



DATE: January 19, 2021

CASE: TA-03-21 Text Amendment (Section 9.1 – Planned Unit Development)

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

As the Commission is aware, the staff has been in the process of revising the Concord Development Ordinance (CDO) to respond to the recommendations contained in the 2030 Land Use Plan. We have been incrementally working on the revisions with the assistance of Tindale Oliver and Michael Lauer Planning.

Topics previously addressed in the comprehensive rewrite of the CDO include permitted uses, conservation subdivisions, and multifamily, commercial and industrial design standards.

The Planned Unit Development (PUD) district is one of several mixed use zoning districts in the CDO and is the most widely used. The staff has found that the current version of the PUD district is not detailed enough and is difficult to administer. This conclusion is based upon the numerous PUD cases that have been approved within the past year. As the Commission will recall, it is not uncommon for an approved PUD zoning to be amended soon after its approval. Staff has examined these zoning petitions and has crafted an amendment that will help minimize these amendments.

The item has been posted for comment and notice of the amendment was sent to nearly 300 persons via email. The amendment has been posted on the City's webpage for comment, and has been publicized through the City's social media platforms. These changes have also been reviewed by the Planning Technical Team (PTT) at a meeting in November, 2020

The Executive Summary (which was posted online) and the proposed ordinance is attached.

As of the date of the report, no comments have been received.

The City's staff will provide a thorough presentation of the proposed ordinance to ensure that the Commission understands the changes.

At the consensus of the Commission, the item can be referred to City Council for consideration at the February meeting.



DATE: December 21st, 2020

CASE: Executive Summary for Planned Unit Development (PUD) rewrite

PREPARED BY: Kevin Ashley, AICP –Deputy Planning Director

BACKGROUND

This memorandum is intended to serve as a summary to describe the proposed revisions to Section 9.1 (Planned Unit Development or PUD).

The City adopted the 2030 Land Use Plan (LUP) in 2018 and these revisions are part of a wholesale rewrite of the Concord Development Ordinance (CDO) to align the ordinance with the recommendations contained in the LUP. Furthermore, the last wholesale revision of the CDO occurred in 2007 and this effort is intended to modernize the development standards and to make the ordinance more user-friendly.

City Council has previously adopted changes to the CDO relative to conservation subdivisions, permitted uses and wholesale changes to Articles 5, 7, 8, 9 and 10 (known as “Group One” changes.) These changes were prepared by staff with the assistance of the consultant team (Tindale-Oliver and Michael Lauer Planning.) The Planning staff (with assistance from the Development Review Committee or DRC) has undertaken the rewrite of the PUD district as the staff is more familiar with the needed updates.

The LUP has numerous policies that encourage mixed use zoning throughout the City. PUD is the most common of the mixed-use zoning districts contained in the CDO and recent review of PUD plans have led the staff to see the need to revise the district requirements to provide more certainty for the development community. In short, the current version of Section 9.1 is vague and lacks specific guidance which has led to difficulty in administering the ordinance.

SUMMARY

One of the main reasons for PUD zoning is to allow innovative designs and flexibility to the CDO requirements when conventional zoning is not feasible and when the modifications to the requirements are justified.

Following are the major changes to the PUD requirements.

1. Clarification that PUD is a conditional district which requires a site plan, and that a pre-application meeting with DRC is required. DRC is a staff committee which includes the departments involved in the review of development proposals.
2. Applications and site plans need to have enough information to ensure that the project is viable (to avoid future amendments/public hearings.)
3. Development proposals are required to have a reasonable explanation as to why the project could not be processed under conventional zoning, and a justification for deviations from the standards, as opposed to just being used to increase density or get deviations.
4. A clarification that at least two (2) distinct land use types must be included (completely residential projects are not permissible), and a requirement that at least 15% of either the land area or floor area shall be a nonresidential use. For multi-phase projects, the nonresidential portion shall be within the first phase, and is required to be complete before permits can be obtained for the next phase.
5. A summary of the exact deviations requested has to be included within the application and on the site plan. Absent a specific request, the development would have to comply with Residential Compact (RC) and General Commercial (C-2) district requirements, as well as all other sections of the CDO and other relevant regulations. No deviations can be allowed to stormwater, floodplain, building code, fire code, NCDOT or any minimum safety requirement.
6. Residential densities in the project will be governed by the 2030 LUP, except that residences on the upper floors of nonresidential structures are not subject to the maximum density limits (in order to encourage vertically integrated mixed uses).
7. Clarifications to the type of buffers required between the uses and how they are calculated.
8. Institution of design principles that will be used for the applicant to design the project, and by the staff in evaluating the zoning. Items in the design principles include:
 - o Ranges of housing types and compact development as opposed to sprawling development;

