

# Staff Report



<b>Unified Development Code (UDC) Amendments: Parking Requirements for Independent Senior Living and Unit Size Requirements for Multi-family</b>	
Planning and Zoning Commission Meeting 05/06/2020	Document Being Considered: Ordinance

## **REQUESTED ACTION**

Following the public hearing, staff recommends approval of the proposed amendments to the Unified Development Code.

## **PRIOR BOARD OR COUNCIL ACTION**

On June 24, 2014, the City Council adopted the Unified Development Code (UDC). It has been amended numerous times, the latest being on November 15, 2019 in response to House Bills 2439 and 3167.

On April 15, 2020, the Planning and Zoning Commission continued the public hearing of the proposed Unified Development Code amendments to May 6, 2020.

## **Background**

In August-September 2019, during the public hearings for the zoning cases for tax credit projects, City Council requested that staff study the UDC standards related to minimum multi-family living area requirements and onsite minimum parking requirements for Independent Senior Living Facilities. Staff researched both items and met with the Municipal Policy Committee (MPC) on February 25, 2020 and March 17, 2020.

During the February 25 MPC meeting, staff provided the results of research conducted of surrounding cities on parking ratios for independent living facilities (Table I). Staff noted that the current parking ratio of "... plus 1.0 space per 100 SF of common area" often resulted in a reduction in common area provided for independent senior living facility projects, as seen in the Approved Projects in Arlington (Table II). The committee discussed providing visitor parking based on the number of units and not the common area.

Additionally, staff provided the MPC with research on the minimum dwelling unit sizes of recently approved projects in Arlington (Table V) and minimum unit sizes for multi-family in surrounding cities (Table IV).

A majority of recently approved projects met the current minimum dwelling unit size, with three out of seven projects receiving deviations to reduce the square footage for efficiency and one-bedroom units. Of the cities researched, the majority had minimum unit sizes established for 3-bedroom units ranging from 900 SF to 1,100 SF.

During the March 17, 2020 MPC meeting, discussion continued on the minimum parking requirements for independent living facilities, minimum unit size for multi-family and the definition of independent living facility. Additionally, the MPC discussed the current parking requirement for enclosed garages for multi-family developments. The committee suggested continuing the requirement of 50% of the required parking spaces to be covered and 20% of the required spaces to be enclosed garages.

The recommendation of the Municipal Policy Committee is as follows:

**(I) Independent Senior Living:**

1. Revise the definition of Independent Senior Living from 60 years of age or older to 55 years of age or older.
2. Revise the parking requirement for Independent Senior Living from "1.0 per unit + 1.0 per 100 SF of common indoor area" to "1.2 spaces per unit."

**(II) Multi-family:**

1. Revise the minimum square footage of 2-bedroom units from 900 SF to 850 SF. Keep the Efficiency and 1-bedroom unit size as is.
2. Add a minimum unit size for 3-bedroom units of 1,000 SF; with an additional 70 SF per bedroom for over 3 bedrooms.

**(III) Parking Standard for MF and Independent Senior Living:**

1. Keep the enclosed garage requirement (min 20% of total) and explore a new standard which would include both garage parking and tandem parking behind the garage in the parking calculation.

On April 1, 2020, when these recommendations were presented to the Planning and Zoning (P&Z) Commission, staff also advised the Commission that the parking requirements of Assisted Living Facility and Nursing Home should be reviewed as well, since they were very similar to the parking requirements for Independent Senior Living.

The P&Z Commission requested staff to provide more data for comparison with cities in the midcities area as well and case studies of existing retirement homes in the area, such as Town Village Retirement Home. Additionally, a few Commissioners asked if the parking standards for some denser districts such as Downtown Business (DB), Downtown Neighborhood Overlay (DNO), and Entertainment District Overlay (EDO) could be different than the rest of the City.

