



Memo

To: Town of Rolesville Board of Commissioners
From: Meredith Gruber, Planning Director and Michael Elabarger, Senior Planner
Date: September 5, 2023
Re: TA-22-01 – Applicant Initiated (FC Rolesville, LLC) Text Amendment
LDO Section 5.1.2.J., Residential Care (Zoning Specific Use);
LDO Section 3.1.3.B. Residential High District Development Standard/Building Height

Background

Development regulations are designed to foster the creation of vibrant neighborhoods and a strong business community, while preserving the community’s character. Amendments are necessary to continue the effective administration of the LDO. Such amendments are brought forward for a Legislative Hearing and Town Board consideration for a variety of reasons; some amendments will result in updates to development regulations while others address technical details or procedures. The Planning Board and Town Board of Commissioners can expect to consider technical amendments to the LDO on a regular cycle by Town Staff, or via applicant-initiated amendments.

The applicant, FC Rolesville, LLC, seeks to expand the descriptions of the three varieties of ‘Residential Care Facilities’ currently described in LDO Section 5.1.2.J., amend the means of calculation for the density of Residential Care Facility rooming units, and amend the maximum building height for ‘Residential Care Facilities’ within the Residential High (RH) zoning district.

Proposed Land Development Ordinance Amendments

LDO Section 5.1.2.J. – Residential Care Facilities

This existing section of the LDO details three more specific varieties of the use in very few words; the amendment breaks those out with more detailed descriptions. In 5.1.2.J.5., it clarifies the density calculation in the second sentence by adding at the end ‘per acre.’

LDO Section 3.1.3.B.

This existing section of the LDO has a single Building Height standard that is non-specific to the eighteen (18) different specific uses that are permitted in the RH District. The amendment clarifies specifically for Residential Care Facility use that a maximum of sixty feet (60’) could be achieved

if the zoning use were approved via a Conditional Zoning (CZ) request, and with a central sprinkler system at the time of construction.

Analysis

LDO Appendix A / 2.4.F. – Review Standards for Text Amendments.

The Applicant provided responses to the Review Standards in Attachment 2, Exhibit A – Statement of Justification. Below each statement is the Staff analysis or response.

1. Whether the proposed amendment is consistent with the comprehensive plan and other applicable adopted town plans;
Staff Response: The proposed amendments are consistent as they further define and delineate various forms of residential care living arrangements based on the needs and qualifications of the occupants.
2. Whether the proposed amendment conflicts with any standards of the LDO, Comprehensive Plan, and/or the Town Code;
Staff Response: The proposed amendments are in harmony with adopted Plans and Codes.
3. Whether there are changed conditions that require a text amendment;
Staff Response: The proposed amendments better define, delineate, and clarify the existing three sub-uses in keeping with industry standards, better than the current LDO.
4. Whether the proposed amendment addresses a demonstrated need within the community;
Staff Response: The proposed amendments better define, delineate, and clarify the existing three sub-uses in keeping with industry standards that the current LDO fails to, and therefore foster development of more varieties of residential care facilities within the Town, which is a sector of housing stock currently underserved.
5. Whether the proposed amendment is consistent with the purpose and intent of the zoning districts of the LDO, would improve compatibility among uses, ensure efficient development within the Town, and addresses a standard that is inadequate for development in the LDO; and
Staff Response: The proposed amendments do not conflict but rather improve the implementation of the LDO for residential care facility projects.
6. Whether the proposed amendment would negatively affect health, safety, and welfare of the town.
Staff Response: The proposed amendments are not expected to generate any negative impacts. The building height is the most impactful change, and to achieve the maximum of sixty feet (60'), conditional zoning must be achieved, providing the Town Board of Commissioners review and approval of proposed buildings via concept site plans.

Summary of Review

LDO Section 5.1.2.J. – Residential Care Facilities (RCF)

Section 5.1.2.J.1. currently explains/details the three varieties – Assisted Living Facilities (ALF), Convalescent Care Facilities (CCF), and Independent Living Facilities (ILF) – in a very brief nature. The proposed amendment breaks the three sub-uses out into much better defined uses that match industry standards. Staff finds that this as much a modification and improvement as much an amendment that will immediately benefit the Applicant, and that it will serve the Rolesville community many times over for future developments.

