



AGENDA ITEM#: 5

MEMORANDUM

TO: Metropolitan Planning Commission

FROM: Mark Donaldson, Executive Director

DATE: July 1, 2010

SUBJECT: Amendment to the City of Knoxville Zoning Ordinance, Article IV, Section 3.1, RP-1, RP-2, and RP-3 (Planned Residential) district, to add nursing home as a use permitted on review in these districts.
5-B-10-OA

REQUEST

After conversations with developers that wish to provide a variety of elderly housing and services within the same development, MPC staff requests that MPC and City Council consider amending the City of Knoxville Zoning Ordinance, Article IV, Section 3.1, RP-1, RP-2, and RP-3 (Planned Residential) district, to add nursing home as a use permitted on review, with appropriate standards, in these districts.

BACKGROUND

The developers of property in the Deane Hill area are trying to create a community that offers a variety of housing, including housing and services that are oriented toward the fastest growing segment of our population, people over the age of 55. Previously, developers in East Knoxville have planned a similar community. The RP-1 (Planned Residential) zone district is the district of choice for many developers and MPC staff. Developers appreciate knowing the overall density that can be achieved within the district and the flexibility to provide a variety of products; while staff favors the zone because it requires development plan approval.

Senior oriented housing developments often provide a variety of housing and services within the same community, ranging from houses on large lots, house on small lots, duplexes, single-level condominiums, apartments, and assisted living facilities. More recently, many companies have been linking assisted living facilities with nursing homes.

Currently, within the RP-1 district, a developer can provide a variety of housing, including assisted living, but the district does not allow the development of a nursing home. The proposed amendment adds nursing homes to the list of uses permitted on review that may be considered under the RP-1, RP-2 and RP-3 zone districts.

ANALYSIS

Other residential zone districts in the Knoxville Zoning Ordinance already make the link between assisted living facilities and nursing homes. R-1A (Low Density Residential) and R-2 (General Residential) districts list assisted living facilities and nursing homes as uses permitted on review. The RP-1, RP-2 and RP-3 districts currently only list assisted living facilities as a use permitted on review.

Many communities list nursing homes as a permitted type of residential use – as the name nursing *HOME* implies - and many communities allow nursing homes as a conditional or special use (comparable to our use on review) in all or many residential zone districts. More and more communities are using the term “elderly housing”, which includes assisted living and nursing homes, as a land use category.

At the request of the planning commission MPC staff met with the City of Knoxville Neighborhood Advisory Council on June 9th to discuss the proposed amendment. See Exhibit B. The Council, after taking a vote to advise further public meetings and a vote to support the proposed amendment, was unable to make a recommendation.

Since the planning commission first saw this proposed amendment, standards have been added for consideration with nursing homes as a use permitted on review. Paragraph h of the standards addresses the concept of linking assisted living facilities with nursing homes and a variety of other housing. See Exhibit A

In addition to the specific standards associated with the proposed amendment, any use on review must satisfy the general standards listed at Article V, Section 3:

1. The use must be consistent with adopted policies and plans, including the General Plan;
2. The use must be in harmony with the general purpose and intent of the zoning regulations;
3. The use must be compatible with the character of the neighborhood where it is proposed, and with the size and location of buildings in the vicinity;
4. The use will not significantly injure the value of adjacent property or detract from the immediate environment;
5. The use must not be of a nature or so located as to draw substantial additional traffic through residential streets; and
6. The nature of the development in the surrounding area must not be such as to pose a potential hazard to the proposed use or to create an undesirable environment for the use.

STAFF RECOMMENDATION

Staff recommends that the planning commission recommend approval of the proposed amendment to add nursing home, with the proposed standards, as a use permitted on review in the RP-1, RP-2 and RP-3 zone districts of the City of Knoxville Zoning Ordinance.

