

## MINUTES OF THE SEPTEMBER 19, 2018 PLANNING & ZONING MEETING

- 7-a ZON18-00509 District 1.** 860 North Center Street. Located east of Country Club Drive south of Brown Road. (1.7± acres). Council Use Permit for social service facility; and a Special Use Permit for parking reduction. This request will allow for an in-patient substance abuse detoxification and treatment center. Sam Bohannon, Ingram Civil Engineering, applicant; Summit BHC Mesa, LLC, owner.

**Planner: Ryan McCann**

**Staff Recommendation: Approval with conditions**

**Summary:** Staffmember Ryan McCann presented case ZON18-00361 to the Board. Mr. McCann stated this request will allow for an in-patient substance abuse and detox treatment facility. He explained the City Zoning Ordinance identifies this type of use as a social service and requires the approval of a Council Use Permit. This facility has been operating as a substance abuse facility for approximately 17 years as a legal non-conforming use and is requesting the addition of the in-patient detox treatment facility.

Mr. McCann stated the applicant held a neighborhood meeting with approximately 13 residents in attendance and staff has been contacted by two citizens voicing concerns discussed at the study session. This is an existing site with a pedestrian gate to the neighborhood. In response to concerns voiced by the surrounding neighbors, the applicant will be restricting the access through the gate to only emergency response personnel.

Mr. McCann explained the applicant has requested a Special Use Permit for reduction in parking. Mr. McCann stated staff reviewed the proposal for parking reduction and found it complies with the standard requirements outlined in the City Ordinance.

City Attorney Charlotte McDermott reviewed criteria for recommending a Council Use Permit and the procedure for the Board to make a motion. Ms. McDermott explained the decision on whether or not to grant the CUP is an administrative act which means their discretion is limited to the guidelines set by City Code. The Mesa Zoning Ordinance establishes four criteria which can be considered as outlined in the staff report. Ms. McDermott reminded the Board the facility will serve people recovering from drug and alcohol addiction and the applicant may be able to assert some Fair Housing protection.

Ralph Pew, 1744 S. Val Vista, spoke for the applicant. Mr. Pew explained to the Board this is a high-end treatment facility and does not treat court ordered patients or on probation. Mr. Pew explained the facility had been in operation for 17 years as a transitional facility for women to live while recovering from addiction and the residents were allowed to come and go as they wanted.

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Mr. Pew explained this is a legal non-conforming facility that Summit took over one year ago. He explained the care and treatment at the facility is different than the women's facility was. Mr. Pew stated no one comes in off the street and most clients come from out of the area. The patients are picked up and brought to the site, having already been through detox. The treatment is roughly a 30 day plan and no one leaves the campus unless they are released by the facility and taken to their destination.

Mr. Pew requested consideration of the reduction in parking as 97% of their patients will not have cars and the majority of the families to those patients live out of the area and do not visit. Mr. Pew stated the visiting hours are staggered with each individual building having specific times and days for visitors. He addressed concerns over the concentration of Council Use Permits in the area and stated the CUP will be for one building. Mr. Pew stated there are no similar sites within 3 miles of this property and feels this is not a concentration of the area. He explained there are two Council Use Permits within one mile of the building for a Charter School and a medical training facility.

Boardmember Crockett inquired how the change for building 8 would effect the number of patients. Mr. Pew responded the number of patients for detox is less than if it were used for other treatment per state licensing requirements. Mr. Crockett inquired how many professionals will be working there and Mr. Pew responded approximately 25 which includes part-time and visiting medical professionals.

Boardmember Boyle inquired how patients are transported to or away from the facility. Mr. Pew responded patients do not leave without a staff member. Joanna Shapiro, CEO, 860 N. Center, responded anytime they have a patient that are either admitting or discharging they provide concierge service. Ms. Shapiro stated staff would either pick them up or take them to their destination, never by taxi or other form of public transportation. There was discussion regarding an increase of crime surrounding the neighboring areas. Ms. Shapiro reminded the Board patients at this facility are on a voluntary program.

Lynn Burnham, 1062 W. 4<sup>th</sup> Place, is opposed to the request. Mr. Burnham stated his concern of the amount of facilities concentrated in the West Mesa area.

Rebecca Torok, 50 W. 9<sup>th</sup> Place, spoke in opposition to the request. Ms. Torok spoke as an owner of a multi-family building and is concerned that she only recently received notification of the proposal and is concerned with an increase of crime and property values.

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Mike Wright, 629 W. Caballero Circle, spoke in opposition to the request. Mr. Wright's concern is the concentration of social services in the area.