Section 5.1.2.J.5.a. currently has the standard for density of RCFs as being calculable by “rooming units” as opposed to “dwelling units” as other residential uses are. The allowable density calculation is twice that of the permitted density of the zoning district. The amendment is only to the second sentence, which is an example calculation, whereby there is an omission of the words “per acre” at the end of the example equation. Staff finds this to be an omission/scrivener’s error and the amendment is to make the text complete and unambiguous (whereas the omission of ‘per acre’ made the statement unclear/vague). Staff supports this proposed text amendment and again find it more of a correction than an amendment.

LDO Section 3.1.3.B.

The lack of specificity of the thirty-five foot (35’) maximum building height for any of the eighteen permitted zoning specific uses is questionable as to its equity and appropriateness. For example, a single-family detached home, a multi-family dwelling building, a public high school, and a dormitory would all be regulated the same for height – thirty-five foot (35’) maximum – despite the purpose and form of construction varies widely across those. The proposed amendment is clearly and specifically just for the ‘Residential Care Facility’, but there could be merit in considering greater heights for non-single family dwelling structures, possibly with development standards such as greater setback from property lines, architectural requirements, etc. Staff supports the proposed amendment as proposed.

Planning Board Meeting

At their meeting on July 24, 2023, the Planning Board voted to unanimously recommend approval of TA-22-01 – Applicant Initiated (FC Rolesville, LLC) Text Amendment LDO Section 5.1.2.J., Residential Care (Zoning Specific Use); LDO Section 3.1.3.B. Residential High District Development Standard/Building Height.

Staff Recommendation

Staff recommends approval of TA-22-01 – Applicant-Initiated (FC Rolesville LLC) Text Amendment to LDO Sections 5.1.2.J. and 3.1.3.B.

Proposed Motion

Motion to (approve or deny) TA-22-01 – Applicant-Initiated (FC Rolesville LLC) Text Amendment to LDO Sections 5.1.2.J. and 3.1.3.B.

Attachments

1. Attachment 1 - Application
2. Attachment 2 - Exhibit A – Statement of Justification
3. Attachment 3 - Exhibit B – Proposed Text Amendment Language



Case No. TA 22-01
Date rcvd 10-3-2022

Text Amendment Application

Contact Information

Name Matthew J. Carpenter on behalf of Arden
Address 301 Fayetteville Street, Suite 1400 City/State/Zip Raleigh, NC 27601
Phone 919-835-4032 Email MatthewCarpenter@parkerpoe.com

Amendment Information

This petition is to amend the Land Development Ordinance as shown in the attached Exhibit B and for the purposes described in the attached Exhibit A.

Applicant Signature

I hereby certify that the information contained herein is true and completed. I understand that if any item is found to be otherwise after evidentiary hearing before the Town Board of Commissioners, that the action of the Board may be invalidated.

Signature [Handwritten Signature] Date 9-26-2022
Matthew J. Carpenter

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, a Notary Public, do hereby certify that Matthew J. Carpenter personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 26th day of September 2022

My commission expires 10/2/2023

Signature [Handwritten Signature] Seal

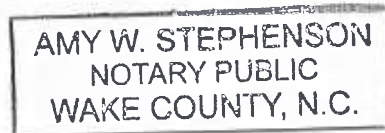


EXHIBIT A
to
Residential Care Text Amendment Application

Text Amendment Justification

This Text Amendment Application (“Text Change”) is filed concurrently with a Rezoning Application (the “Rezoning”) to facilitate the development of Arden – a senior housing community along the Town’s Main Street corridor (the “Project”).

The current senior housing market is characterized by government subsidized affordable senior housing on one end, and luxury all-inclusive senior housing on the other; leaving a large demographic of seniors unserved. This group is referred to as the missing middle – seniors who earn too much in retirement to qualify for medicare but not enough to afford all-inclusive congregate care facilities; often retired teachers, police officers, and nurses.

Arden seeks to serve missing middle seniors as an active adult, age-restricted community with congregate-care style living, controlled access, interior corridors and elevators, walking paths, fitness centers, and natural areas. Arden will offer residents the opportunity to live independently in a community designed specifically for active seniors with amenities such as a community dining room, craft/business center, library, pool, and fitness center. To ensure affordability to middle market senior residents, Arden will provide some services, including access to care and personal services such as dining, housekeeping, home and grounds maintenance, and security, on an a la carte basis through third party partnerships. This model allows residents to control costs by tailoring their level of services to their specific needs.