- Compatibility with surrounding properties to be achieved through scale and use:
- Significant preservation of open space and minimization of grading;
- Interconnected streets to provide for the safe movement of cars, pedestrians and bicyclists;
- Use of enhanced design elements in exchange for deviations and flexibility. Examples of enhanced design elements would be increased open space, protection of large trees, habitat and wildlife preservation and use of native plants and pollinator gardens. Other enhanced design elements can be taken from Section 9.3 and 9.4 (Mixed Use and Traditional Neighborhood Development zoning districts) which contain specific design requirements;
- Building types that delineate the streets and minimize the visibility of parking lots;
- Use of Low Impact Development (LID) methods to address at least 25% of the stormwater, and when larger ponds are used, they should be designed as amenities; and
- The use of designs that accommodate both current and future transit needs.

Staff feels that the current PUD requirements do not provide enough guidance for either the public or the staff relative to administration of the ordinance. We feel that the proposed changes will result in an improved process for all parties involved.

Article 9 Special Purpose Districts

9.1 Planned Unit Development (PUD)

9.1.1 Purpose

The purpose of the Planned Unit Development district (PUD) is to provide for the orderly development of land with a mix of land uses and intensities. PUD zoning is intended to permit innovation and flexibility in the design, construction and processing of mixed-use developments in exchange for the developer providing enhanced design elements that exceed CDO requirements. While the conventional zoning districts and the requirements of those districts set forth in the CDO are reasonable in most cases, there are parcels of land that are more appropriate to be developed with a mixed-use zoning district. Furthermore, there may be circumstances in which it is in the community's best interest to allow unique and/or creative designs and techniques that:

- A. promote the most appropriate use of a parcel,
- B. allow diversification of use,
- C. facilitate the adequate and economical provision of streets, parks, open space, schools, storm drainage and sewer and water utilities
- D. incorporate transit access, amenities and/or connectivity,
- E. preserve and utilize open space, tree cover, topography and significant natural features,
- F. offer recreational opportunities close to residential uses,
- G. create physically integrated and interconnected neighborhoods that provide safe cross-access for vehicles, bicycles and pedestrians, and
- H. enhance neighborhood appearance/design.

9.1.2 Processing Procedures and Submission Requirements

A PUD shall be processed as a conditional district zoning map amendment (rezoning) as a special purpose zoning district and shall follow the process outlined in § 3.2.8.

Prior to submission of an application, the Development Review Committee shall conduct a pre-application meeting with the applicant. Because the PUD is intended to be utilized for innovative and creative design, it is understood that flexibility from certain requirements may be warranted. The purpose of the meeting is to review the proposed development, and to determine the applicable methodology, level of flexibility and standards upon which the development will be reviewed.

Innovative and creative designs will be evaluated with elements contained in the context of other mixed-use zoning regulations (see Sections 9.3 and 9.4) and not just as a means of increasing density or modifying dimensional standards. A high level of connectivity is expected of PUDs and physical barriers, such as fences that are not for screening, will not be permitted.

Each application for a PUD shall include a written narrative explaining why approval of the PUD is in the community's best interest, why it cannot be developed through the conventional zoning process, and how the proposed project complies with 9.1.1 A-G above. The narrative shall also provide justification for any modification from minimum standard or requirement.

