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CITY OF RYE Planning Commission

Memorandum

To: Rye City Council

From: Rye City Planning Commission

Date: December 10, 2019

Subject: **Zoning Text Amendments to Allow Senior Living Facilities (the Osborn Home)**

Pursuant to your request, this memorandum provides the Planning Commission's advisory opinion with respect to the petition of Miriam Osborn Memorial Home Association ("The Osborn") to amend the City Zoning Code to codify and modify standards for senior living facilities in the R-2 District. This memorandum was unanimously approved by the Planning Commission at its December 10, 2019 meeting.

Background

The Osborn Home is located on a 55.79-acre property in the R-2, *One-Family Residence*, District. It is one of Rye's oldest institutions with many of its buildings pre-dating the standards and requirements of the City's Zoning Code. The leadership of the Osborn Home has represented that as a single-site entity increasingly competing against large well-capitalized senior care corporations, the long-term commercial viability of the business is not assured. Currently, the Osborn Home property is regulated as a special permit use in the R-2 District and more specifically by covenant and restrictions approved by the Planning Commission in connection with a major expansion of the facility in 1993.

The proposed zoning code amendment would accomplish two objectives: 1) it would formally codify the standards and requirements for "Senior Living Facility" in the City Zoning Code and allow for the existing 1993 covenant and restrictions to be rescinded; and 2) it would create/amend standards for development on the property to accommodate the anticipated future needs of the Osborn Home. The proposed zoning standards apply only to the Osborn Home property. No other property in the City's R-2 Districts meet the 50-acre minimum lot area requirement to be eligible for operating a senior living facility. *No changes to the City's Zoning Map are proposed.*

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Proposed Text Amendment

The proposed text amendment specifies the permitted use and related accessory uses existing and/or proposed on the Osborn Home property. The text amendment also codifies the restriction that the property must be limited to persons age 55 and older (with a minor exclusion for four dwellings on the property occupied by staff and their families). The age-restriction is similar to that in the RA-6 District, which was adopted by the City Council in 2016 in connection with the re-zoning of the 120 Old Post Road property located immediately adjacent to the Osborn Home. The Planning Commission supports these text changes with respect to use in that they are more reflective and descriptive of the actual operation of the Osborn Home. The Commission does not find the use or the accessory amenities associated with senior living facilities objectionable.

The Commission engaged in extensive discussions over the past few months of its review of the petition regarding the proposed bulk and dimensional standards. These standards allow for an increase in the maximum permitted floor area ratio (FAR) from the current 0.30 FAR limit under the 1993 covenant and restriction to a proposed FAR of 0.45. The Commission recognizes that additional development helps advance the petitioner's need to maintain this long-standing Rye institution in an increasingly competitive and evolving senior living market place. The zoning amendment provides for a new development program that gives Osborn Home and the City a roadmap for the future.

A concern of the Commission is how the text amendment balances the need for additional development while also preserving to the extent practical the campus-like open space character of the Osborn Home property. The Commission was sensitive to the relationship of new development, existing topographic conditions and perimeter property lines along Boston Post Road, Theall Road and Osborn Road. To that end the zoning petition first submitted to the City Council has changed significantly based on the comments and discussion of the Planning Commission.

The revised petition provides new or modified standards for building height based on their setback relationship to property lines. The revised text amendment increases property line setbacks for five-story buildings and includes other standards regarding maximum site and building coverage and increased landscape buffer requirements. The Commission notes that four- and five-story buildings can create future opportunities that reduce building footprints and potentially increase open space. These regulatory measures seek to better preserve the open-space character of the site. It is recommended that the City Council review the comparative zoning table provided by the petitioner, the cross sections of proposed development as viewed from adjacent streets and the aerial image of the site, which superimposes the proposed building setback boundaries. As development advances in the future these concerns will be again considered as part of a formal site plan application.

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It is recommended that the City Council carefully review the applicant's environmental assessment form (EAF) and carefully consider how future development may impact a number of potential concerns including, changes in water, sewer and utility demands, fiscal/tax impacts, changes in community service demands based on the anticipated needs of an expanded aged population, visual and community character concerns and traffic considerations.