



CITY OF CONCORD

REPORT TO THE MAYOR AND CITY COUNCIL

FROM: Heather Shank, Assistant City Planner

DATE: March 22, 2016

SUBJECT: Ordinance Amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-9, Administration and Enforcement; Section 28-9-4, Decisions by the Planning Board; paragraph (d), Site Plan Review; subsection (2) Thresholds for Minor Site Plan Review

Recommendation

Accept this report and set the proposed amendment for a public hearing.

The purpose of the amendment is to remove the requirement to undergo Minor Site Plan Review for property owners proposing a change of use with minimal traffic impacts and minimal or no site work that otherwise would not trigger Minor Site Plan Review.

Background

Section 28-9-4(d)(2)(e) of the Zoning Ordinance currently requires property owners proposing any change of use to undergo Minor Site Plan review in the event, most notably, that the proposed new use would result in an increase in vehicle trips (as determined by the Institute of Transportation Engineers (ITE) Trip Generation Manual), or an increase in parking demand. The challenge for property owners has been that the requirement for Minor Site Plan review is triggered even when no site work is proposed, when the increase in vehicle trips is minimal (1 trip), or when an increase in parking demand does not require construction of additional parking due to a surplus of parking spaces on site.

The ordinance currently makes no distinction between a change of use that creates a minimal increase in vehicle trips versus a substantial increase. A change of use resulting in an increase of only 10 trips a day or less, as determined by ITE standards, would trigger a Minor Site Plan review even when no site work is proposed. Staff proposes to change criterion (e) such that Minor Site Plan review is triggered only when there is an increase of greater than 200 trip ends per day, or greater than twenty (20) peak hour trips. The criterion in the Zoning Ordinance would then be consistent with the thresholds for traffic studies in the Site Plan Review Regulations (Section 32, Traffic Studies¹). In other words, if Site Plan review is triggered based

¹ Paragraph 32.01 of the Site Plan Review Regulations requires traffic studies for “site plans that are expected to generate greater than 200 trip ends per day or greater than twenty (20) peak hour trip ends.”

on vehicle trips, then the traffic study would also be triggered, and the increase in traffic impact can be reviewed by the Traffic Engineer.

Further, due to an excess of existing parking, or a variance received for parking requirements, a property owner may not be required to actually construct any new parking. However, according to the current ordinance, Minor Site Plan review would still be triggered based on the increase in the parking *demand*, even if no new parking or other site work is required under the zoning ordinance or otherwise proposed to be constructed. Since Section 28-9-4(d)(2)(d) already triggers Minor Site Plan review in the event that more than five (5) parking spaces, or 1,500 square feet of impervious surface, are *constructed*, Staff proposes to eliminate the requirement for Minor Site Plan review based on an increase in the parking *demand*.

Please note that Staff is not proposing to change or eliminate the third criterion of Section 28-9-4(d)(2)(e), that Minor Site Plan Review is required when a change in use results in an increase in the demand for water supply or sewage disposal facilities.

The Planning Board reviewed the proposed amendment at their February 17th meeting and voted unanimously in favor.

Discussion

The following changes are proposed to the Zoning Ordinance:

- Revise the criteria requiring Minor Site Plan review to include changes of use that result in an increase in vehicle trips of greater than 200 trip ends per day, or greater than twenty (20) peak hour trip ends; and
- Eliminate the requirement that Minor Site Plan review is required for changes of use that result in an increase in parking requirements.

It is envisioned that this amendment would make development easier and less costly for property owners proposing a change of use with minimal traffic impacts and minimal or no site work.