The application shall also include a scaled site plan or plans, illustrating the location and extent of all structures, both residential and commercial and uses as required in 3.2.8. The plan shall be designed in accordance with Section 5.4.3 and shall include sufficient engineering data to ensure that the project is achievable in the manner proposed. Such engineering data shall include proposed street cross-sections, stormwater improvement details and utility service information. If the proposed PUD is a multi-phase development, each phase shall be clearly indicated, with site data included for each phase and for the overall project. The design of future phases in a more conceptual basis for projects with longer anticipated buildouts may be considered on a case-by-case basis provided that engineering data is sufficient to ensure that the future phase of the project can be developed in a manner consistent with the initial phase or phases. In the event that it is determined, after approval of the initial phases that these future phases are not consistent, a modification of the approved zoning shall be required.

The plans shall include the size, type and maximum height of all proposed structures. The plans shall also specify minimum setbacks for structures and minimum dimensional specifications for each proposed use and the type of landscaping buffers separating the uses. The application shall also include architectural renderings of all proposed nonresidential structures (with building type construction) and all residential structures with the exception of single-family residences. The site plan and application shall also indicate the location, size and type of all proposed signage. A maintenance plan for all spaces in common ownership shall be provided.

9.1.3 Land Use Composition and Permitted Uses A PUD district is considered a mixed-use district and is required to have at least two distinct land uses. PUD districts that are completely residential are not permissible (see the Planned Residential District for mixed residential zoning).

The proposed PUD shall:

- A. contain at least two (2) distinct land uses and, if not within a single building, shall contain two (2) distinct building types;
- B. designate at least 15% of either the land or floor area as nonresidential uses within the first phase of the project (if the project consists of multiple phases). The nonresidential use shall be complete before approval of the permits for the next

phase. Article 8 shall be used for guidance for the determination of nonresidential uses; and

- C. be compliant with the densities specified in the 2030 Land Use Plan, except as provided in 9.1.5.B.

9.1.4 Minimum Land Area

No minimum land area is required for rezoning to a PUD district.

9.1.5 Design Standard Flexibility

- A. The proposed PUD shall generally meet dimensional requirements of the Ordinance and the Technical Standards Manual (TSM). However, minor modifications of some non-safety related dimensional standards may be considered where appropriate. The PUD may provide for flexibility in the development of the site and the applicant shall clearly demonstrate that the requested modifications will result in a more innovative design and will be in the community's best interest. These modifications may be considered provided that the project contains enhanced design elements as specified in 9.1.9.F. All requested modifications shall be clearly stated within the application narrative and labeled on the proposed site plan. All dimensional and minimum standards shall be adhered to unless specifically listed as a modification within the narrative and on the site plan.
- B. All densities shall comply with the maximums specified in the applicable land use designation of the 2030 Land Use Plan, except that residences on the upper floors of nonresidential structures shall be exempt from the maximum density limits.
- C. Unless otherwise requested as deviations, minimum dimensional requirements for residential uses shall comply with Residential Compact (RC) minimum requirements and commercial uses shall comply with the General Commercial (C-2) minimum requirements.
- D. A 25-foot-wide Type D buffer shall be maintained around the exterior of the development. In the instances of a PUD district that is an infill project, or when the project lies within a Village Center or a Mixed-Use Activity Center as indicated in the 2030 Land Plan, the buffer may be modified. This modification shall be considered based upon the characteristics of adjacent roadways or adjacent land uses, but in no instances may be less than an 8-foot-wide Type A perimeter buffer. The applicant shall clearly demonstrate that any deviation from the perimeter buffer will result in a more innovative design and will be in the community's best interest. This buffer shall not be counted as part of the required minimum open space for the development,

the buffer shall not be located within the lot area of any individual building lot, and no encroachments are permissible within the buffer.

- E. Buffers between individual uses in the proposed PUD shall be provided, and dimensions shall be clearly labeled on the site plan.
- F. In no instances are modifications allowed to State or Federally mandated standards such as Stormwater requirements, Floodplain protection requirements, Building Code, minimum Fire Code requirements or North Carolina Department of Transportation (NCDOT) or City of Concord minimum safety standards.

