

DUKES LAW, PLLC

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VIA EMAIL AND DIMES PORTAL

Zoning Administrator
Board of Adjustment
CITY OF MESA
Development Services Department
55 N. Center Street
Mesa, AZ 85211-1466

December 3, 2025

RE: 1st Revised Special Use Permit Narrative for Transitional Community Residence Located at 2338 E. Minton Street, Mesa, AZ 85213 (Assessor Parcel Number 141-06-237) (the "Property")

Dear Zoning Administrator and Board of Adjustment,

On behalf of my clients, Legacy Recovery Center, LLC, an Arizona limited liability company, ("Legacy" or the "Applicant") and the owners of the above-referenced Property, Roland Segal and Ehab Abdallah (the "Property Owners"), I am submitting this narrative in support of the enclosed special use permit ("SUP") application for a transitional community residence.

I. DESCRIPTION OF LEGACY'S TRANSITIONAL COMMUNITY RESIDENCE.

The City of Mesa Zoning Ordinance separates community residences into two (2) categories: (1) family community residences and (2) transitional community residences, as defined below:

Section 11—86-2: Residential Use Classifications

...

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.

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.*

By way of background, in February 2025, the City issued to Legacy a family community residence approval and a certificate of occupancy for the Property. In March 2025, Legacy then obtained a behavioral health residential facility (“BHRF”) license from the Arizona Department of Health Services (“ADHS”). After receiving these approvals, the City of Mesa Zoning Administrator and Board of Adjustment (the “Board”) determined that Legacy should have been required to obtain a special use permit for a transitional community residence use instead. Although Legacy appealed the Board’s decision to the Maricopa County Superior Court to preserve its appeal rights, Legacy is filing this SUP application in an attempt to follow the process required by the Zoning Administrator and Board.

The following information is responsive to the City’s request for a narrative describing the proposed transitional community residence:

- **Description of Property:**
 - The Property is comprised of approximately 0.48 acres within the RS-15 residential zoning district and has been developed with a large home offering 6 bedrooms and approximately 6,194 s.f. of livable space.
- **The name of the facility:**
 - Legacy Recovery Center, LLC is the license-holder and applicant.
- **The type of Community Residence:**
 - Transitional Community Residence specializing in residential behavioral health
- **The number of residents:**
 - Up to 10 residents:
- **The age range of the residents**
 - Adults (Typically 18 to 60 years old)

- **What Arizona State agency will be licensing this facility?**
 - The Arizona Department of Health Services has issued a behavioral health residential facility (BHRF) license for this Property.
- **Indicate whether or not all residents are capable of recognizing and responding to emergency situations without assistance from staff.**
 - Yes, all residents are capable of recognizing and responding to emergency situations without assistance from staff. They are ambulatory and able to complete tasks and chores necessary to live as a family.
- **Does the residence have fire sprinklers?**
 - Yes
- **Explain what services are provided at the facility.**
 - The residents at the property are in treatment/recovery for substance and alcohol use, with some residents seeking treatment for co-occurring behavioral health issues (i.e. depression, anxiety). The only individuals receiving treatment at the location will be the 10 individuals approved to occupy the home. Legacy's housing replicates a family environment in the look and feel of the home. Residents at Legacy are not adjudicated, and they come to the program of their own free will to seek help with behavioral health issues. Clinical services provided on-site include resident assessments, individual therapy, and group therapy. The therapists and house managers will also assist with teaching life skills such as cooking and cleaning, resume building, and employer interview coaching.
 - No medical or treatment services will be provided at the Property that would not typically occur in a residential setting. A nursing assessment and vitals check are completed upon intake, but those are the only medical services provided at the location. No detoxification will occur on-site.
 - The residents live in a family environment and emulate a family. They go grocery shopping, cook, clean and complete chores together. They hold each other accountable and support one another.
- **Explain how the residents are supervised at the facility.**
 - **The residence will be staffed at all hours. No staff live on-site. There will be a total of 6-7 staff members with staggered shifts, as follows:**
 - A house manager who will be scheduled in shifts throughout the week.
 - A licensed therapist who will provide individual and group therapy intermittently on weekdays (Monday through Friday).
 - A staff member to coordinate transportation for resident appointments and to provide support to residents in the event the house manager is busy helping another resident.
 - A registered, on-call nurse,
 - A program director, and

