CITY COUNCIL AGENDA ITEM

Date: February 5, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
R. Brent Savidant, Planning Director

Subject: PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (File Number: ZOTA 246) – Assisted Living Facilities

The Oakland Troy Senior Project assisted living facility received Preliminary Site Plan Approval from the Planning Commission on November 26, 2013. During the site plan review process, many residents expressed concern regarding the potential of an assisted living facility being developed within abutting single-family residential neighborhoods. City Council members expressed the same concern during numerous public meetings. Based on these comments, the Planning Commission developed a draft text amendment that is intended to ensure that assisted living facilities are compatible with adjacent single family residential neighborhoods.

Draft amendments include the following:

- Revised the definition of "assisted living"
- Revised Schedule of Uses to permit assisted living facilities by Special Use Approval in the R-1A through R-1E, RT and CF districts
- The minimum lot area shall be 3 acres
- Frontage on and access to a major arterial is required
- A 50-foot greenbelt is required when adjacent to any land zoned or used for residential development

The attached Planning Commission item provides additional background.

The Planning Commission held a public hearing on this item on January 14, 2014, and recommended approval of the text amendment with an 8-0 vote.

City Management recommends approval of the proposed text amendment.

Approved as to form and legality: _____
Lori Grigg Bluhm, City Attorney

Attachments:

1. Zoning Ordinance Text Amendment Public Hearing Draft
2. Planning Commission item from January 14, 2014 Regular meeting
3. Planning Commission minutes from January 14, 2014 Regular meeting (excerpt)

CITY OF TROY

AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39, Zoning Ordinance, of the Code of the City of Troy.

Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended as follows

Revise the following definition in Section 2.02 to read as follows:

ASSISTED LIVING: A dependent elderly housing facility without cooking facilities in individual rooms and with only central dining service. Limited medical care ~~is available~~, including memory care, may be provided.

Revise the following table in Section 4.21 to read as follows:

	R1A-R1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Senior assisted/independent living	~~P~~, S	~~P~~, S	P	P	NP	~~P~~, S	NP	P	P	P	NP	P	NP	NP	NP

Revise Section 6.25 to read as follows:

A. The maximum allowable density varies by housing type, but shall not exceed the following:
    1. Dwellings may be provided for as single-family detached, two-family or multiple-family units. When such dwellings contain kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:
        i. Dwelling Unit Size Site Area/Unit (Square Feet)
        ii. Efficiency/one (1) bedroom 2,000
        iii. Two (2) bedroom 2,500
        iv. Each additional bedroom 500 additional

2. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.

B. Height, lot coverage and setback requirements of the MF Districts as set forth in Section 4.08, Multiple Family Residential Requirements shall apply.
C. Parking is not allowed in any required front yard. Parking is permitted in side and rear yards provided a minimum twenty (20) foot setback is observed.
D. The maximum linear length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
E. The drop-off / pick-up of residents shall be provided at the front entrance of the building with a covered canopy.
F. <u>The minimum lot area shall be three (3) acres.</u>
G. <u>Frontage on a major arterial street shall be required. All site access shall be provided on a major arterial street.</u>
H. <u>A 50-foot greenbelt buffer shall be provided adjacent to any land zoned or used for residential purposes. Such greenbelt shall be maintained as landscaped open space and shall not include any buildings, parking, or drive-aisles.</u>

<u>Section 3. Savings</u>

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

<u>Section 4. Severability Clause</u>

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This amendment to the Zoning Ordinance shall take effect seven (7) days after publication, which shall be published within 15 days of adoption, as required the Michigan Zoning Enabling Act (Act 110 of 2006).

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2014.

_____
Dane Slater, Mayor

_____
Aileen Bittner, City Clerk

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DATE: January 9, 2014

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 246) – Assisted Living Facilities

During the site plan review process for the Oakland Troy Senior Project assisted living facility, many residents expressed concern regarding the potential of an assisted living facility being developed in inappropriate areas, specifically within single-family residential neighborhoods. City Council members expressed the same concern during numerous public meetings. Based on these comments, the development of draft text amendment language is considered a priority by City Council.