Derek Brosemann, 639 W. Contessa Circle, spoke in opposition to the request. Mr. Brosemann feels West Mesa has an increase of concentration of social service facilities in the area. Mr. Brosemann stated social service facilities bring an increase of crime to the area and request the Board deny the request until social services are re-evaluated.

W. Dea Montague, 553 N. Orange spoke in opposition. Mr. Montague inquired what is the definition of over concentration in an area. He feels this does not meet the General Plan requirements and stated 90% of the social service facilities are concentrated in the West Mesa area.

Stephanie Wright, 660 N. Date, spoke in opposition. Ms. Wright stated social service facilities are out of balance with an over concentration in West Mesa.

Tanya Collins, 864 W. 10<sup>th</sup> Street, is opposed to the project and did not speak.

Jerry Earles, 61 W. 9<sup>th</sup> Street, spoke in opposition. Mr. Earles feels the locked gate will not prevent patients from going into their neighborhood and spoke about the previous residents that were able to go into the neighborhood and able to loiter.

Joshua Bachar, no address provided, is opposed to the project and did not speak.

Ben Layton, 736 E. 6<sup>th</sup> Place, spoke in opposition. Mr. Layton stated there is an over concentration of social services and would like to see the City adopt a more clean plan on how to handle these proposals in the future.

Ralph Pew responded to the comments from the residents. Mr. Pew stated some of the comments focused on the language of "area" in the General Plan. Mr. Pew stated there are no other facilities similar to this one within 3 miles. He stated to deny this request is denying 8-10 people a place to go for recovery.

Boardmember Boyle asked Mr. Pew to clarify that they cannot stop the patients from leaving. He stated this is a voluntary facility and not the same as the previous facility where the women were allowed to come and go as desired. Mr. Pew reminded the Board staff will be bringing patients to and from the facility and will not be allowed to come and go as they please. Mr. Pew stated in theory, a patient could leave if they chose to, and reminded the Board this facility has been run for a year now without incident.

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Planning Director John Wesley stated in Chapter 70 of the Mesa Zoning Ordinance on Council Use Permits, it sets the parameters staff looks at for a CUP. Mr. Wesley stated the General Plan and concentration of an area is one of the items staff looks at when making a recommendation. There was discussion regarding distance separation and definitions of types of uses and facilities within the City of Mesa.

Chair Dahlke stated she does not like using a project or applicant as an example when there is a larger issue which cannot be addressed immediately. Ms. Dahlke feels we should look at our policies and receive direction on how to address these items in the future. Mr. Wesley informed the Board sober living ordinance and regulations in reference to group housing were recently raised to Council. He stated the City is in the process of hiring a consultant to review this portion of our code and maybe this subject can be looked into at the same time.

Boardmember Crockett stated there is an existing use at this site currently and if the CUP is not approved, the applicant will continue the social service facility as is. Mr. Crockett agrees there is a need for future conversation regarding concentration soon. He feels this is a good project and will be a good neighbor.

Boardmember Allen agrees that this is an existing facility and has been for over 17 years. Ms. Allen feels the improvements that have been made over the past year since this applicant has taken over the facility has helped the neighborhood and people are not coming and going as before. Ms. Allen stated she also wants to begin the conversation on concentration within the next month or two for all of Mesa.

Vice Chair Astle stated he believes together we can come up with a better solution for these concerns. Mr. Astle feels since the facility has been existing, he is in support of the request.

Boardmember Boyle stated there has not been a discussion from the Board on how this fits in to the General Plan. Mr. Boyle stated it does not fit in the General Plan. He stated this is concentrating additional services in an area that has the majority of this type of services; does not fit in the surrounding area as it is within a residential area; and the General Plan states crime is higher around this type of services. Mr. Boyle asked when does the City stop approving these types of services so we can have direction on how to proceed. Mr. Boyle suggested a continuance until there is strong criteria for the Board to make better decisions.

Boardmember Villanueva-Saucedo stated she considers everything that comes forward to this Board and does not "rubber stamp" anything. Ms. Villanueva-Saucedo feels this is an existing service now and with and for

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the time it has been in place she will be voting for approval. She will continue to reiterate they do not have clear clarification what over concentration is and will continue to call for a robust discussion on what this means. She feels the conversation needs to go beyond the Planning and Zoning Board.

It was moved by Boardmember Allen and seconded by Boardmember Crockett to approve case ZON18-00361 with conditions:

**That: The Board recommends the approval of case ZON18-00361 conditioned upon:**

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.

Vote: 5-1 Approved (Boardmember Sarkissian, absent)

Upon tabulation of vote, it showed:

AYES – Dahlke, Astle, Allen, Crockett, Villanueva-Saucedo

NAYS – Boyle

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**Note:** *Audio recordings of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at [www.mesaaz.gov](http://www.mesaaz.gov)*