- Richard Miller, CEO and Member of Legacy Recovery Center, LLC.
- Typically, a max of 2-3 staff members will be on-site between 8 a.m. and 4 p.m. Approximately 2 staff members will be on-site after hours.
- **Length of Residency**
 - There is no maximum or minimum time period that residents may live at the home. Treatment plans are typically re-evaluated every 30-45 days, and whether a resident continues to live in the home is determined with each new treatment plan cycle.
- **Vehicles**
 - Residents living in the community residence do not have their own vehicles on-site. Legacy staff will provide transportation to residents with a company vehicle.
 - The Property has a total of 10 on-site parking spaces (one [1] garaged space for company vehicle and 9 driveway spaces).
 - Minton Street is a public street, and all residences may use the street for parking. Regardless, Legacy has implemented a no on-street parking policy with all employees and visitors of residents.
- **Visitors**
 - Visitors at the location will be allowed in the evenings from 4 to 8 pm during the week, and weekends from 4 to 9 pm. Legacy allows up to 2 adult visitors per resident, with one-hour time slots. The visitors are staggered so that only 2 to 3 residents have visitors on-site at any given time and to prevent parking along Minton Street.
- **Contact Information for Person Responsible for Facility**
 - **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

II. COMMUNITY RESIDENCE REQUIREMENTS AND SPECIAL USE PERMIT CRITERIA.

A transitional community residence is a permitted use in all RS zoning districts, subject to the approval of a special use permit and meeting certain general requirements. See Table 11-5-2: Residential Districts and Section 11-31-14 of the City of Mesa Zoning Ordinance.

A. Community Residence General Requirements.

Zoning Ordinance Table 11-5-2 endnotes 13 and 14 prohibit transitional community residences when a property is subject to the Airport Overflight Areas (AOA 1 or 2). The subject Property is not located in an Airport Overflight Area.

All community residences must also meet three (3) general requirements as set forth in Section 11-31-14.A of the Zoning Ordinance:

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.*

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.*

Legacy's Property meets the 1,200-foot spacing requirement between community residences, assisted living homes, and assisted living centers. The occupancy of the home will be limited to a maximum of 10 individuals (not including staff). Legacy has also obtained a BHRF license from the State of Arizona and is Joint Commission accredited, demonstrating that it complies with the highest national standards for safety and quality in behavioral health. Therefore, all general requirements listed in the Zoning Ordinance are met by this application.

B. Community Residence Special Use Permit Requirements.

Pursuant to Section 11-31-14.B, special use permits are granted if the approving body determines that the project conforms to the following criteria applicable to transitional community residences:

11-31-14 – COMMUNITY RESIDENCES

...

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.*

Each of these criteria are addressed and satisfied below. Legacy reserves the right to provide to the Board of Adjustment additional information and documentation in support of these SUP criteria in accordance with Board rules of procedure.

1. **Legacy's Use is Compatible with Residential Uses Allowed as of Right in the RS Zoning District.**

The Property is located within the RS-15 Residential Single Dwelling zoning district. The residential uses allowed as of right in the RS-15 district are set forth in Table 11-5-2 of the Zoning Ordinance under "Residential Use Classifications," and include the following:

- 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

The Legacy behavioral health residential facility provides housing for 10 disabled residents and is compatible with the residential uses allowed as of right in the RS-15 zoning district. The disabled residents are sober and receive counseling and treatment services to support their recovery from alcohol, substance abuse disorders and mental health disorders, such as depression, anxiety, and post-traumatic stress disorder. Most importantly, the disabled residents who live at the Property emulate a conventional family setting. The residents are responsible for daily tasks such as cleaning, personal hygiene, budgeting, and cooking. The household functions as the equivalent of a family and allows the recovering persons to provide one another with continual mutual support as well as mutual monitoring to prevent relapse. The quality and nature of the relationships among the residents are akin to that of a family. The emotional and peer support and bonding experienced by each resident enhances and promotes recovery from drug addiction and alcoholism and is the equivalent of the type of love and support received in a traditional family. Residents at the property are allowed to engage in the process of recovery at their own pace, and the effects of their disabilities and diseases are greatly ameliorated as a result.

