.

9. Recommendations:

- 9.1 Staff recommends that the Planning Board **adopt the findings of fact**, which include information provided in staff reports; the applicant's submission materials; testimony provided during the public hearing; and/or other documents or materials provided in the public hearing.

Based on the adopted findings of fact, staff recommends that the Planning Board makes the motion outlined below:

- 9.2 **Grant conditional use permit approval** to allow for the conversion of about 8,500-square-foot from retail use to office of healthcare professional, for the use of an optometrist office at Tax Map 7911Z Lot 108, addressed as 92 South Street in the Neighborhood Commercial (CN) District, based on the evidence provided showing that the criteria of Section 28-9-4(b) have been met, with the following precedent and subsequent conditions:

(a) **Precedent Conditions** – to be fulfilled within two years and prior to signature of the conditional use permit plat by the Chair and Clerk of the Planning Board, unless otherwise specified.

1. Revise the conditional use permit plat as follows:
 - a. Combine the 1-sheet building plan for CUP and the 2-page parking layout plan into a single plan set, and provide the Planning Board Approval Block on the plan for endorsement by the Clerk and Chair of the Planning Board.
2. Upon notification from the Planning Division that the project complies with the precedent conditions, Zoning Ordinance, and Site Plan Regulations, deliver to the Planning Division for signature one full-size or 11x17 conditional use permit plan set.

(b) **Subsequent Conditions**

- a. Prior to the issuance of a building permit, the applicant shall either receive conditional use permit approval to not require the total number of required parking spaces to be constructed at this time; or, submit with as part of a building permit a site demolition and sketch plan for all site work to take place as part of the change of use, subject to the review and approval by the City Engineer and Clerk of the Planning Board.
- b. The applicant is responsible for compliance with the municipal code, Site Plan Regulations, and Construction Standards and Details, including obtaining necessary permits, variances, waivers, and conditional use permits.