On April 15, 2020, staff presented the following information:

<b>Table I: Comparison of "Minimum Parking" Requirements for Independent Senior Living</b>	
<b>CITY</b>	<b>PARKING REQUIREMENT</b>
Grand Prairie	0.5 per unit + 1.0 space for 300 SF of office, administrative, and employee areas
Dallas	0.7 per unit + 1.0 space per 300 SF of floor area not in units
Southlake	1.0 per individual sleeping unit or 1.0 per 3 beds, whichever is greater
Plano, McKinney, Garland, Hurst, Euless	1.0 per unit
Grapevine	1.1 per unit or 1.0 per bed
Mansfield, Bedford	1.5 per unit
Arlington	1.0 per unit + 1.0 per 100 SF of indoor common area
Fort Worth, Irving, Colleyville	Does not acknowledge 'Independent Senior Living' as a separate land use.

<b>Table II: Comparison of Approved Independent Senior Living Projects in Arlington</b>				
	<b>Mariposa</b>	<b>The Elliott (Arl. Senior Living)</b>	<b>The Orchards (Dial)</b>	<b>Overture</b>
# of Units	180	74	180	175
Proposed Common Area (100SF per unit reqd per UDC)	15,000 SF	4,405 SF	3,000 SF	1,500 SF
Required Parking	360	118	210	190
Proposed Parking	261	119	211	221
Parking Ratio (based on # of units)	1.45	1.6	1.17	1.26
	Average of the four projects = 1.33 spaces per unit			

Town Village Retirement Home addressed at 1250 West Pioneer Parkway was approved as a Planned Development in the year 1999 for Senior Retirement Community (Phase I: 230 units) and Assisted Living Facility (Phase II: 60 units). Only Phase I was completed in the year 2000 with 217 units. They provided 208 parking spaces, which is close to 1.0 parking space per unit. The property manager of this facility shared that they are mostly one-bedroom units with an average occupancy of one resident per unit.

Responding to P&Z Commission's question about a parking reduction possibility in some overlay districts, staff provided the following information:

- Downtown Overlay (DNO) and Downtown Business (DB) zoning district already have reductions in parking requirements to 1/2 and 1/3<sup>rd</sup> respectively.
- The Entertainment District Overlay (EDO) does not have parking reductions currently. It is important to note that the EDO is approximately 2,800 acres in size and expands to east of SH 360 as well. It is not a small concentrated area like the DB. It does not have on-street parking or public parking garages at this time; hence, this may not be the right time for allowing parking reductions in this district.
  - However, the ED Overlay does allow for mixed uses and could use 'shared parking analysis' to reduce overall parking for mixed-use developments.
  - No over-parking is allowed in EDO.

With all the above information, the P&Z Commission was provided the following options:

- 1.0 parking space per unit; or
  - Based on Arlington case study: Town Village Retirement Community
  - Consideration letters received from Senior Living developers.
- 1.2 parking spaces per unit; or
  - MPC Recommendation (based on most other cities' requirement of 1.0 space per unit, and additional 2.0 visitor spaces per 10 units)
- 1.3 parking spaces per unit; or
  - MHR's study on average parking provided in their projects
  - Average of the projects approved in Arlington
- 1.5 parking spaces per unit
  - Mansfield and Bedford's requirement

The P&Z Commission recommended to move forward with 1.3 parking spaces per unit for Independent Senior Living. With that in mind, the Commission also reviewed the data provided for Assisted Living Facility and Nursing Homes. The Commission was also provided case studies of Assisted Living Facilities in Arlington and Mansfield, and a comparison of standards with other cities.

<b>Table III:</b>	<b>Assisted Living</b>	<b>Nursing Home</b>
Physical Difference	Residents in an assisted living community usually have their own apartment or suite	Nursing home residents are more likely to share a room with another senior.
Care and Services	Residents in an assisted living community generally require custodial care. It might be a person who lives with memory loss and isn't safe living alone. Or an adult with mobility problems who needs a little help transferring from their bed to their favorite chair. (FYI - Assisted Living and Memory Care requires the same license. Many of the Assisted Living Facilities typically include a portion of the units for Memory Care.)	Residents in a nursing home require around the clock care and monitoring. They typically live with more complex health care conditions that require the assistance of a skilled nurse or a physical or speech therapist. Some require respiratory care services.
Parking Spaces	Very few residents may have a car. The parking spaces on site are mainly for the guests/loved ones and the caregivers.	Very rarely would a resident have a car. The parking spaces on site are mainly for the caregivers and staff.
Analysis & Recommendation	Case Studies show between 0.7 and 1.0 parking spaces per unit.	State Standard: 1.0 space per 4 beds

The P&Z Commission recommended to move forward with 1.0 parking space per unit for Assisted Living Facility and 1.0 parking space per 4 beds for Nursing Homes.

