



CITY OF CONCORD

New Hampshire's Main Street™
Community Development Department

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City Planner

TO: Planning Board Members
FROM: Heather Shank, City Planner
DATE: November 20, 2019
SUBJECT: Council referral regarding a request to amend Article 28-5-19, Motor Vehicle and Recreational Equipment Sales, and 28-7-10, Parking Area Landscape Standards

Background

A request was submitted on October 19, 2019 on behalf of Banks Chevrolet to amend the zoning ordinance in an effort to facilitate development of their property. Staff subsequently met with the petitioner on two occasions to discuss the options. The attached ordinance amendments are a result of those discussions. Also attached is an updated letter from the petitioner indicating support for the proposed amendments.

In summary, the proposed solution reduces the parking lot tree requirement by half for all applicants, and allows greater flexibility through the plan review process to further reduce and/or relocate required trees. It also clarifies that display of vehicles is permitted on lots where vehicle sales or lease is the principal use, and on lots abutting such use.

Proposal

Landscape Regulations

The current parking lot landscape provisions require one tree for every 1,000 sf of impervious surface area, which includes drive aisles and other impervious areas within the parking lot. The requirement is equivalent to approximately 1 tree for every 2.5 parking spaces. This is a fairly robust requirement, which is manageable on smaller lots but can be a challenge to meet on large lots.

Staff is proposing to reduce the requirement by half, to 1 tree per 2,000 sf of impervious area. This is equivalent to approximately 1 tree per 5 parking spaces, which is still an effective amount of landscaping and is also more feasible for larger lots. Staff does not anticipate the reduction negatively impacting smaller lots, though a two tiered requirement could be considered in the future if it is determined that smaller lots should provide more landscaping to fulfill the purpose of the ordinance.

To provide greater flexibility with the quantity of trees required, staff is also proposing that applicants be permitted to request a Conditional Use Permit from the Planning Board to allow a fee in lieu, paid into the City of Concord Urban Tree Trust Fund, for the cost of trees not installed. Staff is familiar with this type of strategy being used effectively in other communities.

Shade trees provide a wide range of environmental and aesthetic benefits that offset the impacts of paved areas and improve community character. Staff is recommending a fee in lieu so that these benefits are retained by the community in instances where it may not be feasible for a private property owner to provide the required trees. This approach would allow trees to be relocated to other public spaces through the Urban Tree Trust Fund, such as City rights of way, parks, or other municipal property.

Some of the benefits retained include:

- Offset heat island effects (lower temperatures and reduce energy used for air conditioning);
- Stormwater management, water quality, and infiltration functions;
- Shade and aesthetic enhancement; and
- Improved air quality and offset carbon emissions.

Staff notes that based on discussions with the petitioner, the fee in lieu would not be needed for their project, as their needs will be met through the parking lot tree reduction and other amendments discussed below.

Vehicle Display – Permitted Uses & Landscape Requirements

The petitioner's property is in the Highway Commercial (CH) District, which allows display of motor vehicles on a lot where the sale and lease of motor vehicles is the principal use. The current ordinance does not specifically allow display of motor vehicles on a lot where no sale or lease of vehicles occurs. This use was intentionally prohibited to avoid large lots being used for non-tax generating purposes.

Since the CH District is the only district that allows vehicular sales and display, and since the City has several major employers that need this use for the continued success of their business, staff is proposing to allow vehicular display in the CH District on lots that abut a lot where the principal use of sales or lease occurs.

The ordinance also requires that lots for vehicle display comply with the same landscaping requirements that apply to other parking areas. In order to comply with the regulations, parking lot islands are inadvertently required. Staff notes that the functions needed for display of motor vehicles for sale or lease involve different operations and use of a lot than are needed for retail store parking lots, including snow removal and storage.

Staff is proposing an amendment to the landscape standards that gives Planning Board the authority to grant a Conditional Use Permit allowing required landscaping to be located around the perimeter of a lot, instead of in landscape islands. This amendment allows operations for display purposes without compromising the purpose and intent of the landscape regulations.

This proposal allows the petitioner to proceed with development of their property without variances and accommodates their needs.

Discussion

Section 28-10-4 of the Zoning Ordinance outlines the following criteria to be met in considering an amendment to the Zoning Ordinance or to the Zoning Map:

- (a) The consistency of the proposed amendment with the Master Plan;
- (b) The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the Board and the City;
- (c) The effect of the proposed amendment on the City's municipal services, capital facilities, and planned facilities as described in the Capital Improvements Program;
- (d) The effect of the proposed amendment on the natural, environmental, and historic resources of the City;
- (e) The effect of the proposed amendment on neighborhoods including the extent to which nonconformities will be created or eliminated;
- (f) The effect of the proposed amendment on the City's economy and fiscal resources; and
- (g) The recommendation of the Planning Board relative to whether the proposed amendment should be adopted or rejected, and any recommendations for conditions of adoption or modifications to the proposed amendment.

Consistency with the Master Plan

One of the Land Use goals of the Master Plan is to provide for uses that support economic development, promote employment opportunities, and facilitate necessary services. A related Economic Development goal of the Master Plan is to retain and encourage the expansion of existing local businesses. The proposed amendments are consistent with these goals by allowing the use and flexible regulations needed for the growth of an established local business, and the continued provision by that business of employment opportunities and services.

Other goals and policy recommendations of the Land Use section of the Master Plan include enhancing aesthetics to protect property values, improving the appearance of corridors that serve as gateways to the City, protecting water resources, and promoting high standards of landscape and architectural design. The proposed amendments pertaining to flexible landscape standards are an attempt to retain the aesthetic and environmental functions of trees to meet these goals in instances where a property owner may otherwise seek a variance from the requirements.

Fiscal Impact

The current ordinance prohibits vehicle display as a principal use in an effort to encourage more intense commercial, office, and industrial uses. The petitioner has proposed that vehicle display only be permitted on lots or adjacent to lots where the primary use is vehicle sales, in an effort to

prevent the proliferation of lots used only for vehicle storage and mitigate potential fiscal impacts from this use. It is staff's opinion that it makes sense to allow vehicle storage in the CH District, where vehicle sales businesses proliferate along the Manchester Street corridor, and the use is needed by local business owners.

Staff notes that the petitioner's property currently has a large structure that potentially generated more tax revenue. However, there's no assurance that the property would be redeveloped in the near future, and the owner will be making an overall improvement to the aesthetics of the site and corridor.

Summary

With regard to the other criteria for review of the proposed amendment, staff notes that the change should not affect municipal services or facilities. In addition, the attempt to retain landscape functions is an effort to mitigate possible impacts from impervious surfaces to natural and environmental resources. Finally, formalizing vehicular display as a permitted use in this way brings other properties into compliance with regard to existing uses, and may offer a path moving forward for property owners to bring their properties into compliance with regard to landscaping in a way that facilitates their needs.

Staff engaged in discussions with the Planning Board during their October meeting to share possible amendment proposals. A public hearing will be held during the November Planning Board meeting, where staff anticipates the Board making a recommendation on the proposal. A supplemental report will be submitted to provide an update or recommendation from the Board.

Recommendation

Staff recommends that the Board support the proposed amendments and give a positive recommendation to City Council.