

BOARD OF ADJUSTMENT PUBLIC HEARING MEETING MINUTES

January 7, 2026

The Board of Adjustment of the City of Mesa met in the Study Session room at City Hall, 20 East Main Street, on January 7, 2026, at 5:45 p.m.

BOARD PRESENT

Alexis Wagner, Chairperson
Shelly Allen, Vice Chair
Troy Glover
Janice Paul
Todd Trendler

BOARD ABSENT

Gerson Barrera

STAFF PRESENT

Jennifer Merrill
Cassidy Welch
Kelly Whittemore

1. Meeting called to order and roll call.

Chairperson Wagner called the public hearing to order at 5:45 p.m. and conducted a roll call.

Chairperson Wagner excused Boardmember Barrera from the entire meeting.

2. Take action on all Consent Agenda items.

All items listed with an asterisk (*) will be considered as a group by the Board of Adjustment and will be enacted with one motion. There will be no separate discussion of these items unless a Boardmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a request must be made prior to the Board's vote on the consent agenda.

The consent agenda was read into the record by Cassidy Welch.

It was moved by Boardmember Paul, seconded by Vice Chairperson Allen, that the consent agenda items be approved.

Upon tabulation of votes, it showed:

AYES – Wagner–Allen–Glover–Paul–Trendler
NAYS – None
ABSENT– Barrera

Chairperson Wagner declared the motion carried unanimously by those present.

*3. Approval of minutes of previous meetings as written.

Minutes from the Study Session and Public Hearing meetings held on December 3, 2025.

4. Take action on the following cases:

- *4-a. **BOA24-00870. "Medina Station CSP,"** 46± acres located at the southeast corner of Southern Avenue and Signal Butte Road. Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP). **(District 5)**

Staff Planner: Cassidy Welch

Recommendation: Approval with Conditions

- *4-b. **BOA25-00602 "Fulsome Greenbriar,"** 1± acres located at 955 South Palo Verde Street. Requesting a Variance to reduce the minimum lot width, a Variance to allow a detached structure to encroach into the required rear yard setback, and a Special Use Permit (SUP) to allow a detached structure to exceed the height of the primary building. **(District 5)**

Staff Planner: Charlotte Bridges

Recommendation: Approval with Conditions

- *4-c. **BOA25-00812. "HonorHealth Four Peaks Medical Center CSP,"** 50± acres located at 1301 South Crismon Road. Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP). **(District 5)**

Staff Planner: Kwasi Abebrese

Staff Recommendation: Approval with Conditions

- *4-d. See: **Items not on the Consent Agenda**

Items not on the Consent Agenda

- 4-d. **BOA25-00843, "Legacy Recovery Center,"** 0.5± acres located at 2338 East Minton Street. Requesting a Special Use Permit (SUP) to allow a Transitional Community Residence. **(District 1)**

Staff Planner: Emily Johnson

Recommendation: Approval with Conditions

Deputy City Attorney Kelly Whittemore provided an overview of the Fair Housing Act. She emphasized that the Act prohibits housing policies or practices that discriminate against individuals based on protected characteristics, including disabilities. She reminded speakers to be thoughtful in their comments and clarified that not all community opposition is discriminatory. She added that the Board may consider valid concerns that had not been addressed previously.

Planner Emily Johnson presented the proposed case number BOA25-00843 and displayed a PowerPoint presentation. **(See Attachment 1)**

Ms. Johnson explained that approval of a SUP was required to allow Legacy Recovery Center to operate a Transitional Community Residence at the subject property. She stated that the

General Plan designates the property as Traditional Residential with a Sustain Growth strategy and noted that the site is zoned RS-15, which requires an approved SUP for the proposed use. She presented a map and images of the proposed site. (See Pages 3 through 7 of Attachment 1)

Ms. Johnson provided an overview of the public notification requirements and confirmed that the applicant had notified all property owners within 500 feet of the proposed property. She reported that Mesa Public Schools (MPS) had submitted a letter of opposition to the project. (See Page 8 of Attachment 1)

Ms. Johnson confirmed that the application meets the approval criteria and noted that staff recommends approval with conditions. (See Pages 9 through 11 of Attachment 1)

Heather Dukes, attorney for the applicant, displayed a PowerPoint presentation. **(See Attachment 2)**

Ms. Dukes highlighted the criteria used to determine the compatibility of the proposed use within the residential zoning district applicable to the application. (See Pages 18 and 19 of Attachment 2)

Ms. Dukes presented an aerial image of the proposed site, the surrounding property, and the exterior and interior of the subject home. She pointed out that in response to a request from the MPS District, the property owners planted trees along the back of the property to provide additional screening along the back fence. She explained that the residents of Legacy Recovery Center are not allowed to drive and that all staff park their vehicles in the driveway of the proposed site, not on the road. (See Pages 20 through 65 of Attachment 2)

Ms. Dukes referenced and displayed images of nearby Airbnb properties to illustrate the variety of property uses in the surrounding area and the compatibility of the proposed use. (See Pages 66 through 69 of Attachment 2)

Ms. Dukes provided an overview of the services and support offered to residents at Legacy Recovery Center and reviewed the policies, procedures, and requirements for qualifying for and remaining in the program. She confirmed that since opening in March 2025, the Arizona Department of Health Services (ADHS) had not documented any deficiencies. She reported that Legacy Recovery Center had not generated additional crime in the area and presented LexisNexis Community Crime Maps and City of Mesa (COM) crime maps. She reviewed the 2024 and 2025 crime reports and noted two public safety calls for medical services for residents. (See Pages 70 through 90 of Attachment 2)

Ms. Dukes stated that the proposed site would not result in a clustering of this use, noting that the nearest registered Transitional Community Residence is approximately 1,288 feet away. She stated that approval of the proposed use would not alter the character of the existing neighborhood or interfere with normal community activity. She reiterated that the applicant had submitted a Good Neighbor Policy and had demonstrated that the development standards for this use had been met. (See Pages 91 through 99 of Attachment 2)

Ms. Dukes referred to the COM Zoning Ordinance and noted that it does not establish separation requirements from schools. She provided examples of other licensed behavioral health residential facilities (BHRF) located within 1,200 feet of schools in the COM and in other neighboring cities, and displayed maps of the locations. (See Pages 100 through 123 of Attachment 2)

Ms. Dukes discussed the concerns raised in the letter from MPS and stated that the statements are factually inaccurate and that there is no evidence that this use will cause issues with the school. She noted that the criteria for approval outlined in the Zoning Ordinance had been met and asked the Board to consider approval of the proposed SUP.

In response to a question from Boardmember Trendler, Ms. Dukes confirmed that a daycare center located at 457 W. Nopal Avenue is located adjacent to a licensed BHRF facility. (See Page 106 of Attachment 2)

Michael Stephan, a Mesa resident was designated as a representative of the N. Chestnut Circle neighborhood, and was therefore given 10 minutes to speak. He addressed the Board in opposition to case number BOA25-00843.

Additionally, the following citizens addressed the Board in opposition to case number BOA25-00843:

- Christina Frost, a Mesa resident
- Alex Johnson, a Mesa resident
- Amy Johnson, a Mesa resident
- Michele Tereso, a Mesa resident
- Amanda Masinko, a Mesa resident
- Kim Foley, a Mesa resident

The Board was presented with several photographs depicting concerns related to the site, and residents also displayed enlarged photos around the room against the walls for the Board's review.

The above speakers offered a series of comments in opposition to the case number BOA25-00843 including, but not limited to the following:

- Multiple speakers raised concerns about on-street parking, stating that vehicles associated with the facility were observed parking along the street and, at times, exceeding expected limits, contributing to congestion and neighborhood safety concerns.
- The operator of the Legacy Recovery Center has not demonstrated the ability to successfully manage this type of use adjacent to a school, based on the record of activity and behavior at the site over the past year.
- Concern regarding the operator's inadequate response to conflict resolution issues.
- Demonstrated public safety issues including large scale police activity.
- The proximity of the proposed site to the nearby elementary school.

The following citizens addressed the Board in support of case number BOA25-00843:

- Sam Kirby, a Tempe resident
- Barbara Wait, a Mesa resident

The speakers offered a series of comments in support of case number BOA25-00843 including, but not limited to the following:

- Legacy Recovery Center has been successful in serving many individuals experiencing mental health crises. Residents are not admitted to the program until they have been stabilized prior to discharge from the hospital.
- Individuals with severe mental illness or those who may pose a risk to the community or themselves are not accepted into the program and do not reside at this location.

The following citizens submitted a comment card in opposition to case number BOA25-00843, but did not wish to speak:

- Stuart Wiwon, a Mesa resident
- Todd Juedes, a Mesa resident
- Nicolas Jaudel, a Mesa resident
- Clark Honton, a Mesa resident
- Alen Honton, a Mesa resident
- Joseph Foley, a Mesa resident
- Jocelyn Condon, a Mesa resident
- Lois Scale, a Mesa resident
- Jaclyn Fillerup, a Mesa resident
- Richard Phelps, a Mesa resident
- Dennis Decker, a Mesa resident
- Susan Jarne, a Mesa resident
- Kathryn Touchet, a Mesa resident
- Carol Tingey, a Mesa resident
- Jerry Bitler, a Mesa resident
- Teresa Bitler, a Mesa resident
- Lezlee Tingey, a Mesa resident
- Diane Pence, a Mesa resident
- Carson Marinouich, a Mesa resident
- Jeff Ruslt, a Mesa resident
- Beverly Groberg, a Mesa resident
- James Omerza, a Mesa resident
- Chad Bowman, a Mesa resident
- Emily Kellett, a Mesa resident
- Kimberly Haws, a Mesa resident
- Robert Willcox, a Mesa resident
- John Groberg, a Mesa resident
- John Misinco, a Mesa resident
- Carrie Phelps, a Mesa resident
- Jeffery Kerr, a Mesa resident
- Tatum Webb, a Mesa resident

Ms. Dukes reiterated that the key consideration before the Board was whether the proposed use is compatible with the surrounding area. She noted that, following a July Board of Adjustment appeal in which the use was determined not to qualify as a Family Community Residence, an appeal to Superior Court had been filed and remains pending. She explained that, after a COM code compliance complaint identified the need for an approved Special Use Permit, the applicant filed the current request for the Board's consideration.

Ms. Dukes stated that no loitering or criminal complaints had been reported to the Mesa Police Department (MPD) regarding the property. She explained that residents are not permitted to leave the residence without staff and that an outdoor smoking area, required by ADHS, is located at the rear of the property and was relocated following concerns from neighbors. She added that the applicant is seeking to be a good neighbor and is willing to work with MPD, the Mesa Fire Department, nearby residents, and the school.

Ms. Dukes pointed out that the applicant has an established track record of adjusting its policies and procedures to address neighborhood concerns. She recalled that, since the facility opened in March 2025, the applicants had revised their operational policies to address neighborhood concerns. She stated that group sessions with staff are held during the school's student arrival and dismissal times to avoid potential interactions, and that parking and visitor policies were modified to reduce hazards and conflict. She confirmed that the facility now requires 24-hour staff presence, that staff must accompany residents whenever they leave the home, and that the facility provides discharge and transportation assistance when residents return home or transition to alternative living arrangements, ensuring residents are taken directly to their next destination rather than walking through the neighborhood.

Ms. Dukes advised that BHRF throughout the COM is subject to ADHS requirements regarding staffing, medication management, and the level of care that may be provided. She added that similar facilities have been approved in Mesa, including in areas near schools, which demonstrated that proximity to a school had not previously been considered a basis for denial by the Board.

It was moved by Boardmember Glover, seconded by Boardmember Trendler, that the Board enter into an executive session at 7:00 p.m. to discuss case number BOA25-00843, "Legacy Recovery Center."

Upon tabulation of votes, it showed:

AYES – Wagner–Allen–Glover–Paul–Trendler
NAYS – None
ABSENT– Barrera

Chairperson Wagner declared the motion carried unanimously by those present.

- a. Discussion for legal advice with the attorney or attorneys of the public body pursuant to A.R.S. § 38-431.03(A)(3).

(At 7:28 p.m., the executive session adjourned, and the Board reconvened the Public Hearing.)

In response to a request from Vice Chairperson Allen regarding concerns raised by neighboring residents about the Good Neighbor Policy, Ms. Dukes reiterated the policy's parameters and stated that all concerns received are addressed through the complaint resolution process established in the policy. She reported that additional staff training had been implemented to help ensure the policy is followed as written. She discussed the implementation of a process for staff to follow when receiving complaints and noted that cards containing contact information would be readily available for staff to distribute as needed.

Responding to a question from Chairperson Wagner, Ms. Dukes explained that, before the implementation of the new policy, when an individual requested additional information about the program or wished to report a complaint, staff would provide the contact information for the Legacy Recovery Center's governing body and Chief Executive Officer Richard Miller so the matter could be addressed directly. She stated that, once a concern is identified, a report documenting the date, time, and location of the incident must be prepared and is immediately forwarded to Mr. Miller, who then follows up to discuss the situation and its resolution.

Chairperson Wagner reviewed the criteria outlined in the City Code, and staff recommended conditions of approval to guide the Board's decision.

Ms. Whittemore clarified that the Board may modify the conditions of approval before taking action to approve the SUP.

Boardmember Glover discussed the approval criteria and emphasized that the Board's decision must be based on whether the proposed use is compatible with the surrounding residential zoning district. He reiterated that the facility's proximity to a school was not a factor the Board was permitted to consider in its deliberations.

Boardmember Trendler stated that a typical neighborhood is generally characterized by longer-term residential occupancy and noted that, apart from short-term rental situations such as Airbnb, the proposed use did not appear to reflect a typical residential arrangement. He questioned whether a transitional housing use would be compatible with a neighborhood consisting primarily of long-term residents. He discussed concerns regarding the short-term, transitional nature of the proposed use, noting that typical stays of approximately 30 to 60 days differ from the longer-term residency common in the surrounding neighborhood. This raised

questions about whether such temporary occupancy is compatible with a predominantly stable, long-term residential environment.

Chairperson Wagner questioned whether the short-term nature of the use was the determining factor and whether the request would have been viewed differently if the proposed occupants were not considered transitional.

Vice Chairperson Allen pointed out that the resident population in a transitional housing setting turns over more quickly than in a standard apartment lease and expressed concerns about the transitional nature of the proposed use.

It was moved by Vice Chairperson Allen, seconded by Boardmember Trendler, that case number BOA25-00843, "Legacy Recovery Center," be denied.

Upon tabulation of votes, it showed:

AYES – Allen–Trendler
NAYS – Wagner–Glover–Paul
ABSENT – Barrera

Chairperson Wagner declared the motion failed.

It was moved by Boardmember Paul, seconded by Boardmember Glover, that case number BOA25-00843, "Legacy Recovery Center," be approved.

Upon tabulation of votes, it showed:

AYES – Wagner–Glover–Paul
NAYS – Allen–Trendler
ABSENT – Barrera

Chairperson Wagner declared the motion failed.

Ms. Whittemore pointed out that, pursuant to Mesa City Code Section 11-66-3(B)(4), a concurring vote of four Board members is required to render a decision in favor of an applicant on any matter brought before the Board, and failure to receive four affirmative votes results in an administrative denial.

Boardmember Paul stated that the City Code is written to align with Fair Housing standards and to establish the guidelines municipalities are required to follow. She noted that the Zoning Ordinance reflects those requirements, and that the parameters presented to the Board were intended to ensure compliance. She expressed her opinion that the proposed use is residential in nature and that the applicable criteria do not address compliance with nearby schools or daycare facilities. She added that the Code distinguishes among different types of community residential uses, including transitional residences and community homes, and expressed her opinion that the request complies with the criteria the Board has been directed to apply in determining whether to approve or deny the application. She pointed out that the Code distinguishes between stays of over one year and those of less than one year, rendering the length of the stay irrelevant.

Boardmember Glover reiterated that the Board's responsibility is to determine whether the proposed use is compatible with the residential uses permitted in that zoning district. He stated

that the transitional aspect of the use was a minor component of the analysis, as the length of residency would not, in his view, alter the overall compatibility of the use.

Boardmember Trendler expressed the view that the length of stay is a significant factor in evaluating compatibility within a residential area, noting that there are very few instances of such short-term residency in a typical neighborhood. He stated that, in his view, the analysis might have been different if the proposed length of stay had been longer. He also noted that the proposed use involves short-term, transitional stays generally around 30 to 60 days, which contrasts with the long-term residency pattern of the surrounding neighborhood, raising concerns about overall compatibility with the area.

Chairperson Wagner stated that she believed the short-term nature of the proposed use is permitted in the area under consideration.

In response to a question from Boardmember Glover, City Attorney Charlotte McDermott explained that, under the Mesa Zoning Ordinance, length of stay is a relevant consideration in evaluating the compatibility of a Transitional Community Residence. She noted that these residences typically involve shorter tenancy periods than single-family residential uses, which generally reflect longer-term occupancy. She pointed out that Transitional Community Residences involve higher resident turnover, are not permitted by right in single-family residential districts, and require approval through SUP. She added that, in applying the required approval criteria, particularly compatibility with surrounding residential uses. She explained that in evaluating compatibility with surrounding residential uses, the Board may consider factors such as the length of stay of residents. The staff report noted this as a key consideration and recommended a condition of approval requiring that the average length of tenancy be at least 30 days to help ensure compatibility with the neighborhood.

In response to a question from Boardmember Glover, Senior Planner Jennifer Merrill clarified that multi-family use is not permitted by right in single-family residential zoning districts.

Ms. Whittemore reiterated that Mesa City Code requires four affirmative votes for the Board to approve an application. She explained that if the Board is unable to obtain four votes in favor, the application will result in an administrative denial. She pointed out that the Board may continue the matter to a future date, either to a certain date or indefinitely, allowing the application to remain pending until a full Board is present or members have had an opportunity to reconsider their positions. She added that the Board may also modify the conditions of approval.

Chairperson Wagner asked if any Board member wished to make a motion or propose changes to the conditions of approval.

Chairperson Wagner confirmed that the Board did not wish to add additional conditions of approval and confirmed that case number BOA25-00843, Legacy Recovery Center, failed to receive the four affirmative votes required for approval and was administratively denied pursuant to Mesa Zoning Ordinance Section 11-66-3.

5. Adjourn.

Without objection, the Board of Adjustment Public Hearing adjourned at 8:09 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Board of Adjustment meeting of the City of Mesa, Arizona, held on 7th day of January 2026. I further certify that the meeting was duly called and held and that a quorum was present.



ALEXIS WAGNER, CHAIRPERSON

vf
(Attachments – 2)



Board of Adjustment



BOA25-00843

Emily Johnson, Planner II

January 7, 2026



Request

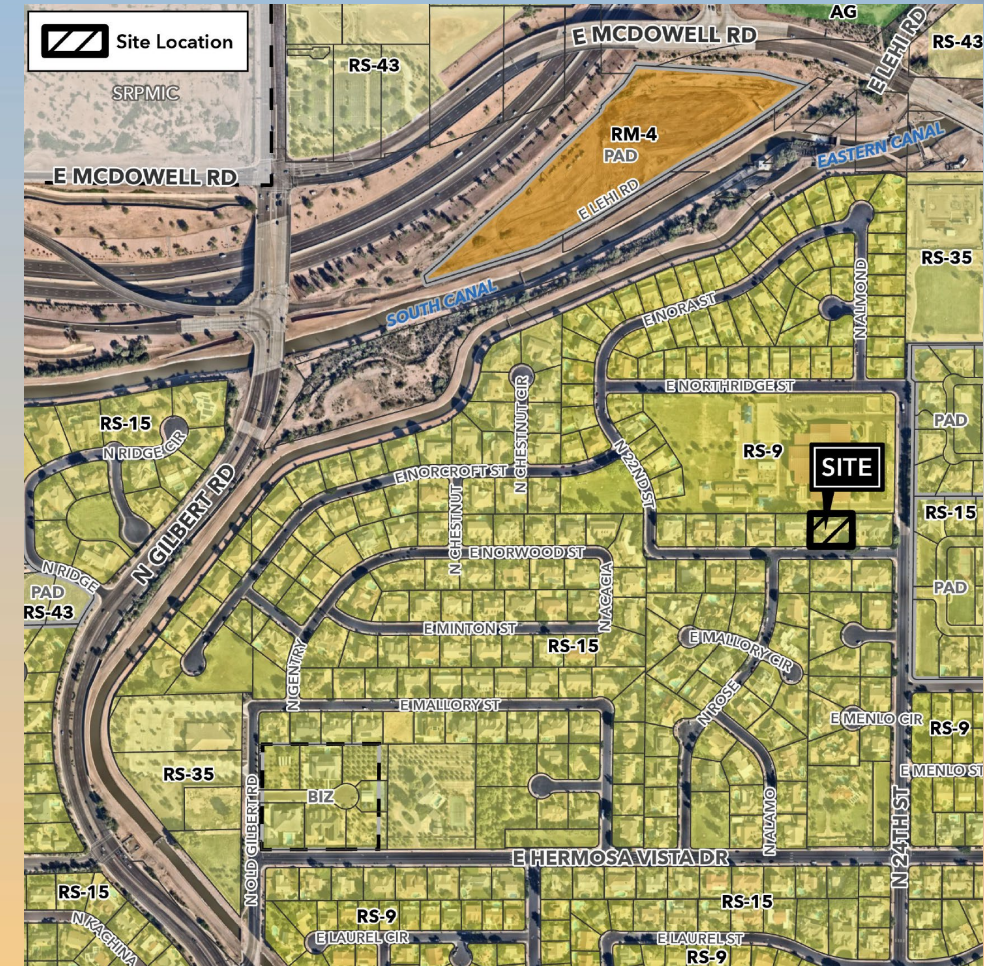
- Special Use Permit to allow for a Transitional Community Residence





Location

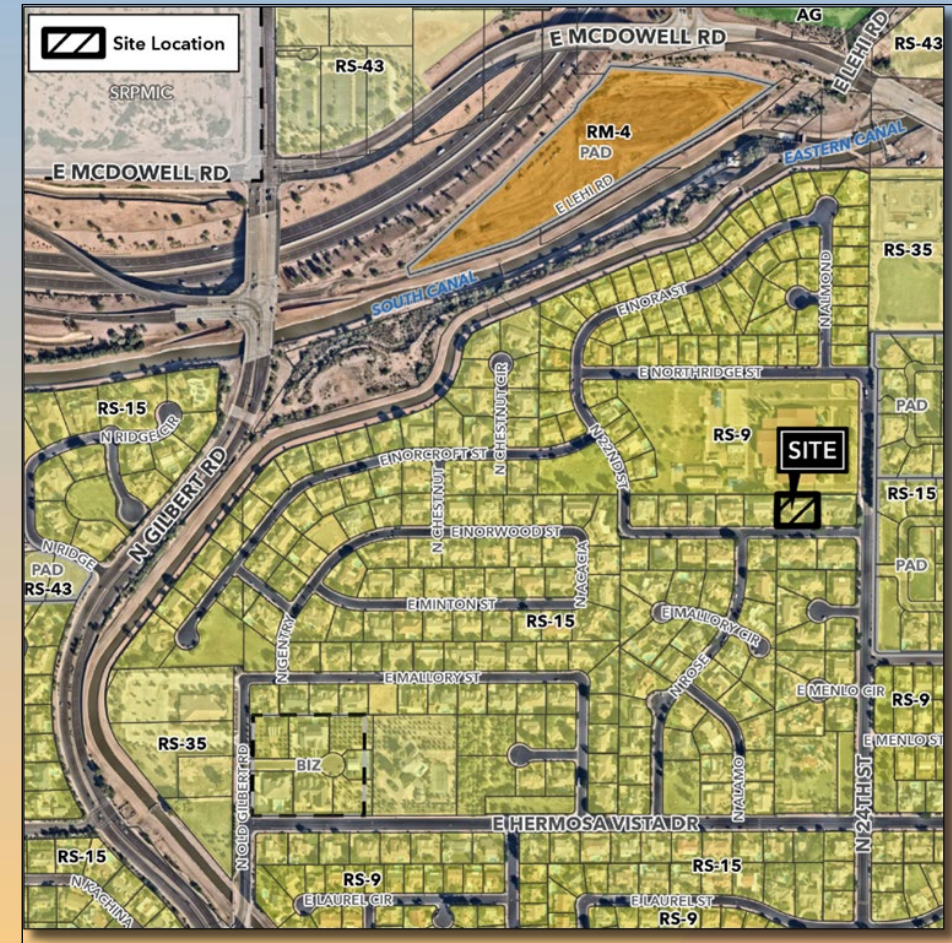
- 2338 E Minton St
- East of Gilbert Rd
- South of McDowell Rd
- Located on the north side of Minton St





Zoning

- Single Residence-15
- Single residence use permitted
- Transitional Community Residences require approval of a SUP





Site Photos



Looking north from Minton Street



Approval Criteria

Per Section 11-31-14(B):

- ✓ The proposed use will be compatible with the residential uses allowed as of right in the zoning district; and
- ✓ The proposed use in combination with any existing community residences, assisted living homes, and assisted living centers will not result in a clustering of such uses or alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere; and
- ✓ The proposed use will not interfere with normalization and community integration of the residents of any existing community residences, assisted living homes, or assisted living centers, and that the presence of other existing community residences, assisted living homes, or assisted living centers will not interfere with normalization and community integration of the residents of the proposed use;



Approval Criteria

Per Section 11-31-14(B):

- ✓ The applicant has submitted a "good neighbor policy" in narrative form that includes:
 - (a) A description of acceptable measures to ensure ongoing compatibility with adjacent uses;
 - (b) The name and telephone number of the manager or person responsible for the operation of the facility;
 - (c) Complaint response procedures including investigation, remedial action, and follow-up procedures; and
 - (d) The proposed use complies with all other development standards in this Chapter.



Findings

- ✓ Complies with the 2050 Mesa General Plan
- ✓ Meets required findings for a SUP in Section 11-31-14(B) of the MZO

Staff recommends Approval with Conditions



Board of Adjustment



LEGACY
RECOVERY CENTER

SPECIAL USE PERMIT

CASE NO. BOA25-00843
CITY OF MESA
BOARD OF ADJUSTMENT
JANUARY 7, 2026

LEGACY RECOVERY CENTER TEAM

Dr. Ehab S. Abdallah, Member

Dr. Roland Segal, Member

Richard Miller, Member



About Us

Dr. Roland Segal / Founding Member

Dr. Segal completed his medical school education at the University of Arizona, College of Medicine, in Tucson, Arizona. He continued training in a general psychiatry residency at Banner Good Samaritan Medical Center in Phoenix, Arizona. Then Dr. Segal completed a forensic psychiatry fellowship at the University of Southern California, Keck School of Medicine, in Los Angeles. Dr. Segal is double board certified in General and Forensic Psychiatry. Dr. Segal is the former Chief Medical Officer at the Valley Hospital in Phoenix, Arizona.

Dr. Ehab Abdallah / Founding Member

Dr. Abdallah obtained his medical degree from Alexandria University in Alexandria, Egypt. He completed his residency training in psychiatry at West Virginia University. Dr. Abdallah is a triple board-certified in General Psychiatry, Consultation-Liaison (Psychosomatic) Psychiatry, and Addiction Psychiatry. Dr. Abdallah is experienced in treating psychiatric illness in people with complex medical/mental conditions and is an expert in addiction medicine. He is passionate about quality care.





Richard Miller / Chief Executive Officer/ Founding Member and Administrator

Richard has an extensive background in Admissions, Facility Operations, and Clinical outreach. He has developed robust networks of relationship with therapists, hospitals, physicians, treatment centers, and other community resources to provide them with access to behavioral healthcare. Richard has also operated as the CEO of several different treatment facilities over the course of his career.

Richard is passionate about ensuring the client finds the best fit for their treatment needs. His focus is on maintaining relationships with quality providers across the country, so that he can help whoever he comes across get the help they truly need. Equally, Richard focuses on ensuring the treatment provided at Legacy Recovery Center is of the highest quality, and that the team is doing all they can to serve those who come to Legacy Recovery Center for care.

Richard finds his work extremely rewarding, but his biggest joy is his family and helping his wife raise their child.



2338 E. Minton St.

N. GILBERT RD.

N. LINDSAY RD.

N. 24TH ST.

E. HERMOSA VISTA DR.

2025 Maricopa County Assessor Aerial Photograph



N 24TH ST

E Minton St

2025 Maricopa County Assessor Aerial Photograph⁷

THE FAIR HOUSING ACT



U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

Washington, D.C.
November 10, 2016

JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE DEPARTMENT OF JUSTICE

STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION OF THE FAIR HOUSING ACT

INTRODUCTION

The Department of Justice (“DOJ”) and the Department of Housing and Urban Development (“HUD”) are jointly responsible for enforcing the Federal Fair Housing Act (“the Act”),¹ which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status (children under 18 living with a parent or guardian), or national origin.² The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics.

