

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: R 226-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 1, 2014

Re: Proposed Zoning Ordinance Amendment - Group Homes (case #15-21)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Application for Zoning Text Amendment, Group Homes Map

Executive Summary

The Community Development Department has received an application from Great Circle requesting an amendment to the City Zoning Ordinance (Chapter 29) that would allow the organization to own and operate a second group home located at 1026 Westwinds Drive, adjacent to the property that it currently owns and operates as a group home (1022 Westwinds Drive). The Zoning Ordinance currently permits group homes in R-1 Districts (up to eight occupants) provided the group home is not established within one thousand feet (1,000') of another group home. The proposed second group home is within 1,000 feet and therefore is not permitted. Great Circle has sought relief from the requirement to allow what it believes to be a favorable location for both themselves and the surrounding neighborhood. The staff has determined that a legislative remedy is more appropriate than a variance eliminating the 1,000 foot radius. The attached ordinance, if approved, would enable Great Circle to seek a conditional use to operate two group homes side-by-side. The ordinance is intended to have general applicability; therefore other group homes in similar locations would be able to request conditional use approval as well.

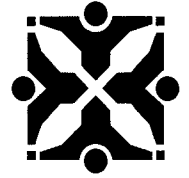
Discussion

Great Circle owns and operates 1022 Westwinds Drive as a group home. Recently the property adjoining the group home on the south side became available for purchase. Great Circle is interested in the property because it affords an opportunity for operational efficiencies - group homes housing males and females separately can be located at one location - in a relatively isolated location within the Westwinds neighborhood near the southwest corner of Westwinds Drive and West Boulevard.

The City Zoning Ordinance since 1991 permits group homes of up to eight persons in R-1 One-family dwelling districts subject to the requirement that a group home shall be located at least 1,000 feet away from another group home. The spacing requirement is intended to promote the "deconcentration" of group homes. While the regulation accomplishes a more balanced distribution of

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group homes in residential areas, it effectively takes residential properties off the market for group home use within a 1,000 foot ratio of an existing group home.

The draft ordinance would permit two group homes on lots adjoining one another provided:

- The two properties are under one ownership
- The two group homes are operated by the same organization
- There are no group homes within *2,000 feet*

Besides doubling the 1,000 foot radius to preserve the “deconcentration” of group homes, paired group homes must also satisfy two of three of the following:

- At least one of the two properties is adjacent to a roadway classified as a major collector or higher;
- The fronts of the two group homes do not face existing R-1 dwellings addressed to the same street
- The two group homes, when combined, do not directly adjoin more than two R-1 zoned lots

The Board of Adjustment would examine the proposed group home’s compliance with these criteria and determine if a conditional use should be approved on a case-by case basis. The ordinance also states that the conditional use shall be issued personally to the operator of the adjoining group home and shall not run with the land.

Fiscal Impact

Short-Term Impact: None. Preparation and implementation of the ordinance using City forces does not require additional resources.

Long-Term Impact: None.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: **11.2 Goal:** A diversity of housing choices will be dispersed throughout the community to achieve an adequate supply of affordable, energy efficient, and accessible housing.

Strategic Plan Impact: Health, Safety and Well-Being

Comprehensive Plan Impact: Land Use & Growth Management, Infrastructure, Livable & Sustainable Communities

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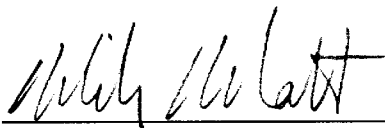
Suggested Council Action

Refer the proposed text amendment to the Planning & Zoning Commission for public hearing, report and recommendation as provided in Section 29-33 (Amendments).

Legislative History

Ordinance 013169, passed on November 4, 1991, created the current standards for group homes.


Department Approved


City Manager Approved

Introduced by _____ Council Bill No. R 226-14

A RESOLUTION

referring to the Planning and Zoning Commission for public hearing, report and recommendation a proposed amendment to Chapter 29 of the City Code as it relates to group homes in R-1 zoning districts.

WHEREAS, proposed zoning code amendments have been presented to the City Council to amend regulations contained within the R-1 zoning district; and

WHEREAS, the City Council desires to refer the proposed zoning amendments to the Planning and Zoning Commission for public hearing, report and recommendation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby refers to the Planning and Zoning Commission for public hearing, report and recommendation the matter of an amendment to Chapter 29 of the City Code as it relates to group homes in R-1 zoning districts in substantially the same form as set forth in "Exhibit A" attached hereto.

ADOPTED this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

Proposed Group Homes Text Amendment

Sec. 29-6. - District R-1, one-family dwelling district.