Related to the minimum unit sizes for multi-family, Staff provided the Commission the following data:

<b>Table IV: Comparison of "Minimum Unit Size" Regulations in Other Cities</b>				
<b>CITY</b>	<b>EFFICIENCY (SF)</b>	<b>1 BED (SF)</b>	<b>2 BED (SF)</b>	<b>3 BED (SF)</b>
Arlington	600	750	900	-
Mansfield, Grapevine, Hurst	600	750	900	1,000
Grand Prairie	-	750	900	1,000
Irving	500	650	900	1,100
Garland	500	650	800	950
Plano	500	650	800	1,000
Dallas	450	500	550	600
Euless	-	690	980	1,100 + 250 SF per added bedroom
Southlake, Bedford, Colleyville	Southlake and Bedford- Min unit size for MF is 850 SF Colleyville - None stated, but the existing are 1,200 SF			
Fort Worth, McKinney	Do not have these standards in their Zoning Regulations			

<b>Table V: Recently Approved Multi-Family Projects in Arlington</b>					
<b>PROJECTS</b>	<b># OF UNITS</b>	<b>EFFICIENCY (SF)</b>	<b>1 BED (SF)</b>	<b>2 BED (SF)</b>	<b>3 BED (SF)</b>
Arlington Commons (Ph. 1&2)	711	580	777-890	951-1,281	1,406
Avilla @ Lakeridge	170	0	637	960	1,236
Bardin Apartments	112	0	752	923	1,075
Provident	316	0	750-895	970-1,098	1,350
JPI @ Washington	346	693-772	825-921	1,074-1,214	1,426
2201 East Arbrook	30	0	750-866	929-1,164	-
Cooper Street Apts @ Blue Danube	183	600	648-706	861-1,214	-

After discussion, the Commission decided to continue with the unit sizes as is, but provide an allowance for efficiency and one-bedroom unit types to have a small reduction in unit sizes in the DB and DNO districts, if the development provided a higher percentage of open space and amenities, which is the current desire among young professionals.

Overall, the P&Z Commission recommended to move forward with the following items:

**(I) Independent Senior Living:**

1. Revise the definition of Independent Senior Living from 60 years of age or older to 55 years of age or older.
2. Revise the parking requirement for Independent Senior Living from "1.0 per unit + 1.0 per 100 SF of common indoor area" to "1.3 per unit."

**(II) Assisted Living:**

Revise the parking requirement for Independent Senior Living from "1.0 per unit + 1.0 per 100 SF of common indoor area" to "1.0 per unit."

**(III) Nursing Home:**

Revise the parking requirement for Independent Senior Living from "1.0 per unit + 1.0 per 100 SF of common indoor area" to "1.0 per 4 beds."

**(IV) Multi-family:**

1. Keep the minimum unit sizes for efficiency, 1-bedroom, and 2-bedroom units as is in the current Unified Development Code. However, only in the Downtown Business (DB) zoning district and the Downtown Neighborhood Overlay (DNO) add the exception to allow a 10% reduction in minimum unit size of efficiency and one-bedroom unit types, for a maximum of 20% of that unit type, if the development is providing a higher percentage of open space and amenities.
2. Add a 3-bedroom minimum unit size requirement to multi-family development as 1,100 square-feet and an additional 125 square feet for any added bedroom over 3-bedrooms.

**(V) Parking Standard for MF and Independent Senior Living:**

Tandem 18-ft driveways in front of garage doors could be counted towards total

parking count for multi-family and independent senior living projects.

**ANALYSIS**

The UDC serves as the City of Arlington's regulatory guide and provides direction on land uses and development. Periodically, revisions are required to reflect the changing nature of specific industries and enforcement in our community.

