



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.