The residents live at the Property by choice. The choice is usually motivated by the individual's desire not to relapse into drug and/or alcohol use and/or their desire for improved mental health. It is also motivated by the desire to change their lifestyle and the manner in which they conduct their affairs. There is also a desire to become a responsible, productive member of society.

The familial characteristics of the Legacy home and residents ensure compatibility with single-family residences in this zoning district. Furthermore, the Property has been developed with a single-family residence that is consistent with the size and quality of other single-family residences in the zoning district and area. There is no signage or identification marking this residence as a community residence or behavioral health residential facility. It blends into the neighborhood seamlessly.

In addition, the staff and supportive services and treatment provided in the home are compatible with and comparable to other community residences and assisted living homes allowed as of right in the RS-15 zoning district.

Finally, the Legacy home would be compatible with small and large day care group homes allowed as of right in this zoning district. In fact, Legacy's residents live at the Property without their vehicles, creating less traffic and activity than day cares with daily, high turnover rates allowed in residential neighborhoods.

2. Legacy's Use will not Result in Clustering or Alter the Residential Character of the Surrounding Neighborhood by Creating or Intensifying an Institutional Atmosphere.

Legacy's 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 purpose of the 1,200-foot separation standard between community residences, assisted living homes and assisted living centers is to prevent clustering of these uses so that disabled residents are not segregated into de-facto institutionalized settings. The 1,200-foot separation standard is part of a broader effort under the Fair Housing Act to integrate disabled residents into the communities of their choice and to ensure that they receive the care and support they need in a setting that resembles a family environment. Because there are no other community residence or assisted living home/centers within 1,200 feet of Legacy's Property and Legacy's residents live in a family-like setting, there is no clustering or risk that an institutional atmosphere will impact the residential character of the surrounding neighborhood.

3. Legacy's Use will not Interfere with Normalization and Community Integration of Residents in either Legacy's Home or Existing Community Residences, Assisted Living Homes, or Assisted Living Centers.

Once again, the 1,200 separation standard was adopted to promote the normalization and community integration of disabled residents by ensuring that they live in residential neighborhoods of their choice amongst families. Legacy's Property is not located within 1,200 feet of another community residence or assisted living home/center. Therefore, there will be no interference with normalization and community integration of disabled residents in Legacy's home or other community residences or assisted living facilities. Furthermore, Legacy held open houses and also held a neighborhood meeting in March 2025 to help answer neighborhood questions and allow tours of the home in an attempt to foster future normalization and community integration of its disabled residents.

4. Legacy Has Submitted a Good Neighbor Policy.

A copy of Legacy's updated Good Neighbor Policy dated December 3, 2025 is submitted as part of this application. The Good Neighbor Policy addresses:

- (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 (See contact information above);
- (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 (see separate Applicant's Analysis of Development Standards dated December 3, 2025).

We respectfully request approval of this SUP application for a transitional community residence. We also reserve the right to submit to the Zoning Administrator and/or Board of Adjustment additional information and documentation in support of this SUP application in accordance with the Zoning Ordinance and rules of procedure.

If you need any additional information or documentation to process this SUP application, please do not hesitate to contact me at the email address or phone number below. Thank you.

Very truly yours,

/s/ Heather N. Dukes

Heather N. Dukes, Esq.

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VIA EMAIL AND DIMES PORTAL

Ms. Emily Johnson, Planner
Board of Adjustment
CITY OF MESA
Development Services Department
55 N. Center Street
Mesa, AZ 85211-1466

December 3, 2025

RE: Responses to First Review Comments dated November 25, 2025 – Case No. BOA25-00843;
Special Use Permit for Transitional Community Residence Located at 2338 E. Minton
Street, Mesa, AZ 85213 (Assessor Parcel Number 141-06-237) (the “Property”)

Dear Ms. Johnson and Board of Adjustment,

On behalf of my clients, Legacy Recovery Center, LLC, an Arizona limited liability company, (“Legacy” or the “Applicant”) and the owners of the above-referenced Property, Roland Segal and Ehab Abdallah (the “Property Owners”), I am submitting responses to the first review comments set forth in the Consolidated Comments Report dated November 25, 2025 in the above referenced matter (“First Review Comments”). Each of the First Review Comments have been addressed below.

