



Planning and Zoning Board

Staff Report

CASE NUMBER: ZON18-00509
LOCATION/ADDRESS: 860 North Center Street
GENERAL VICINITY: Located east of Country Club Drive south of Brown Road.
REQUEST: Council Use Permit for Social Service Facility; and Special Use Permit for a parking reduction for a substance abuse detoxification and treatment center social service facility.

PURPOSE: This request will allow for an in-patient substance abuse detoxification and treatment center.

COUNCIL DISTRICT: District 1
OWNER: Summit BHC Mesa LLC.
APPLICANT: Sam Bohannon, Ingram Civil Engineering
STAFF PLANNER: Ryan McCann, Planner I

SITE DATA

PARCEL NO.: 137-22-095J & 137-22-095L
PARCEL SIZE: 1.7± acres
EXISTING ZONING: RM-2
GENERAL PLAN CHARACTER: Neighborhood Traditional
CURRENT LAND USE: Social Service Facility

SITE CONTEXT

NORTH: Existing multi-family, zoned RM-2
EAST: (Across Center St.) Existing residential, zoned RS-6
SOUTH: Existing residential, zoned RS-6
WEST: Existing residential, zoned RS-6

HISTORY/RELATED CASES

January 5, 1949: Annexed to City and subsequently zoned R1-6 (Ord. No. 228)
July 16, 1979: Rezoned to R-3 (Z79-78)
March 19, 1984: Rezoned to R-3-PAD (Z84-23) for 36 condo units
November 21, 1994: Rezoned from R-3-PAD to R-2 (Z94-062) for development of an adult care facility

STAFF RECOMMENDATION: Approval with conditions

P&Z BOARD RECOMMENDATION: ☐ Approval with conditions. ☐ Denial

PROPOSITION 207 WAIVER SIGNED: ☒ Yes ☐ No

PROJECT DESCRIPTION / REQUEST

This is a request for Council Use Permit for an in-patient substance abuse detoxification and treatment center and a Special Use Permit for a parking reduction located at 860 North Center Street. The site is located east of Country Club Drive south of Brown Road. The zoning ordinance identifies substance abuse detoxification and treatment centers as Social Service Facilities and requires the approval of a Council Use Permit (CUP). The property has operated as a substance abuse facility for approximately 17 years as a legal non-conforming use. The applicant is requesting to add a detox component to the existing facility, which intensifies the use, and triggered the request for the Council Use Permit.

NEIGHBORHOOD PARTICIPATION:

The applicant has completed a Citizen Participation Process, which included a mailed letter to property owners within 1,000 feet of the site, HOA's within one-half mile, registered neighborhoods within one mile, and the Mesa Grande Community Alliance. The applicant held a neighborhood meeting on Thursday August 16th at the Phoenix Marriot Mesa, which is located within one mile of the site. Thirteen (13) neighbors signed in at that meeting. According to the minutes provided by the applicant, the questions pertained to:

- Security on the facility
- Vehicular and pedestrian access to the facility
- Increase in density of substance abuse facilities in the area

STAFF ANALYSIS

MESA 2040 GENERAL PLAN:

Staff has reviewed the proposal and found that it is consistent with the criteria for review has outlined in Chapter 15 (pg. 15-1) of the Mesa 2040 General Plan and has determined that the proposed project is in conformance with the General Plan.

The Mesa 2040 General Plan Character area designation for this site is Neighborhood with the traditional sub-type. The primary focus of the neighborhoods character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Mixing of housing types and sizes is expected within the traditional sub-type. Locating this type of use in this location should have minimal impact on the maintenance of the surrounding neighborhood. The current zoning on the property of RM-2 is a primary zoning district within the traditional sub-type. The Multiple Residence (RM) zoning district provides areas for a variety of housing types which includes residential care facilities. The requested Council Use Permit for a Social Service Facility is consistent with the character type and the surrounding developments.

ZONING:

The proposed social service facility is permitted within the RM-2 District with the approval of a Council Use Permit (CUP). The site is bordered by multi-family residential (RM-2) to the north and single-family residential (RS-6) to the south, east (across Center), and west. The proposed substance abuse detoxification and treatment facility will utilize an existing site with eight (8) buildings.