The attached memo prepared by Carlisle/Wortman Associates, Inc. summarizes the issue. The Planning Commission discussed this memo at the December 10, 2013 Planning Commission Regular meeting. The board agreed with the recommendations in the memo and directed the Planning Department to put the suggested revisions in ordinance form.

The draft text amendment is attached. The attached map identifies potential assisted living facility sites, should the draft text amendment be approved.

Attachments:

1. Report prepared by CWA
2. Draft text amendment
3. Map

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PROPOSED RESOLUTION

ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 246) – Assisted Living Facilities

Resolution # PC-2014-01-
Moved by:
Seconded by:

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, and 6 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous provisions related to assisted living facilities, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes:
No:
Absent:

MOTION CARRIED / DENIED

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CARLISLE | WORTMAN associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
(734) 662-1935 Fax

MEMORANDUM

TO: R. Brent Savidant, AICP, Planning Director

FROM: Ben Carlisle, AICP

DATE: December 2, 2013

RE: Assisted Living Zoning Regulations

Due to questions regarding compatibility between Assisted Living Facilities and adjacent single-family properties, the City Council has requested that the Planning Commission review potential Zoning Ordinance amendments. The City Council has requested the Planning Commission to consider these amendments expeditiously so that regulations may be in place prior to the submission of another Assisted Living Facility application. This memo presents recommendations of additional regulations based on review of current regulations, review of best practices, and direction from the City Council and Planning Commission.

CURRENT REGULATIONS:

The current regulations for Assisted Living are controlled by the Use Table as set forth in Section 4.21; Specific Use Standards set forth in Section 6.25; and height, lot coverage and setback requirements of the Multiple Family Districts as set forth in Section 4.08.

Regulations Summary:

- Permitted use in R1 A-E, Single-Family Residential; RT, One-Family Attached Residential; MF, Multi-Family Residential; UR, Urban Residential; CF, Community Facility; CB, Commercial Business; GB, General Business; IB, Integrated Business, and OM, Office Mixed Use.
- Density requirements:
    - 2,000 sq/ft lot area per unit for one bedroom
    - 2,500 sq/ft lot area per unit for two bedrooms
- Maximum height: 2 stories and 25-feet
- Setbacks:
    - Front, Side, and Rear: 30 feet
- Lot Coverage: 35%
- Parking Locations
    - Not permitted in front yard
    - Setback at least 20 feet from side and rear property lines

RECOMMENDATIONS FOR CONSIDERATION

A tenant of the Zoning Ordinance is the protection of single-family residential properties. In order to better protect single-family residential properties, we recommend the Planning Commission consider the following amendments to regulate Assisted Living Facilities:

1. Amend Definition of Assisted Living to Include Memory Care. Adding memory care to the Assisted Living definition would clarify the components that are permitted under Assisted Living use category.

2. Require Assisted Living as a Special Use in all R1 Districts. A Special Use permit requires notification and a public hearing. Furthermore, a Special Use permit allows the Planning Commission to review the project under the Special Use standards, which ensure mitigation of impacts upon adjacent properties.

3. Require that all Assisted Living facilities be located adjacent to major arterial and that all site access is located off a major arterial. Such requirement would 1) ensure that these facilities are located on major mile roads, which can accommodate increased site activity including traffic; 2) ensure that those facilities are not located in the interior of a single-family subdivision; and 3) reduce neighborhood cut-through traffic.

4. Require a minimum of three (3) acres per site. Requiring a minimum of three (3) acres per site will ensure that sites are large enough to provide adequate transitions, buffers, and setbacks. In discussion with Assisted Living developers and operators, they note that sites less than three (3) acres are typically not market feasible for such use due to their limited size.