EXHIBITS

- Exhibit A - Proposed amendment, with standards
- Exhibit B - Summary of the Neighborhood Advisory Council meeting, June 9, 2010

Add as a Use-On-Review in the RP-1, RP-2 and RP-3 zone districts:

8. Nursing Home, subject to the following conditions:
 - a. *Intent.* It is the intent of these provisions to ensure compatibility between a nursing home and the balance of uses within the planned residential zoning district and adjoining neighborhoods.
 - b. *Location.* The nursing home site shall adjoin an arterial or collector street to ensure adequate employee, visitor, and delivery access without drawing traffic through local streets.
 - c. *Service areas.* No service areas served by trucks, occupied by trash containers, or otherwise having an appearance incompatible with residential development shall be on the side of the building toward adjoining residential development unless a buffer meeting criteria herein provides separation.
 - d. *Lighting.* Lighting must be approved as part of the development plan. Full cut-off lighting fixtures are required for all outdoor walkway, parking lot, canopy and building/wall-mounted lighting.
 - e. *Design.* Buildings elevations must be approved as part of the development plan. Buildings shall be residential in appearance, in terms of materials, proportions, and architectural details, so as to effectively complement surrounding residential development.
 - f. *Landscape buffer.* Landscaping must be approved as part of the development plan. A type "C" landscape screen, as defined by the MPC, shall be provided adjacent to the side or rear yards of any adjoining residential development, unless otherwise approved by the Planning Commission.
 - g. *Signs.* Signs must be approved as part of the development plan. A single monument sign shall be allowed per facility, not to exceed 5 feet in height and 20 square feet of sign areas. Other directional signs may be allowed in accordance with Article V, Section 10. C of the City of Knoxville Zoning Ordinance.
 - h. *Limited part of a diverse residential development.* A nursing home site shall not exceed 25 percent of the total area of an RP-1, RP-2 or RP-3 zone district (as described by the ordinance establishing the planned residential district), unless there is also an assisted living facility located within the same zone district boundaries and together these two uses do not exceed 50 percent of the total land area within the district.

Neighborhood Advisory Council

To: Mayor Bill Haslam

Robert Anders, Chair, Metropolitan Planning Commission

From: Neighborhood Advisory Council

Date: TBA

This is to inform you that the Neighborhood Advisory Council (NAC) met in regular session on June 9, 2010, to hear from Mark Donaldson, executive director of MPC, regarding MPC staff's proposal to revise the Knoxville Zoning Ordinance to allow skilled nursing homes as a use-on-review in planned residential districts RP-1, RP-2 and RP-3.

This issue came before the NAC at the request of the Commission, which considered the matter at its May 13 meeting and voted to postpone for 60 days to allow for more public input via the NAC.

Mr. Donaldson outlined the background for the proposed change, noting that while the idea for changing the zoning in the three planned residential districts arose from a discussion with a developer on a specific project, it was staff's idea to suggest the change. He stated that the rationale is based on several factors:

** Skilled nursing facilities are already allowed as a use-on-review in the R1A low-density residential and the R2 general residential districts, and as a use-by-right in O-1 and O2 districts. It makes sense to allow nursing facilities as a use on review in planned districts that allow for higher density.

** Increasingly, developers are trying to cluster a variety of housing types in the same complex.

** There is a trend nationwide for "aging in place" communities, where people do not have to move out of their neighborhood to go from single family to assisted living to skilled care facility. He cited the Shannondale development in the West Hills neighborhood as an example of such a development.

** In cases where a developer wants to develop a skilled nursing facility in a planned residential district, he could request rezoning to O-1 or O-2 (where such facilities are permitted as a use by right), but it would be better to imbed in planned residential district regulations the ability to review the proposed facility for its compatibility with the adjacent or surrounding neighborhood. In planned residential districts, he noted, MPC can call for a cohesive plan, dictate standards and locations, etc.

** The overall impact of the proposed change is small, in that planned residential districts comprise only a small percentage of the 58 square miles of residential districts in the city.

Eleven of thirteen members of the NAC were present for the discussion, but one member (Jody Mullins) had to leave before deliberations began. The remaining ten members deliberated on two issues:

1. First, on a motion by Suzanne Kurth, seconded by Charlotte Davis, the NAC split 5-5 on whether to recommend that MPC conduct public meetings to provide more information to and obtain input from the general public. Voting for this recommendation were Barbara Armstead,

Charlotte Davis, Suzanne Kurth, Mae Moody, and Barbara Pelot. Voting against were Polly Doka, Linda Rust, Dan Smith, Whitney Stanley and Karen Kluge.

There was no uniform reason behind the “yes” and “no” votes. For example, one NAC member voted against further public meetings because she was not confident that further input would change the staff recommendation, while another member voted against because she believes an adequate public input process is already in place.