Council Use Permit:

The substance abuse detoxification and treatment center is considered a Social Service Facility and requires that approval of a Council Use Permit in the RM-2 zoning district. The Mesa Zoning Ordinance

(MZO) Section 11-70-6.D addresses Council Use Permits (CUP) and provides review criteria. A CUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to meet all of the review criteria, the application shall be denied. The specific basis for denial shall be established in the record. Staff's conclusion is that this request meets the criteria for review. The criteria with staff comments are as follows:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies:

As stated above, the proposed project complies with the General Plan in totality. A fundamental objective of the Plan, especially in the neighborhood character area, is to create and maintain a variety of neighborhoods. Included in Chapter 4, Creating and Maintaining a Variety of Great Neighborhoods, is the goal to provide for diversity by providing a variety of housing types within a neighborhood and providing an opportunity for differing people to live in close proximity to one another. There are no social service facilities located within the neighborhood. The proposed social service facility will provide a housing type that is not offered in the neighborhood and will add to the diversity of the housing options and provide the necessary services for people recovering from substance abuse.

Staff is aware that there is a concern that the proposed use may not comply with concentration of uses statement in Chapter 4 of the Plan that states, *"It is also important that we do not have an over concentration of uses that require a conditional use permit in neighborhoods."* The intent of this provision is to prevent a concentration of similar types of uses, that require a conditional use permit, from concentrating in a particular neighborhood because it can alter the residential character of the neighborhood. There are no other council use permits for a social service facility in the area or within 1-mile of the site. The closest facility is approximately 3 miles away.

Conditional permits include both Council Use Permits and Special Use Permits. Council Use Permits ("CUP") are discretionary permits issued by the City Council. Uses that may require a CUP include, but are not limited to, Social Service Facilities, Private Schools, Wholesale facilities, heliports, towing and impound yards, swap meets, large recycling facilities, and pawn shops. Special Use Permits are discretionary permits issued by the Board of Adjustment or the Planning & Zoning Board (when requested in conjunction with another request). Uses that may require a SUP include, but are not limited to, commercial businesses located within residential districts, assisted living facilities, small animal day cares, kennels, automobile/ vehicle washing/ service stations, live/work units, and outdoor entertainment or activities.

Staff's research shows there are two (2) properties with a Council Use Permit within 1-mile of the proposed facility (See attached map). The Council Use Permits are for:

- charter school in DC-downtown core (note: this CUP is no longer required),
- medical training and development building in the PEP district

Staff did not have any concentration concerns when it reviewed the CUPs for these 2 uses and does not have a concern with approving another CUP, especially for a use that is different from the other approved CUPs. Staff, when reviewing a request for a CUP or SUP, does not typically review all the conditional use permits within a 1-mile radius (unless there is a specific

requirement that a use cannot be located within a specific distance of another use). Staff will however review if there are a concentration of similar uses, especially within a neighborhood because clustering of similar uses may affect the residential character of a neighborhood. There are other uses within the area that have received a SUP. Staff does not believe these uses have any bearing on this case. As indicated above, there is no social service facility within 1-mile of the site therefore staff does not believe the proposed use will cause a clustering or overconcentration problem in the neighborhood. More specifically, there are no uses along Center between Brown Road and University Drive that require a conditional use permit.

Similar uses (uses that do not require a conditional use permit) in the area that are either operating without a license or without the appropriate permits/permissions and group homes for the handicapped in the area are not part of the four review criteria for a CUP. Regarding similar uses, there are no spacing requirements in the Zoning Ordinance between social service facilities and other uses and, as discussed above, the General Plan analysis of concentration of uses only applies to uses requiring a conditional use permit. With regards to group homes for the handicapped, these homes do not require a conditional use permit if there are 10 or fewer people residing in the home. Staff researched this area as well as throughout the city and the concentration of group homes for the handicapped in this area appears to be very similar to that found across the city. There is no clustering unique to this area of the City.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;

The location size and design are consistent with the purposes of the district. The existing buildings are single-story with a residential appearance. The operating characteristics identified in the project narrative and good neighbor policy conform with the General Plan. Further, the site is along a busy collector street with a multi-residence development to the north. As discussed in the section below regarding social service facilities, the applicant has provided an operation plan and good neighbor policy that addresses how the facility will be run to minimize the impact on the neighborhood.

As noted previously, the substance abuse rehabilitation facility has been in operation at this location for 17 years. The only change at this point is to change one of the eight buildings to provide for detoxification services. Staff is not aware of any negative impacts caused by the current facility.

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area of the proposed project or improvements in the neighborhood or to the general welfare of the City; and

According to the narrative the Social Service Facility has operated for the past year with the current operator and has not been injurious or detrimental to the adjacent and surrounding properties. The narrative also states, "*The proposed Social Service Facility will function and operate very similar to the current facility, including being licensed by the State, resulting in no injurious or detrimental impacts to the adjacent or surrounding properties.*" The proposed renovations are interior and will not have any effect on the surrounding area.