Due to its age restriction, unique a la carte services model, and focus on the middle-market senior demographic, Arden’s use does not fit neatly within any existing use definitions in the Town’s Land Development Ordinance (“LDO”). Accordingly, this Text Change proposes to:

- (1) Amend LDO Section 5.1.2.J. to create a new sub-use under Residential Care, Independent Living Facilities. To qualify as an Independent Living Facility, each dwelling must be occupied by at least one person 55 years of age or older. Independent Living Facilities provide a number of services and feature controlled access and interior corridors. The primary difference between Independent Living Facilities and Convalescent Care Facilities is the presence of 24-hour medical care.
- (2) Amend LDO Table 3.1.3. to allow maximum building height of 60 feet for Residential Care uses in the Residential High Density (RH) district. The additional building height allows a more efficient building design, economies of scale, and greater residential density near Main Street. These economies of scale allow for lower rents vs luxury buildings, which allow Arden to serve middle-market residents.

The Text Change is also consistent with the Text Amendment Review Standards in LDO Appendix A, Section 2.4.F. as follows:

1. **Whether the proposed amendment is consistent with the comprehensive plan and other applicable adopted town plans;**

Response: The Text Change will allow the development of much needed senior housing, in close proximity to the Town’s revitalized Main Street. It will permit a housing type not currently permitted by the LDO to allow residents of Rolesville to age in place, consistent with the following goals and policies:

- Main Street Vision Plan, Corridor Development Strategy 1 for the Central – Lifestyle Village (Main & Burlington Mills): “Support market rate housing development with mix of product types: townhomes, apartments, senior housing. *See* Main Street Vision Plan, pg. 80.
- Main Street Vision Plan, Corridor Development Strategy 3 for Central – Lifestyle Village (Main & Burlington Mills): “Housing product to incorporate higher densities. *See* Main Street Vision Plan, pg. 80.
- Main Street Vision Plan, Corridor Development Strategy 1 for All Areas – “Facilitate expanded new housing options along the corridor.” *See* Main Street Vision Plan, pg. 80.
- Main Street Vision Plan, Goal #2: Promote diverse housing stock for multiple age groups and income levels: “One of the top issues raised by residents of Rolesville and people who want to move to Town is the lack of diverse housing. There are ***few multifamily options*** and most of the single-family housing starts at \$300,000, well out of the budget for workforce buyers and renters. By ***diversifying the housing for*** millennials and ***aging retirees***, the opportunity arises for more people to live, work, and shop in Rolesville, boosting the local economy and creating the ***opportunity for multiple generations of families to remain in the community they made a life in.***” *See* Main Street Vision Plan, pg. 16.
- Comprehensive Plan Goal LU1. Encourage a walkable, connected Town in the face of rapid growth. *See* Comprehensive Plan pg. 42.
- Comprehensive Plan Goal D1.1. Take actions to ensure that new housing stock provides diverse options around Main Street. “New neighborhoods that are developed should provide ***a mix of housing options for*** young adults, families, ***senior citizens***, etc. ***so that citizens can age in place*** and have options for their housing expectations. *See* Comprehensive Plan pg. 83.

2. **Whether the proposed amendment is in conflict with any standards of the LDO, Comprehensive Plan, and/or the Town Code;**

Response: The Text Change does not conflict with any standards of the LDO, Comprehensive Plan, or Town Code. But, rather, will provide a new housing type consistent with the Town's long range goal of providing diverse housing options.

3. **Whether there are changed conditions that require a text amendment;**

Response: The proposed Text Change, to create a new category of senior housing, is in direct response to rapid growth in Rolesville and urgent need for middle market senior housing.

4. **Whether the proposed amendment addresses a demonstrated need within the community;**

Response: As discussed above, the Text Change is in direct response to significant demand for middle-market senior housing in the Triangle as a whole and Rolesville specifically.

5. **Whether the proposed amendment is consistent with the purpose and intent of the zoning districts of the LDO, would improve compatibility among uses, ensure efficient development within the town, and addresses a standard that is inadequate for development in the LDO; and**

Response: As discussed above, the Text Change defines a new housing type for seniors that is not currently defined in the LDO. Accordingly, the Text Change will allow development of new senior housing units to serve the Town's growing population. It will also facilitate efficient development by allowing apartment style senior living that promotes walkability and alternative modes of transportation in close proximity to Main Street.