The regulation of land use and zoning is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Fair Housing Act or other federal laws. This Joint Statement provides an overview of the Fair Housing Act’s requirements relating to state and local land use practices and zoning laws, including conduct related to group homes. It updates and expands upon DOJ’s and HUD’s Joint

¹ The Fair Housing Act is codified at 42 U.S.C. §§ 3601–19.

² The Act uses the term “handicap” instead of “disability.” Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that the definition of “disability” in the Americans with Disabilities Act

“The Department of Justice (DOJ) and the Department of Housing and Urban Development (HUD) are jointly responsible for enforcing the Fair Housing Act, which prohibits discrimination in housing on the basis of race, color, religion, sex, **disability**, familial status or national origin.”

WHO IS CONSIDERED TO BE DISABLED OR HANDICAPPED?

- **This Application is submitted on behalf of disabled residents living at Legacy Recovery Center who are recovering from substance use and alcohol addiction with co-occurring mental health disorders.**
- **The residents are handicapped under the FHA:**
 - “Handicap” means, with respect to a person, (1) a physical or mental impairment which substantially limits one or more of such person’s major life activities, (2) a record of having such an impairment, or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in section 802 of the Controlled Substances Act (21 U.S.C. 802)). See 42 U.S.C. 3602(h).
- **Joint Statement issued by the Department of Housing and Urban Development (HUD) and the Department of Justice dated November 10, 2016:** Clarifies the types of impairments included within the term “physical and mental impairment.”
 - “includes, but is not limited to, diseases and conditions such as . . . drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.”
 - The residents residing at the Property are not permitted to use controlled substances or alcohol. The residents are sober. Therefore, they are considered to be persons with disabilities.

WHERE CAN DISABLED RESIDENTS LIVE?

Cannady v. Prescott Canyon Estates Homeowners Ass'n, 204 Ariz. at 94, 60 P.3d at 234:

“Equal opportunity gives handicapped individuals the right to choose to live in neighborhoods of their choice because that right serves to end their exclusion from mainstream society . . .”

Steven Polin, Attorney and Fair Housing Expert of 30+ years:

“The FHAA had the effect of guaranteeing the rights of disabled individuals to live in the residence of their choice within the community.”

“The FHAA does not afford lesser protections to persons with certain disabilities or persons who may live in a residence for 2 months as opposed to one (1) year. The FHAA protects the rights of individuals to live in housing of their choice regardless of length of stay. The protections work two ways, one is to the housing provider, and the other is to the individual residents. It is acknowledged that in providing recovery housing, a small minority of residents will relapse or will leave the program for personal reasons. The turnover of residents does not affect the services provided by the housing provider.”

SPECIAL USE PERMIT
REQUIREMENTS



LEGACY
RECOVERY CENTER

Community Residence. A community residence is a residential living arrangement for five to ten individuals with disabilities, excluding staff, living as a family in a single dwelling unit who are in need of the mutual support furnished by other residents of the community residence as well as the support services, if any, provided by the staff of the community residence. Residents may be self-governing or supervised by a sponsoring entity or its staff, which provides habilitative or rehabilitative services related to the residents' disabilities. A community residence seeks to emulate a biological family to foster normalization of its residents and integrate them into the surrounding community. Its primary purpose is to provide shelter in a family-like environment. Medical treatment is incidental as in any home. Supportive interrelationships between residents are an essential component. Community residence includes sober living homes and assisted living homes but does not include any other group living arrangement for unrelated individuals who are not disabled nor any shelter, rooming house, boarding house or transient occupancy.

11-86-2: - RESIDENTIAL USE CLASSIFICATIONS

Family Community Residence. A community residence is a relatively permanent living arrangement with no limit on the length of tenancy as determined in practice or by the rules, charter, or other governing documents of the community residence. The minimum length of tenancy is typically a year or longer.

Transitional Community Residence. A community residence that provides a relatively temporary living arrangement with a limit on length of tenancy less than a year that is measured in weeks or months, as determined either in practice or by the rules, charter, or other governing document of the community residence.



= Legacy Residence is consistent with this part of the definition



= Legacy Residence is not consistent with this part of the definition

Table 11-5-2: Residential Districts				
Proposed Use	RS	RSL	RM	Additional Use Regulations
Residential Use Classifications				
		...		
Community Residence				
Family Community Residence	P (13, 14)	P (13, 14)	P (12, 13, 14)	Section 11-31-14, Community Residences
Transitional Community Residence	SUP (13, 14)	SUP (13, 14)	P (12, 13, 14)	
		...		



CHAPTER 70 - CONDITIONAL USE PERMITS

11-70-1: - PURPOSE

11-70-2: - BURDEN OF PROOF

11-70-3: - ADMINISTRATIVE USE PERMIT

11-70-4: - TEMPORARY USE PERMIT

11-70-5: - SPECIAL USE PERMIT

11-70-6: - COUNCIL USE PERMITS

11-70-7: - APPEALS; EXPIRATION AND EXTENSION; MODIFICATION

11-70-5: - SPECIAL USE PERMIT

- A. **Special Use Permit (SUP).** A SUP is a discretionary permit issued by the Zoning Administrator or Board of Adjustment.
- B. **Uses Subject to Special Use Permits.** Uses requiring a SUP are established in the use tables in Chapters 4 through 11.
- C. **Permit Requirements.** Permit requirements for some uses requiring a SUP are provided in Chapter 31, Standards for Specific Uses and Activities.
- D. **Permit Application and Procedures.** The procedures for review and consideration of a SUP are as provided in the Chapter 67, Common Procedures, except a citizen participation plan and report is not required.

A community residence (family and transitional) shall be located, developed and operated in compliance with the land use regulations in [Article 2](#) and the following standards:

A. **General Requirements.**

1. **Spacing Requirements.** A minimum distance of 1,200 feet from the closest existing community residence, assisted living home, or assisted living center, as measured under Section 11-2-3(D), unless separated by a significant intervening natural or manmade feature such as, but not limited to, a canal, municipal Open Space of at least ten (10) acres (e.g., park, golf course, etc.), a railroad, or a highway, that is approved by the Zoning Administrator.
2. **Occupancy.** Five (5) up to a maximum of ten (10) individuals (not including staff).
3. **Licensure and Certification.** A community residence must obtain one (1) or more of the following:
 - (a) License or certification from the State of Arizona required to operate the proposed community residence; or
 - (b) Certification by the Arizona Recovery Housing Association if not required to be licensed by the State of Arizona; or
 - (c) A "Permanent" Oxford House Charter.

B. **Community Residences Requiring a Conditional Use Permit.** In certain Zoning Districts community residences are not allowed by right but require the approval of a conditional use permit. A conditional use permit shall be granted only if the governing body finds that the applicant has demonstrated that all of the following criteria are met:

1. The proposed use will be compatible with the residential uses allowed as of right in the Zoning District;
2. The proposed use in combination with any existing community residences, assisted living homes, and assisted living centers will not result in a clustering of such uses or alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere; and
3. The proposed use will not interfere with normalization and community integration of the residents of any existing community residences, assisted living homes, or assisted living centers, and that the presence of other existing community residences, assisted living homes, or assisted living centers will not interfere with normalization and community integration of the residents of the proposed use;
4. The applicant has submitted a "good neighbor policy" in narrative form that includes:
 - (a) A description of acceptable measures to ensure ongoing compatibility with adjacent uses;
 - (b) The name and telephone number of the manager or person responsible for the operation of the facility;
 - (c) Complaint response procedures including investigation, remedial action, and follow-up procedures; and
 - (d) The proposed use complies with all other development standards in this Chapter.

FIRST TEST:

The proposed use will be compatible with the residential uses allowed as of right in the Zoning District.

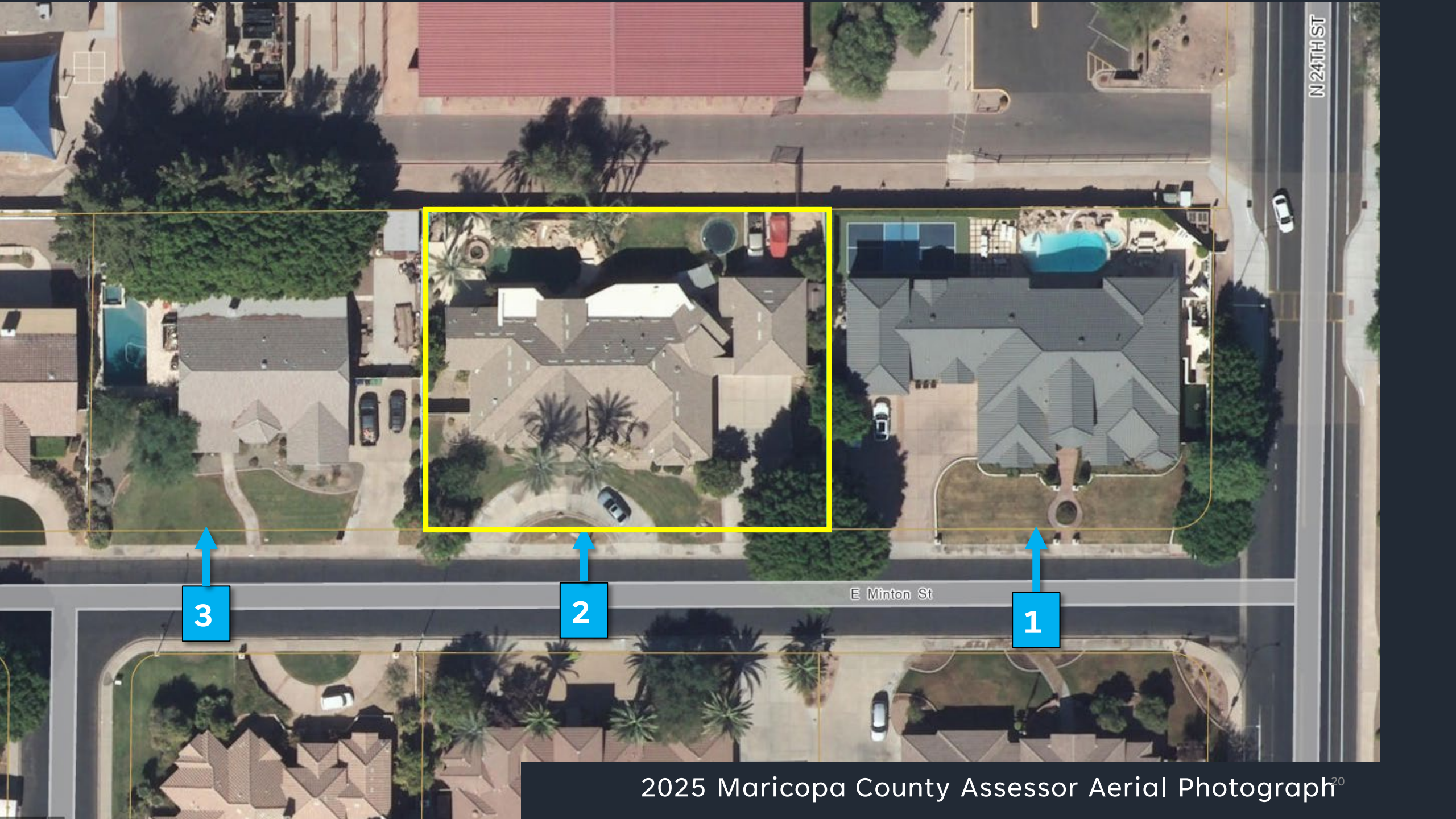


LEGACY
RECOVERY CENTER

RESIDENTIAL USES ALLOWED IN RS-15 ZONING DISTRICT

(SEE TABLE 11-5-2)

- **Single residence**
- **Multiple Residence**
- **Assisted Living Facility**
- **Boarding House**
- **Community Residence**
- **Comprehensive Youth Residence**
- **Day Care Group Home**
- **Manufactured Home Parks**
- **Manufactured Home Subdivisions**
- **Recreational Vehicle Parks**



3

2

1

E Minton St

N 24TH ST



1

Looking North at 2354 E. Minton St (Adjoining Legacy to the East)
July 27, 2025



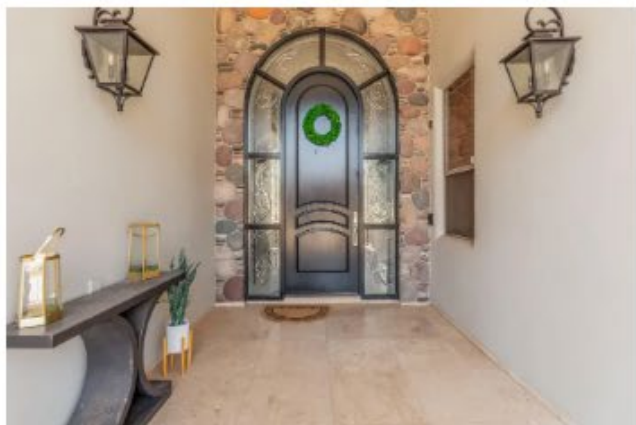
2

Looking North at 2338 E. Minton St. (Legacy Home)
July 27, 2025



3

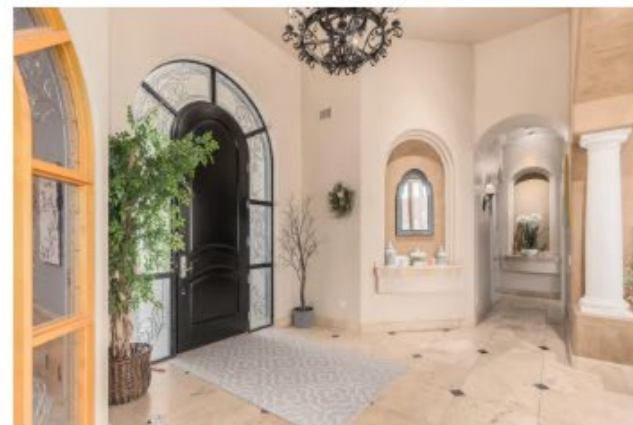
Looking North at 2322 E. Minton St. (Adjoining Legacy to the West)
July 27, 2025



Main Entrance



Exterior



Welcoming Entryway



Pool With Waterfall



Outdoor Lounging



Serene Landscape



Luxurious Bathrooms



Large Showers



Beautiful Decor



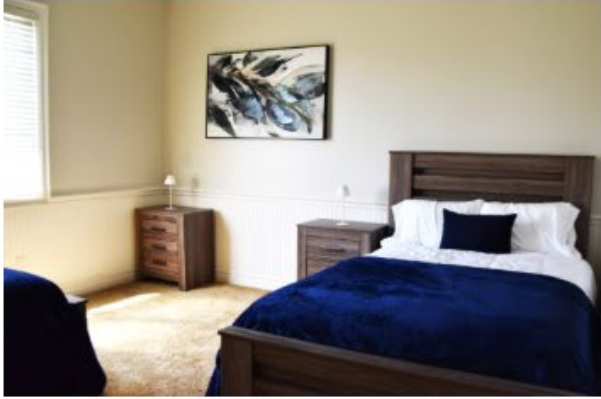
Comfortable Living Room



Shared Room



Shared Room 2



Shared Room 3



Large Laundry Room



Cozy Movie Room



Beautiful Kitchen



Group Room With A View



Luxury Amenities



Comfortable Therapy Offices



Dining Room



Kitchen Dining Area



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



12.04.2025
Morning Photo 1
2338 E Minton St.



12.04.2025
Morning Photo 2
2338 E Minton St.

LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



12.05.2025
Morning Photo 1
2338 E Minton St

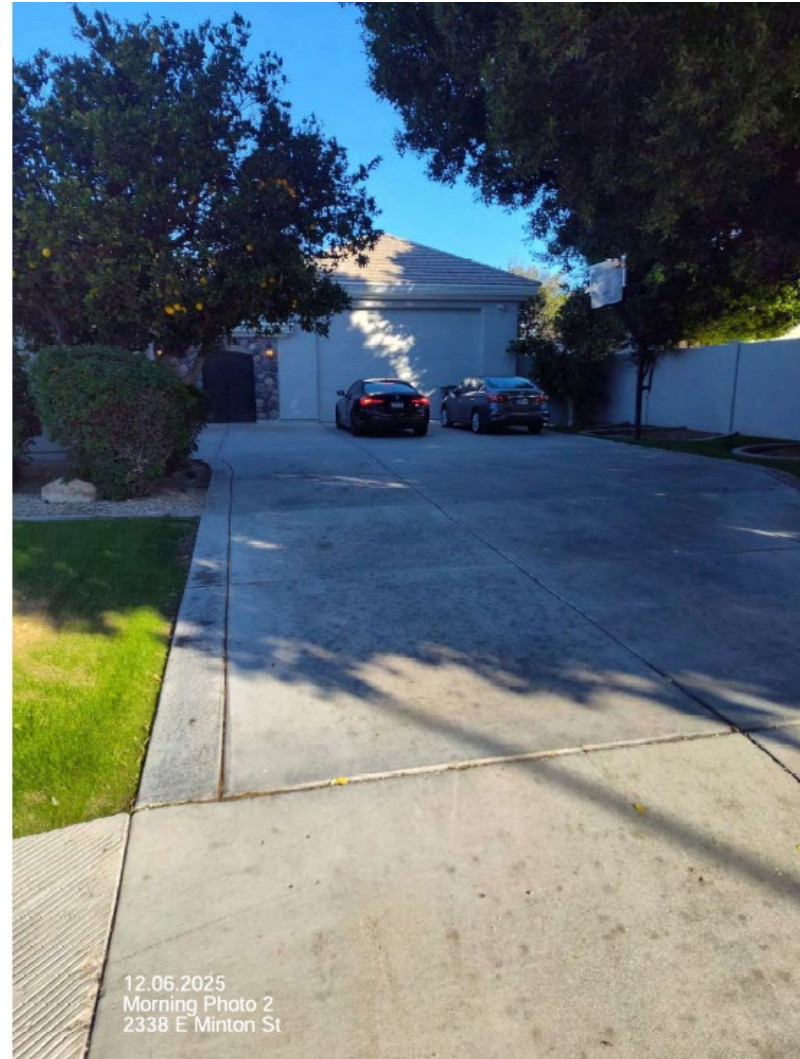


12.05.2025
Morning Photo 2
2338 E Minton St

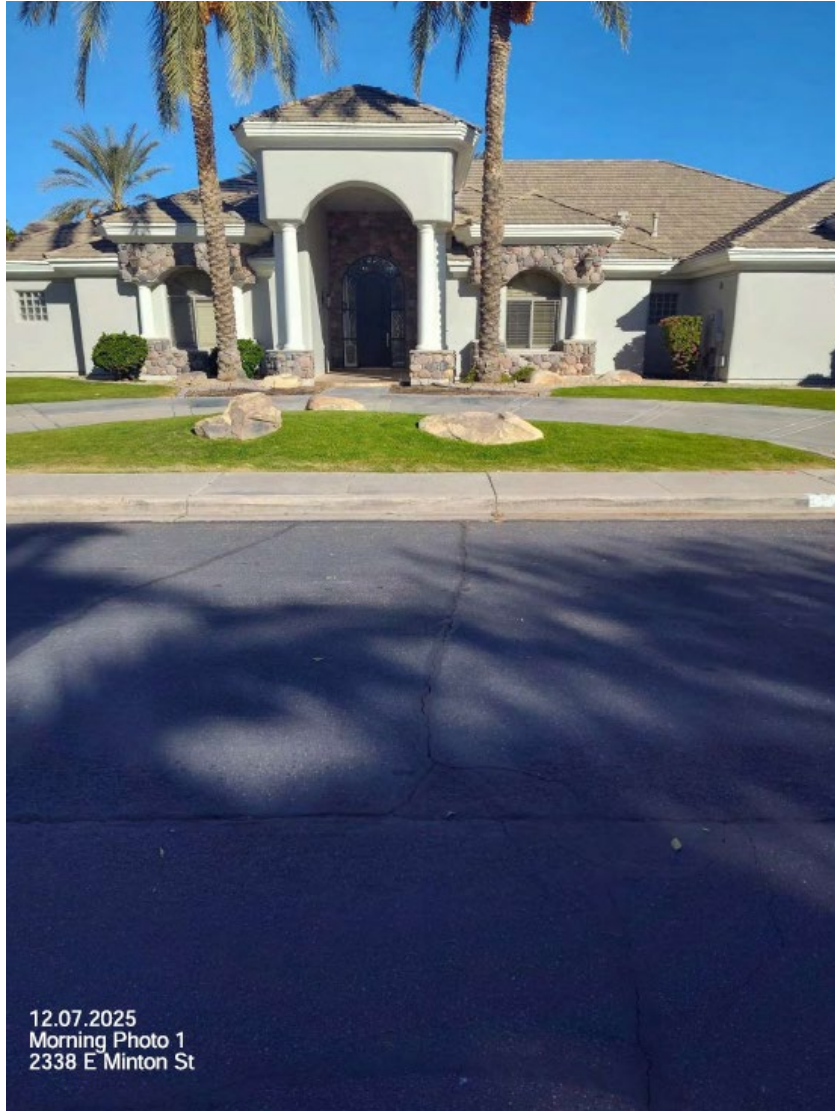
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT

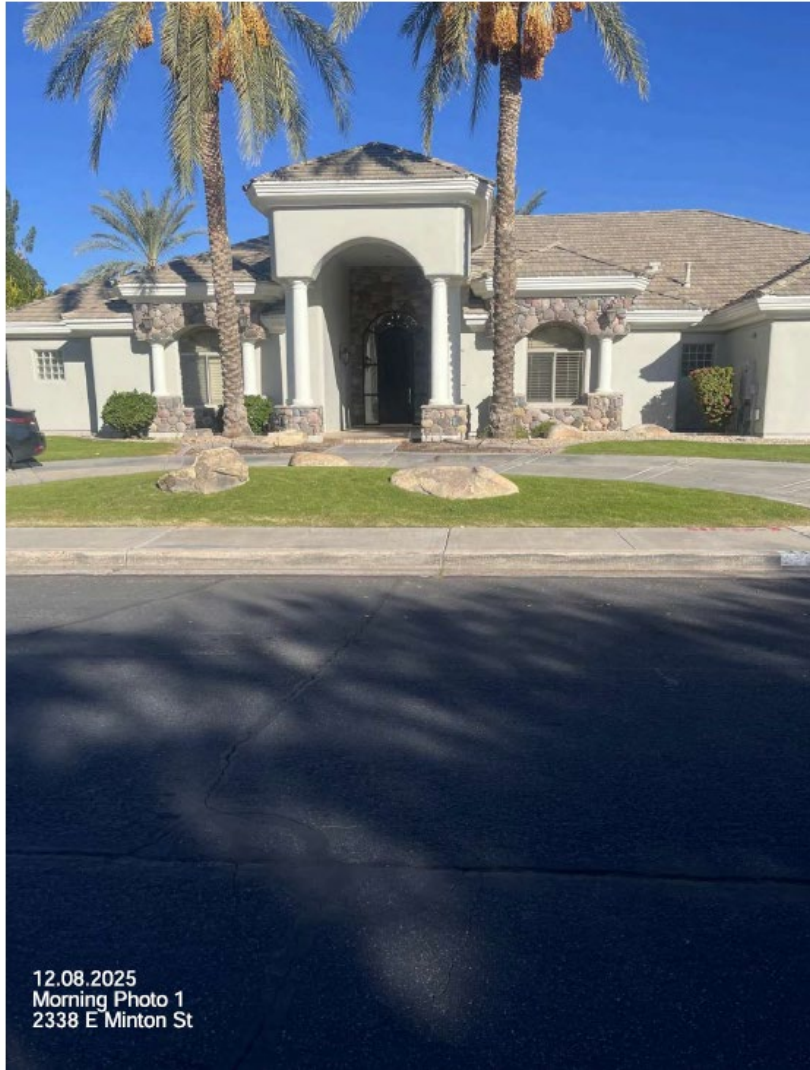


12.07.2025
Afternoon Photo 1
2338 E Minton St

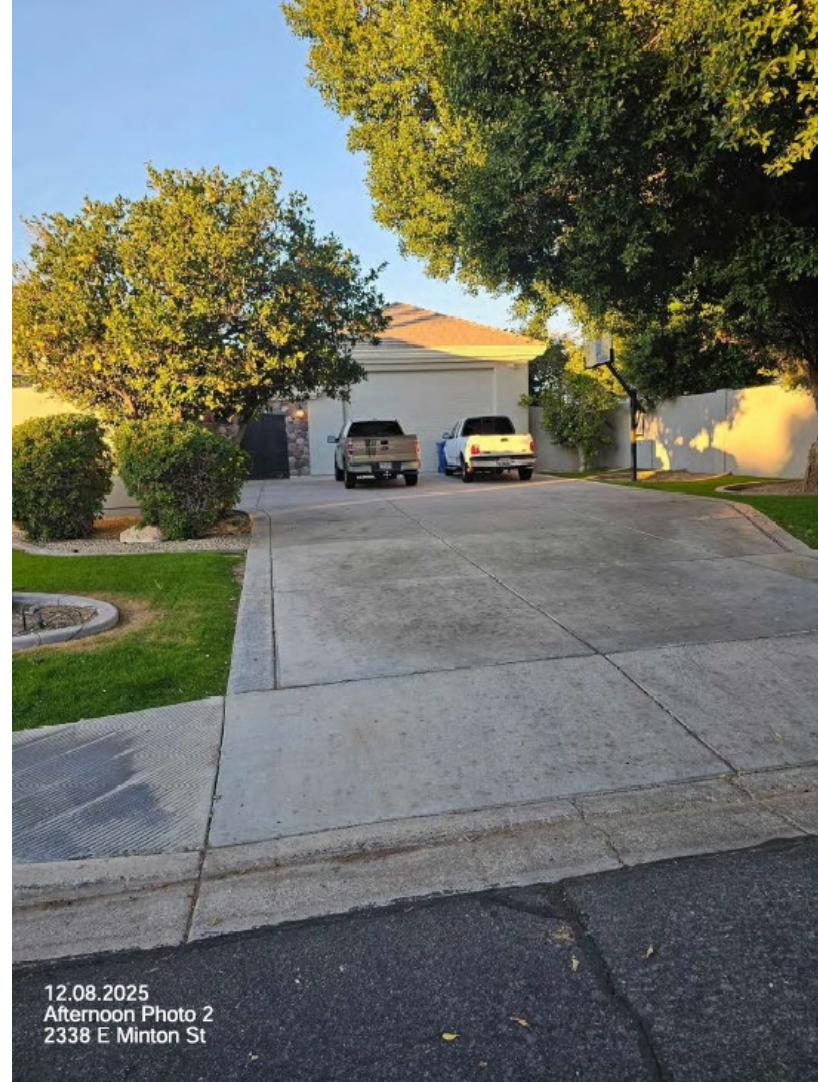


12.07.2025
Afternoon Photo 2
2338 E Minton St

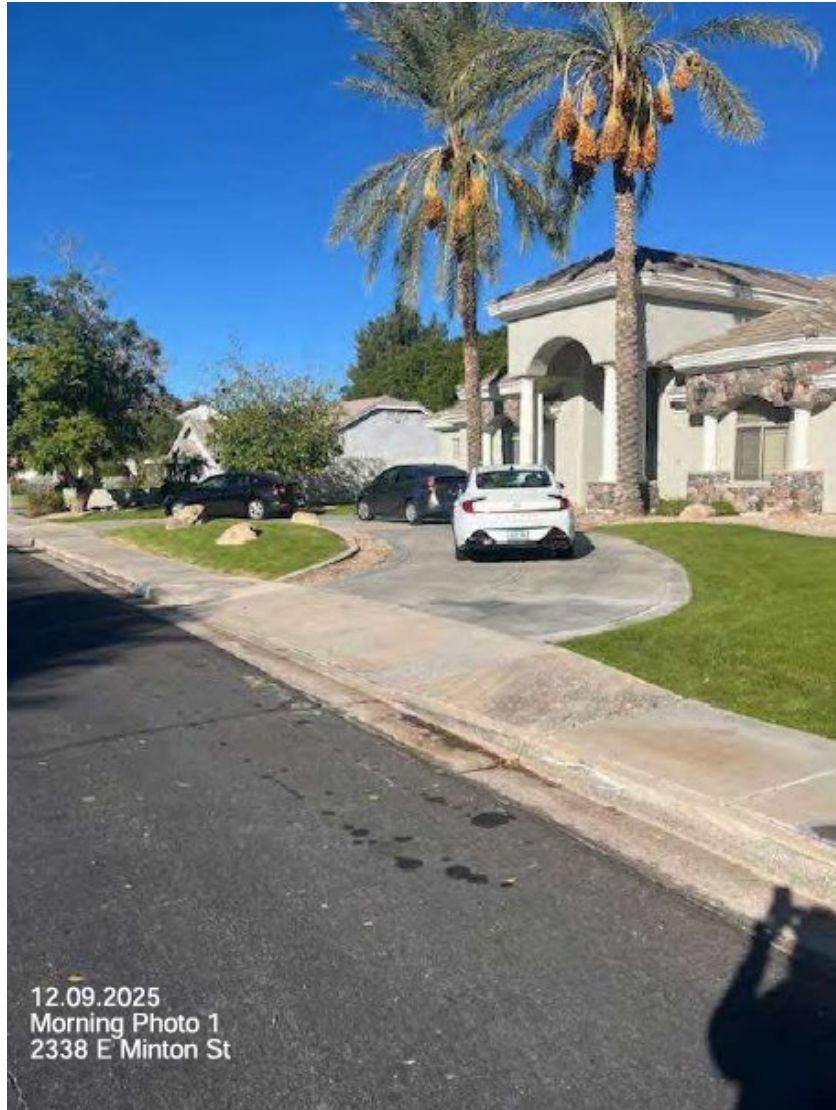
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT

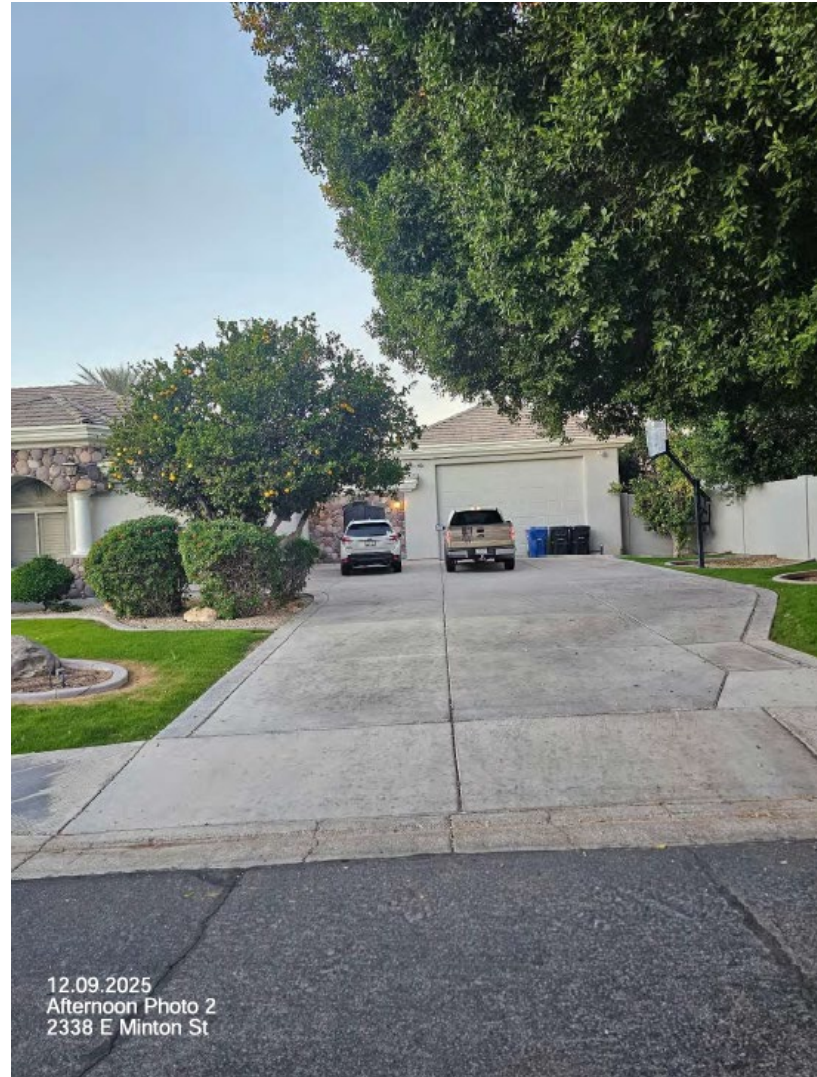


12.09.2025
Morning Photo 1
2338 E Minton St



12.09.2025
Morning Photo 2
2338 E Minton St

LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



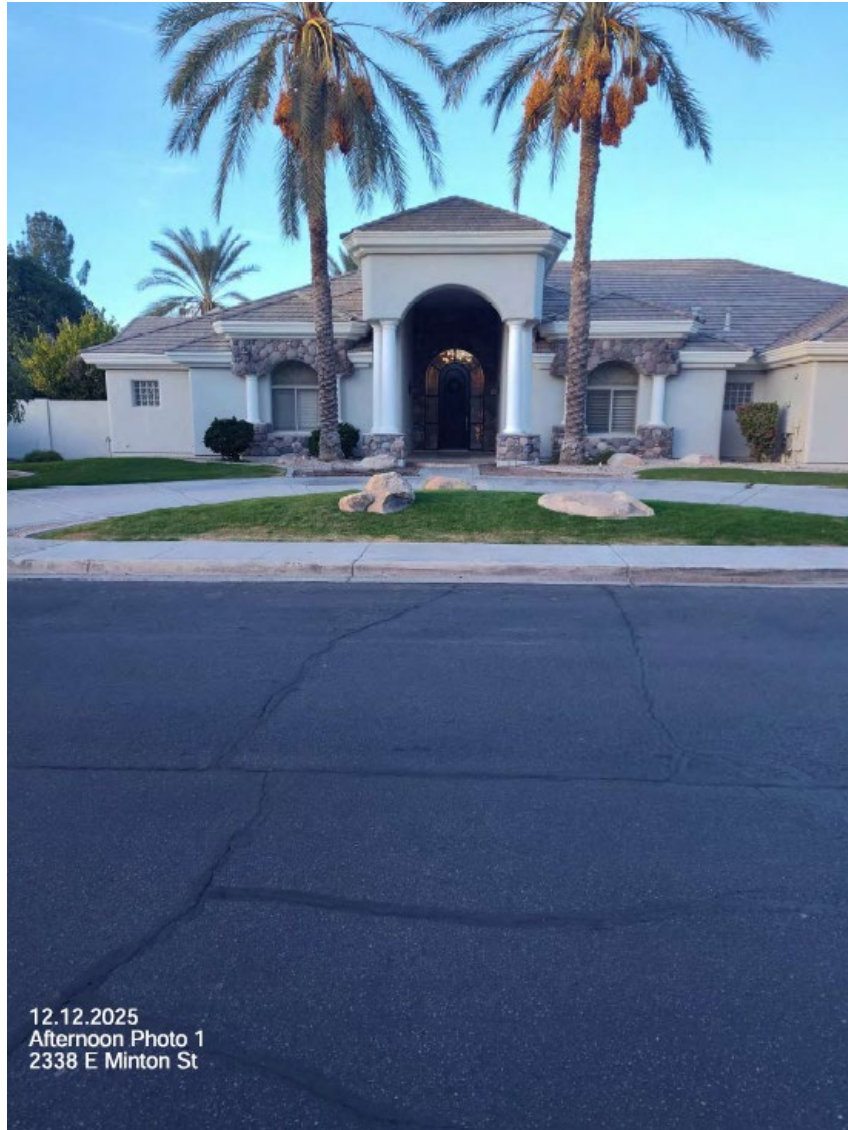
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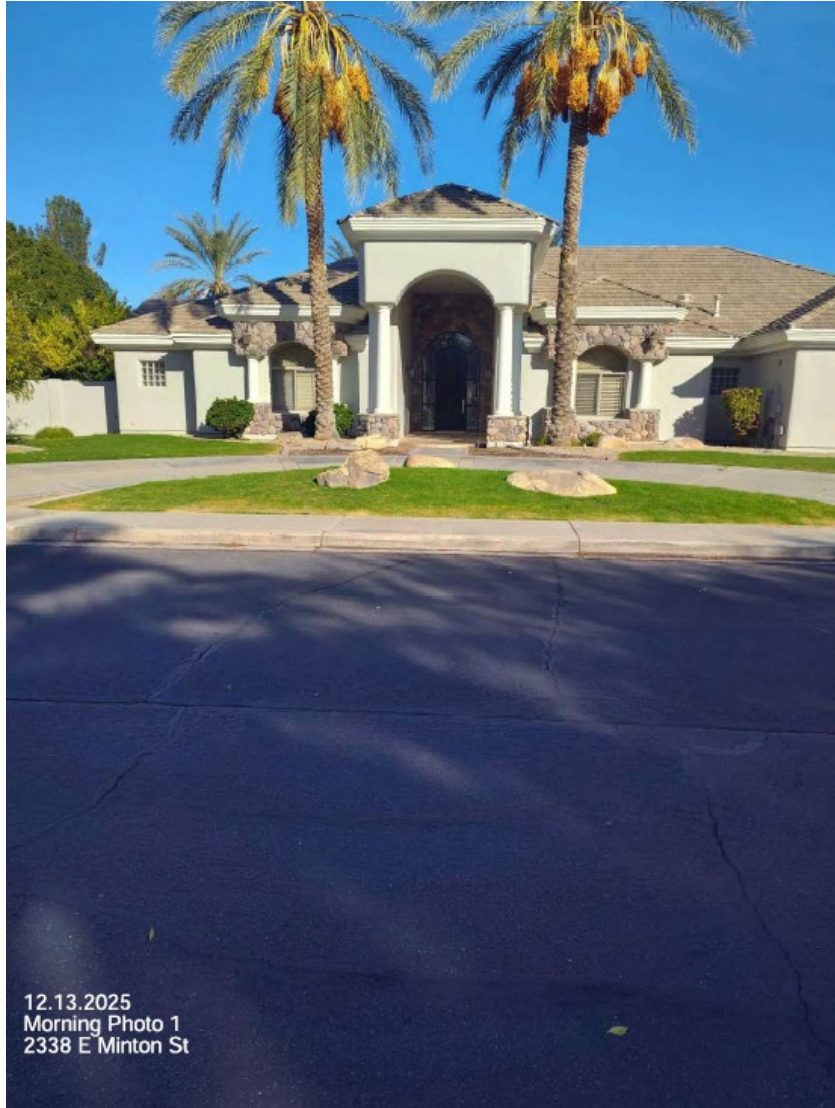
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



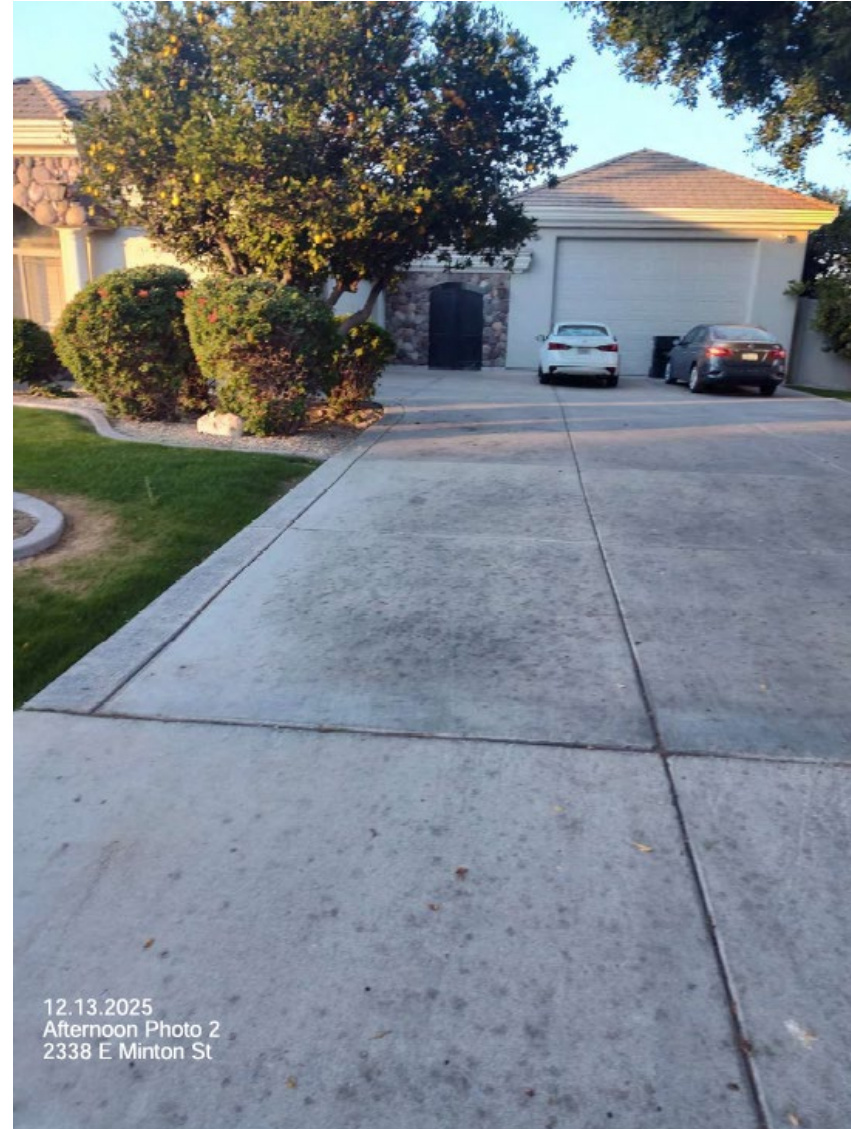
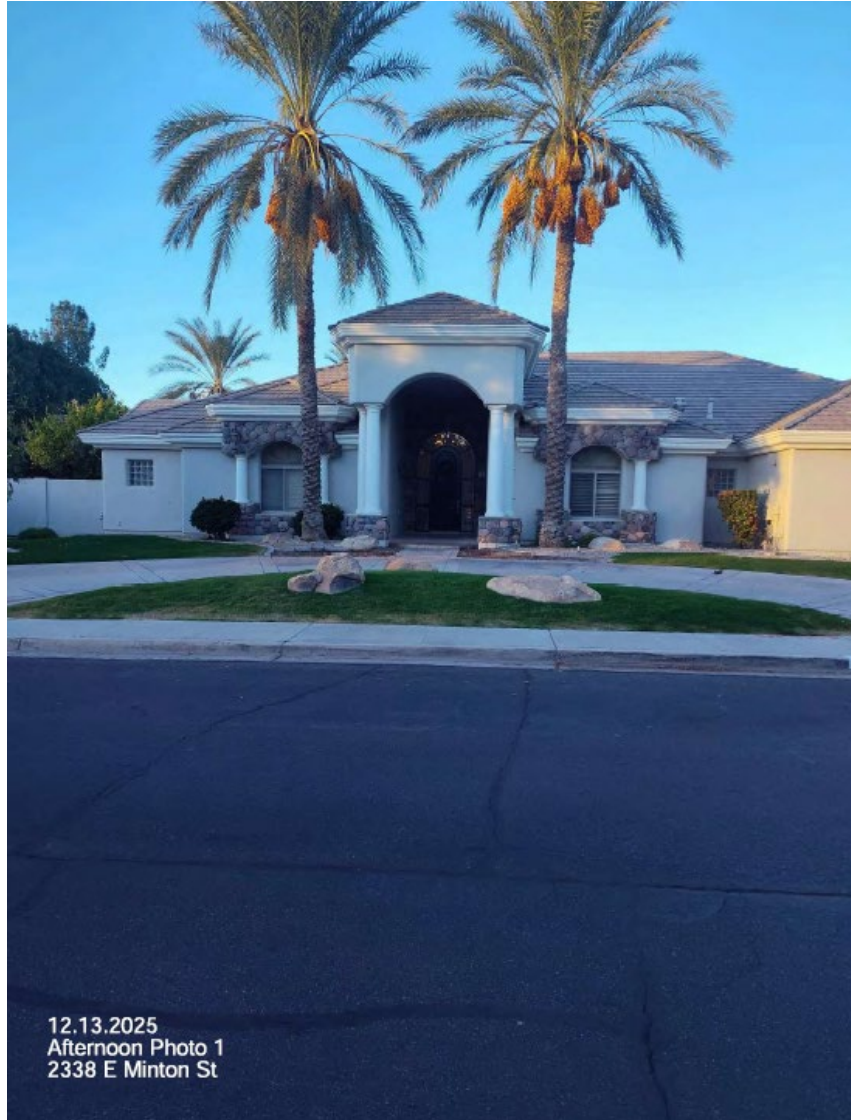
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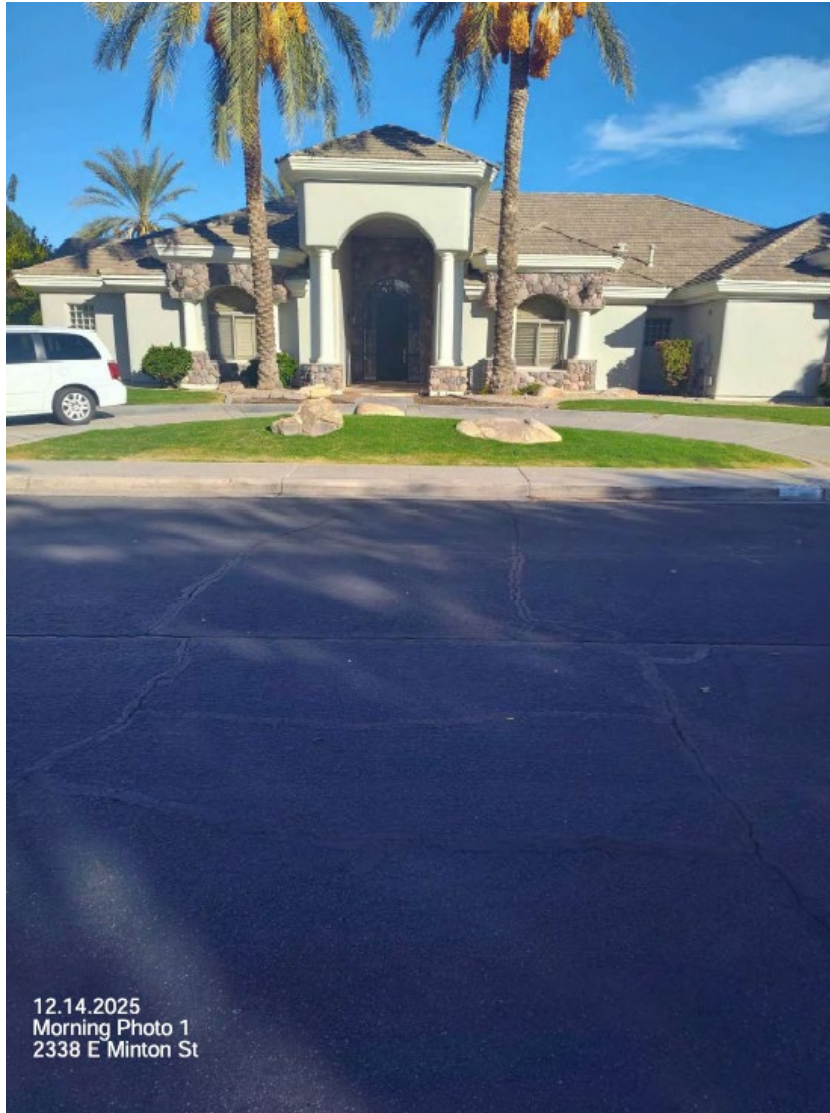
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



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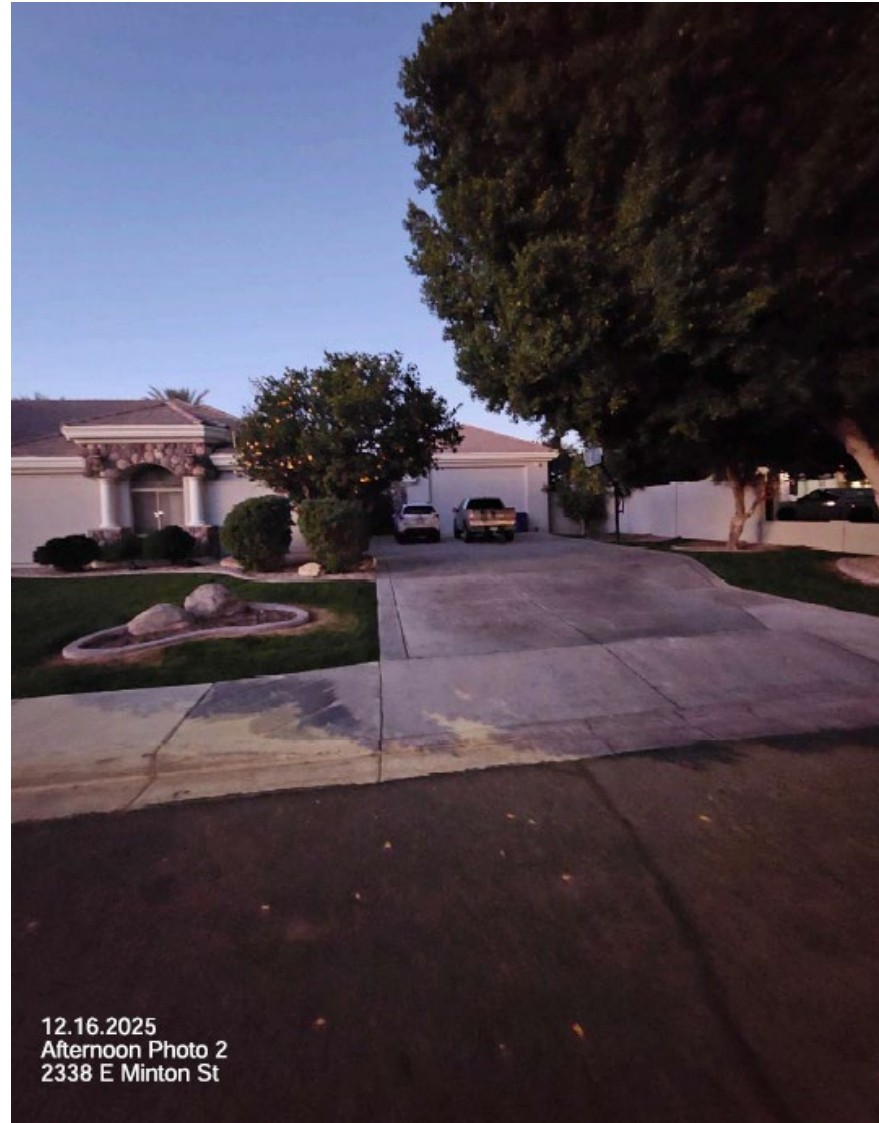
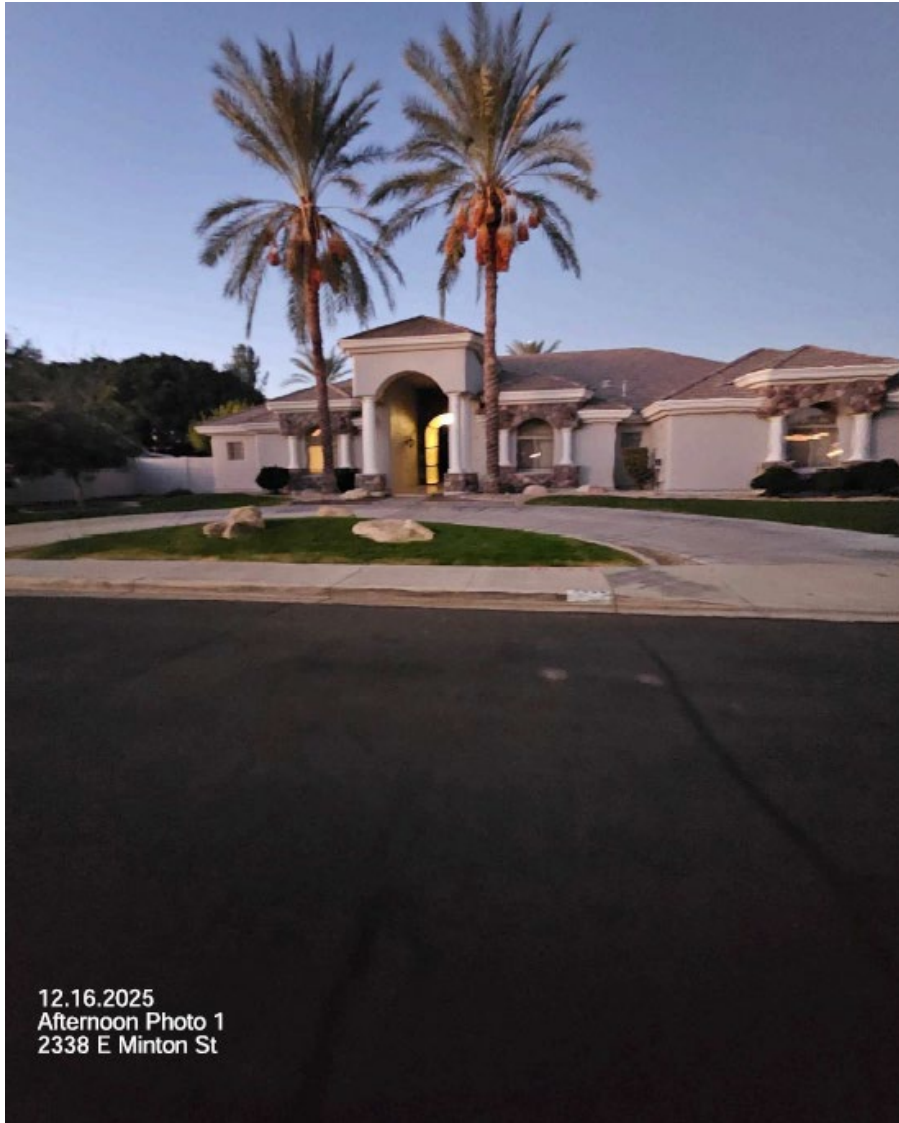
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



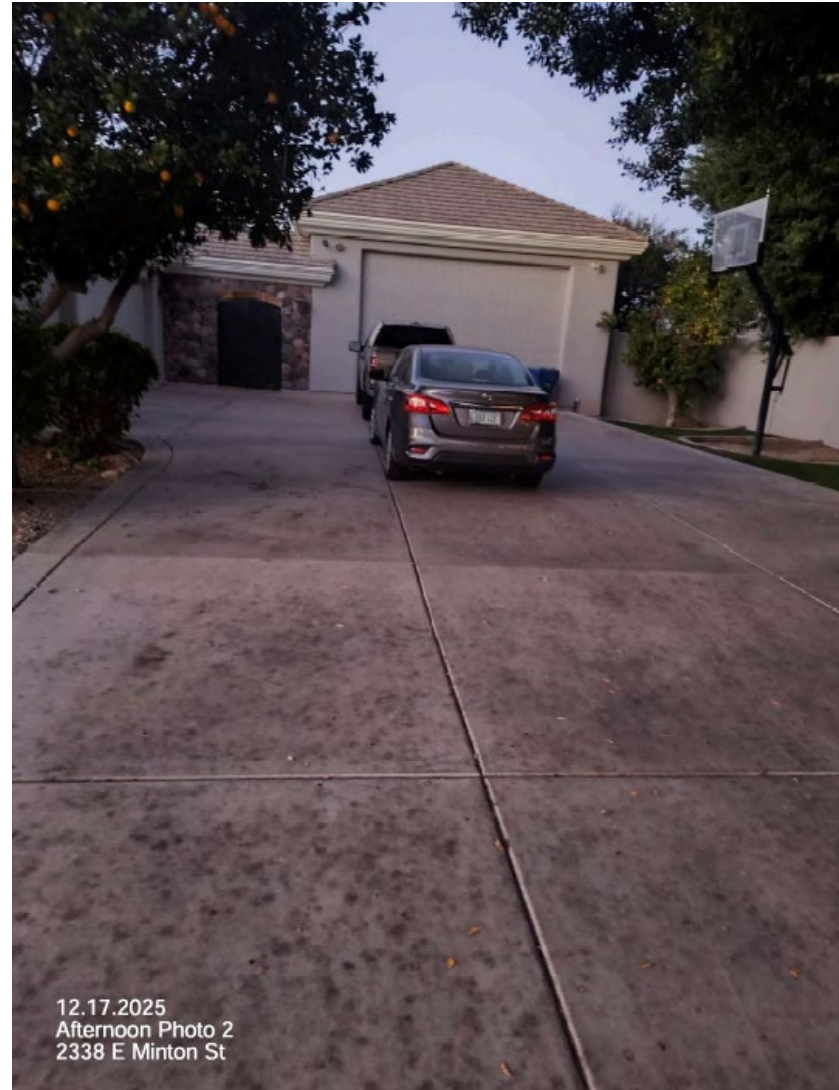
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