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

The proposed site does have adequate public services, public infrastructure that are available to serve the site.

In addition to the CUP review criteria, the social service facility is required to meet additional standards through the CUP process. MZO Section 11-31-26 provides standards that must be met for the Social Service Facility to be located, developed, and operated. It is staff's conclusion that the proposed facility meets these criteria. Staff's analysis of these criteria is as follows:

- A. Location. Social Service Facilities are not allowed on Main Street, within the designated Town Center Redevelopment Area.

The site is not located on Main Street.

- B. Minimum Standards. All Social Service Facilities shall provide: adequate and accessible sanitary facilities, including lavatories, rest rooms and refuse containers; sufficient patron seating facilities for dining, whether indoor or outdoor; effective screening devices such as landscaping and masonry fences in conjunction with outdoor activity areas; a plan of operation, including but not limited to, patron access requirements, hours of operation, measures used to control potential client congregation on the site during non-operating hours, security measures, litter control, and noise attenuation. Further, evidence of compliance with all Building and Fire Safety regulations and any other measures determined by the City Council to be necessary and appropriate to ensure compatibility of the proposed use or uses with the surrounding area shall be provided with permit applications.

The applicant has indicated clients will be provided with fully furnished units with access to restrooms and showers. In addition the facility includes outdoor courtyards, kitchen and dining room, laundry facilities, community room, and staff offices.

- C. Applicable Guidelines. All Social Service Facilities are subject to the Social Service Facilities Guidelines adopted by the City.

The guidelines are limited in the capacity to address substance abuse detoxification and treatment centers. The primary focus of the guidelines is to address shelters and dining halls. The proposed substance abuse detoxification and treatment center does meet the guidelines.

- D. Criteria for Review of Council Use Permit: When required, the review of the Council Use Permit shall include a review and determination regarding the following items:

1. The use is found to be in compliance with the General Plan, Sub Area Plans and other recognized development plans or policies, including the Social Service Facility Guidelines and will be compatible with surrounding uses; and

The proposed social service facility substance abuse facility proposed to be located in the RM-2 district is in compliance with the General Plan in the areas discussed above.

2. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations; and

The narrative indicates approval of this application will allow Canyon Vista to operate the proposed Social Service Facility in compliance with all applicable City zoning regulations. Plans for improvements requiring a building permit will be submitted to the City for review and approval for conformance with building and fire safety regulations. Additionally, the narrative states Canyon Vista will comply with all applicable State licensing requirements.

3. A finding that a "good neighbor policy" in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses. Such policies shall include, but are not limited to, the name and telephone number of the manager or person responsible for the operation of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures; and

A good neighbor policy has been submitted and is attached to this report. The good neighbor policy addresses protocols to mitigate incidents on or off premise. As discussed above it further indicates that staff will conform with the policy. A manager's name and phone number have been provided. The good neighbor policy submitted appears to have acceptable measures to ensure ongoing compatibility with adjacent uses. According to the narrative, most all clients are transported to the facility by staff, family, and if needed by personal vehicle. In addition, a resident discharge will be prepared for each resident by means of staff, family, or personal vehicle.

4. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current City Development Standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines.

No exterior or site modifications are being proposed.

SITE PLAN - MZO Section 11-69-5:

This is an existing site and the proposal does not include any exterior modifications or changes to the buildings or site layout. The only proposed change is regarding the pedestrian gate on the west side of the property. Per feedback provided to the applicant by the neighbors, the pedestrian gate will be locked and a Knoxbox will be provided for the Fire Department. The applicant is requesting a Special Use Permit for a parking reduction.

SPECIAL USE PERMIT – MZO Section 11-32-6 and 11-70-5:

The Special Use Permit request is only for the parking reduction associated with the Social Service Facility use. The SUP is only for a substance abuse detoxification and treatment center social service facility, any different uses will have to apply for and receive a parking reduction if needed. The proposed parking reduction complies with the four standard required findings outlined in MZO Section 11-70-5 for a Special Use Permit (SUP). The proposed social service facility is consistent with the General Plan and other uses in the surrounding area. The existing buildings are compatible and appropriate to the neighborhood and surrounding area. The site is also able to be adequately served by utilities and public services.

The Special Use Permit request is for a reduction in parking. Therefore, the proposal must also comply with three additional criteria outlined in MZO Section 11-32-6. The applicant has shown sufficient justification to reduce the amount of parking on the site and complies with the three criteria.