5. Require a 50-foot greenbelt buffer adjacent to any land zoned or used for residential purposes. This buffer is similar to what is required for Places of Worship. Such buffer will provide an appropriate transition to adjacent single-family properties.

The attached map indicates the potential properties upon which an Assisted Living Facility could be developed.

RECOMMENDED TROY ZONING AMENDMENT:

New language is underlined. Removed language is ~~struck through~~.

Section 2.02: Definition:

ASSISTED LIVING: A dependent elderly housing facility without cooking facilities and only central dining service. Limited medical care, including memory care, may be provided. ~~is available.~~

Section 4.21: Use Table:

The table is as follows:

	R1A-R1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
Senior assisted/independent living	~~P~~, S	~~P~~, S	P	P	NP	~~P~~, S	NP	P	P	P	NP	P	NP	NP	NP
For Comparison Purposes Only															
Multiple-family dwellings (2-8 stories)	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	NP
Convalescent centers	NP	NP	S	S	NP	P	NP	P	P	P	P	P	NP	NP	NP
Adult foster care, family home	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
Adult foster care, Small group home	S	S	S	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP
Adult foster care, large group home	S	S	S	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP
Adult foster care, congregate facility	S	S	S	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP

Section 6.25: Specific Use Standards:

A. The maximum allowable density varies by housing type, but shall not exceed the following:
   1. Dwellings may be provided for as single-family detached, two-family or multiple-family units. When such dwellings contain kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:
      i. Dwelling Unit Size Site Area/Unit (Square Feet)
      ii. Efficiency/one (1) bedroom 2,000
      iii. Two (2) bedroom 2,500
      iv. Each additional bedroom 500 additional
   2. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.
B. Height, lot coverage and setback requirements of the MF Districts as set forth in Section 4.08, Multiple Family Residential Requirements shall apply.
C. Parking is not allowed in any required front yard. Parking is permitted in side and rear yards provided a minimum twenty (20) foot setback is observed.

D. The maximum linear length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
E. The drop-off / pick-up of residents shall be provided at the front entrance of the building with a covered canopy.
F. The minimum lot area shall be three (3) acres.
G. Frontage on major arterial street shall be required. All site access must be provided on a major arterial street.
H. A 50-foot greenbelt buffer shall be provided adjacent to any land zoned or used for residential purposes. Such greenbelt shall be maintained as landscaped open space and shall not include any buildings, parking, or drive-aisles.

Section 4.08: Multiple Family:

No recommended amendments**.**

CARLISLE/WORTMAN ASSOC., INC.
Benjamin R. Carlisle, LEED AP, AICP

Attachment:
1. Map

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<u>Section 3. Savings</u>

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<u>Section 4. Severability Clause</u>

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This amendment to the Zoning Ordinance shall take effect seven (7) days after publication, which shall be published within 15 days of adoption, as required the Michigan Zoning Enabling Act (Act 110 of 2006).

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2013.