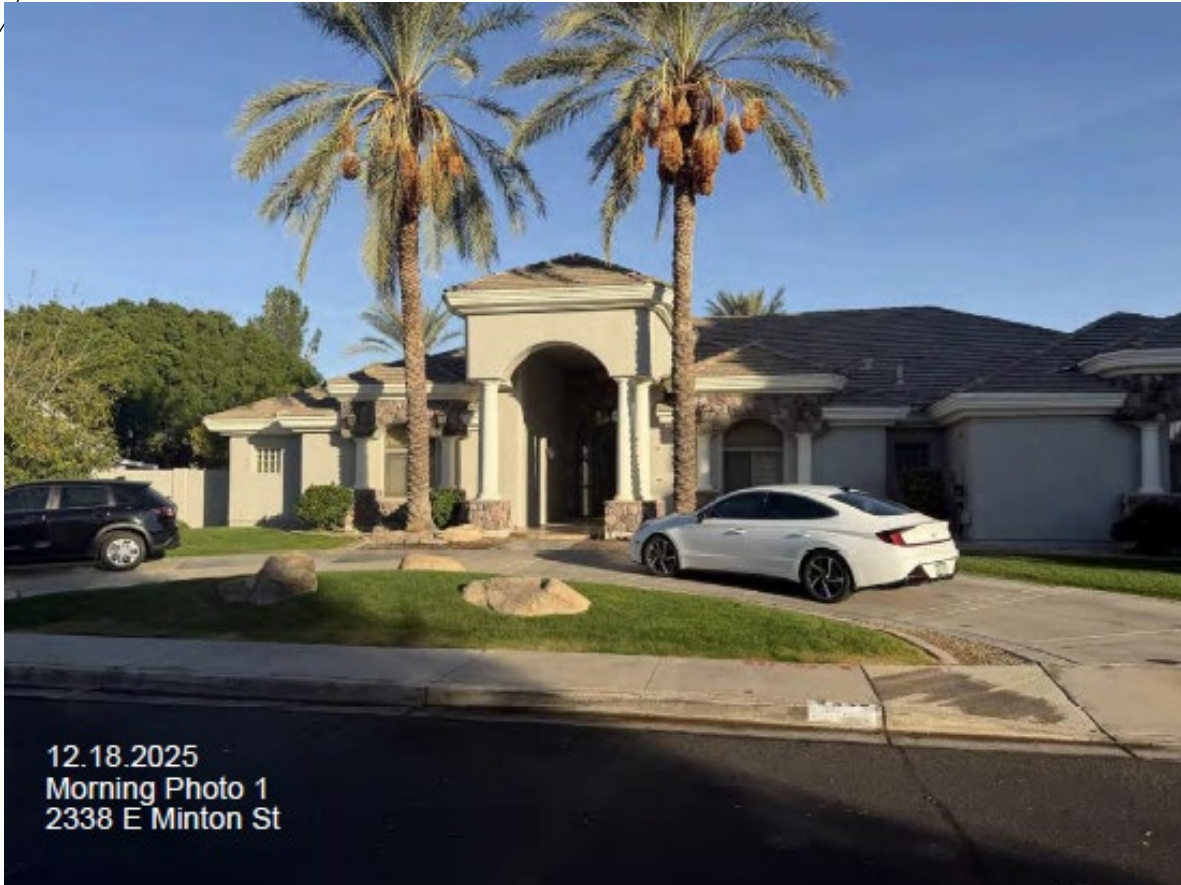
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



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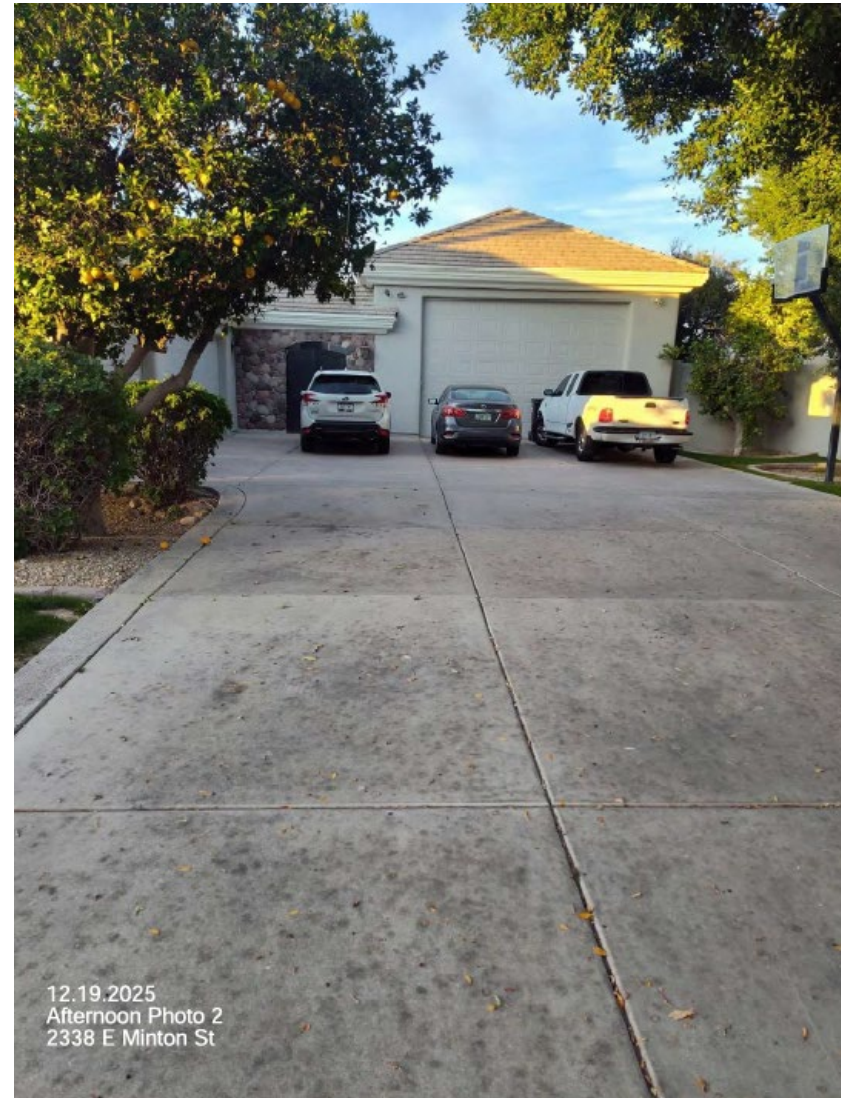
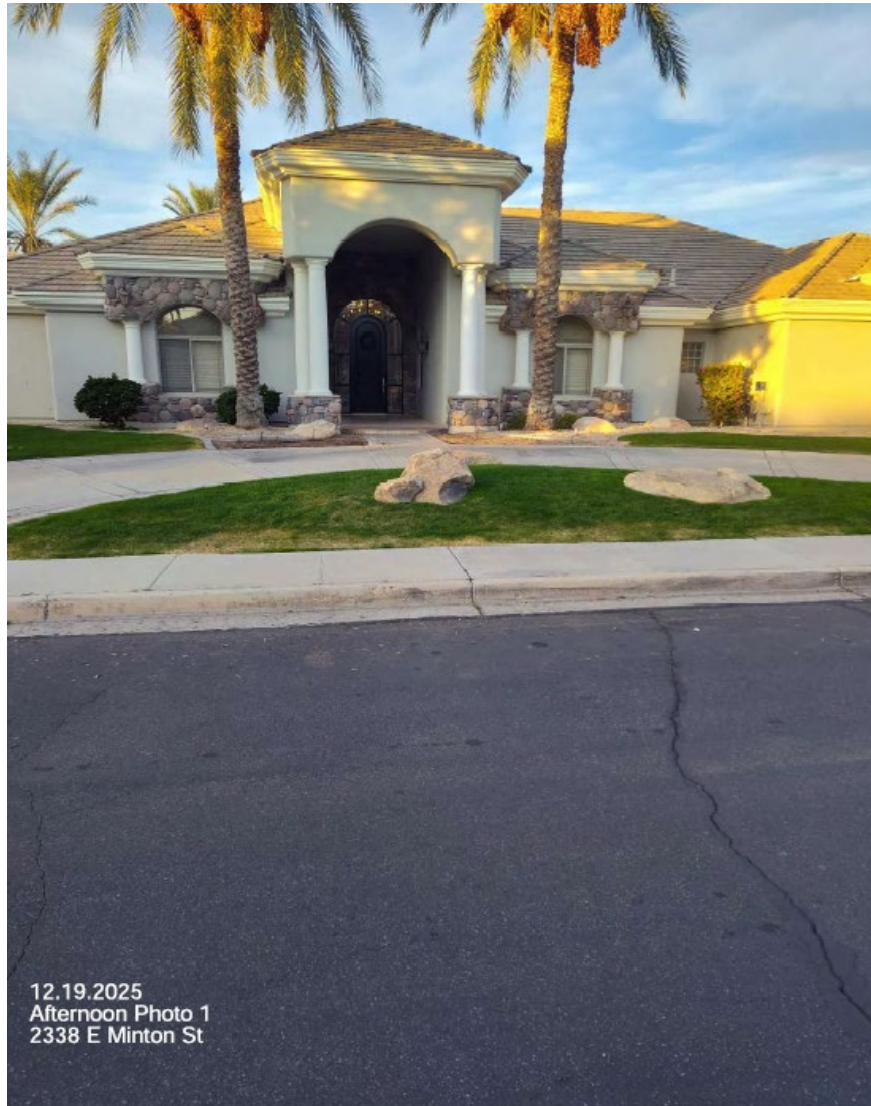
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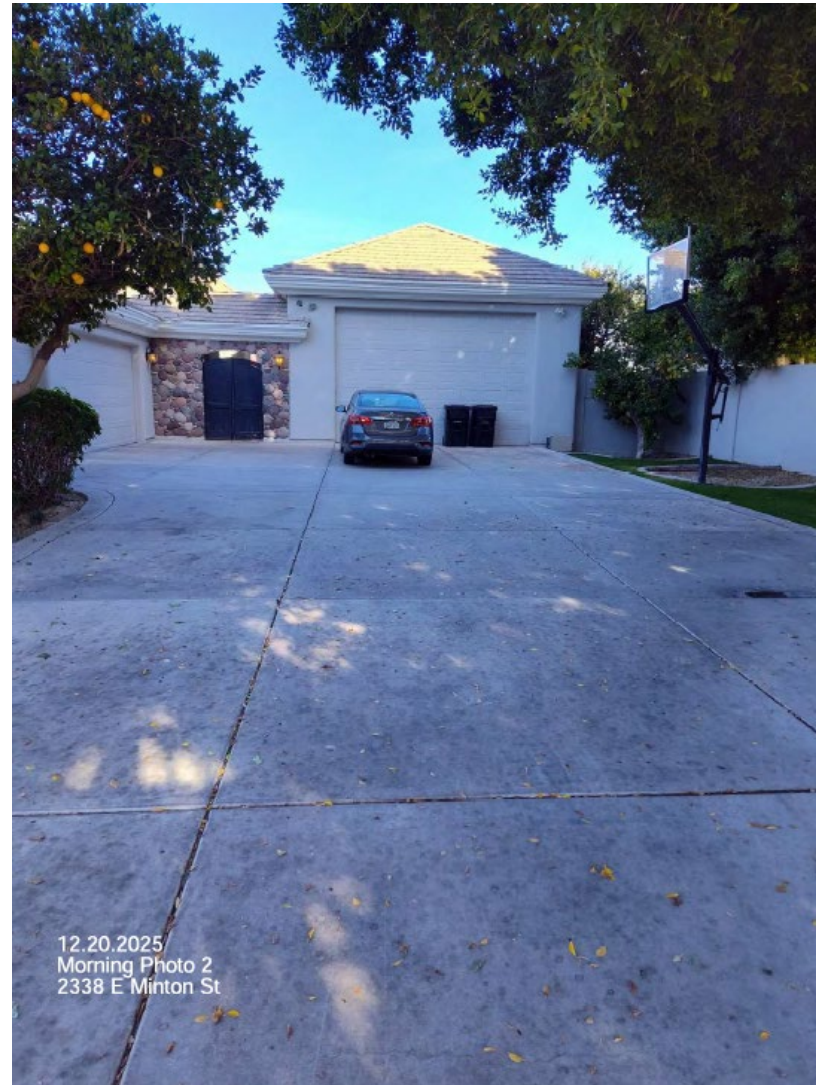
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



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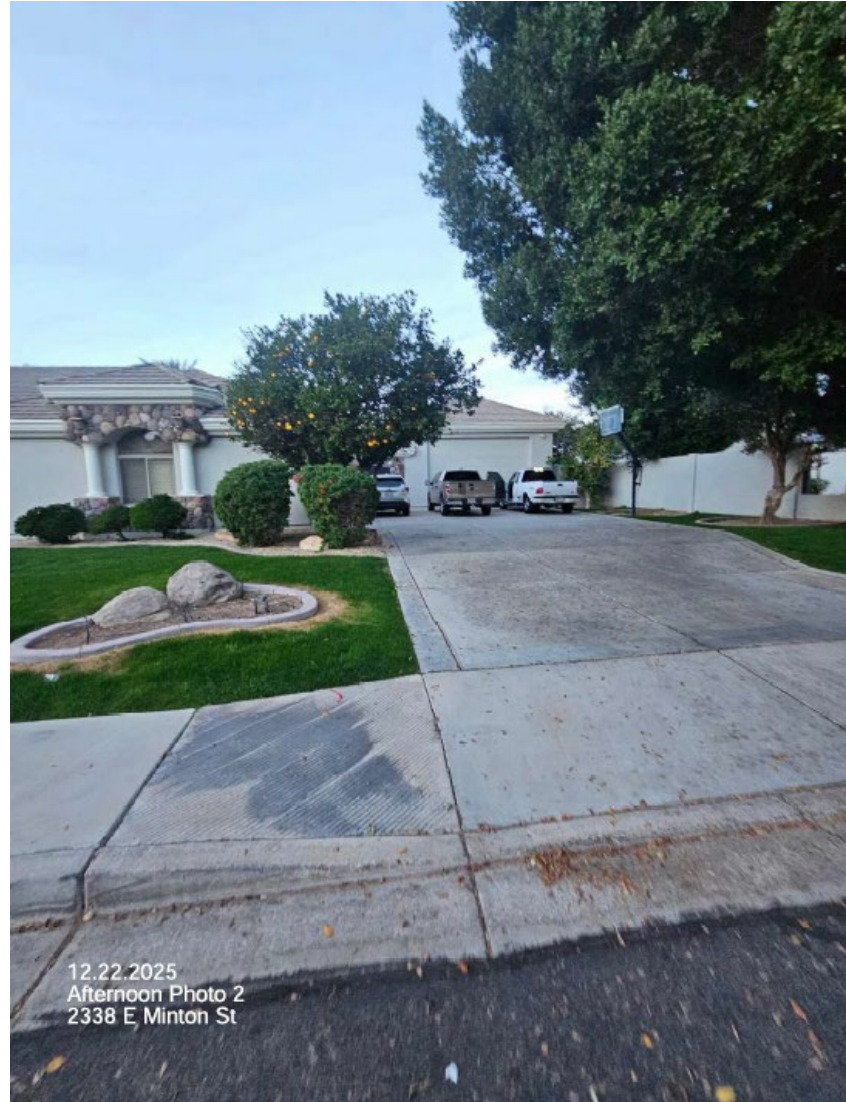
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



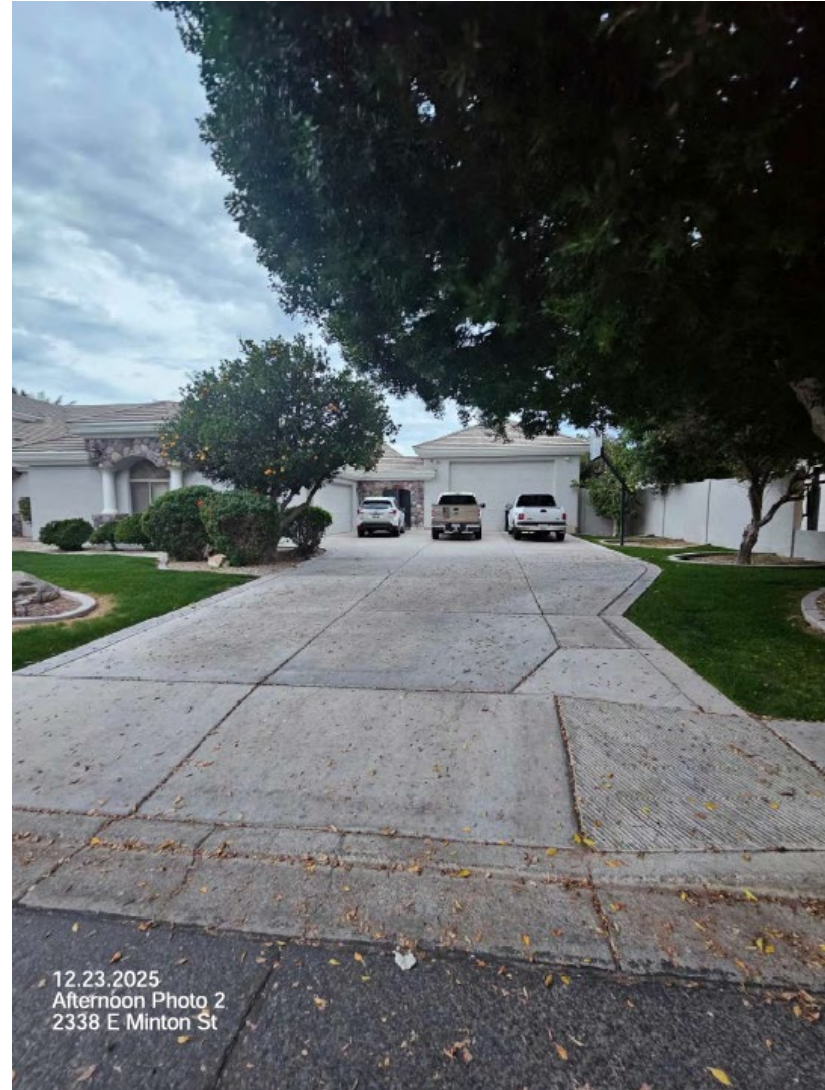
LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT



LEGACY PARKING IS COMPATIBLE WITH RESIDENTIAL USES IN RS-15 DISTRICT





Airbnb
2313 E. Nora St.

Legacy Residence
2338 E. Minton St.

Airbnb
2240 E. Minton St.

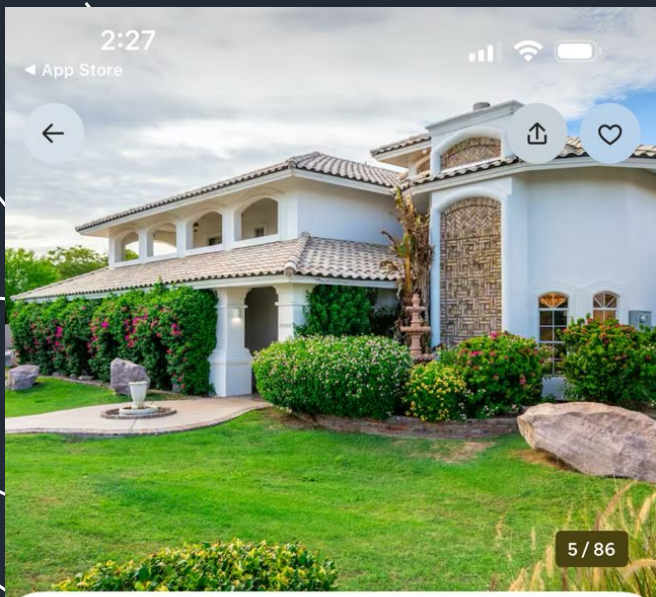
N. GILBERT RD.

N. 24TH ST.

E. HERMOSA VISTA DR.

N. LINDSAY RD.

E. MCDOWELL RD.



5 / 86

The Gatsby - Sleeps 22 in beds!

Entire villa in Mesa, Arizona
16+ guests · 8 bedrooms · 14 beds · 4 baths

★ 4.71 · 55 reviews

Hosted by Rebekah
Superhost · 8 years hosting

Perfect ratings from families
100% of families who stayed here in the past year rated it 5 stars overall.

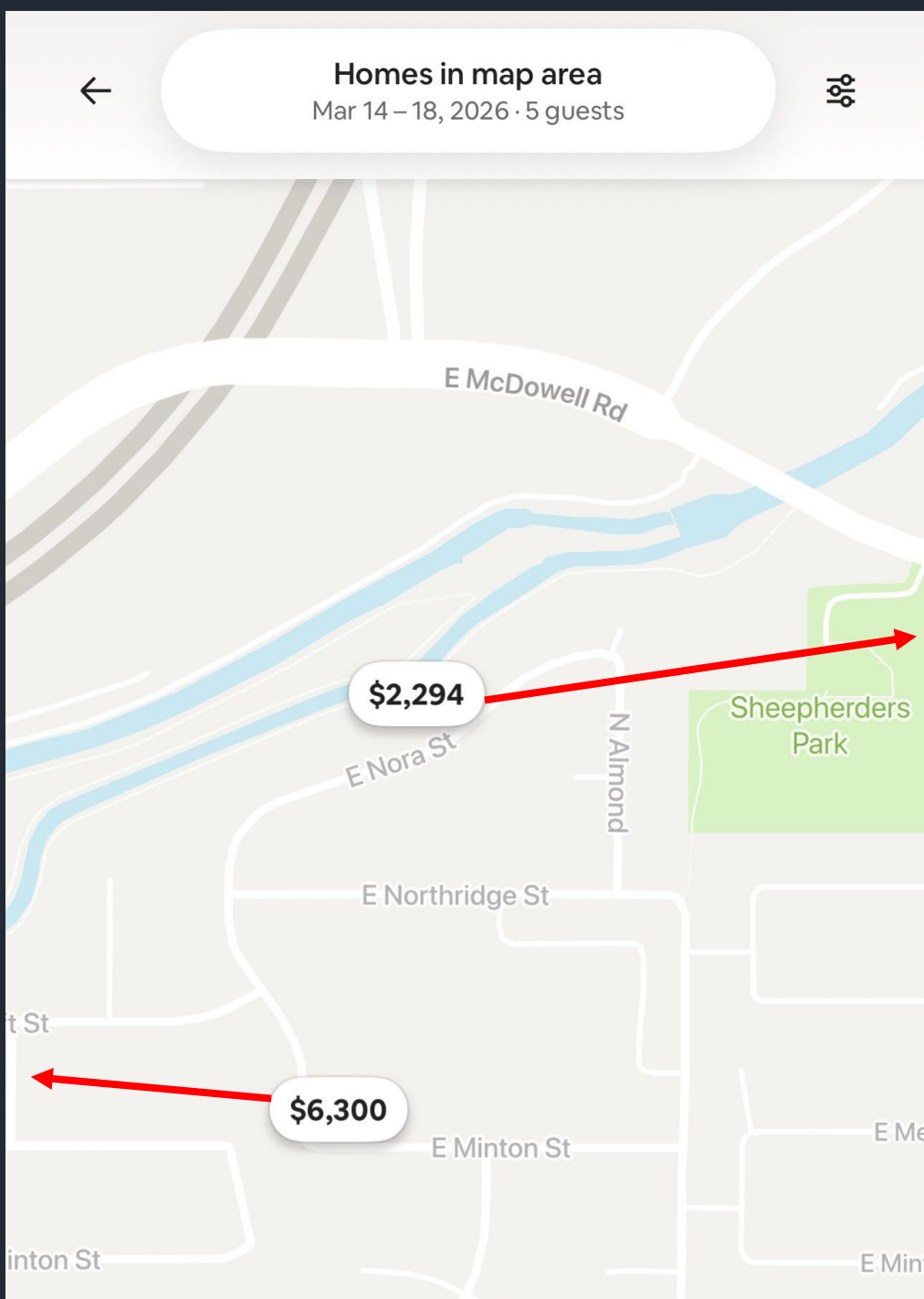
Fun and games for kids
The lif... kids e... **Prices include all fees** help keep

\$6,300

For 4 nights · Mar 14 – 18

✓ Free cancellation

Reserve

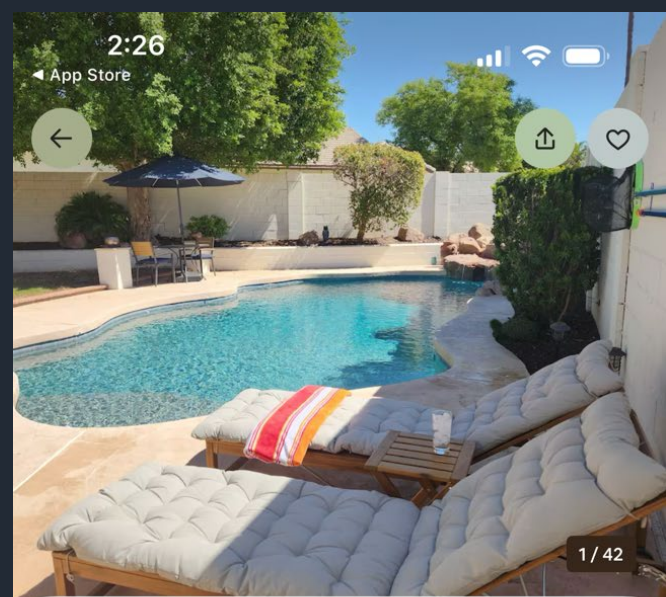


Homes in map area

Mar 14 – 18, 2026 · 5 guests

\$2,294

\$6,300



1 / 42

New! Quiet Family Oasis - Heated Pool

Entire home in Mesa, Arizona
14 guests · 4 bedrooms · 10 beds · 2 baths

5.0
★★★★★

Guest favorite

8
Reviews

Hosted by Valerie
Superhost · 9 months hosting

Perfect ratings from families
100% rated **Prices include all fees** the past year

\$2,294

For 4 nights · Mar 14 – 18

✓ Free cancellation

Reserve



Homes in map area

Mar 14 - 18, 2026 · 5 guests



E McDowell Rd

\$2,294

E Nora St

N Almond

Shepherders Park

E Northridge St

\$6,300

E Minton St

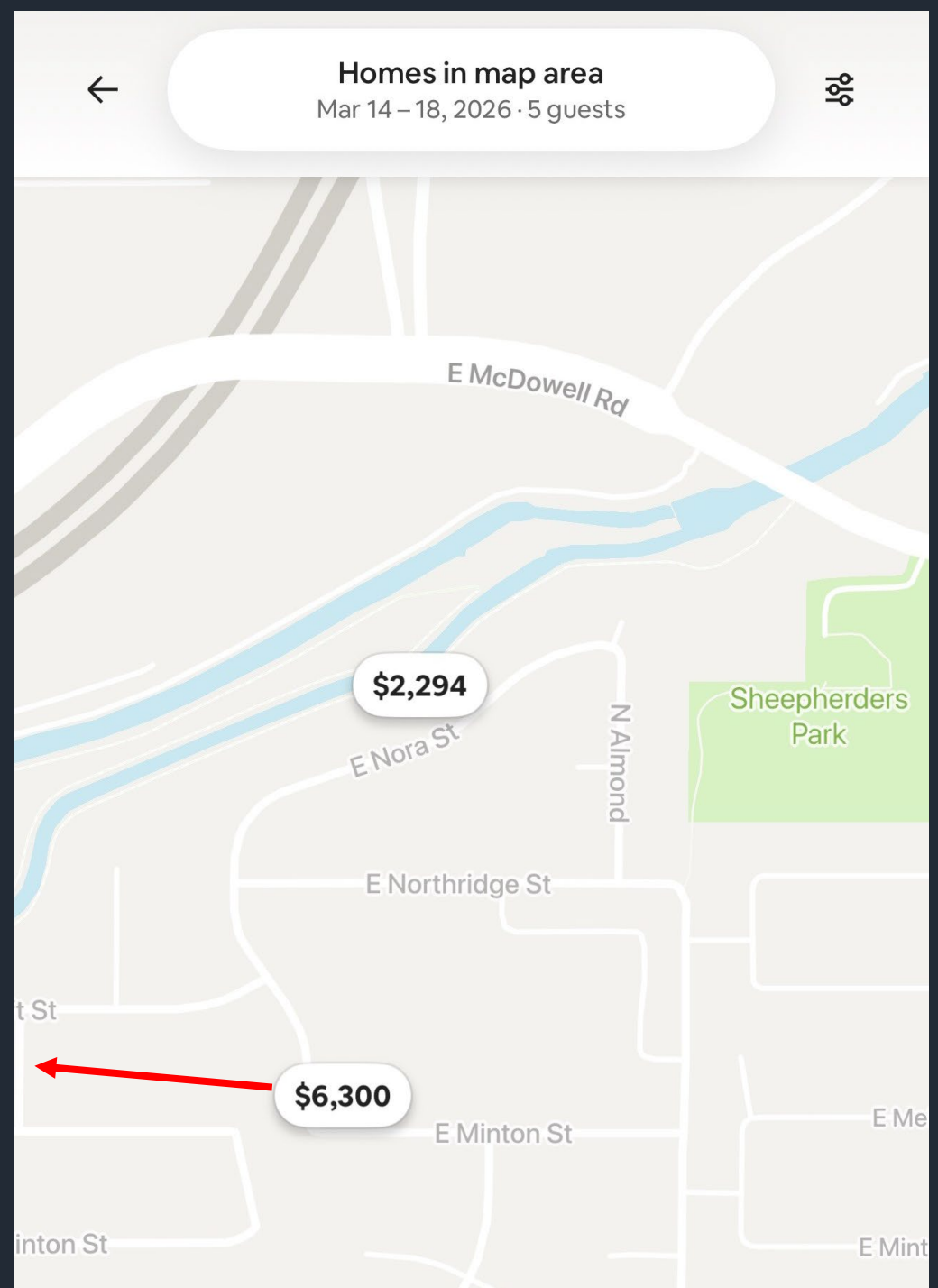
E Me

E Mint

Airbnb - 2313 E. Nora St.



