



CITY OF CONCORD
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Community Development Department

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REPORT TO THE MAYOR AND CITY COUNCIL

From: Heather Shank, City Planner
Date: 10/24/2017
Subject: Request to re-zone land off of Whitney Road from Industrial (IN) to Urban Commercial (CU) and release covenants.

Recommendation

The Planning Board made a recommendation to City Council to release or modify the covenants for property off Whitney Road, and not rezone any property until the petitioner returns with a master plan for the site, generated with participation and input from the community.

Request

A request was made at the August 14, 2017 City Council meeting by David and Laurie Rauseo, dba Interchange Development, LLC and Susan Whitney, the owners of property off Whitney Road, to rezone a portion of the property from CU (Urban Commercial) and IN (Industrial) to CH (Highway Commercial), and eliminate the conditions of a covenant recorded in 2008. The request was referred from City Council to the Planning Board for a recommendation.

The petitioners then revised their request in a letter to the City Council and Planning Board dated 10/11/17 to maintain the original 9.6 acres as CU and rezone an additional 4.9 acres IN to CU, or to rezone the entire 14.5 acres to GWP (Gateway Performance). The revised request also includes elimination of the covenants.

Background

The subject area was part of the Whitney Road Industrial Park, which was first developed in the late 1980's. Whitney Road was constructed at that time and water and sewer services were extended by the City across the Merrimack River to serve the park. The first development in the park was the Wheelabrator facility, followed a decade later by two other industrial buildings.

A portion of the subject area, 9.6 acres, was rezoned in 2008 from IN to CU subject to voluntary covenants limiting the size and amount of retail development permitted. The petitioner then presented a concept plan in 2011 and requested to have the covenants removed to allow a grocery store and 4 retail

stores totaling 64,500 sf. The request was denied due to concerns that the proposal was inconsistent with the Master Plan 2030, and may have adversely affected redevelopment of retail property in Penacook Village and along Fisherville Road. Since that time, an Xtramart with a Dunkin Donuts drive through and a Mobil gas station were constructed on the property.

Discussion

The Planning Board held a public hearing on October 18, 2017 to hear the petitioner and receive public comment on the request. No members of the public were in attendance, though Ms. Rauseo gave a short presentation. She stated that she had also participated in a public meeting on October 5, 2017 where more members of the public were in attendance. Staff notes that two letters of opposition were received from Concord residents, as well as a letter of opposition from the Town of Boscawen Planning Board.

The Board noted that while the request is not consistent with the Master Plan 2030, circumstances have changed since that document was written. They also noted that the subject area may be one of the last areas available for a grocery store in the Penacook area, that many members of the community are in favor of having a grocery store nearby, and that the presence of an interchange near the subject area indicates that it might be appropriate for more intense development.

A suggestion was made to update the Master Plan 2030 to more accurately reflect the needs of the community. The Board also discussed Staff's recommendation that the petitioner create a site-based master plan with community input to explore the options, create a more dynamic concept plan, and provide a basis for approving a zoning change. Staff's suggestion for GWP zoning was also discussed, and the implication of the scale of development being proposed.

The petitioner expressed willingness to engage in a public outreach and visioning process with the assistance of a planning consultant, and was in favor of the GWP zoning.

The Board then discussed whether the covenants should be eliminated at this time, or whether that would dis-incentivize the petitioner from engaging in the master plan process. Ms. Rauseo noted that they would still be motivated to have the public meeting because they need the additional 4.9 acres rezoned to either CU or GWP to allow the intensity of commercial development that would attract a grocery store tenant.

The consensus of the Board was to recommend no zoning change at this time until the applicant engages the public in a meeting to discuss the long term vision for the site; they also recommended that the covenants be released or modified. The Board had no specific recommendation for modification of the covenants, but wanted to allow for the fact that Council may want to modify the covenants rather than eliminate them altogether.