**Article 2: Zoning Districts**

Section 2.2.8 establishes minimum gross living area for multifamily dwelling units based on the number of bedrooms provided. The current minimums in square feet are as follows:

MF efficiency	600 SF
MF 1 bedroom	750 SF
MF 2 bedroom	900 SF

The UDC does not currently include minimum gross living area requirements for more than two-bedroom multi-family residences.

The ordinance for consideration adopts the following proposed living areas:

MF efficiency	600 SF *
MF 1 bedroom	750 SF *
MF 2 bedroom	850 SF
MF 3 bedroom	1,100 SF
MF More than 3 bedrooms	+125 SF per additional bedroom

* Exception in DB and DNO Districts:	
MF efficiency MF 1 bedroom	Efficiency and 1-bedroom units will be permitted with gross living areas up to 10% smaller than the minimums stated above; provided that the smaller units do not exceed more than 20% of each unit type, and the project provides additional open space and amenities as described in Section 5.5.4.C.3 and Section 5.10.2.

**Article 5: Design and Development Standards**

Section 5.4.3 includes Table 5.4-1: Off Street Parking Schedule A. Under Group Living, the table provides minimum off-street parking requirements for Independent Senior Living Facilities. The current requirements are as follows:

Independent Senior Living Facility	1 per dwelling unit plus 1 per 100 SF of common area
Assisted Living Facility	1 per bed plus 1 per 100 SF of common area
Nursing Home	1 per 2 beds plus 100 SF of common area

The ordinance for consideration adopts the following proposed parking standard:

Independent senior living facility	1.3 per dwelling unit
Assisted living facility $\leq 6$	2 per dwelling unit, not to exceed 1 per bedroom
Assisted living facility $\geq 7$	1 per dwelling unit
Nursing home	1 per 4 beds

The ordinance for consideration adopts the following additional provisions for Multifamily and Independent living facility parking standards:

Section 5.4.9 Parking Calculations for Multi-Family Residential and Independent Senior Living  
Both garage parking and tandem parking space (clear minimum 18 feet in length) behind the garage may be included in the parking calculation for multi-family and independent senior living developments.

The ordinance for consideration adopts the following additional provisions for Multifamily and Independent living facility amenities provided in DB and DNO Districts when a reduction in minimum unit size is provided:

Section 5.5.4, Standards for Multi-Family Residential Dwellings

In conjunction with the common open space requirements, all multifamily projects shall provide two or more site amenities listed below for the residents. For the reduction in minimum unit size, allowed in DB and DNO, the project shall provide three or more site amenities. Amenities must be centrally located for a majority of the residents and may be located within the common open space areas.

- a. Swimming pool.
- b. Sports courts, such as tennis, basketball, or volleyball.
- c. Natural open space area with benches.
- d. Jogging trails.
- e. Fountains, art, or sculpture.
- f. Other amenity as approved by the Zoning Administrator.

Section 5.10.2, Applicability - Common Open Space

For the reduction in minimum unit size, allowed in DB and DNO, the project must also provide 8% of the total site area as open space for multi-family residential buildings with a gross floor area greater than 20,000 and up to 50,000 square feet and 10% of the total site area as open space for multi-family residential buildings with a gross floor area greater than 50,000 square feet. This is an increase of the current UDC requirement of 5% and 8% dedicated as open space based on gross floor area, respectively.

**Article 12: Definitions**

Section 12.3.1.B.7 defines the Independent Senior Living Facility as a subset of the Group Living residential use. The current definition from the UDC is as follows:

Independent Senior Living Facility

A facility containing dwelling units, accessory uses, and support services specifically designed for occupancy by persons 60 years of age or older. Such facilities may include accommodations for people who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.

The federal government allows specific exceptions to the U.S. Fair Housing Act for persons classified as elderly. Two categories are recognized under federal law, one for over 62 years of age and one for over 55 years of age.

The ordinance for consideration adopts the following proposed definition:

A facility containing dwelling units, accessory uses, and support services specifically designed for occupancy by persons 55 years of age or older. Such facilities may include accommodations for people who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.

Revising the UDC definition of Independent Senior Living Facility above to 55 would recognize the lower age allowance provided under federal fair housing laws.

**ADDITIONAL INFORMATION**

Attached:  
Under separate cover:  
Available in the City Secretary's office:

Draft ordinance  
None  
None

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