9.1.6 Professional Design Team Required

An applicant for a PUD approval shall certify, in writing at the time of application, that a member of one or more of the following professions was used in the planning and design process for the proposed development:

- A. Project planning and design by a licensed North Carolina architect, licensed North Carolina landscape architect or planner certified by the American Institute of Certified Planners (AICP);
- B. Landscaping design by a licensed North Carolina landscape architect; and,
- C. Site engineering by a North Carolina Registered Engineer.

9.1.7 Modification of Approved Final Master Plan

Modification of the approved master plan is permissible in accordance with § 3.2.8.

9.1.8 Sign Standards

Sign standards for a PUD district shall be governed either by a comprehensive sign package as detailed in Article 12 or through sign standards approved with the PUD district. In no instance may a PUD district be requested solely for the modification of a sign standard.

9.1.9 Design Principles

As indicated in § 9.1.1, PUD zoning is intended to permit flexibility in the design, construction and processing of residential, commercial, office and/or industrial developments of a quality that could not be achieved under conventional zoning concepts. However, certain minimal design standards shall apply and the zoning application for each project will be reviewed considering the below items.

- A. When Thirty (30) or more residential units are proposed, the project shall include a variety of housing stock that serves a range of incomes and age groups. Examples may include attached and detached single family, multifamily and dwelling units above commercial. The variety may include differing sizes of the same housing type, such as a mixture of larger and smaller lot sizes to accommodate a variety of single-family home designs.
- B. Uses are compact and well- integrated as opposed to widely separated and buffered.

- C. The project is well integrated into established adjacent areas relative to existing development standards, scale and use, with compatibility being achieved through effective architectural design and site planning.
- D. Open space is a significant element of the project's design. These open spaces shall include active and passive open space with an emphasis on accessible trails and connections to both existing and proposed greenways. The City's Open Space and Connectivity Analysis (OSCA) and other adopted plans shall be consulted for further guidance. All open space shall be specifically labeled and defined on the submitted site plan to include uses and aesthetic design. Additionally, all open spaces shall be accessible by a street, sidewalk, greenway or trail. While environmentally sensitive areas (floodplains, wetlands, etc.) may be within the minimum open space, at least 50% of the open space shall be upland area (non-environmentally sensitive). At least twenty-five percent (25%) of the overall gross land area of the site shall be designated as open space and thirty percent (30%) of the required open space on the site shall consist of active open space, except that this requirement may be modified in the event that the applicant demonstrates that the project is "infill" and is located adjacent to a sidewalk or trail network and is within walkable distance of active open space. Areas designated as "tree save" pursuant to Article 10 shall be considered active open space for the purposes of this section.
- E. The proposed development includes a variety of interconnected street types that are accessible to pedestrian, bicycle and automobile, and residential and non-residential areas shall be connected for both vehicles and pedestrians. The street pattern shall be designed in such a way as to encourage walking and to reduce the number and length of automobile trips. Bicycle lanes shall be provided along at least seventy percent (70%) of all collector streets.
- F. Enhanced design elements may include, but are not limited to
 - a. Increased open space and unique open space designs;
 - b. preservation of heritage trees and significant native tree canopy;
 - c. establishment of habitat preservation measures and/or wildlife sanctuary areas; and
 - d. use of native plants and pollinator gardens within the site.See Sections 9.3 and 9.4 for enhanced design elements that may be utilized in PUD zoning districts.
- G. The project includes building types that delineate the streets and civic/nonresidential areas to minimize the visibility of parking lots. See Sections 9.3 and 9.4 for designs that accomplish this principle.
- H. Grading and clearing shall be minimized to the extent possible and the natural topography should be integrated into the site design and amenities.
- I. Low Impact Development (LID) stormwater facilities shall be used and integrated into the development. At least twenty five percent (25%) of the

stormwater generated by the development shall be addressed by LID measures as specified in Section 9.11. When larger, stand-alone stormwater ponds and basins are proposed, they shall be designed and constructed as amenities.

- J. The proposed development shall provide for both current and future transit needs.