2. Second, on a motion by Linda Rust, seconded by Polly Doka, the NAC split 5-5 on whether to support the staff recommendation. Voting in favor were Barbara Armstead, Polly Doka, Karen Kluge, Linda Rust, and Whitney Stanley. Voting against were Charlotte Davis, Suzanne Kurth, Mae Moody, Barbara Pelot and Dan Smith.

Here again, the votes did not reflect uniform views for or against the staff recommendation.

Here are some of the reasons stated for voting against the staff recommendation:

** Voted against the staff recommendation because of the lack of process. There should have been at least one general public meeting called in advance of the item going onto the MPC agenda.

** There needs to be more public airing of the issue, with information on all of the ramifications of the proposal and more public discussion. For example, there may be differences of opinion based primarily on the size and scale of a facility, and perhaps those parameters should be included in any zoning change.

** I know the particular multi-use development on Deane Hill Drive that led to this staff recommendation. I do not feel this development is appropriately placed on a two-lane road. Also, I am concerned with the use-on-review process. Use-on-review standards speak to assuring compatibility with the surrounding neighborhoods; in my opinion the proposed development (the part already approved) is not compatible. I fail to see that consideration was given to the height of the buildings in close proximity to duplexes just across the street.

** I do not find the “cradle to grave” argument compelling. Other criteria should be used to judge the benefits of this proposal.

** The compatibility with neighborhoods depends a lot on the size street that a nursing facility is located on and whether traffic has to pass through a neighborhood to reach the facility. The size of the facility is also very important; some nursing homes are quite large; they look and function more like a hospital, which would not be compatible in a neighborhood setting.

** There is a big difference between the location of the proposed Deane Hill development on two-lane Deane Hill Drive and the Shannondale complex, whose nursing home is located on a major four-lane street, Middlebrook Pike.

Statements made in favor of the staff recommendation included:

** The idea is a good one in part because diversity of housing types makes a real neighborhood, as opposed to nothing but single family housing, for example.

** Likes the diversity and the opportunity for volunteering presented by nursing homes, which make good neighbors.

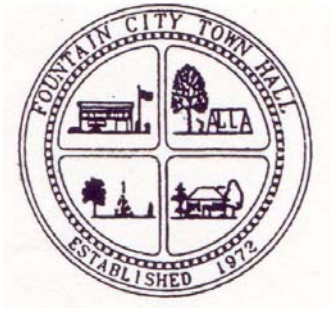
** Notes that multi-storied structures allow for a smaller footprint and more green space.

** Agrees with the need to provide housing choices so that aging residents can remain in the same neighborhood.

At the NAC meeting, there was also some discussion about related issues, although no votes were taken on these suggestions:

** Rachel Craig, the only member of MPC to attend the meeting, asked if the MPC staff consider revising its recommendation so that a nursing home is permitted as a use-on-review in a planned residential district only if the facility is part of a larger complex that includes independent living and assisted living components.

** Mark Donaldson noted that in the future there could be other models of nursing homes that are not now present in Knoxville. One such model is the “adult home care” concept, where no more than five individuals are housed in a house converted on the inside to serve as a skilled nursing facility but maintained on the outside to look like a single family home.



Fountain City Town Hall, Inc.

P.O. Box 18001 ● Knoxville, Tennessee 37928-8001

May 11, 2010

**Metropolitan Planning Commission
Knoxville-Knox County Tennessee
400 Main Street Suite 403
Knoxville, TN 37902**

Re: Agenda Item #7

Dear Commissioners,

The board of Ftn. City Town Hall, Inc. met on Monday, May 10, 2010. This amendment to the zoning ordinance, item #7, was discussed. The Board of Fountain City Town Hall, Inc., voted unanimously to oppose the amendment to the Knoxville Zoning Ordinance to allow "nursing home" as a use on review in RP-1, 2 and 3.

The addition of nursing homes, a use more similar to medical land uses than residential uses, to Planned Residential zones will make it more difficult for neighborhoods to accept PR districts. There are already zoning districts that allow nursing homes, and nursing homes should be located in those districts.

We think the staff's justification regarding "permitting a full range of housing possibilities" in one district is interesting. Is this to suggest we only need one residential district? Could hotels, motels and hospitals be next for Planned Residential?

We do not think "permitting a full range of housing possibilities" is in the best interest of neighborhoods or the city.

We appreciate your consideration in this matter.

Sincerely,

Jamie Rowe, Chair, Ftn. City Town Hall, Inc.