Airbnb - 2240 E. Minton St.



by our qualified and experienced staff. Each staff member at Legacy Recovery Center is committed to assisting each client in building useful and applicable life skills that can be used upon discharge to ensure a successful transition.

We are dedicated to supporting individuals on their journey to recovery by offering a comprehensive and structured environment that promotes healing and personal growth. We believe in addressing the unique needs of each individual through a combination of evidence-based practices, compassionate care, and a supportive community. Our program focuses on empowering individuals to develop the skills and confidence necessary to lead a fulfilling and independent life.

Legacy Recovery Center maintains a 5-1 resident to clinical staff ratio. Residents are supervised 24/7 by awake, on-site staff. We provide transportation to-and-from all appointments for services required by the resident that are not offered by our organization. We have a Registered Nurse that is on-call 24/7, daytime on-site nursing, and a food menu designed by a registered dietician, which is posted in advance and meets the preferences and nutritional needs of residents. Staff and residents prepare meals in a family-style manner with staff supervising all cooking related activities, including food shopping. Snacks and beverages are available to individuals at all hours.

Residents have a weekly schedule which includes therapy and counseling, life skills, exercise, case management, support services, peer activities, and family counseling and visits. We assist residents in furthering their treatment objectives while providing them a safe place to reside, where their daily activities can be supported, monitored while they can acquire essential life skills, and intensive therapeutic activities coordinated by qualified clinical staff.

LEGACY PROGRAM DESCRIPTION FILED WITH ADHS



LEGACY RESIDENTS LIVE TOGETHER AS A FAMILY

- Residents at the property are allowed to engage in the process of recovery at their own pace, and the residents live at the Property by choice.
- The emotional and peer support and bonding experienced by each resident enhances and promotes recovery from drug addiction and alcoholism. It is the equivalent of the type of love and support received in a traditional family.



LEGACY POLICIES AND PROCEDURES

A resident shall not be admitted to Legacy if any of the following are part of the resident's history:

- Violent offenses
- Psychotic Symptoms (All patients MUST be stable to admit)
- Active drug/alcohol use
- Creating disturbances to neighbors
- Destruction of property
- Sexual offenses

LEGACY POLICIES AND PROCEDURES

- No signage
- No resident parking
- No medical or treatment services will be provided at the property that would not typically occur in a residential setting.
- 24-Hour staff presence



Legacy Recovery Center

Behavioral Health Residential Facility

See key licensing information currently on file with the Arizona Department of Health Services below. If applicable, click on the license # to view the currently effective license.

Legal Name

Legacy Recovery Center

Address

2338 East Minton Street, Mesa, AZ 85213

Accreditation

The Joint Commission (TJC) 4/2/2025 - 4/2/2028

Phone

480-741-3117

Maximum Licensed Capacity

10

Behavioral Health Professional

Melanie Rigsby LPC

Chief Administrative Officer

Richard Miller

Facility Type

Behavioral Health Residential Facility

Facility Type Description

A health care institution that provides treatment to an individual experiencing a behavioral health issue that: a. limits the individual's ability to be independent, or b. causes the individual to require treatment to maintain or enhance independence.

LEGACY HAS NOT RECEIVED ANY ADHS
DEFICIENCIES AT 2338 E MINTON.

Facility Status

Active ⓘ

License Status

Active ⓘ

License

BHRF20001

Licensed Originally

3/27/2025

License Effective

3/27/2025

License Expires

3/26/2026

Owner / Licensee

LEGACY RECOVERY CENTER, LLC

Additional Information

BH Residential Facility - Adult

Services

Service Type

Services for Individuals 18 Years of Age and Older

LEGACY HAS NOT RECEIVED ANY ADHS DEFICIENCIES AT 2338 E MINTON.

3/20/2025 Inspection

Inspection

INSP-0102047

Inspection Date(s)

3/20/2025

Status

Complete

Inspection Type

Complaint

Location Type

Worksheet Type

Behavioral Health Residential Facility

Certificate Number

BHRF20001

Initial Comments

No deficiencies were found during the on-site investigation of complaint 00122989 conducted on March 20, 2025.

LEGACY HAS NOT RECEIVED ANY ADHS DEFICIENCIES AT 2338 E MINTON.

3/20/2025 Inspection

Inspection

|NSP-0098017

Inspection Date(s)

3/20/2025

Status

Complete

Inspection Type

Compliance (Initial)

Location Type

Worksheet Type

Behavioral Health Residential Facility

Certificate Number

Initial Comments

No deficiencies were found during the on-site initial inspection conducted on March 20, 2025, and the off-site documentation review completed on March 20, 2025.

LEGACY HAS NOT RECEIVED ANY ADHS DEFICIENCIES AT 2338 E MINTON.

3/20/2025 Inspection

Inspection

|NSP-0098017

Inspection Date(s)

3/20/2025

Status

Complete

Inspection Type

Compliance (Initial)

Location Type

Worksheet Type

Behavioral Health Residential Facility

Certificate Number

Initial Comments

No deficiencies were found during the on-site initial inspection conducted on March 20, 2025, and the off-site documentation review completed on March 20, 2025.

An abstract graphic consisting of several white lines of varying lengths and orientations, creating a complex, overlapping geometric pattern on the left side of the slide. The lines form various shapes, including triangles and polygons, some of which are nested or overlapping.

LEGACY HAS NOT GENERATED CRIME IN
THE AREA SINCE OPENING IN MARCH 2025

LexisNexus Community Crime Map and City of Mesa Crime Map Statistics

Vicinity of 2338 E. Minton, Mesa, AZ
Date Range: 1/1/2025 through 12/31/2025
All Crime Events Selected

2025 CRIME MAPS

LEXIS NEXUS COMMUNITY CRIME MAP

The screenshot displays the LexisNexus Community Crime Map interface. At the top, the search bar contains "2338 e minton st" and a "Filter" button. Below the search bar, there are controls for "BUFFER" (set to "None"), "Only display events within buffer", "TIMEFRAME PRESET" (set to "Select a Pre-De..."), and "Date Range" (set to "01/01/2025" to "12/31/2025").

The main content area is divided into tabs: "Events", "Offenders", "Analytic Layer", and "Agency Layers". Under the "Events" tab, there is a "Select All/Deselect All" checkbox and a legend of crime categories. The legend includes:

- Alcohol Violation
- Assault - Aggravated
- Burglary from Motor Vehicle
- Death Investigation
- Family Offense
- Homicide / Manslaughter
- Robbery - Commercial
- Shoplifting
- Trespassing
- All Other - Criminal
- Assault - Simple
- Burglary - Residential
- Disorderly Conduct
- Field Interview
- Kidnapping / Human Trafficking
- Robbery - Individual
- Theft
- Vandalism
- All Other - Non-Criminal
- Attempted Homicide
- Citation / Summons
- Driving Under the Influence (DUI)
- Fraud / Forgery
- Missing Person / Runaway
- SA Sexual Assault
- Theft - Other
- Weapons Violation
- Arson
- Burglary - Commercial
- Civil / Court Violation
- Drugs / Narcotics Violation
- Harassment / Intimidation
- Motor Vehicle Theft
- Sexual Offense
- Traffic Incident

Below the legend, a note states: "Note: The selected incidents will display the 500 most recent records on the map, data grid, and analytics." The map itself shows a color-coded heatmap of crime density in Mesa, AZ, with various crime event markers overlaid. A callout box points to a specific location on the map labeled "2338 E. Minton".

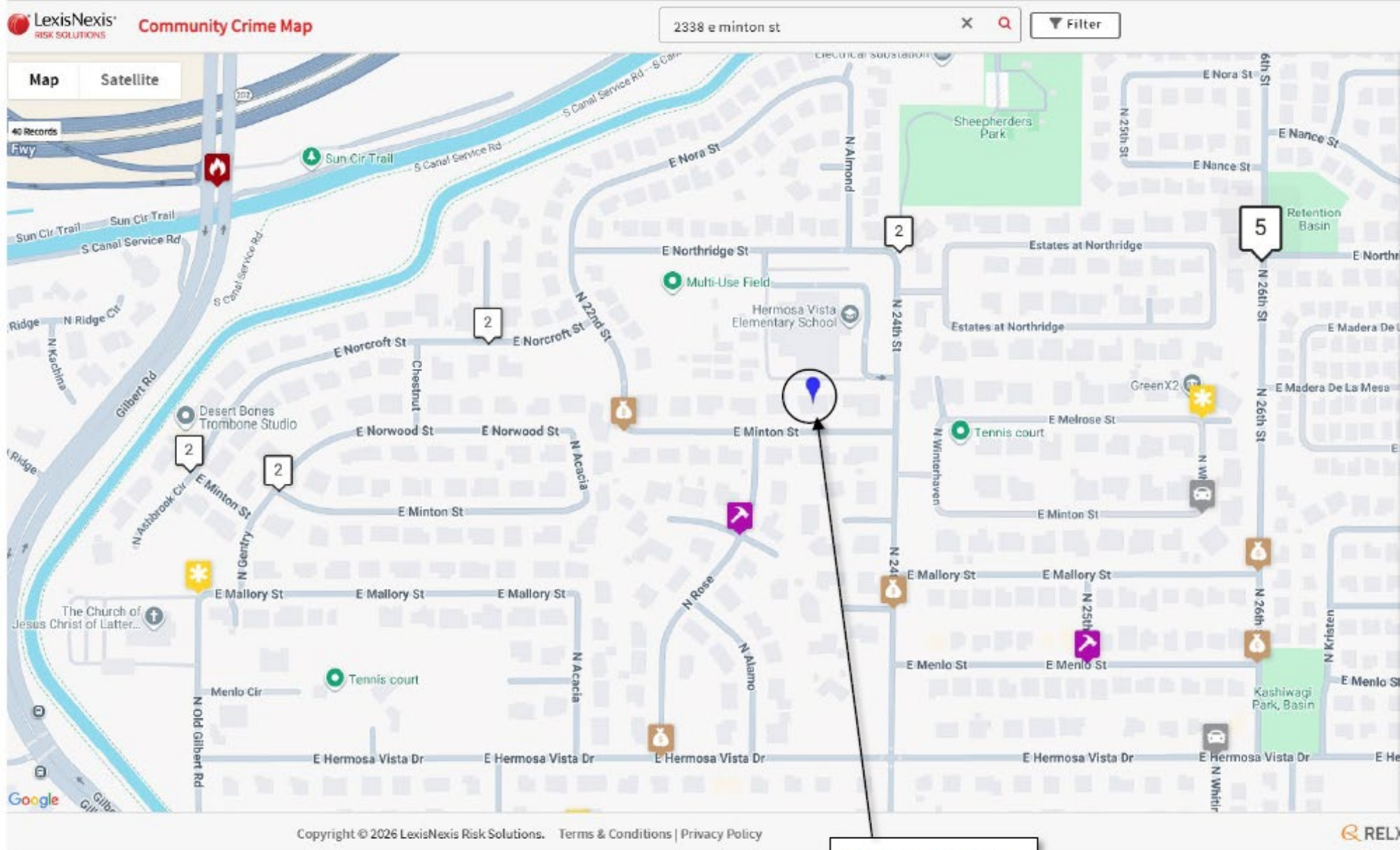
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RELX™

2338 E. Minton

LEXIS NEXUS COMMUNITY CRIME MAP (ZOOMED IN)

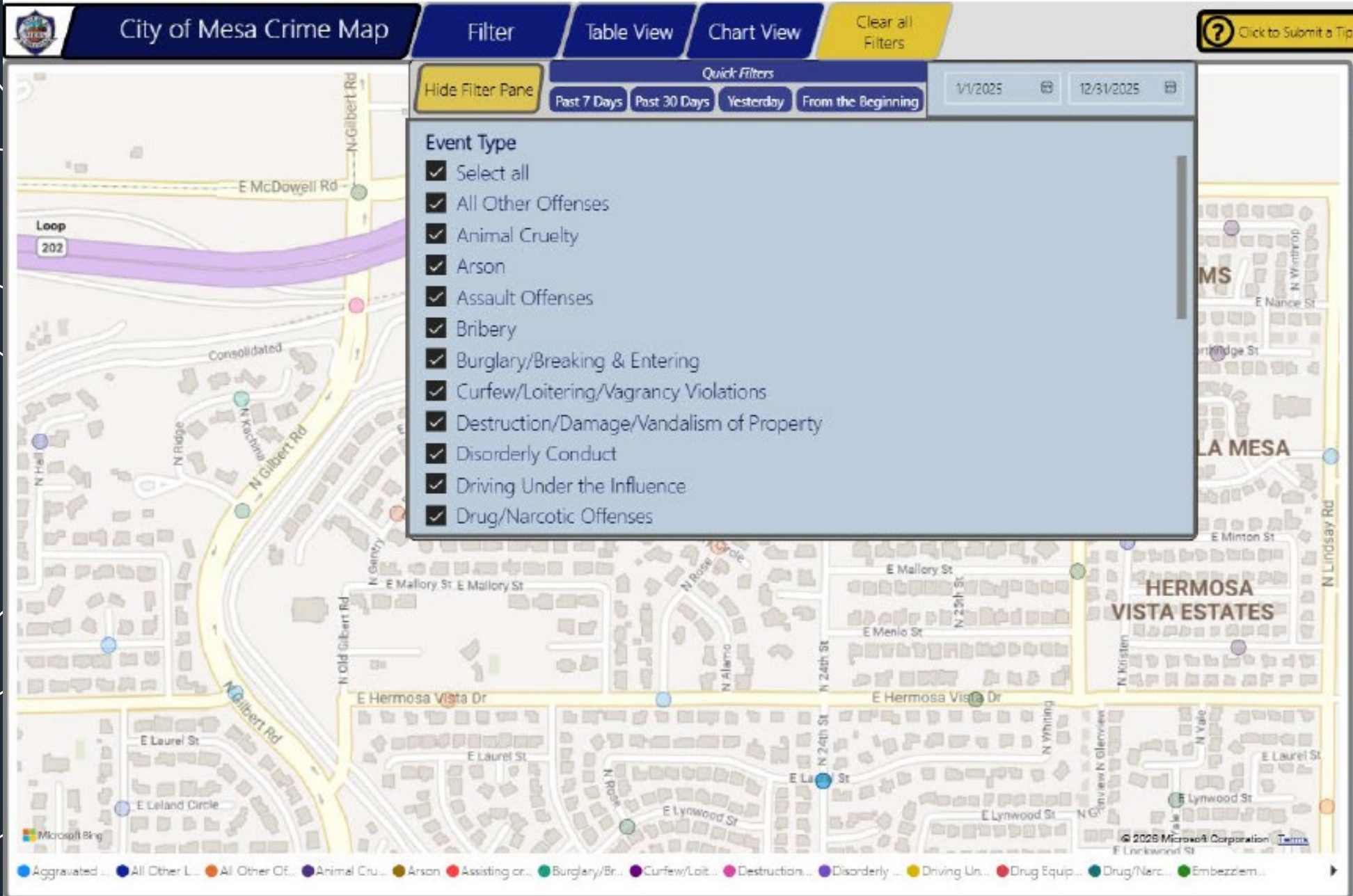
2025
CRIME MAPS



2338 E. Minton

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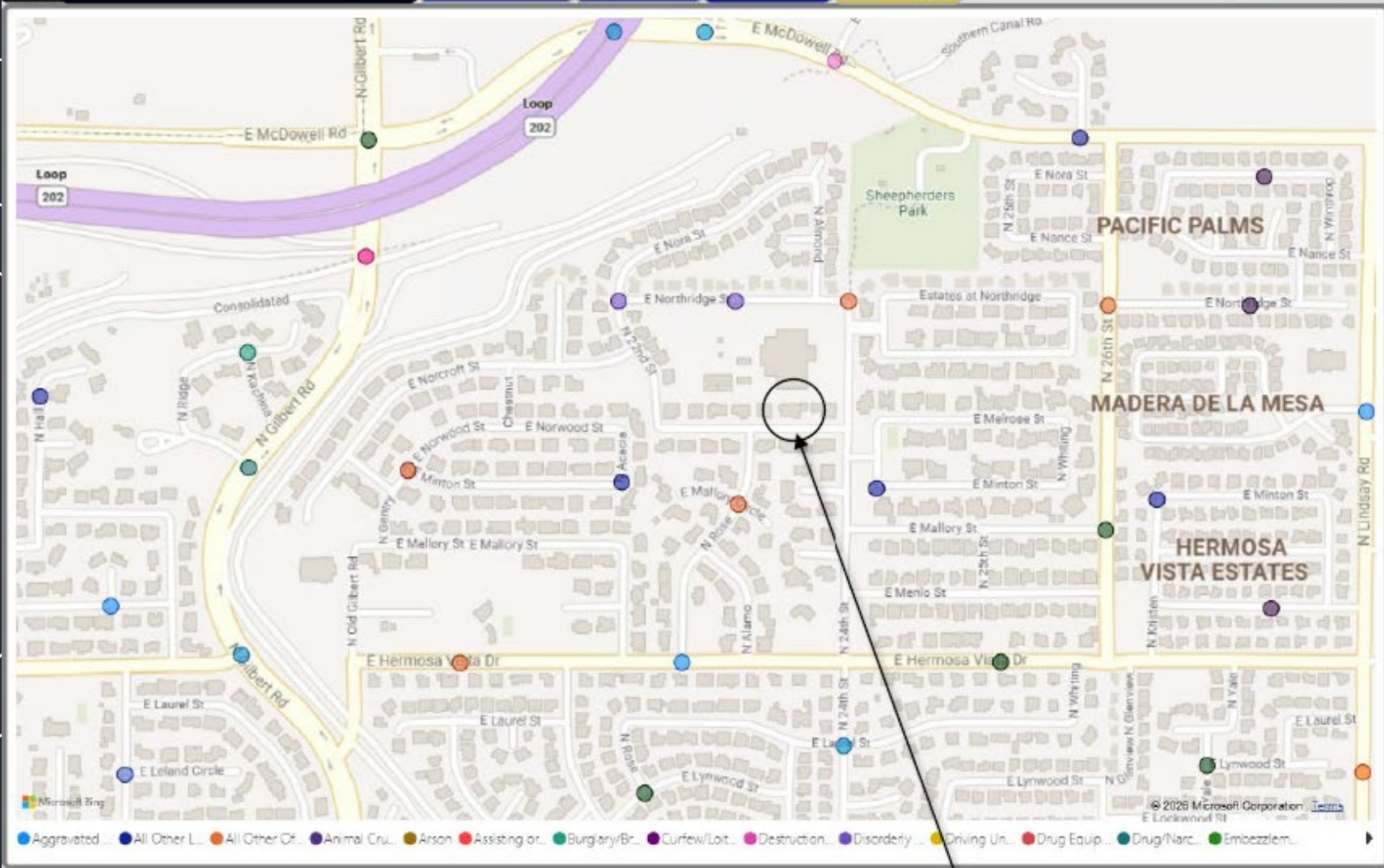
CITY OF MESA CRIME MAP



2025
CRIME MAPS

CITY OF MESA CRIME MAP (ZOOMED IN)

City of Mesa Crime Map | Filter | Table View | Chart View | Clear all Filters | ? Click to Submit a Tip | i Click to Download Data



Incident Description

Incident Description

2338 E. Minton

2025
CRIME MAPS

2025 CRIME REPORTS

Spreadsheet of Events Occurring between Loop 202 on North, Gilbert Road on West, Hermosa Vista Drive on South and 26th Street on East

Address	Location Type	Date	Crime	Report Number
20XX E. Norcroft St.	Residence	03/01/2025	Theft/Burglary from Vehicle	ME202545969
E Norcroft St. / E Minton St.	Road/Alley/Sidewalk	02/14/2025	DUI, Accident-Injury	ME202533966
20XX E. Norcroft St.	Residence	02/27/2025	Theft/Burglary from Vehicle	ME202545884
20XX E. Norcroft St.	Cyberspace	01/08/2025	Identity Theft	ME2025251207000
N Gentry / E Mallory St.	Park/Playground	02/15/2025	Property – Found	ME202537341
22XX E. Hermosa Vista Dr.	Cyberspace	02/07/2025	Identity Theft	ME202529098
20XX E. Norcroft St.	Residence	03/01/2025	Theft/Burglary from Vehicle	ME202545946
N Chestnut Cir. / E Norcroft St.	Road/Alley/Sidewalk	01/29/2025	Accident – Non-Injury	ME202521722
25XX N Acacia	Residence	04/14/2025	Theft – All Other	ME202583128
23XX E. Mallory Cir.	Residence	2025	All other Offenses	ME2025250587008
23XX E. Mallory Cir.	Residence	02/27/2025	Criminal Damage	ME2025250587009
26XX N. 24 th St.	Residence	07/09/2025	Interference w/ Judicial Process-DV	ME2025149536
23XX E. Northridge St.	Residence	02/14/2025	Disorderly Conduct	ME202534723
24XX E. Menlo St.	Park/Playground	05/05/2025	Theft-All Other	ME202598359
25XX E. Hermosa Vista Dr.	Residence	02/26/2025	Criminal Damage	ME202545114
25XX E. Hermosa Vista Dr.	Road/Alley/Sidewalk	03/01/2025	Theft/Burglary from Vehicle	ME202546003
24XX N. Kristen	Park/Playground	05/05/2025	Theft-All Other	ME202598373
26XX E. Minton St.	Road/Alley/Sidewalk	05/16/2025	Theft-All Other	ME2025251407007
25XX N. 26th St.	Residence	01/16/2025	Theft/Burglary from Vehicle	ME20256350
26XX N. 24th St.	Residence	07/13/2025	Missing Adult	ME2025152698
25XX N. Lindsay Rd.	Residence	07/04/2025	Simple Assault	ME2025146573
25XX N. Lindsay Rd.	Residence	06/09/2025	Simple Assault – DV	ME2025127104
25XX N. Lindsay Rd.	Residence	06/04/2025	Assist – Mental Condition	ME2025122523
N. 26th St. / E. Northridge St.	Road/Alley/Sidewalk	05/08/2025	Theft–All Other, Criminal Damage	ME2025103921
N. 26th St. / E. Northridge St.	Road/Alley/Sidewalk	03/23/2025	Criminal Damage	ME202563588

2025 CRIME REPORTS

Address	Location Type	Date	Crime	Report Number
2XXX E. Norwood St.	Cyberspace	11/12/2025	Hacking/Computer Invasion	ME2025900639
21XX E. Hermosa Vista Dr.	Residence	11/16/2025	All Other Offenses	ME2025260248
N. Rose / E. Hermosa Vista Dr.	Road/Alley/Sidewalk	2025	Aggravated Assault	ME202556614
22XX E. Nora St.	Residence	2025	Disorderly Conduct	ME2025288104
26XX N. 24th St.	Residence	2025	All Other Offenses	ME2025244202
24XX E. Minton St.	Residence	11/1/2025	All Other Larceny	ME2025247779
25XX E. Hermosa Vista Dr.	Road/Alley/Sidewalk	2025	Theft from Motor Vehicle	ME202546003

LEXIS NEXUS COMMUNITY CRIME MAP

2024
CRIME MAPS

LexisNexis® Risk Solutions Community Crime Map

2338 e minton st

Filter

BUFFER: None Only display events within buffer

TIMEFRAME PRESET: Select a Pre-De...

Date Range: 01/01/2024 - 12/31/2024

Events Offenders Analytic Layer Agency Layers

Select All/Deselect All

<input checked="" type="checkbox"/> Alcohol Violation	<input checked="" type="checkbox"/> * All Other - Criminal	<input checked="" type="checkbox"/> All Other - Non-Criminal	<input checked="" type="checkbox"/> Arson
<input checked="" type="checkbox"/> Assault - Aggravated	<input checked="" type="checkbox"/> Assault - Simple	<input checked="" type="checkbox"/> Attempted Homicide	<input checked="" type="checkbox"/> Burglary - Commercial
<input checked="" type="checkbox"/> Burglary from Motor Vehicle	<input checked="" type="checkbox"/> Burglary - Residential	<input checked="" type="checkbox"/> Citation / Summons	<input checked="" type="checkbox"/> Civil / Court Violation
<input checked="" type="checkbox"/> Death Investigation	<input checked="" type="checkbox"/> DC Disorderly Conduct	<input checked="" type="checkbox"/> Driving Under the Influence (DUI)	<input checked="" type="checkbox"/> Drugs / Narcotics Violation
<input checked="" type="checkbox"/> Family Offense	<input checked="" type="checkbox"/> FI Field Interview	<input checked="" type="checkbox"/> Fraud / Forgery	<input checked="" type="checkbox"/> Harassment / Intimidation
<input checked="" type="checkbox"/> Homicide / Manslaughter	<input checked="" type="checkbox"/> Kidnapping / Human Trafficking	<input checked="" type="checkbox"/> Missing Person / Runaway	<input checked="" type="checkbox"/> Motor Vehicle Theft
<input checked="" type="checkbox"/> Robbery - Commercial	<input checked="" type="checkbox"/> Robbery - Individual	<input checked="" type="checkbox"/> SA Sexual Assault	<input checked="" type="checkbox"/> Sexual Offense
<input checked="" type="checkbox"/> Shoplifting	<input checked="" type="checkbox"/> Theft	<input checked="" type="checkbox"/> Theft - Other	<input checked="" type="checkbox"/> Traffic Incident
<input checked="" type="checkbox"/> Trespassing	<input checked="" type="checkbox"/> Vandalism	<input checked="" type="checkbox"/> Weapons Violation	

Note: The selected incidents will display the 500 most recent records on the map, data grid, and analytics.