6. **Whether the proposed amendment would negatively affect health, safety, and welfare of the town.**

Response: The Text Change will not negatively affect health, safety, and welfare of the Town. Rather, it will improve health, safety, and general welfare by allowing more senior residents to age in place and live in a vibrant community of their peers. It will also provide housing for residents that are more likely to reside in Rolesville permanently and patronize existing and future retail along Main Street.

ATTACHMENT 3 - PROPOSED TEXT CHANGE LANGUAGE

ROLESVILLE LAND DEVELOPMENT ORDINANCE

J. Residential Care (ALF, ILF, CCF)

1. Residential Care shall include Characteristics: ~~ALF~~ (Assisted Living Facilities (ALF)ty), Convalescent Care Facilities (CCF), and ~~ILF~~ (Independent Living Facilities (ILF)), each as defined below: ~~CCF (Convalescent Care Facilities)~~

a. ~~provide~~ Assisted Living Facilities: residential facilities with on-site twenty-four (24) hour medical care for seniors. This use category describes building or buildings, section or distinct part of a building, private home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding 24 hours to one (1) or more adults who are not relatives of the owner or administrator.

b. Convalescent Care Facilities: residential facilities that provide care and non-permanent housing for individuals recovering from an illness, injury, or medical procedure. This use category describes building or buildings, section or distinct part of a building, private home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding 24 hours to one (1) or more adults who are not relatives of the owner or administrator.

~~1-c.~~ Independent Living Facilities: One or more buildings featuring age-restricted Multiple Family Dwellings where each dwelling is occupied by at least one person 55 years of age or older that provide one or more of the following amenities or services for persons not related to the owner or administrator by blood or marriage: food service, trash service, local transportation services, community library, programmed activities, salon services, and other personal services. Independent Living Facilities shall feature controlled access to the principal building, interior elevators in buildings greater than two stories, and interior corridors. The term shall not mean Assisted Living Facilities and/or Convalescent Care Facilities that provide medical care and support services to persons not capable of independent living.

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2. Accessory Uses. Accessory uses commonly found are recreational activities, cafeteria, café, dining hall, hobbies, parking of the occupants' vehicles, facilities for staff.
3. Examples. Uses include living in nursing homes, skilled nursing facilities, assisted living facilities, convalescent care facilities, and other senior living facilities.
4. Uses Not Included.
 - a. Lodging where tenancy is arranged for one (1) week or less are considered to be a form of transient lodging (see commercial categories).
5. Use Standards.
 - a. Residential care facilities are permitted a number of rooming units equal to two (2) times the density of the applicable district. For example, if ten (10) units per acre are allowed, the residential care facility may have twenty (20) rooming units per acre.
 - b. Structures shall demonstrate a pedestrian circulation plan, including internal walkways, and shall include provisions for alternative transportation options within ½ mile radius for residents of the facility.
 - c. Residential care facilities shall be designed and used to serve its residents and their guests only.
 - d. All dumpsters and other building service areas shall be located where they are concealed from view from the public right of way. All dumpsters shall be concealed with secured gates, landscaping, and solid screening.

ROLESVILLE LAND DEVELOPMENT ORDINANCE

3.1.3. RESIDENTIAL HIGH DENSITY (RH)

- A. **Purpose and Intent.** The Residential High Density (RH) zoning district is established as a district in which the principal use of land is for residential purposes, including attached, double family, and multiple family dwellings. The regulations of this district are intended to discourage any use which, because of its character, would be a nuisance to the development of higher density residential structures. RH implements the high density residential future land use at a density range of six (6) to twelve (12) dwelling units per acre.
- B. **Development Standards.** The RH district shall conform to the standards identified in Table 3.1.3.

Table 3.1.3. RH Development Standards

STANDARDS		RH REQUIREMENTS		
Building Height		Max: 35' <u>Max for Residential Care uses: 60' with the installation of sprinklers and with Conditional Zoning.</u>		
Density		Max: 6 Dwelling Units Per Acre (Single Family Detached) Max: 9 Dwelling Units Per Acre (Attached) Max: 12 Dwelling Units Per Acre (Multifamily)		
		Single Family Detached	Attached	Multiple Family
Building Setback (Min/Max)	Front	15'	15'	20'
	Side	10'	0' Internal 10' End Unit Minimum 30' between structures	15'
	Rear	15'		
	Corner	15'	15'	20'
Lot	Width (Min)	75' (Single Family Detached) 20' (Attached)		
	Coverage	N/A		