



**DATE:** December 15, 2020

**CASE:** Executive Summary for Traffic Impact Analysis (TIA) Ordinance

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**BACKGROUND**

This memorandum is intended to serve as a brief summary to describe the proposed revisions to the Concord City Code and the Technical Standards Manual (TSM) which are supplementary to the Concord Development Ordinance (CDO). The reader should consult the proposed Ordinance and the proposed Article VIII of the TSM for more specific details.

The Transportation Department researched procedures and requirements from other jurisdictions and worked closely with the Legal Department in preparing this Ordinance.

A Traffic Impact Analysis (TIA) is a study that is required by a private developer to analyze the impacts that the proposed development would have on the road network. A TIA is intended to identify the necessary improvements (if any) to offset those impacts to the transportation infrastructure.

Currently, TIAs are required at the discretion of the Administrator (with the concurrence of the Transportation Director) during the development review process as specified in Article 5 of the CDO. Unfortunately, this requirement creates uncertainty among staff and the development community as to the minimum requirements for approval. Particularly, the CDO is unclear as to whether a TIA is required during the rezoning process when a site plan is required. Transportation impacts are often discussed at length when either the Planning Commission or City Council is considering a development approval.

Staff has proposed clear requirements as to when a TIA would be required. These requirements are proposed to be placed in Section 50 of the City Code of Ordinances with technical documents within newly created Article VIII of the TSM.

**THRESHOLD FOR TIA**

During the initial phases of the development process, the developer will be informed of the TIA requirement including the necessity to coordinate with the Transportation Department and the North Carolina Department of Transportation (NCDOT) as most development proposals will include impacts to a State maintained facility.

The proposed Ordinance requires that any nonresidential, mixed use development, multifamily development or residential development with six or more dwelling units are required to submit a TIA. The Ordinance also sets forth a minimum threshold to explain what type of TIA is required. The content and level of analysis is intended to increase as the potential impact of the development increases.

Study Type	Peak Hour Trips	Daily Trips
Level 1: Access Location and Design Review	<50	<1,000
Level 2: Small Development	50 to 99	1,000 to 1,999
Level 3: Medium Development	100 to 499	2,000 to 9,999
Level 4: Large Development	>500	>9,999

An example of a Level 1 development would be a small multifamily development such as a quadplex (four units). An example of a Level 2 development would be a residential subdivision of less than 100 units. An additional example would be a mini-warehouse development, or a stand-alone CPA or dental office. Examples of a medium development (Level 3) may be a convenience store and the large development (Level 4) would be a regional shopping center or a mixed-use development such as Afton Village. Only a professional engineer can prepare a TIA and it is recommended that the preparer have experience in traffic engineering. It is further recommended that Levels 3 and 4 studies be prepared by Professional Traffic Operations Engineer (PTOE) which is a more advanced specialty.

As discussed above, an analysis of some sort is required with any nonresidential development and any residential development with six or more dwelling units. The study types as referenced above, are ranked from least to most complex depending on the intensity of the development.

**PROCESS AND REQUIREMENTS**

The Ordinance requires that TIAs be submitted with rezoning, special use permit, subdivision, or driveway permit, in accordance with the thresholds above. Most larger developments seek staff feedback at a conceptual step and conversations with Transportation and NCDOT have already occurred early in the process so the requirement for an analysis should not be a surprise.

The initial discussions with the Transportation Department (and NCDOT if applicable) is intended to set forth the “scoping” of the document, or the parameters and the geographic extent of the study based on the physical characteristics of the site and neighborhood.

The City’s Transportation Department is the entity that will coordinate the review of the analysis. TIAs may be reviewed by City Transportation, or jointly with a pre-selected consulting firm, or solely by the consulting firm. The firm cannot be the same Engineering firm that prepares the TIA. City staff will solicit and select firms

through a process that includes Requests for Qualifications (RFQ). If the TIA is selected for consultant review, the NCDOT staff will be involved in reviewing those TIAs that have impact on NCDOT roads. Review fees will be paid directly to the firm reviewing the TIA.

As part of the TIA, if on-site or off-site improvements are proposed, the consultant preparing the analysis will prepare a Transportation Mitigation Agreement (TMA) which details the necessary improvements that will be necessary to maintain the recommended LOS, and sets for the timing for the construction of those improvements.

If a TIA identifies intersections, street segments, or other transportation elements in the study area are or will be inadequate with the addition of the proposed development traffic based on the established operation requirements, the Applicant's TIA consultant will need to prepare a Transportation Mitigation Agreement (TMA) which identifies any improvements the Applicant agrees to implement in order to mitigate the impacts of the additional traffic.

In the event that the TIA is associated with either a rezoning or a special use permit, the Ordinance requires that the analysis be approved prior to the public hearing by Planning Commission or City Council. This requirement is proposed because much of the discussion and opposition to development proposals is directly related to transportation impacts and an approved TIA gives the Commission or City Council the necessary facts to make the decision.

Transportation Levels of Service (LOS) measure the rate at which traffic flows and is categorized from A (free-flowing with no slowdowns) to F (complete gridlock). The City's ultimate goal is to have the transportation system operate at LOS of C with a minimum acceptable LOS of D. The LOS of the streets located within the area of study will be examined in the TIA. LOS are also analyzed for pedestrian and bicycle movement.

The Ordinance also specifies that the TIA is valid for a period of three (3) years for a single-phase project or four (4) years for a multi-phase project. Transportation patterns can change significantly in those time periods due to the development of adjacent property and other transportation improvements in the vicinity.

Article VIII of the TSM includes the technical specifications for the development of the TIA.

## **SUMMARY**

In summary, the proposed TIA Ordinance will create certainty among the development community, citizens and staff as to the minimum requirements for development approvals. We feel that the proposed thresholds requiring the TIAs are reasonable in that the information required for the smaller developments would be included within the site plans anyway. Again, the reader should refer to the proposed Ordinance and the draft of Article VIII of the TSM as this summary is intended to provide only a general overview.