Substance abuse detoxification and treatment centers are parked under the hospital, hospices, nursing, and convalescent home parking ratio at 1 space per 400 square feet. The parking requirements would require 55 parking spaces and 28 spaces are existing, which is a reduction of 27 spaces. The proposed facility will have 50 beds and an administrative building. Based on observations over the last year at this facility by the applicant, it is estimated that 20 spaces (71%) will be used for staff and 5 spaces (18%) will be used by their clients. The existing facility has operated for approximately 17 years and staff is not aware of any parking issues at this time. The applicant also operates a similar facility in Monroe, Georgia with 55 beds and 25 parking spaces. The applicant has stated at the facility in Georgia that there is a maximum of 15 staff members during the busiest shift and the average number of client vehicles onsite is one. Based on this similar site, the applicant believes there will be sufficient parking on this site. Compared to the other types of uses in this parking category (hospitals, hospices, nursing homes), this use does not include clients and visitors coming and going on a regular basis. There is no on-street parking along Center Street. However, staff does have concern regarding the potential for on-street parking in the adjacent residential neighborhoods (Along W. 8th Place, N. Drew Street, & W. 9th Street) should a parking problem arise. There is an existing pedestrian access gate from the site to N. Drew Street, which the applicant has indicated will be locked. The location of on-street parking within the residential neighborhoods would not be too far of a walk to the site if a parking problem arose. This could potentially have an impact on the surrounding area.

The Planning and Zoning Board may hear and take action on Special Use Permits only when requested in conjunction with another request requiring action or recommendation by the Planning and Zoning Board, as authorized by section 11-66-2.C of the City of Mesa Zoning Ordinance. Any Planning and Zoning Board approval of a SUP that requires the associated request, in this case the Council Use Permit for a social service facility, to be approved by the City Council shall be conditioned upon Council approval of the associated request. In the event the City Council denies the CUP request, the SUP for a parking reduction shall also be considered denied.

Parking Reduction Required Findings	Finding
1. Special conditions – including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working or visiting the site exist that will reduce the parking demand at the site.	The applicant has provided information relating to operation of the proposed facility and the parking needs of the staff, clients, and visitors. Most of the parking will be utilized by staff, with a small amount anticipated for clients that drive themselves. Staffing will consist a maximum of 13-employees during the busiest shift, with some overlap during shift changes.
2. The use will adequately be served by the proposed parking.	Based on the proposed use and information provided by the applicant the existing 28 parking spaces will adequately serve the development.
3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on street parking in the surrounding area.	The parking demand is not anticipated to exceed the capacity provided. There is no on street parking along Center Street, however there is the potential if parking becomes an issue people may park in the adjacent residential neighborhood along W. 8 th Place, W. 9 th Street, or N. Drew Street.

CONCLUSION:

The proposed social service facility will serve people who are recovering from drug and/or alcohol addiction. People recovering from drug and alcohol addiction are protected by the Fair Housing Act and the American with Disabilities Act. Federal law “prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status, or national origin.” “Disability includes individuals with a physical or mental impairment that substantially limits one or more major life activities; individuals who are regarded as having such an impairment; and individuals with a record of such an impairment.” A person recovering from alcohol and substance abuse is considered a person with a disability that is protected under federal law – just like a disabled person in a wheelchair is protected. Federal law “prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics” including making unavailable or denying housing because a person is disabled or handicapped. The Department of Justice and the Department of Housing and Urban Development are jointly responsible for enforcing the Fair Housing Act and have issued a joint statement on state and local land use laws and practices and the application of federal law. When reviewing a land use case involving persons who are a protected class, as in this case, the Joint Statement provides: “[L]ocal governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the resident’s protected characteristics.” The Board must base their decision on whether the proposed use complied with the four review criteria for a CUP.

The proposed project complies with the General Plan and meets the review criteria for a Council Use Permit, MZO Section 11-70-6 and 11-31-6 for a social service facility, and Special Use Permit, MZO Section 11-32-6 and 11-70-5 for a parking reduction. Staff finds the proposed location of the social service complies with review criteria. Staff also encourages this type of site for facilities that provide services and treatment for people. It is located on a collector street with multi-residential uses adjacent and is residential in nature. This type of site is preferred over a small single residential home site that is located in the middle of a neighborhood. Should the Council Use Permit request be denied, the use will be allowed to continue to operate in its current state as a legal non-conforming use.

Staff recommends approval with the following conditions:

CONDITIONS OF APPROVAL:

1. Compliance with the plan of operation, as described in the Council Use Permit project narrative, and the good neighbor policy.
2. Conformance with the site plan, landscape plan and elevations approved in case Z96-073.