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

Planning Board

November 20, 2019

Project Summary – Conditional Use Permit

Project: Panera/Concord Plaza Conditional Use Permit (2019-56)
Owner: Concord Plaza – DBA-N&P Associates RT
Address: 75-77 Fort Eddy Road
Map/Block/Lot: 641Z/45

Determination of Completeness:

Determine this application complete and open the public hearing. As part of the motion, indicate that the project does not meet the criteria for a Development of Regional Impact (DRI), per RSA 36:55.

Project Description:

The applicant is requesting a Conditional Use Permit (CUP) in accordance with Article 28-7-11(a) to allow for the use of 29 off-site parking spaces to meet the parking requirements for 75-77 Fort Eddy Road in the Gateway Performance (GWP) District.

1. General Comments

- 1.1 The Applicant is proposing to expand the Panera space within the existing mixed-use retail/commercial building. The total number of parking spaces required is 108. A total of 83 spaces exist on the lot. The Applicant is proposing to utilize 29 parking spaces on an adjacent parcel of land identified as Map/Lot 641Z/44.

The off-site parking must be permanently related to the principal use by easement, condominium declaration, or other recordable binding legal instrument that may terminate only upon termination of the principal use. The Applicant shall provide this information prior to final approval of the CUP.

- 1.2 The narrative provided by the applicant (see attached) describes how the criteria of all applicable sections of the ordinance are met, including Section 29-4-4(b) (4) (ZO), which states the criteria for the Planning Board decision. Staff supports the CUP.
- 1.3 Comments from Engineering Services Division are included in Section 2 below.

2. Staff Review Comments

- 2.1 Upon dedication to the uses 75-77 Fort Eddy Road, the 29 parking spaces will no longer be counted towards the parking requirements for the Hannaford's Supermarket at 73 Fort Eddy

Road. The Applicant shall provide confirmation that these 29 spaces were not required for Hannaford's parking requirements and that the site remains in compliance.

- 2.2 Based on the supplied plans it appears that 112 total parking spaces are provided for the plaza. As such, five (5) accessible parking spaces are required per ADA regulations. According to the site plan only four (4) accessible parking spaces exist on the site. Therefore, an additional accessible parking space needs to be provided with an accessible route to and in the vicinity of the main building entrances at the front of the site.
- 2.3 The previous site plans that were modified to show the changes should include information on who made the modifications and the date. In addition, the engineer's stamp on the VHB site plan should be removed so there is no confusion that the changes were not part of the stamped plan.

3. Recommendations

- 3.1 **Grant Conditional Use Permit approval** to allow for the use of 29 off-site parking spaces to meet the parking requirements for 75-77 Fort Eddy Road, subject to the following precedent and subsequent conditions noted below to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and the commencement of site construction, unless otherwise specified:

- (1) The Applicant shall provide a copy of the permanent easement, condominium declaration, or other recordable binding legal instrument that may terminate only upon termination of the principal use, to allow for the use of the parking spaces on the adjacent parcel.
- (2) Address Staff review comments to the satisfaction of the Planning and Engineering Divisions.

Prepared by: BAF

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