Close Apply

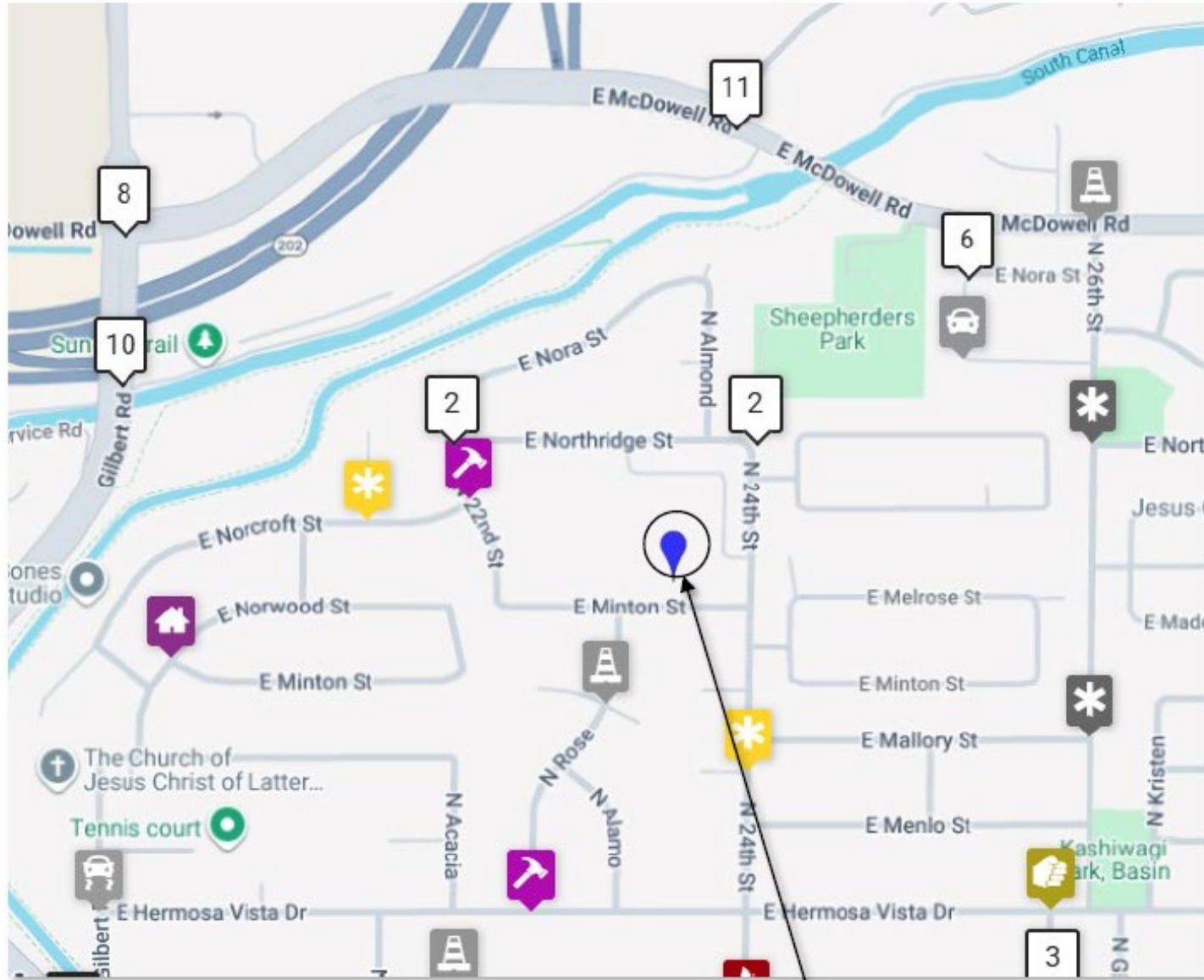
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RELX™

2338 E. Minton

LEXIS NEXUS COMMUNITY CRIME MAP (ZOOMED IN)

2024
CRIME MAPS



2338 E. Minton



Hide Filter Pane

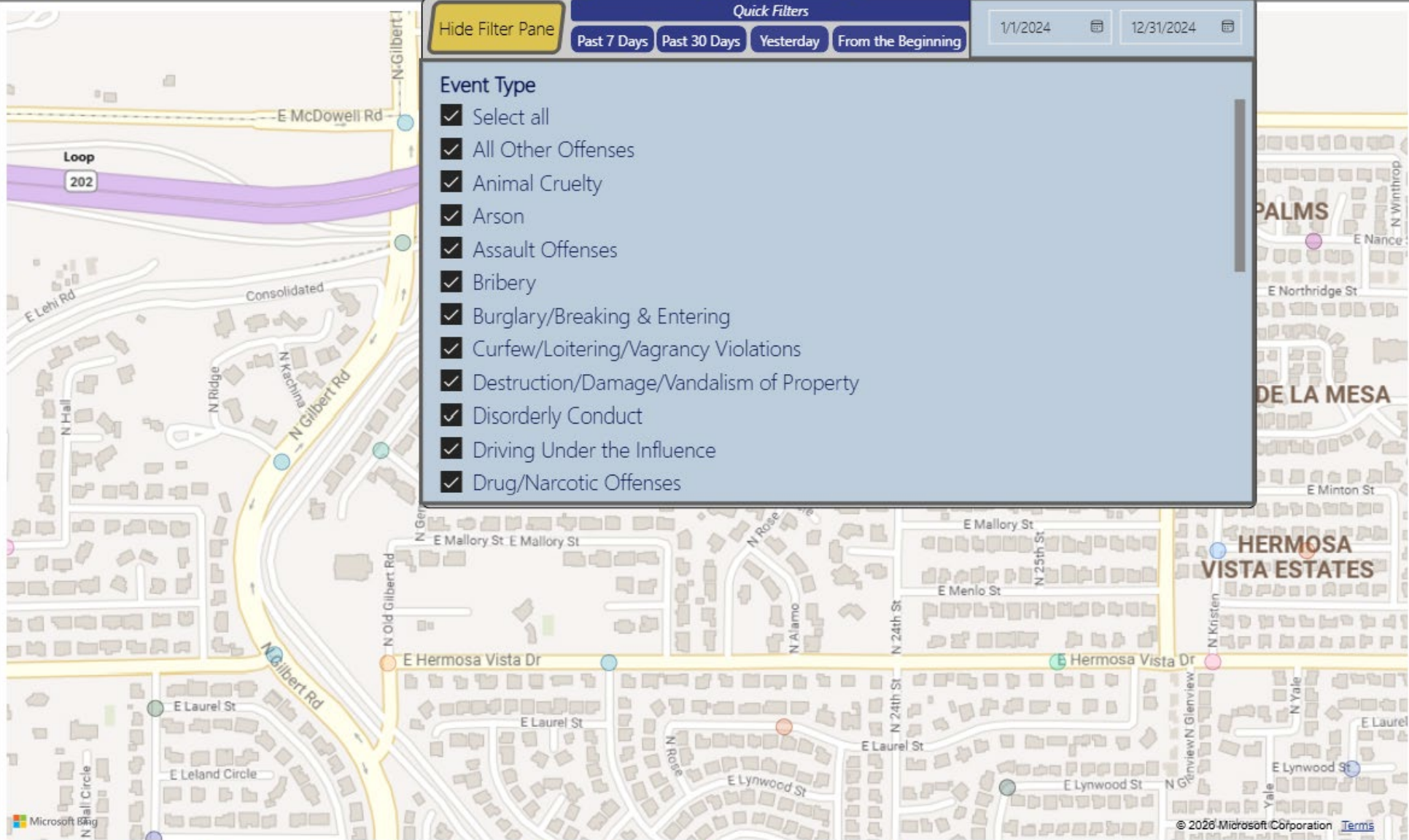
Quick Filters

Past 7 Days Past 30 Days Yesterday From the Beginning

1/1/2024 12/31/2024

Event Type

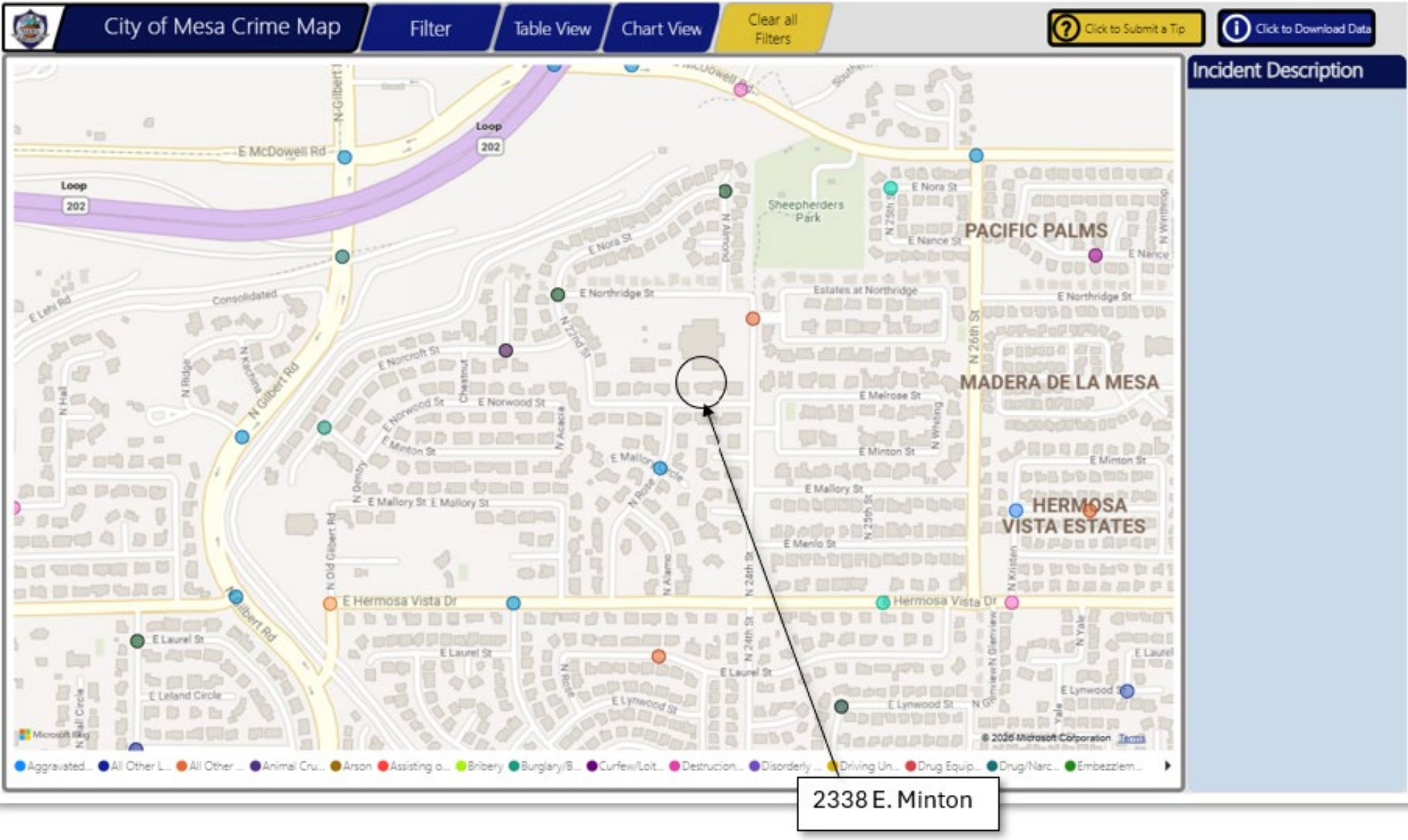
- Select all
- All Other Offenses
- Animal Cruelty
- Arson
- Assault Offenses
- Bribery
- Burglary/Breaking & Entering
- Curfew/Loitering/Vagrancy Violations
- Destruction/Damage/Vandalism of Property
- Disorderly Conduct
- Driving Under the Influence
- Drug/Narcotic Offenses



● Aggravated...
 ● All Other L...
 ● All Other ...
 ● Animal Cru...
 ● Arson
 ● Assisting o...
 ● Bribery
 ● Burglary/B...
 ● Curfew/Loit...
 ● Destruction...
 ● Disorderly ...
 ● Driving Un...
 ● Drug Equip...
 ● Drug/Narc...
 ● Embezzlem...
 ▶

2024 CRIME MAPS

CITY OF MESA CRIME MAP (ZOOMED IN)



2024
CRIME MAPS

2024 CRIME REPORTS

Spreadsheet of Events Occurring between Loop 202 on North, Gilbert Road on West, Hermosa Vista Drive on South and 26th Street on East

Address	Location Type	Date	Crime	Report Number
23XX E. Menlo Cir.	Church	12/10/2024	Molestation of a Child	ME202585360
26XX N. 24th St.	School – Elementary/Secondary	11/19/2024	Threats – School	ME2024247409
25XX N. Lindsay Rd.	Residence	09/25/2024	Pornography/Obscene Material/Extortion/Blackmail	ME202406552
20XX E. Hermosa Vista Dr.	Road/Alley/Sidewalk	03/24/2024	DUI – Alcohol/Liquor Violation	ME202462637
20XX E. Minton St.	Residence	01/06/2024	Burglary	ME20248816
Chestnut	Intersection/Unknown	11/23/2024	Property-Found	ME2024243327002
26XX N. 22nd St.	Residence	12/11/2024	Criminal Damage	ME2024265024
22XX E. Nora St.	Road/Alley/Sidewalk	10/03/2024	Property-Found	ME2024212290
22XX E. Nora St.	Residence	10/01/2024	Theft/Burglary from Vehicle	ME2024212309
25XX N. Rose	Other/Unknown	05/31/2024	Accident – Hit and Run	ME2024241557006
23XX E. Nance Cir.	Residence	10/01/2024	Theft/Burglary from Vehicle	ME2024212259
25XX E. Nora St.	Residence	11/04/2024	Simple Assault	ME2024236188
26XX N. 24th St.	Road/Alley/Sidewalk	10/28/2024	Theft/Burglary from Vehicle/Credit Card Fraud	ME2024230609
25XX N. Kristen	Residence	01/26/2024	Threats – DV and Harrassment	ME2024182565
25XX E. Hermosa Vista Dr.	Residence	07/05/2024	Simple Assault	ME2024142439
26XX N. Chestnut	Cyberspace	11/01/2024	Identity Theft	ME2024242137018
E. Hermosa Vista Dr. / N. Acacia	Residence	2024	Traffic	ME202433850
22XX E. Nora St.	Residence	2024	Theft from Motor Vehicle	ME2024211605
27XX N. Almond	Residence	2024	Theft from Motor Vehicle	ME2024211251
25XX E. Hermosa Vista Dr.	Residence	2024	Simple Assault	ME2024120579

LEGACY HAD ONLY 2 CALLS FOR MEDICAL EMERGENCY SERVICES IN 10 MONTHS

Mesa Police Department Released To:
Emily Johnson at City of Mesa



Mesa PD Calls for Service Request Report

1/1/2025 To 12/3/2025

2338 E MINTON

Incident Number	Date	Address	Apt No	DISPO
ME202582917	4/16/2025	2338 E MINTON ST		DC5 NO REPORT WRITTEN
ME2025220603	10/3/2025	2338 E MINTON ST		DC1 REPORT WRITTEN
ME2025231442	10/17/2025	2338 E MINTON ST		DC5 NO REPORT WRITTEN
ME2025231496	10/17/2025	2338 E MINTON ST		DC5 NO REPORT WRITTEN

Not associated with Legacy

SECOND TEST:

The proposed use in combination with any existing community residences, assisted living homes, and assisted living centers will not result in a clustering of such uses or alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere.



LEGACY
RECOVERY CENTER

STAFF REPORT, PG 5

2. **The proposed use in combination with any existing community residences, assisted living homes, and assisted living centers will not result in a clustering of such uses or alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere:**
 - The proposed Transitional Community Residence and the nearest registered Community Residence are approximately 1,288 feet apart, measured in a straight line from the nearest parcel line of the existing Community Residence to the nearest wall of the proposed Transitional Community Residence, which crosses over roadways and adjacent properties. The distance required to travel along the street is approximately 1,956 feet and would require an individual to cross Hermosa Vista Drive.
 - To ensure clustering does not occur, Section 11-31-14(A) of the MZO sets a requirement for a minimum distance of 1,200 feet from the closest existing community residence, assisted living home, or assisted living center. Because there are no other community residences or assisted living home/centers within 1,200 feet of the subject property, there is no clustering or risk that an institutional atmosphere will impact the residential character of the surrounding neighborhood.

THIRD TEST:

The proposed use will not interfere with normalization and community integration of the residents of any existing community residences, assisted living homes, or assisted living centers, and that the presence of other existing community residences, assisted living homes, or assisted living centers will not interfere with normalization and community integration of the residents of the proposed use.



LEGACY
RECOVERY CENTER

STAFF REPORT, PG 5

3. **The proposed use will not interfere with normalization and community integration of the residents of any existing community residences, assisted living homes, or assisted living centers, and that the presence of other existing community residences, assisted living homes, or assisted living centers will not interfere with normalization and community integration of the residents of the proposed use:**
 - The subject property is not located within 1,200 feet of another community residence or assisted living home/center. Therefore, it is unlikely the residents of the proposed Legacy Recovery Center will interact with, or interfere with the normalization and community integration of, residents of other existing community residences or assisted living homes/centers.

FOURTH TEST:

The applicant has submitted a "good neighbor policy" in narrative form that includes:

- (a) A description of acceptable measures to ensure ongoing compatibility with adjacent uses;
- (b) The name and telephone number of the manager or person responsible for the operation of the facility;
- (c) Complaint response procedures including investigation, remedial action, and follow-up procedures; and
- (d) The proposed use complies with all other development standards in this Chapter.



LEGACY
RECOVERY CENTER



Good Neighbor Policy

Policy No. & Title	Effective Date	Review/Revised Date	Pages: 2
Admin 038 – Community Relations / Good Neighbor Policy	01/01/25	12/3/2025	1 of 3

Purpose: It is the policy of Legacy Recovery Center to ensure that all residents and staff members are aware, courteous, and sensitive to the neighbors that reside nearby the facility. A resident that could compromise the relationship with the surrounding neighborhood may not be accepted or may be discharged.

POLICY

A. Legacy Recovery Center (LRC) is committed to being a respectful and responsible member of the Mesa, Arizona community. We recognize our duty to foster and maintain positive, collaborative relationships with our neighbors and the broader community. In doing so, we strengthen our program's integrity, expand our referral networks, and contribute meaningfully to the well-being of those around us.

We will demonstrate our commitment through:

- Maintaining a clean, safe, and professional physical environment, both inside and outside the facility.
- Requiring staff and clients to act respectfully and responsibly within the community.
- Promptly addressing concerns or complaints from neighbors in a constructive and transparent manner.
- Participating in neighborhood preservation, improvement and maintenance by taking such actions to improve and maintain our grounds and premises in a manner consistent with the neighborhood and surrounding residences.
- Observe and participate in any ordinance related to noise control.

B. Legacy Recovery Center (LRC) recognizes the responsibility it holds to establish and maintain a positive on-going relationship with the neighbors and the surrounding community. We realize, in doing so, not only can we be of help and service to others, but we will benefit as well. We continually strive to foster and maintain professional and open lines of communication with the immediate and surrounding community, as a whole and on an individual basis.

C. Residents and staff are required to maintain a courteous manner with all immediate neighbors and the school and be conscious of any possible inconveniences to them (i.e. no cars are to be parked in front of the property, neighbor's houses, or the school, no excessive noise, no smoking in areas other than the designated smoking area in the rear yard of Legacy's property, no loitering in front of the property, neighbor's houses or the school, etc – see below).

D. Residents and staff are expected to refrain in any behavior that interferes with a neighbor's ability to enjoy their home or their property or would negatively impact the nearby school.

Examples of such prohibited behavior include but are not limited to:

1. Smoking outside the designated smoking area in the rear-yard of the property
2. Loitering
3. Lewd or offensive language
4. Cleanliness of public space around the property
5. Loud noises which exceed ambient conditions or violate applicable noise ordinances

LEGACY'S GOOD NEIGHBOR POLICY

Good Neighbor Policy

Policy No. & Title	Effective Date	Review/Revised Date	Pages: 2
Admin 038 – Community Relations / Good Neighbor Policy	01/01/2025	12/3/2025	2 of 3

PROCEDURE

1. NEIGHBOR/COMMUNITY COMPLAINTS: In the event any staff member receives a request for additional information regarding our program or a complaint in any form, they shall follow this procedure:
 - a. RESPONSE: "In a courteous manner, offer them the contact information of the Legacy Recovery Center governing bodies so that they may contact them directly to receive information. The staff may also offer to take their contact information and advise them that the Chief Executive Officer will establish contact with them."
 - b. Provide the CEO's and/or Executive Director's phone number and email to the neighbor.
 - c. Notify the CEO and Executive Director of the individuals name, phone number, house or address, and the preferred method to contact them, if possible.
2. RESIDENT ORIENTATION:
 - a. New resident orientation will include program rules and include how clients are to greet and interact with neighbors and/or concerned parties.
 - b. Smoking areas outside of Legacy Recovery Center premises are designed for safety and to ensure that neighbors in the community are not subject to secondhand smoke.
 - c. In the event that a neighbor has a complaint about smoking, Legacy will make every reasonable accommodation possible in order to reduce or eliminate neighbor's exposure to secondhand smoke.
 - d. Clients and staff are expected to follow all local noise ordinances outlined by the City of Mesa as well any local requirements established by a home owners association, when applicable.
3. **RESOLVING COMPLAINTS:** In the event a neighbor files a complaint with a resident or staff at Legacy's home, staff are instructed to file a complaint report indicating the time, place, and a description of the complaint.
 - a. All complaints filed by neighbors to clients or staff will be reviewed by Legacy's Governing Authority.
 - b. The Governing Authority, or designated representative, will respond in writing to the complainant within 10 Business days to attempt to resolve the issue.
 - c. Legacy will attempt to resolve the complaint with the neighbor, which will likely include professional communication, details of a proposed resolution, and a time period by which the complaint will be addressed.
4. **Code Complaints:**
 - a. All complaints filed by neighbors to the City will be timely responded to or addressed by the CEO, a designated representative, design/construction consultant, or legal counsel, depending on the nature of the code complaint or City's requirements/guidelines at issue.

LEGACY'S
GOOD
NEIGHBOR
POLICY

Good Neighbor Policy

Policy No. & Title	Effective Date	Review/Revised Date	Pages: 2
Admin 038 – Community Relations / Good Neighbor Policy	01/01/2025	12/3/2025	3 of 3

Contact Information

All communications or complaints may be addressed to the following individuals who are responsible for the operation of the Legacy behavioral health residential facility located at 2338 Minton Street, Mesa, AZ:

- **Primary Contact Name:** Nate Topitzhofer, Executive Director
- **Mailing Address:** LEGACY RECOVERY CENTER
2338 Minton Street
Mesa, AZ 85213
- **Email Address:** natet@legacyrecoverycenter.com

- **Secondary Contact Name:** Richard Miller, CEO and Member
- **Mailing Address:** LEGACY RECOVERY CENTER
24745 S. Lindsay Road
Chandler, AZ 85249
- **Email Address:** richard@legacyrecoverycenter.com
- **Phone No.:** (936) 615-0981

ANALYSIS OF DEVELOPMENT STANDARDS

This Analysis of Development Standards applies to the standards for community residences as set forth in Section 11-31-14 of the Mesa Zoning Ordinance (“MZO”), and is responsive to the City of Mesa First Review Comment No. 6 dated November 25, 2025.

11-31-14: - COMMUNITY RESIDENCES

A community residence (family and transitional) shall be located, developed and operated in compliance with the land use regulations in [Article 2](#) and the following standards:

A. General Requirements.

1. **Spacing Requirements:** A minimum distance of 1,200 feet from the closest existing community residence, assisted living home, or assisted living center, as measured under Section 11-2-3(D), unless separated by a significant intervening natural or manmade feature such as, but not limited to, a canal, municipal Open Space of at least ten (10) acres (e.g., park, golf course, etc.), a railroad, or a highway, that is approved by the Zoning Administrator.

Applicant Response: The property located at 2338 Minton Street complies with the 1,200-foot spacing requirement set forth in Section 11-31-14.A.1 of the MZO.

2. **Occupancy:** Five (5) up to a maximum of ten (10) individuals (not including staff).

Applicant Response: The proposed community residence will have 10 residents (not including staff), and thus satisfies the occupancy requirement set forth in Section 11-31-14.A.2 of the MZO.

3. **Licensure and Certification:** A community residence must obtain one (1) or more of the following:
 - (a) License or certification from the State of Arizona required to operate the proposed community residence; or
 - (b) Certification by the Arizona Recovery Housing Association if not required to be licensed by the State of Arizona; or
 - (c) A "Permanent" Oxford House Charter.

Applicant Response: The proposed community residence has obtained a behavioral health residential facility license from the Arizona Department of Health Services and is, therefore, in compliance with Section 11-31-14.A.3 of the MZO.

ZONING ORDINANCE

COMMUNITY
RESIDENCE
REQUIREMENTS



LEGACY
RECOVERY CENTER

A community residence (family and transitional) shall be located, developed and operated in compliance with the land use regulations in Article 2 and the following standards:

A. General Requirements.



1. ***Spacing Requirements.*** A minimum distance of 1,200 feet from the closest existing community residence, assisted living home, or assisted living center, as measured under Section 11-2-3(D), unless separated by a significant intervening natural or manmade feature such as, but not limited to, a canal, municipal open space of at least ten (10) acres (e.g., park, golf course, etc.), a railroad, or a highway, that is approved by the Zoning Administrator.



2. ***Occupancy.*** Five (5) up to a maximum of ten (10) individuals (not including staff).



3. ***Licensure and Certification.*** A community residence must obtain one (1) or more of the following:

- (a) License or certification from the State of Arizona required to operate the proposed community residence; or
- (b) Certification by the Arizona Recovery Housing Association if not required to be licensed by the State of Arizona; or
- (c) A "Permanent" Oxford House Charter.

Note: No separation requirement from schools.

Separation requirements are intended to prevent clustering of community residences so that disabled residents do not feel institutionalized



Certificate of Occupancy
Building Safety Division

This Certificate is issued pursuant to the requirements of the Mesa Administrative Code, Section 4-1-6 (B), which became effective February 10, 2019, certifying that on this date the structure and site listed below is in compliance with said Code (International Codes) and with Title XI, of the Mesa City Code entitled "Zoning" and with the various ordinances of the City regulating building construction and use insofar as ascertained by the undersigned:

Building Permit #: PMT24-21631
Owner's Name: Roland Segal and Ehab Abdallah
Owner's Address: 24745 S. Lindsay Road, Chandler, AZ, 85249
Project Address: 2338 E MINTON ST, MESA, AZ 85213
Project Name: Legacy Recovery Center

Occupancy Group	Constr Type	Sq Ft	Occ Load
R-4 Residential Care/Assisted Living	VB	5194	
Total SQ FT :		5194	

Zoning District: RS-15
Special Stipulations/Conditions: R-4 Condition 1
No Fire Sprinklers Required
Approved for up to 10 Residents Excluding Staff
Deputy Director/Building Official: John Sheffer Date: 02/06/2025

ANY ALTERATIONS OR CHANGES TO THE OCCUPANCY ABOVE SHALL VOID THIS CERTIFICATE.
POST AND MAINTAIN THIS CERTIFICATE IN A CONSPICUOUS PLACE.

LEGACY CERTIFICATE OF OCCUPANCY

Building Permit #: PMT24-21631
Owner's Name: Roland Segal and Ehab Abdallah
Owner's Address: 24745 S. Lindsay Road, Chandler, AZ, 85249
Project Address: 2338 E MINTON ST, MESA, AZ 85213
Project Name: Legacy Recovery Center

OCCUPANCY:

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R-4 Residential Care/Assisted Living	VB	5194	
Total SQ FT :		5194	

Zoning District: RS-15
Special Stipulations/Conditions: R-4 Condition 1
No Fire Sprinklers Required
Approved for up to 10 Residents Excluding Staff

Deputy Director/Building Official: John Sheffer

Date: 02/06/2025

**ANY ALTERATIONS OR CHANGES TO THE OCCUPANCY ABOVE SHALL VOID THIS CERTIFICATE.
POST AND MAINTAIN THIS CERTIFICATE IN A CONSPICUOUS PLACE.**

LEGACY ADHS LICENSE (SUBMITTED TO CITY ON 4/1/2025)



ARIZONA DEPARTMENT
OF HEALTH SERVICES

LEGACY RECOVERY CENTER, LLC
Legacy Recovery Center
2338 East Minton Street
Mesa, AZ 85213

The facility above is licensed to operate as a(n) Behavioral Health Residential Facility. This license has been issued under the authority of Title 36, Chapter 4, Arizona Revised Statutes and pursuant to Department of Health Services' Rules, is not transferable and is valid only for the location identified above.

THIS CERTIFICATE IS NOT TRANSFERABLE

License Number: BHRF20001
Effective Date: March 27, 2025
Expiration Date: March 26, 2026
Total Capacity: 10

HEALTH AND WELLNESS FOR ALL ARIZONANS

PURSUANT TO A.R.S. §41-1092.11 (A), UPON SUBMITTAL OF A TIMELY AND SUFFICIENT APPLICATION
THIS LICENSE WILL REMAIN IN EFFECT UNTIL REISSUED OR REVOKED
TO BE FRAMED AND DISPLAYED IN A CONSPICUOUS PLACE

Recommended By: Tiffany Slater, Bureau Chief

Issued By: Tom Salow, Assistant Director

THIS CERTIFICATE IS NOT TRANSFERABLE

License Number: BHRF20001
Effective Date: March 27, 2025
Expiration Date: March 26, 2026
Total Capacity: 10

LEGACY JOINT COMMISSION APPROVAL

April 2, 2025

HCO ID: # 677550

Richard Miller
CEO
Legacy Recovery Center, LLC
24745 S Lindsay Rd
Chandler, Arizona 85249

Dear Mr. Miller:

This letter is to confirm that The Joint Commission considers Legacy Recovery Center, LLC accredited under the *Comprehensive Accreditation Manual for Behavioral Health Care and Human Services* for the following:

1. Legacy Recovery Center, LLC, 24745 S Lindsay Rd., Chandler, AZ
 - Residential Care
 - Mental Health Services for adults.
 - Substance Use Disorders for adults, non-withdrawal management
 - Care Coordination/Case Management for adults
2. Legacy Recovery Center, LLC, 2338 E. Minton Street, Mesa, AZ
 - Residential Care
 - Mental Health Services for adults.
 - Substance Use Disorders for adults, non-withdrawal management
 - Care Coordination/Case Management for adults



April 2, 2025

HCO ID: # 677550

Richard Miller
CEO
Legacy Recovery Center, LLC
24745 S Lindsay Rd
Chandler, Arizona 85249

Dear Mr. Miller:

This letter is to confirm that The Joint Commission considers Legacy Recovery Center, LLC accredited under the *Comprehensive Accreditation Manual for Behavioral Health Care and Human Services* for the following:

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 - Mental Health Services for adults.
 - Substance Use Disorders for adults, non-withdrawal management
 - Care Coordination/Case Management for adults
2. Legacy Recovery Center, LLC, 2338 E. Minton Street, Mesa, AZ
 - Residential Care
 - Mental Health Services for adults.
 - Substance Use Disorders for adults, non-withdrawal management
 - Care Coordination/Case Management for adults

If I can be of further assistance I can be reached at (630) 792-5209.