- (a) *Purpose.* This district is intended to promote and preserve urban one-family residential development. The principal land use is a one-family dwelling. Some public recreational uses, religious facilities, educational facilities, and uses incidental or accessory to dwellings are included.
- (b) *Permitted uses.* In district R-1, no building or land shall be used, and no building shall be hereafter erected, constructed, reconstructed or altered, except for one or more of the following uses (for exceptions, see section 29-28, Non-conforming Uses; and section 29-31, Board of Adjustment):

...

Group homes for foster care.

Group homes for mentally or physically handicapped, under the following restrictions:

- (1) **Except as otherwise provided below, a**Any such group home shall not be located within a one thousand (1,000) foot radius of another such group home in any specific single-family neighborhood, **provided that two (2) group homes may be allowed to be located on adjoining lots on the same side of a common frontage street upon issuance of a conditional use permit where the following conditions are met:**
 - a. **The two adjoining properties are under common ownership;**
 - b. **The two group homes are operated by the same organization;**
 - c. **There are no other group homes within a 2,000 foot radius; and**
 - d. **At least two of the following criteria are met:**
 - i. **One of the two adjoining properties is adjacent to a roadway classified no less than a major collector street;**
 - ii. **The fronts of the two group homes do not face existing R-1 dwellings addressed to the same street; or**
 - iii. **The two group home properties, when combined, do not directly adjoin on any side of their combined lots more than two (2) R-1 zoned lots.**

Conditional use permits for uses fulfilling these requirements shall be issued pursuant to the procedures and standards set forth in section 29-23, Conditional Use

Permits, and shall be issued personally to the operator of the adjoining group homes and shall not run with the land. Nothing in this section shall require issuance of any particular conditional use permit. Once a conditional use permit for two adjoining group homes is issued, any future group homes for mentally or physically handicapped persons shall be at least 2,000 feet from the two adjoining group homes.

- (2) Before operating such group home, the owner or operator of the home shall register with the Community Development Department and shall sign an affidavit certifying that the home will be in compliance with subsection (1) above.
- (3) The exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards.



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Application for Zoning Amendment, Map



City of Columbia
Community Development Department
 701 E. Broadway, Columbia, MO
 (573) 874-7239 planning@gocolumbiamo.com

Development Review Application

For office use:

Case #: 15-21	Submission Date: 11/10/14	Planner Assigned:
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1. Select the case type (one application required per case type) and submit this form, including all supplemental materials and fees, to the Community Development Permit Center - 3rd Floor City Hall (701 E. Broadway). Additionally, e-mail this form and all supplemental materials to planning@gocolumbiamo.com. For case types not shown, contact the Planning and Zoning Division at (573)874-7239.

☐ Concept Review Meeting

- ☐ Letter to Community Development Director describing request, noting restrictions of record, easements & right-of-way affecting site
- ☐ Locator map* (Indicate existing land uses on subject site and adjacent property. This can be noted in above letter.)
- ☐ Legal description of the property*
- ☐ A .PDF of sketch plan or plat, if applicable

☐ Preliminary Plat, ☐ Final Plat, or ☐ Replat

- ☐ Letter to Community Development Director describing request, noting total land area in acres, & number of lots proposed
- ☐ 5 full-sized copies of subdivision plat
- ☐ Digital .PDF copy of plat
- ☐ Completed "Preliminary Plat Checklist" or "Final Plat Checklist" for final plats & replats**
- ☐ Performance contracts**: Two signed originals (☐ N/A to preliminary plats)
- ☐ Construction plans to Public Works (☐ N/A)

No recording fee for preliminary plats

☐ Variance

- ☐ Letter to Community Development Director describing request & noting section(s) of the Regulations to which variance is requested
- ☐ Locator map*
- ☐ Original surveyor sealed legal description of the property (☐ N/A to sidewalk variance requests)
- ☐ Editable digital copy of legal description (☐ N/A to sidewalk variance requests)
- ☐ "Variance" or "Sidewalk Variance" worksheet** (☐ N/A to variances requested in conjunction with planned developments)

☒ Rezoning or Permanent Zoning

- ☒ Letter to Community Development Director stating reason for request, requested zoning district(s), & adjacent land uses & zoning
- ☐ Locator map*
- ☐ Original surveyor sealed legal description of the property
- ☒ Editable digital copy of legal description
- ☐ Completed "Statement of Intent" worksheet**, if planned district zoning is requested (☐ N/A)