_____
Dane Slater, Mayor

_____
Aileen Bittner, City Clerk

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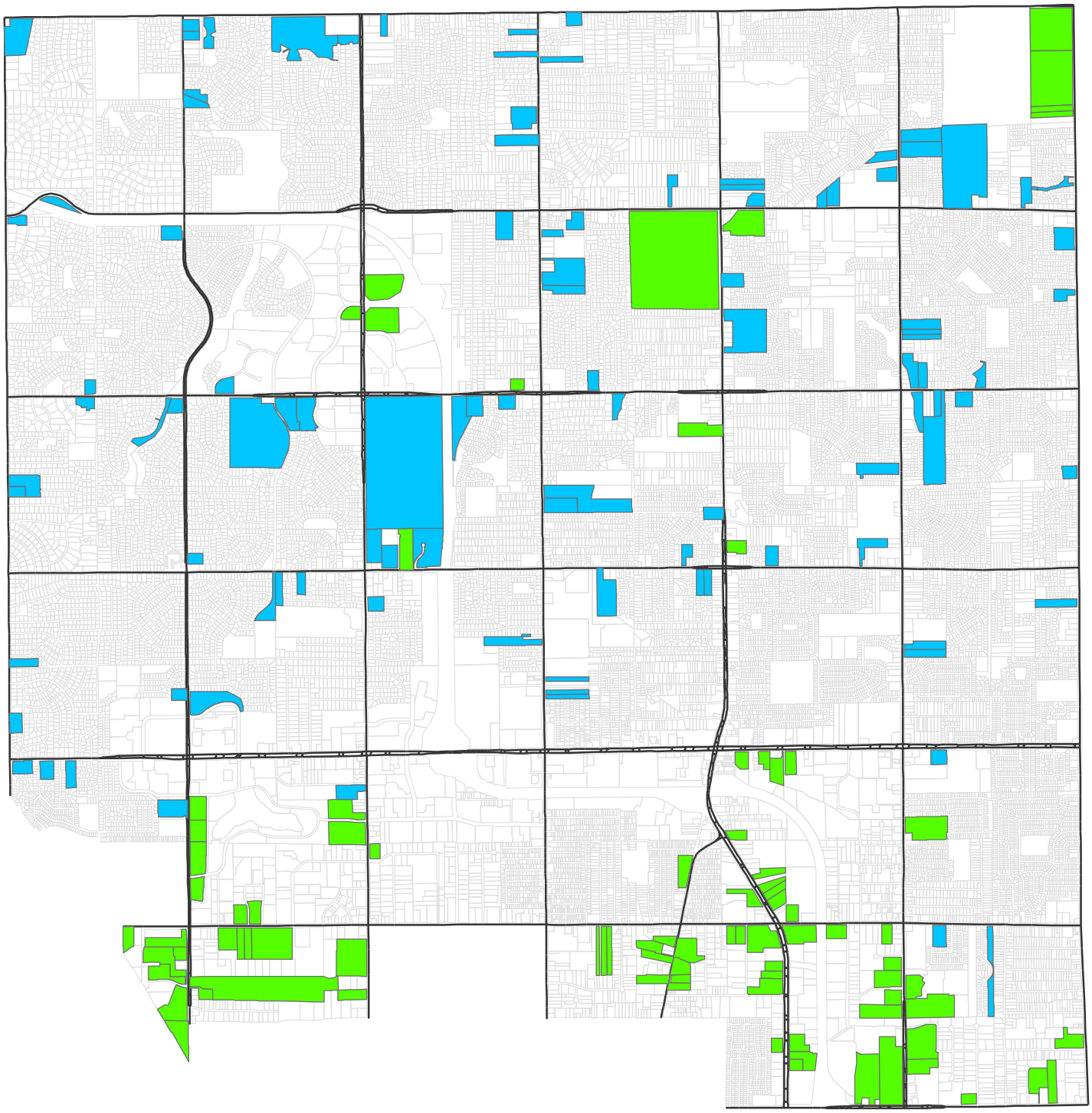
POTENTIAL ASSISTED LIVING FACILITY SITES



Legend

- Special Use
- Permitted Use
- Major Arterial

Based on proposed minimum development standards including location on major arterial and 3-acre minimum site

12/04/2013

ZONING ORDINANCE TEXT AMENDMENT

7. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 246) – Assisted Living Facilities

Mr. Carlisle reviewed the proposed Zoning Ordinance language.

There was discussion on:

- Intent of Zoning Ordinance relating to distinction between residential and multi family districts for Special Use Approval requirement.
- Mechanism in place to protect single family residential districts with Special Use Approval requirement.
- Map depicting potential assisted living facility sites.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2014-01-005
Moved by: Edmunds
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles 2, 4, and 6 of Chapter 39 of the Code of the City of Troy, which includes miscellaneous provisions related to assisted living facilities, be amended as printed on the proposed Zoning Ordinance Text Amendment.

Yes: All present (8)
Absent: Strat

MOTION CARRIED