Sincerely,

Bakia Johnson

Bakia Johnson
Account Executive
Accreditation and Certification Operations

cc: Correspondence File

www.jointcommission.org

Headquarters
One Renaissance Boulevard
Oakbrook Terrace, IL 60181
630 792 5000 Voice



Legal Services
63 East Main Street #101
Mesa, Arizona 85201-7422
(480) 472-0208 | fax (480) 472-0489
www.mpsaz.org/legal

Kacey King
GENERAL COUNSEL
kking@mpsaz.org

May 7, 2025

Mesa Planning and Zoning Department
City of Mesa
55 N Center Street
Mesa, AZ 85201

Re: Legacy Recovery Center Adjacent to Hermosa Vista Elementary School

Dear Mesa Planning and Zoning Department:

On behalf of Mesa Public Schools, I want to restate our concerns regarding the proposed Legacy Recovery Center at 2338 E. Minton, which is adjacent to Hermosa Vista Elementary School, a school within Mesa Public Schools. We appreciate the opportunity to share our thoughts on this sensitive issue.

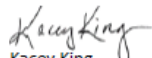
While we support the mission of recovery programs that administer Schedule II and III drugs directly adjacent to schools, recovery facilities treating opioid and other substance use disorders, including medication-assisted treatments like methadone and buprenorphine, should not be sited next to a school. Schools are legally designated drug-free zones and must be safeguarded from incompatible uses that may compromise student safety, increase traffic, and introduce operational risks. The District notes that Legacy's initial permitting lacked transparency, did not adequately notify community stakeholders, and did not include a Special Use Permit as required.

While the District acknowledges the rights granted under the Fair Housing Act and ADA, including reasonable accommodations, placing a high-risk recovery facility next to an elementary school is not a reasonable accommodation—it undermines zoning protections for schools and imposes undue burdens on school operations and student welfare. Indeed, since opening, emergency medical services have already responded to the site multiple times, reinforcing concerns over safety and suitability.

The specifics of the intended use by Legacy require the District to ensure its intended use and operation. It is our understanding that Legacy does not have an existing permit. The District, therefore, raises the issue of whether the proposed use complies with zoning laws, demonstrate transparency, and protect the health and student safety.

Thank you for your consideration.

Sincerely,

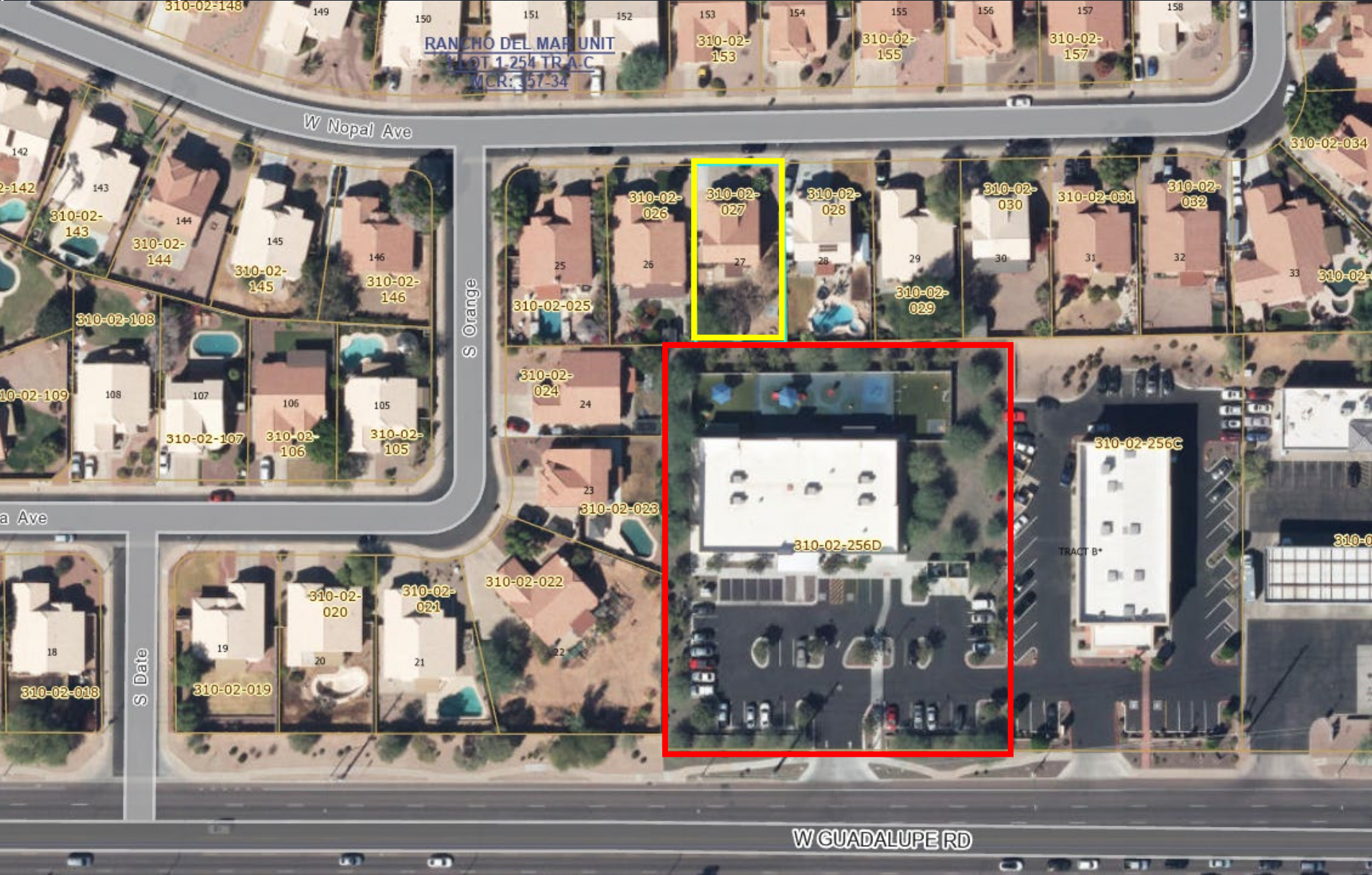

Kacey King
General Counsel

Cc: Jim Smith, City Attorney
Dr. Matt Strom, Superintendent, Mesa Public Schools

While we support the mission of recovery programs and fair housing rights, placing a facility that stores and administers Schedule II and III drugs directly adjacent to a K-6 school raises significant safety and zoning concerns. Recovery facilities treating opioid and other substance use disorders, including medication-assisted treatments like methadone and buprenorphine, should not be sited next to a school. Schools are legally designated drug-free zones and must be safeguarded from incompatible uses that may compromise student safety, increase traffic, and introduce operational risks. The District notes that Legacy's initial permitting lacked transparency, did not adequately notify community stakeholders, and did not include a Special Use Permit as required.

While the District acknowledges the rights granted under the Fair Housing Act and ADA, including reasonable accommodations, placing a high-risk recovery program next to an elementary school is not a reasonable accommodation—it undermines zoning protections for schools and imposes undue burdens on school operations and student welfare. Indeed, since opening, emergency medical services have already responded to the site multiple times, reinforcing concerns over safety and suitability.

EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
457 W. Nopal Ave.
(BH9981)**

**Adjacent to
Learning
Experience
Preschool and
Day Care**

EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS

**BHRF at
1659 E. Draper
(BH4477)**

**Within 1,000 ft
of Mesa
Unified School
District
Property**



EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
5235 S. Axiom
(BH7301)**

**Within 500 ft
of Queen Creek
Unified School
District Property**

EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
2654 S. Vincent
(BHRF20094)**

**Approx. 1050 ft
from Gilbert
Unified School
District Property**

EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
7956 E. Plata Ave
(BH3640)**

**Approx. 400 ft
from Gilbert
Unified School
District Property**

EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
11329 E. Renata
Avenue
(BH3631)**

**Approx. 1025 ft
from Gilbert
Unified School
District Property**

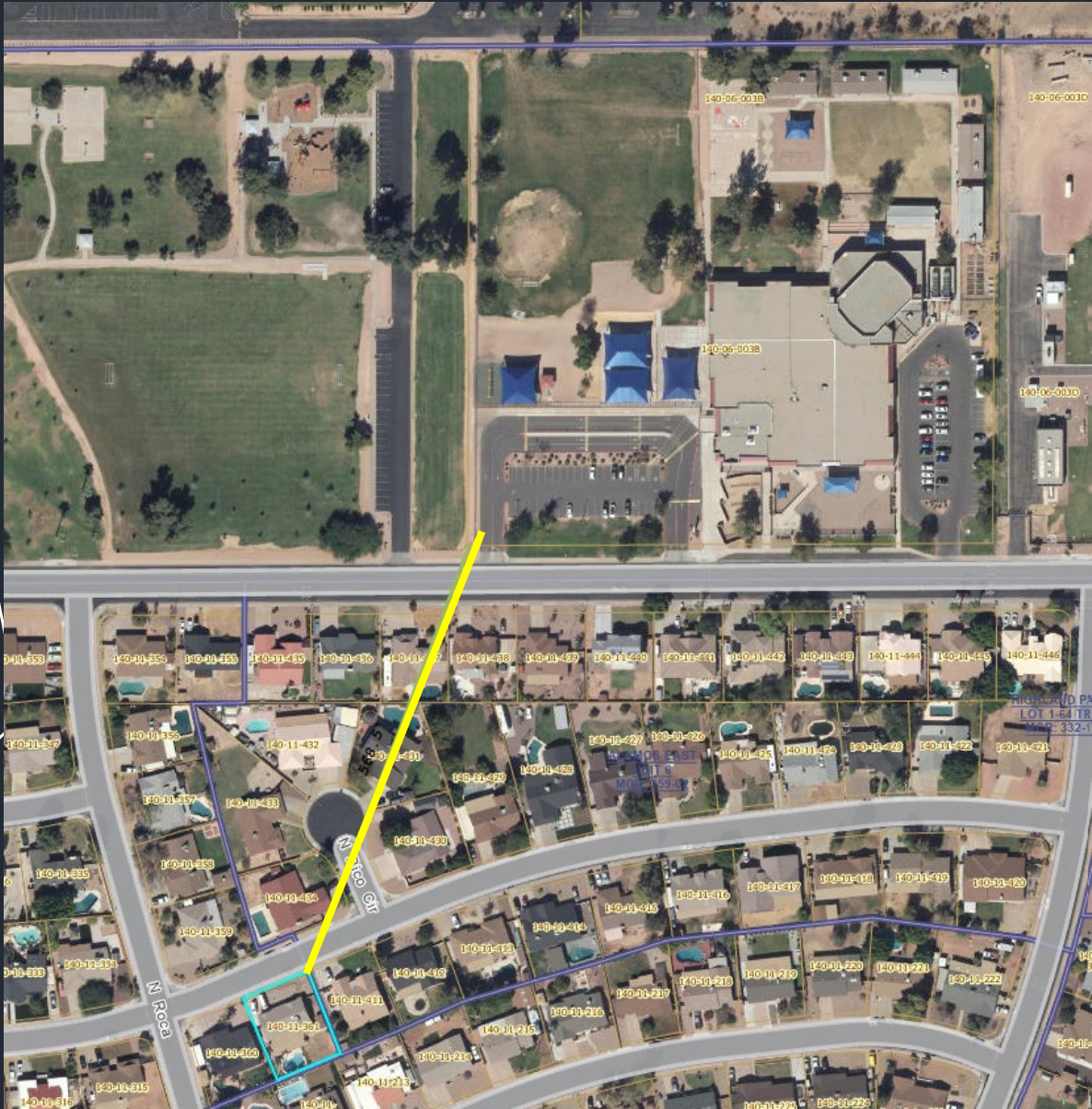
EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
4005 E. Edgewood
Avenue
(BH2457)**

**Approx. 600 ft
from Mesa
Unified School
District Property**

EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
2935 E.
Dartmouth Street
(BH5668)**

**Approx. 570 ft
from Mesa
Unified School
District Property**

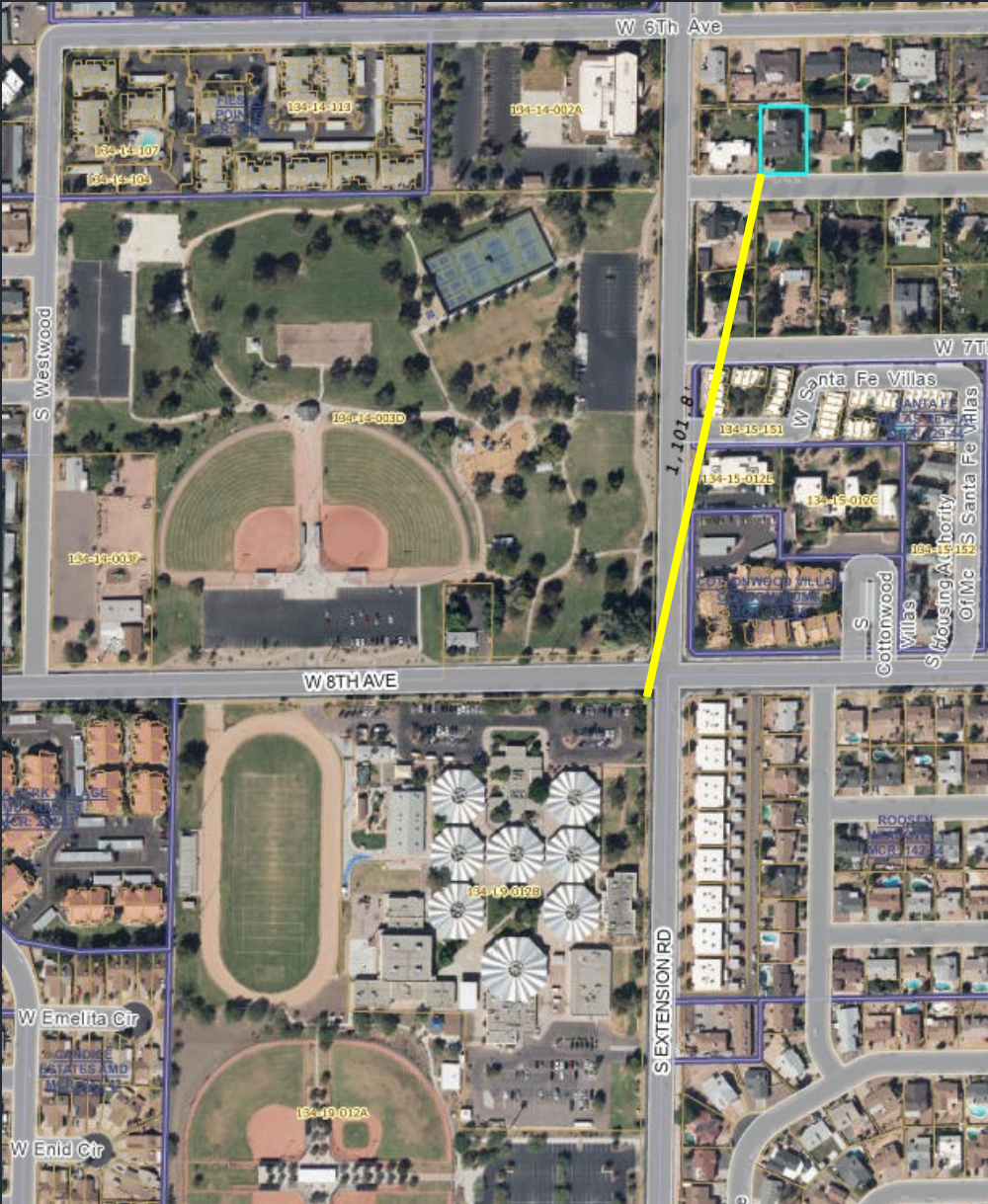
EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
7428 E. Hannibal
Street
(BH10736)**

**Approx. 740 ft
from Mesa
Unified School
District Property**

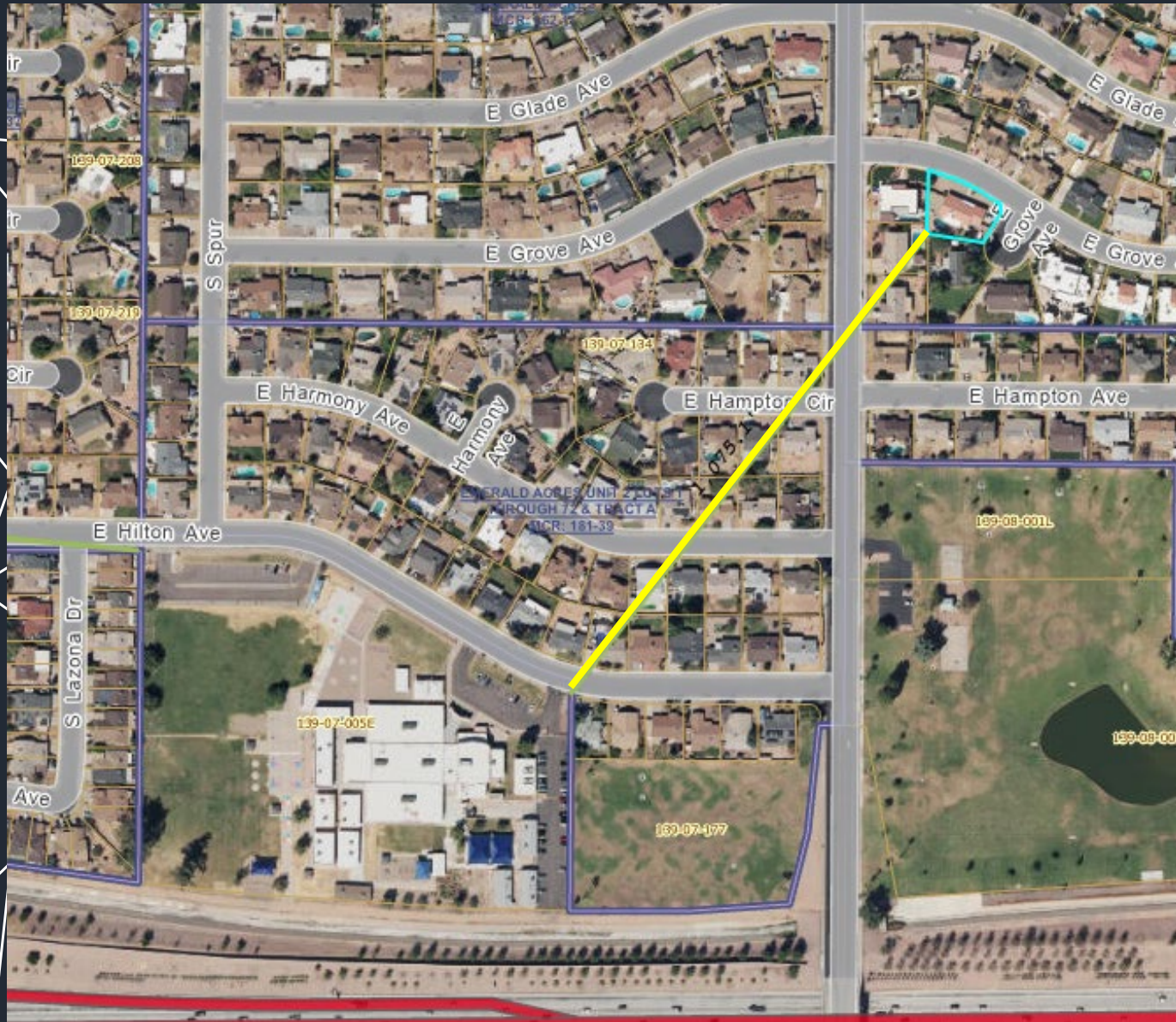
EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
748 W. 6th Drive
(BH10052)**

**Approx. 1100 ft
from Mesa School
District Property**

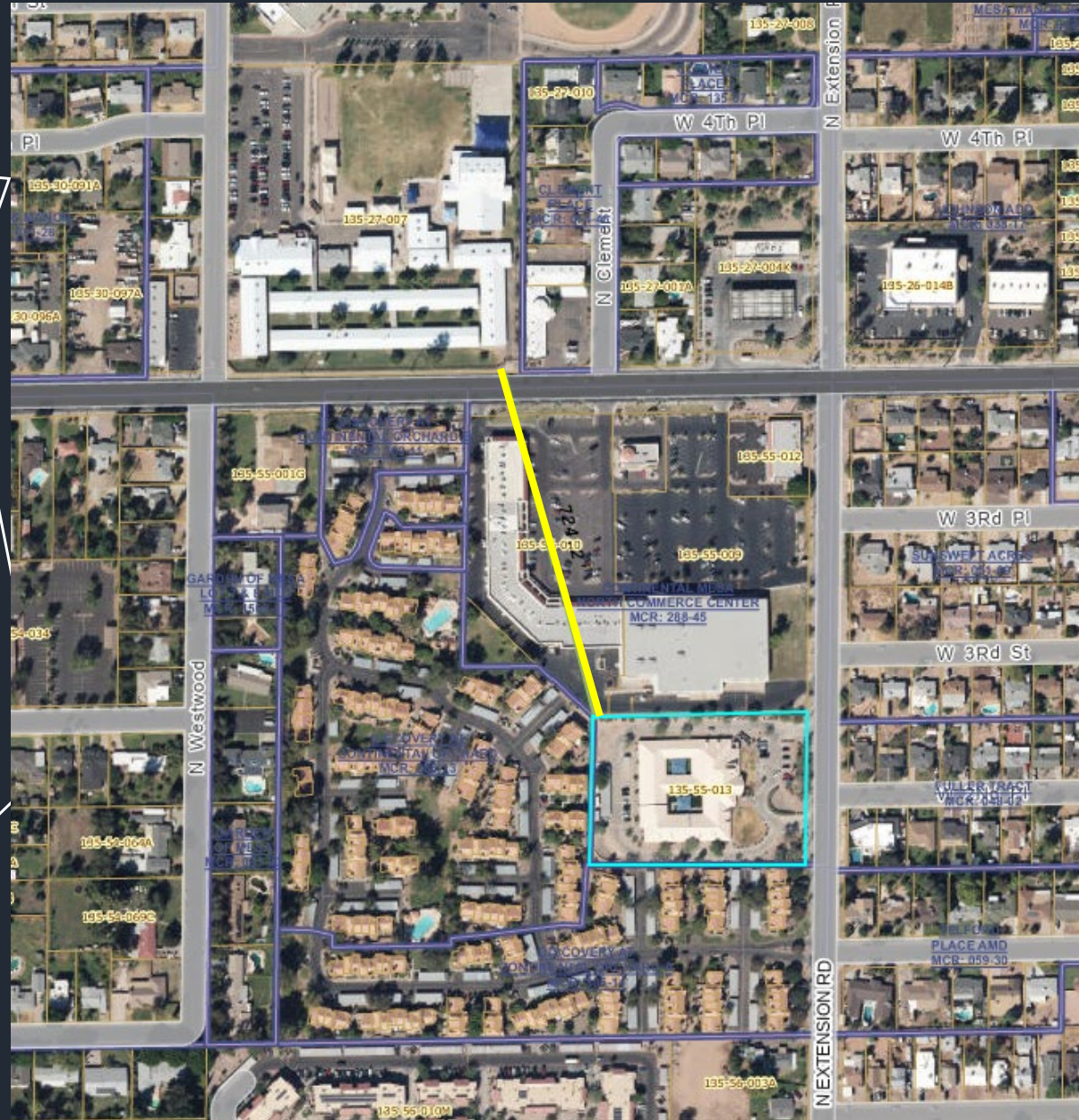
EXISTING BHRF LICENSED HOMES NEAR SCHOOLS



**BHRF at
1627 E. Grove
Avenue
(BH10667)**

**Approx. 1075 ft
from Mesa
Unified School
District Property**

EXISTING BHRF LICENSED HOMES NEAR SCHOOLS



**BHRF at
244 N. Extension
Road
(BH5467)**

**Approx. 725 ft
from Mesa
Unified School
District Property**

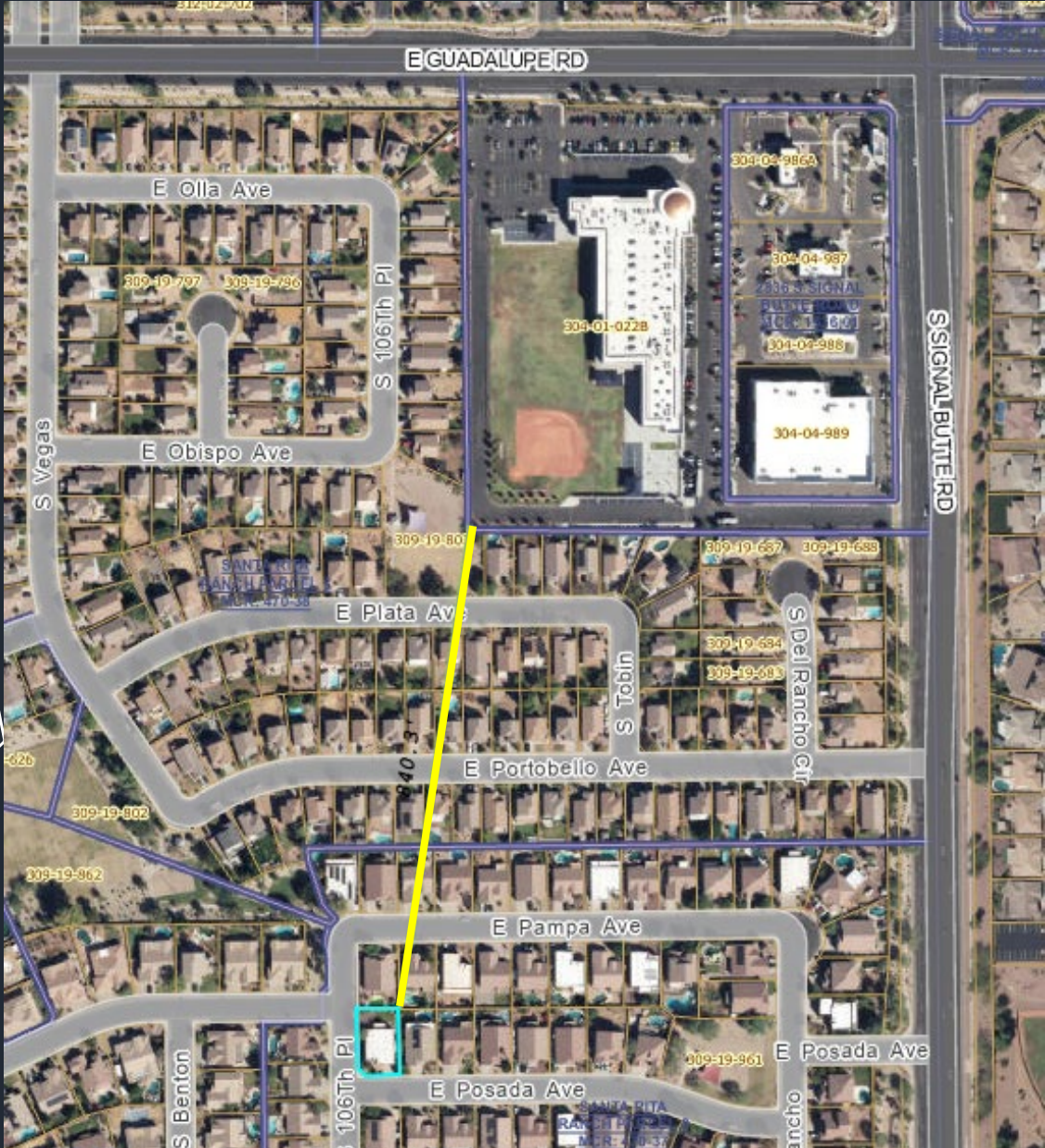
EXISTING BHRF LICENSED HOMES NEAR SCHOOLS



**BHRF at
141 S. Center St.
(BH5090)**

**Approx. 520 ft
from Mesa School
District Property**

EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
10634 E. Posada
Avenue
(BH5175)**

**Approx. 840 ft
from Legacy
Traditional School**

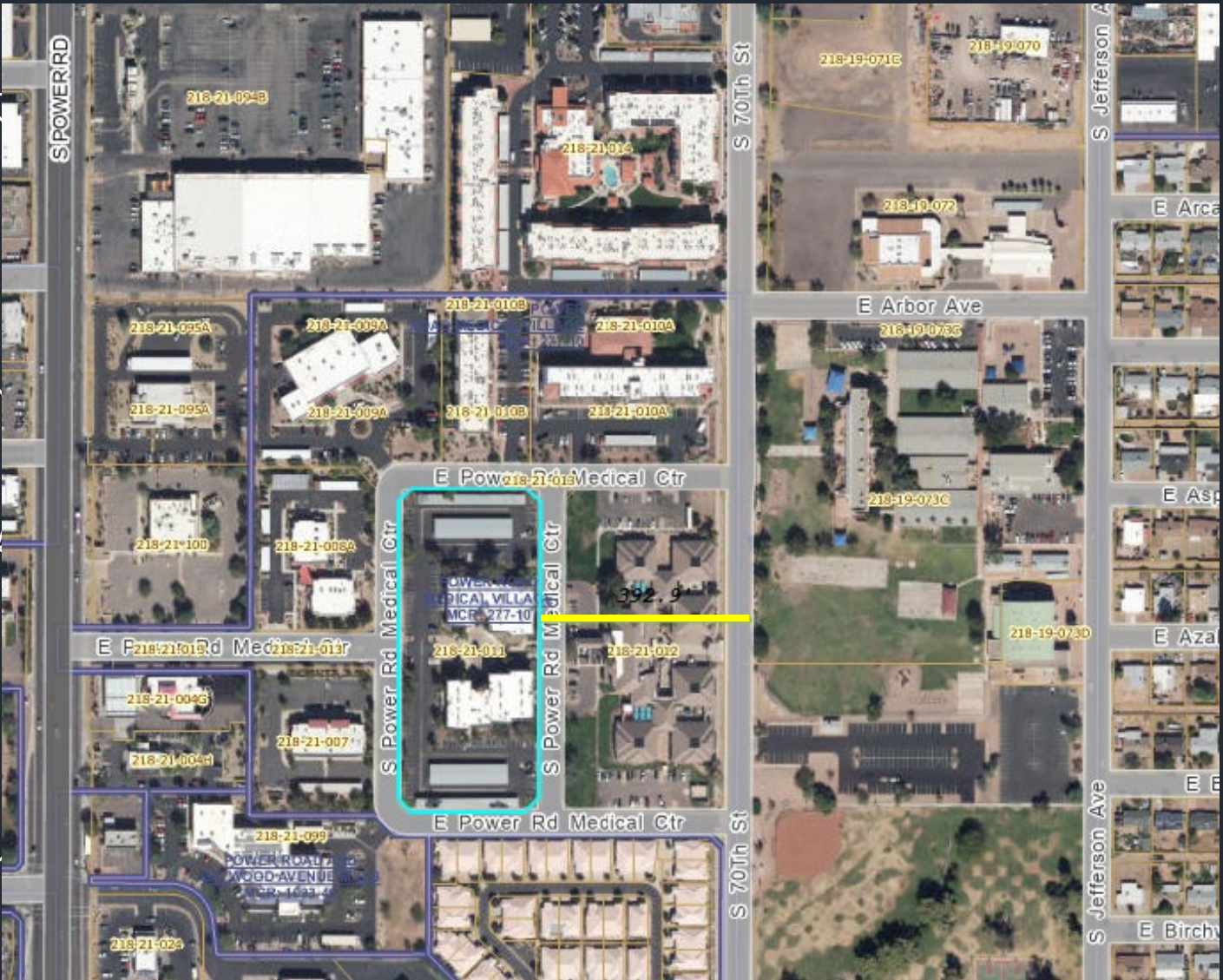
EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
1533 S. Somerset
Circle
(BH3632)**

**Approx. 700 ft
from Mesa
Unified School
District Property**

EXISTING BHRF LICENSED HOMES IN MESA LOCATED WITHIN 1200 FEET OF SCHOOLS



**BHRF at
215 S. Power
Road, Bldg 1251
(BH5397)**

**Approx. 390 ft
from Mesa
Unified School
District Property**

FAIR HOUSING ACT
PROTECTS AGAINST
DISCRIMINATORY
TREATMENT AND
EFFECT

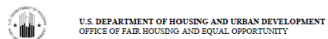


LEGACY
RECOVERY CENTER

JOINT STATEMENT BY HUD AND DOJ

12. Can a state or local government enact laws that specifically limit group homes for individuals with specific types of disabilities?