No fee for A-1 to R-1, or H-P zoning requests

☐ Planned District Development Plan, ☐ Minor Amendment, or ☐ Major Amendment

- ☐ Letter to Community Development Director describing request
- ☐ 5 full-sized copies of development plan (☐ No paper copies needed if plan sheets are 11"X17" or smaller)
- ☐ Digital .PDF copy of plan
- ☐ Completed "Development Plan Checklist" & "Preliminary Plat Checklist" (☐ N/A to amendment requests)**
- ☐ Completed "Design Parameters" worksheet** (☐ N/A to PUD plans or minor amendment requests)

☐ Easement/Right-of-way(ROW) Vacation, ☐ New Easement Dedication

- ☐ Letter to Community Development Director describing request
- ☐ Locator map*
- ☐ Map showing area(s) to be vacated
- ☐ Original surveyor sealed legal description(s) of the area(s) to be vacated, & executable new easement document(s), if applicable
- ☐ Editable digital copy of legal description(s) for vacations, & dedications

☐ Annexation Petitions (voluntary and annexation agreement)

- ☐ Letter to Community Development Director describing request, noting existing County zoning & requested City zoning district(s)
- ☐ Locator map*
- ☐ Original surveyor sealed legal description of the property
- ☐ Editable digital copy of legal description
- ☐ Annexation petition** (☐ signed by all fees interest & notarized)
- ☐ Address verified by Building & Site Development (874-7474): House/unit #: _____ Street: _____ City: _____ State: _____
- ☐ Business name (if applicable) _____ Tax ID # _____

No rezoning or advertising fee for equivalent or lesser permanent zoning

*The Boone County Parcel Information Viewer provides internet access to locator maps & property deeds (<http://www.showmeboone.com/ASSESSCR/>).

**Forms are available online at http://www.gocolumbiamo.com/Planning/Zoning/application_forms.php.

2. Provide the following project & land use information for the subject property and immediate surroundings:

Plat/Plan Title (if applicable):	Case # from previously held concept review meeting (if applicable):
Location (e.g., distance from street intersection; include address, if applicable): 1026 Westwinds Drive	
Parcel ID#(s) (available at http://www.showmeboone.com/ASSESSOR/ , or from the Boone County Recorder's Office (phone: 573-886-4345):	
Area (acres):	Current zoning: R-1
Current land use (note existing structures, if applicable):	Requested zoning (if applicable):

3. Indicate existing service providers (required for rezoning & subdivision requests):

Sanitary sewer:	Electric:
Water:	Fire protection:

4. Provide contact information for the property owner and applicant/agent/contract purchaser:

Owner:	<input type="checkbox"/> Applicant/ <input type="checkbox"/> Agent/ <input checked="" type="checkbox"/> Contract purchaser: John Money - VP, Great Circle
Owner's signature (required for rezoning & development plan requests):	Firm: Great Circle
Address:	Address: PO Box 189
City/State/Zip:	City/State/Zip: Saint James/MO/65559
Phone:	Phone: 573-265-3251
Fax:	Fax: 573-265-8320
E-mail:	E-mail: john.money@greatcircle.org

Fee Schedule:

Case Type	Processing		Advertising	Recording	Subtotal
Concept Review	N/A		N/A	N/A	\$0
Preliminary Plat	\$600 + \$10/lot		N/A	N/A	\$
Final Plat	\$400 + \$10/lot		N/A	24X36": \$69 1 st sheet + \$50/add.	\$
Replat	\$300 + \$10/lot			18X24": \$44 1 st sheet + \$25/add.	\$
Plat Vacation (abrogation)	\$300		N/A	N/A	\$
Variance	\$350		N/A	N/A	\$
Easement/ROW Vacation	\$350		N/A	Minimum \$30 (up to 3 sheets) + \$3/additional sheet	\$
Easement Dedication	N/A		N/A		\$
Permanent Zoning*	0-2 ac: \$300 >2-5 ac: \$450 >5-10 ac: \$600	>10-15 ac: \$900 >15-20 ac: \$1200 >20 ac: \$1,500	\$125	N/A	\$ 300
Rezoning					\$ 125
Development Plan					\$
Major Plan Amendment					\$
Minor Plan Amendment	\$200		N/A	N/A	\$
Hearing Continuance	\$100		N/A	N/A	\$
Cellular Tower (new)	\$1500		N/A	N/A	\$
Cellular Tower (co-locate)	\$250		N/A	N/A	\$
Annexation petitions (voluntary or agreement)	\$250		N/A	N/A	\$

*- Fees apply only when permanent zoning is dissimilar to Boone County zoning

For office use:

Case Description:							
Filing Deadline	Concept Review	Public Info Meeting	Council Res. (Annexations)	PZC Meeting	Council Res. (Prelim. Plats)	Council 1 st read	Council 2 nd & 3 rd read
11/10/14	N/A	N/A	12/11/14	12/18/14	N/A	1/5/14	1/20/14
Send postcard (Con Rev: meeting date; Pub info: 1 wk after submittal)	Send staff comments (2 weeks after submittal)	Send ad & letters (20 days before PZC)	Receive revisions (1 wk after staff comments)	Send 2 nd review comments (1 wk after revisions received)	Send Annexation Council report (13 days before PZC)	Send PZC report (10 days before PZC)	Send Council report (10 days before 1 st read)
N/A	N/A	12/5/14	N/A	N/A	N/A	12/12/14	12/19/14
Verified complete (Sign & date): 11/11/14 PR3	Fees paid (Sign & date): 11/11/14 PR3	Ward: N/A	Neighborhood Associations: N/A			Historic structures over 50 years (Y/N): N/A	

Updated on 10/9/2014 9:43 AM



Vincent D. Hilyon, ACSW, LCSW, BCD
President and CEO

November 10, 2014

Mr. Tim Teddy
Community Development Director
City of Columbia
701 E. Broadway
Columbia, MO 65202

CAMPUS LOCATIONS

BOYS & GIRLS TOWN - ST. JAMES
400 Box 100
St. James, MO 65756
573.265.1001

JIM D. MORRIS CAMPUS
1212 Westwind Drive
Springfield, MO 65801
417.845.1045

COLUMBIA CAMPUS
1715 S. Durbin Lane
Columbia, MO 65202
573.265.1001

EDGEWOOD CAMPUS
110 North Park Avenue
Springfield, MO 65810
417.845.1045

MERAMEC ADVENTURE
LEARNING RANCH
3001 Meramec Valley Road
Springfield, MO 65805
417.845.1045

Mr. Teddy,

Great Circle is currently under contract to purchase a home located at 1026 Westwinds Drive in Columbia Missouri. We own a home at 1022 Westwinds Drive and operate a group home at that location. The property at 1026 would make an ideal setting for an additional group home for our youth. It is in a quiet location on a large lot without many neighbors and would provide the youth we serve an excellent opportunity.

We understand there is a rule in place that prevents group homes from being within 1,000 feet of each other. We would like to propose an amendment to the rule allowing a group home, owned by the same entity, be allowed less than the 1,000 feet restriction. We understand this suggested text change would need to be drafted by a legal team with more appropriate language.

Please accept this letter recommending a text change to the 1,000 foot rule restricting group homes so that Great Circle may better serve the community's youth. We can provide additional information as needed and look forward to the discussion. We believe this makes sense for the youth we serve and the community of Columbia.

Best regards,

John M. Money
VP, Chief Facilities Officer



Boone County, Missouri
Unofficial



Recorded in Boone County, Missouri

Date and Time 04/20/2011 at 02:49:26 PM

Instrument # 2011007015 Book:3790 Page 37

Grantor DRIVER, JAMES H

Grantee DRIVER, MARGARET J

Instrument Type QTCL

Recording Fee \$27.00 S

No of Pages 2

Bettie Johnson, Recorder of Deeds



(Space above reserved for Recorder of Deeds Certification)

QUIT-CLAIM DEED

This Quit-Claim Deed is made and entered into this 20th day of April, 2011, by and between

James H. Driver, by Rosalie J. Gerding, his attorney-in-fact, acting herein under power of attorney recorded April 20, 2011 in Book 3790, Page 36, Records of Boone County, Missouri, a single person (Grantor)

of the County of Boone, State of Missouri party of the first part, and

Margaret J. Driver, n/k/a Margaret J. Boyce (Grantee)

Grantees Address: 1026 Westwood Dr. Columbia, Mo 65203

Of the County of Boone, State of Missouri party or parties of the second part.

WITNESSETH, that the said Grantor in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid by the said Grantees, the receipt of which is hereby acknowledged, does or do by these presents Remise, Release and forever Quit Claim, unto the said Grantees, the following described Real Estate, situated in the County of Audrain and State of Missouri, to-wit:

All of Block Four (4) of BOULEVARD HEIGHTS, a subdivision of a part of the West Half (W 1/2) of the Southeast Quarter (SE 1/4), and a part of the Southwest Quarter (SW 1/4) of Section Fourteen (14), Township Forty-eight (48), Range Thirteen (13) in the City of Columbia, Boone County, Missouri.

EXCEPT that part conveyed to the State of Missouri for road purposes, described in a deed recorded in Road Book Four (4), Page 142, of the deed records of Boone County, Missouri, and EXCEPT that part conveyed to Adilo G. Unterschultz by deed recorded in Book 315, Page 203, Records of Boone County, Missouri.

Subject to building lines, conditions, restrictions, easements and zoning regulations of record if any.