No. Just as it would be illegal to enact a law for the purpose of excluding or limiting group homes for individuals with disabilities, it is illegal under the Act for local land use and zoning laws to exclude or limit group homes for individuals with specific types of disabilities. For example, a government may not limit group homes for persons with mental illness to certain neighborhoods. The fact that the state or local government complies with the Act with regard to group homes for persons with some types of disabilities will not justify discrimination against individuals with another type of disability, such as mental illness.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY



U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

Washington, D.C.
November 10, 2016

JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE DEPARTMENT OF JUSTICE
STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION OF THE FAIR HOUSING ACT

INTRODUCTION

The Department of Justice ("DOJ") and the Department of Housing and Urban Development ("HUD") are jointly responsible for enforcing the Federal Fair Housing Act ("the Act"),¹ which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status (children under 18 living with a parent or guardian), or national origin.² The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics.

The regulation of land use and zoning is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Fair Housing Act or other federal laws. This Joint Statement provides an overview of the Fair Housing Act's requirements relating to state and local land use practices and zoning laws, including conduct related to group homes. It updates and expands upon DOJ's and HUD's Joint

¹ The Fair Housing Act is codified at 42 U.S.C. §§ 3601-19.

² The Act uses the term "handicap" instead of "disability." Both terms have the same legal meaning. See *Bragdon v. Abbott*, 524 U.S. 424, 431 (1998) (noting that the definition of "disability" in the Americans with Disabilities Act

5. Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its zoning or land use laws respecting housing?

When enacting or applying zoning or land use laws, state and local 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 residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias. For example, a city may not deny zoning approval for a low-income housing development that meets all zoning and land use requirements because the development may house residents of a particular protected class or classes whose presence, the community fears, will increase crime and lower property values in the surrounding neighborhood. Similarly, a local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities or a particular type of disability. Of course, a city council or zoning board is not bound by everything that is said by every person who speaks at a public hearing. It is the record as a whole that will be determinative.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY



U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION

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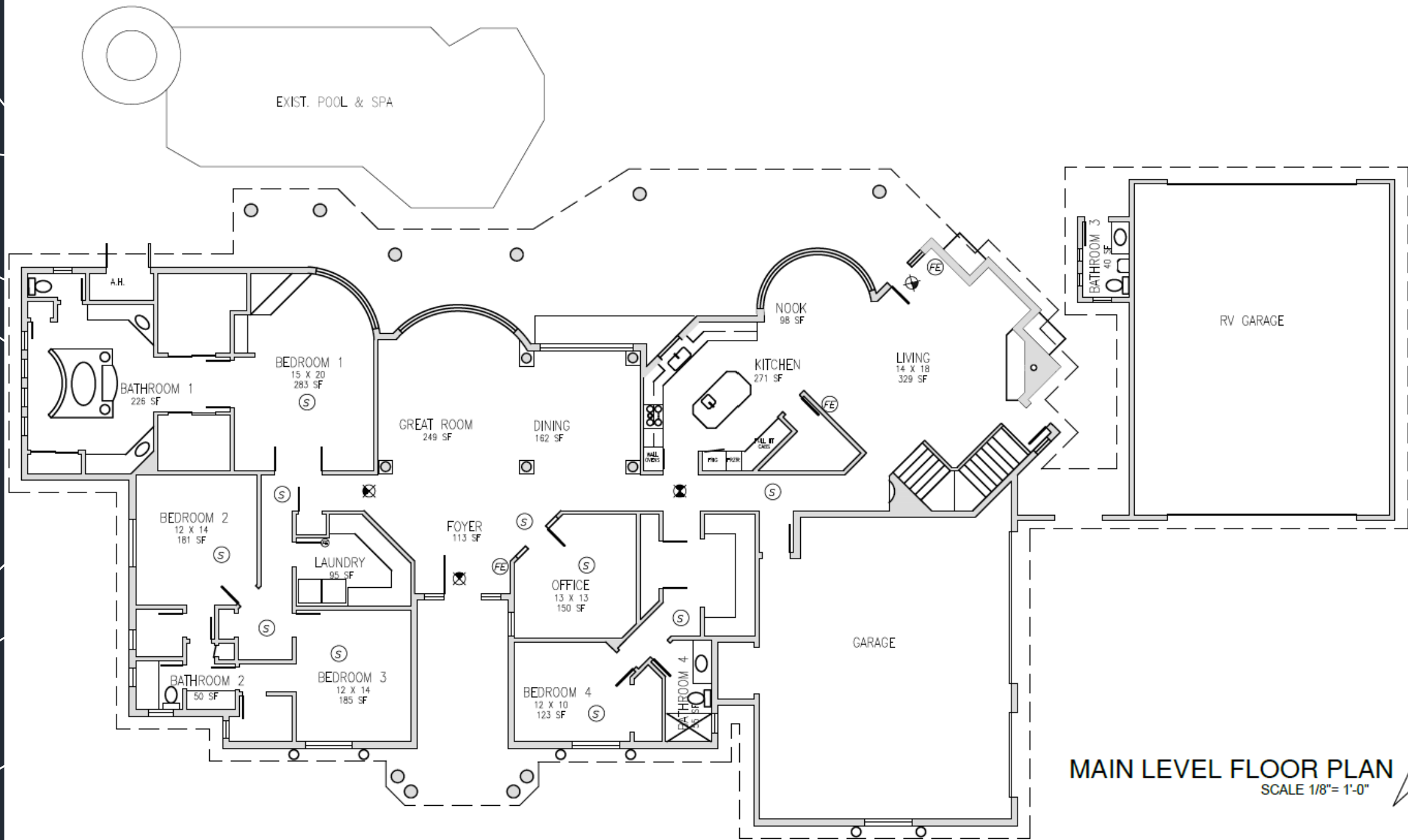


THANK YOU

Heather Dukes

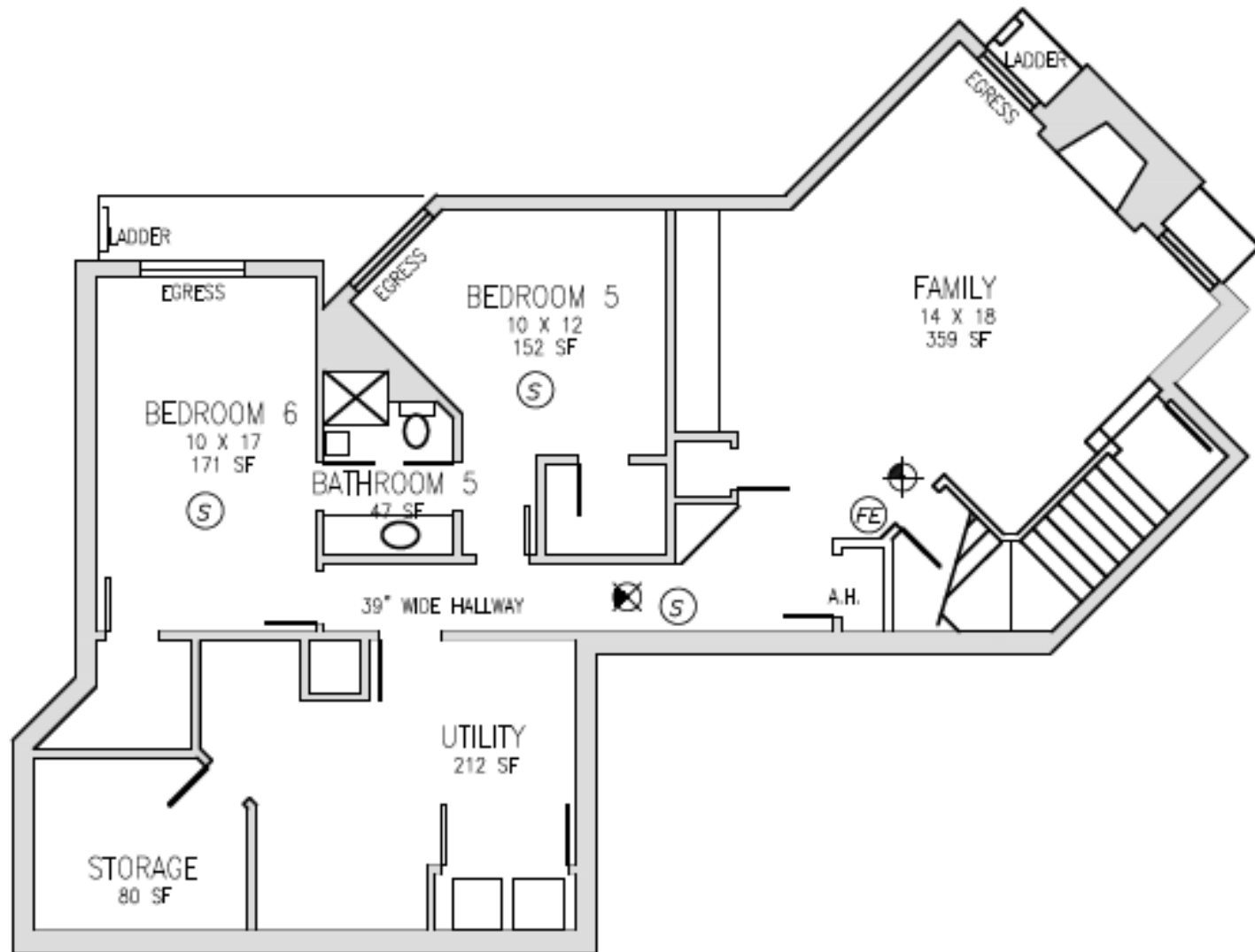
602.320.8866

hdukes@dukeslawaz.com



MAIN LEVEL FLOOR PLAN
SCALE 1/8" = 1'-0"





BASEMENT FLOOR PLAN
 SCALE 1/8" = 1'-0"



THE OPIOID EPIDEMIC



LEGACY
RECOVERY CENTER

A STATEWIDE PUBLIC HEALTH EMERGENCY

Housing is necessary due to the increasing number of individuals recovering from opioid and drug addiction. The state is experiencing an ongoing demand and need for behavioral health residential options

2019	2020	2021	2022	2023
<p>3,882</p> <p>Verified Non-Fatal Opioid Overdose Events</p>	<p>4,263</p> <p>Verified Non-Fatal Opioid Overdose Events</p>	<p>3,778</p> <p>Verified Non-Fatal Opioid Overdose Events</p>	<p>3,428</p> <p>Verified Non-Fatal Opioid Overdose Events</p>	<p>4,078</p> <p>Verified Non-Fatal Opioid Overdose Events</p>
<p>1,294</p> <p>Confirmed Opioid Deaths</p>	<p>1,886</p> <p>Confirmed Opioid Deaths</p>	<p>2,015</p> <p>Confirmed Opioid Deaths</p>	<p>1,915</p> <p>Confirmed Opioid Deaths</p>	<p>1,928</p> <p>Confirmed Opioid Deaths</p>
<p>N/A</p> <p>Emergency and Inpatient Visits Involving Suspected Opioid Overdose</p>	<p>9,192</p> <p>Emergency and Inpatient Visits Involving Suspected Opioid Overdose</p>	<p>9,000</p> <p>Emergency and Inpatient Visits Involving Suspected Opioid Overdose</p>	<p>7,698</p> <p>Emergency and Inpatient Visits Involving Suspected Opioid Overdose</p>	<p>8,275</p> <p>Emergency and Inpatient Visits Involving Suspected Opioid Overdose</p>
<p>86%</p> <p>Percent of EMS/Law Enforcement Responses for Suspected Opioid Overdoses with Naloxone Administered</p>	<p>86%</p> <p>Percent of EMS/Law Enforcement Responses for Suspected Opioid Overdoses with Naloxone Administered</p>	<p>85%</p> <p>Percent of EMS/Law Enforcement Responses for Suspected Opioid Overdoses with Naloxone Administered</p>	<p>80%</p> <p>Percent of EMS/Law Enforcement Responses for Suspected Opioid Overdoses with Naloxone Administered</p>	<p>76%</p> <p>Percent of EMS/Law Enforcement Responses for Suspected Opioid Overdoses with Naloxone Administered</p>

A STATEWIDE PUBLIC HEALTH EMERGENCY

In July 2019, Governor Doug Ducey issued the “Arizona Opioid Action Plan Version 2.0” with one of the goals in the plan being directly related to the supportive environments that sober living homes and behavioral health residential facilities provide:

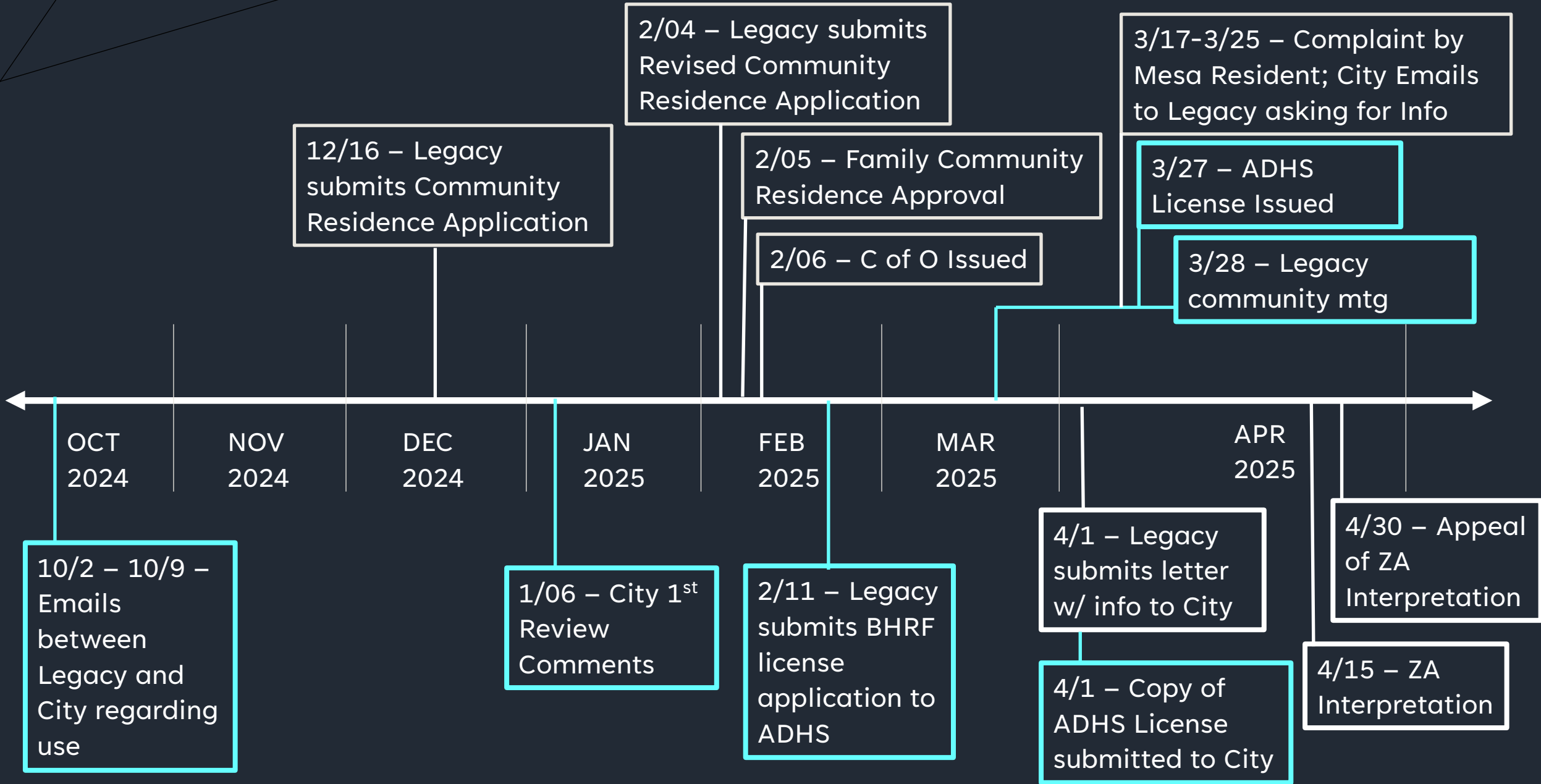
“Isolation is harmful to one’s health; lack of social connection is a risk factor for adverse outcomes, including substance use . . . The previous Surgeon General has a platform that discussed the Loneliness Epidemic, as it has been shown that isolation is harmful to one’s health and social connection and relationships are beneficial.”

Two thin, dark grey lines intersect on a light grey background. One line is horizontal, and the other is diagonal, sloping downwards from left to right.

TIMELINE OF EVENTS



LEGACY
RECOVERY CENTER



Uncontested Events in City Staff Report

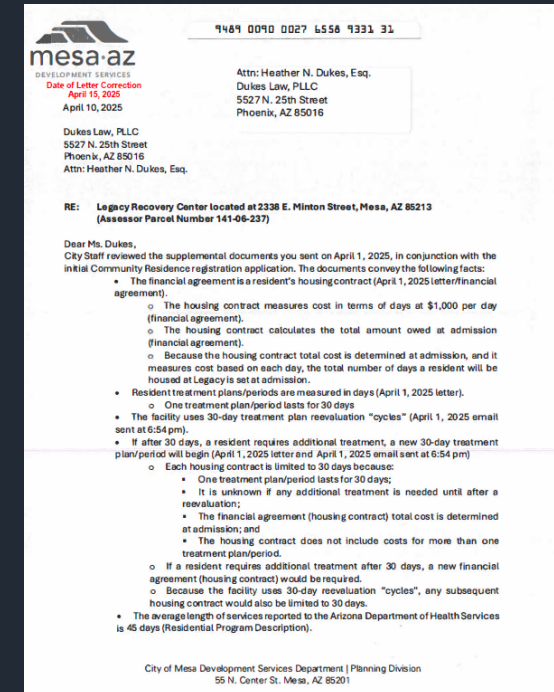
Add'l Key Events in Legacy Appeal Documents

Dear Ms. Duker,

City Staff reviewed the supplemental documents you sent on April 1, 2025, in conjunction with the initial Community Residence registration application. The documents convey the following facts:

- The financial agreement is a resident's housing contract (April 1, 2025 letter/financial agreement).
 - The housing contract measures cost in terms of days at \$1,000 per day (financial agreement).
 - The housing contract calculates the total amount owed at admission (financial agreement).
 - Because the housing contract total cost is determined at admission, and it measures cost based on each day, the total number of days a resident will be housed at Legacy is set at admission.
- Resident treatment plans/periods are measured in days (April 1, 2025 letter).
 - One treatment plan/period lasts for 30 days
- The facility uses 30-day treatment plan reevaluation "cycles" (April 1, 2025 email sent at 6:54 pm).
- If after 30 days, a resident requires additional treatment, a new 30-day treatment plan/period will begin (April 1, 2025 letter and April 1, 2025 email sent at 6:54 pm)
 - Each housing contract is limited to 30 days because:
 - One treatment plan/period lasts for 30 days;
 - It is unknown if any additional treatment is needed until after a reevaluation;
 - The financial agreement (housing contract) total cost is determined at admission; and
 - The housing contract does not include costs for more than one treatment plan/period.
 - If a resident requires additional treatment after 30 days, a new financial agreement (housing contract) would be required.
 - Because the facility uses 30-day reevaluation "cycles", any subsequent housing contract would also be limited to 30 days.
- The average length of services reported to the Arizona Department of Health Services is 45 days (Residential Program Description).

APRIL 15, 2025 ZA DECISION



- The supplemental documents refer to residents' treatment/housing in terms of days with one exception in your April 1, 2025 letter, which uses weeks (request for 4-to-6-week initial commitment).
- The supplemental documents do not measure treatment/housing in terms months or years.
- The only use of the words "month" or "year" to describe length of tenancy is in the original narrative submitted to the City with the registration application.

The facts show the Community Residence is a relatively temporary living arrangement that is measured in terms of days (both 30 days and 45 days are reported). Tenancy, through practice and contracts, is limited to less than one year. This meets the definition of a Transitional Community Residence in the Mesa City Code.

As you are aware, the City was contacted by several residents who provided information about the length of stay of residents at Legacy: including an audio recording, several sworn statements, and screenshots of the Chandler facility's website. Because the City could not verify the accuracy of the third party information, it was not considered in reaching the conclusion that the facility is a Transitional Community Residence. However, the information received by third parties corresponds to the supplemental documents you provided on behalf of your client and further supports the City's determination.

The supplemental documents you provided are inconsistent with the registration application submitted to the City, which suggested a much longer, more permanent, typical tenancy. In the registration application, the length of residency is described in terms of months or more than a year. However, that description is not supported by any of the supplemental documents. As noted on the application form, the submission of erroneous information or errors found after processing the application may result in the denial of an application or loss of registration, respectively.


The provisional approval for the Family Community Residence at 2338 E. Minton Street was based upon erroneous information. As such, the provisional approval is void and the property is not registered with the City as a Community Residence.

Because the facility is a Transitional Community Residence, approval of a Special Use Permit is required to operate at 2338 E. Minton Street. Please submit your application through the City's online portal ([Mesa E-Permit Online Portal](#)).

In the interim, all operations must cease until the Special Use Permit is heard and acted upon by the Board of Adjustment.

LEGACY EXHIBIT 13

APRIL 15, 2025 ZA DECISION



mesa:az
DEVELOPMENT SERVICES

Date of Letter Correction
April 16, 2025
April 10, 2025

9489 0090 0027 6558 9331 31

Attn: Heather N. Dukas, Esq.
Dukas Law, PLLC
5527 N. 25th Street
Phoenix, AZ 85016

Dukas Law, PLLC
5527 N. 25th Street
Phoenix, AZ 85016
Attn: Heather N. Dukas, Esq.

RE: Legacy Recovery Center located at 2338 E. Minton Street, Mesa, AZ 85213 (Assessor Parcel Number 141-06-237)

Dear Ms. Dukas,
City Staff reviewed the supplemental documents you sent on April 1, 2025, in conjunction with the initial Community Residence registration application. The documents convey the following facts:

- The financial agreement is a resident's housing contract (April 1, 2025 letter/financial agreement).
 - The housing contract measures cost in terms of days at \$1,000 per day (financial agreement).
 - The housing contract calculates the total amount owed at admission (financial agreement).
 - Because the housing contract total cost is determined at admission, and it measures cost based on each day, the total number of days a resident will be housed at Legacy is set at admission.
- Resident treatment plans/periods are measured in days (April 1, 2025 letter).
 - One treatment plan/period lasts for 30 days
- The facility uses 30-day treatment plan reevaluation "cycles" (April 1, 2025 email sent at 6:54 pm).
 - If after 30 days, a resident requires additional treatment, a new 30-day treatment plan/period will begin (April 1, 2025 letter and April 1, 2025 email sent at 6:54 pm)
 - Each housing contract is limited to 30 days because:
 - One treatment plan/period lasts for 30 days;
 - It is unknown if any additional treatment is needed until after a reevaluation;
 - The financial agreement (housing contract) total cost is determined at admission; and
 - The housing contract does not include costs for more than one treatment plan/period.
 - If a resident requires additional treatment after 30 days, a new financial agreement (housing contract) would be required.
 - Because the facility uses 30-day reevaluation "cycles", any subsequent housing contract would also be limited to 30 days.
 - The average length of services reported to the Arizona Department of Health Services is 45 days (Residential Program Description).

City of Mesa Development Services Department | Planning Division
55 N. Center St. Mesa, AZ 85201

- Exhibit 7.A – PMT24-07579
- Exhibit 7.B – PMT23-20077
- Exhibit 7.C – PMT23-19379
- Exhibit 7.D – PMT23-18394
- Exhibit 7.E – PMT23-17166
- Exhibit 7.F – PMT23-09243
- Exhibit 7.G – PMT23-08413
- Exhibit 7.H – PMT23-03490
- Exhibit 7.I – PMT23-03049
- Exhibit 7.J – PMT22-11036
- Exhibit 7.K- PMT21-20102
- Exhibit 7.L – PMT21-19970
- Exhibit 7.M – PMT21-11901
- Exhibit 7.N – PMT21-09897

LEGACY PUBLIC RECORDS REQUESTS

In July 2021, the City of Mesa adopted a zoning ordinance text amendment to establish Community Residence definitions and zoning requirements.

Between July 2021 and April 15, 2025, the City determined that all community residence applications were family community residences.

Several of these were licensed behavioral health residential facilities – the same use as Legacy’s use.

Legacy Recovery Center

From Heather Dukes <hdukes@dukeslawaz.com>

Date Mon 10/20/2025 8:40 AM

To p23479@mesaaz.gov <p23479@mesaaz.gov>

Good morning, Officer Brumby,

I represent Legacy Recovery Center and was notified on Friday that officers visited the property at 2338 E. Minton unannounced and without a warrant. There are residents living as a family at this property who are disabled and receiving care. Visits such as this can be disturbing to the home, so I would prefer that we work together if you have any questions. I left a voicemail for you on your cell phone on Friday. If you can give me a call this afternoon, I would appreciate it. Thank you and I look forward to speaking with you.

Sincerely,

Heather N. Dukes, Esq.
DUKES LAW, PLLC
5527 N. 25th Street
Phoenix, AZ 85016
Mobile: (602)320-8866
Email: hdukes@dukeslawaz.com

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