1. First Review Comment No. 1 – Project Summary, Council District Information, Project Site Information, and General Plan and Zoning Information

Response: Acknowledged. No Response Required – comment provided for informational purposes only.

2. First Review Comment No. 2 – Although not required, Staff encourages a neighborhood meeting be held prior to the Board of Adjustment meeting. Please be sure to include Councilmember Adams and Coordinator Morgan in all invites to neighborhood meetings and public hearing notices.

Response: A neighborhood meeting was previously held on March 28, 2025. Neighborhood notification letters will be mailed to surrounding property owners, residents, and registered HOAs in accordance with Mesa Zoning Ordinance requirements and Applicant's Citizen Participation Plan dated December 3, 2025.

3. First Review Comment No. 3 –The Mesa 2050 General Plan Placetype designation for the property is Traditional Residential with a Sustain growth strategy. Comment No. 3 provides additional information regarding the General Plan Placetype, the Sustain growth strategy and principle land uses.

Response: Acknowledged. No Response Required – comment provided for informational purposes only.

4. First Review Comment No. 4 – The comment provides the definition of Transitional Community Residence from Section 11-86-2 of the Mesa Zoning Ordinance ("MZO"), confirms the existing zoning of the site is Single Residence -15 (RS-15), confirms a transitional community residence is permitted in the RS-15 district with the approval of a special use permit (per Table 11-5-2 of the MZO), and provides the registration process for a community residence per Section 11-31-14(C)(2).

Response: Acknowledged. No Response Required – comment provided for informational purposes only.

5. First Review Comment No. 5 – The comment provides the SUP criteria to be addressed in an application for a transitional community residence use, as set forth in Section 11-31-14(B) of the MZO. Staff has requested that the applicant address the following comments and questions below.

- A. Please provide a copy of your license from the State, or, if you have not yet received a license, the application you submitted to the State for a license.

Response: A copy of Applicant's behavioral health residential facility license issued by the Arizona Department of Health Services has been submitted to the City.

- B. Does Legacy Recovery Center, LLC operate other group living facilities, either in Arizona or other states? If so, please provide the names and locations of those group living facilities. Will the proposed secure behavioral health residential facility operate similarly to any of your existing facilities; if so, which one? How will it be similar or different?

Response: Legacy Recovery Center has a similar behavioral health residential facility in the unincorporated territory of Maricopa County located at [REDACTED] Chandler, Arizona [REDACTED]. Last year, the Maricopa County Board of Supervisors granted Legacy Recovery Center a special use permit approval to increase the number of residents from 10 to 16 in a single-family residential zoning district (Rural-43).

The Mesa location will operate similarly to the [REDACTED] Location, except for the following differences: (1) the Applicant will be seeking an SUP approval for the Mesa location for a maximum of 10 residents, and (2) the Applicant has placed individuals who wish to reside in the home for a longer length of stay at the Mesa location.

C. What level of care will the proposed facility be licensed, or is seeking to be licensed, by the State to provide (for example, medical care, directed care, custodial care)?

Response: The Applicant has obtained a behavioral health residential facility license from the Arizona Department of Health Services. A behavioral health residential facility is defined as “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.” See A.A.C. § R9-10-101.36.

The level of care provided to residents at this location would be limited to behavioral health services and treatment. Behavioral health services are services that pertain to mental health and substance use disorders and that are either: a) performed by or under the supervision of a licensed professional pursuant to A.R.S. Title 32, or performed on behalf of patients by behavioral health staff as prescribe by rule. See A.R.S. § 36-401.A.11.

Under the Mesa Building Code definitions, a behavioral health residential facility would provide supervisory care services because staff assist in the self-administration of prescribed medications and have the ability to intervene in a crisis. See Section 4-2-1(B)(6) of the Mesa City Code.

The Applicant does not provide the following levels of care or services:

- (1) Custodial Care
- (2) Directed Care Services (as defined in A.R.S. § 36-401.A.16 and Section 4-2-1(B)(1) of the Mesa City Code)
- (3) Personal Care Services (as defined in Section 4-2-1(B)(4) of the Mesa City Code)
- (4) An outdoor behavioral health program
- (5) Behavioral health services to individuals under the age of 18
- (6) Court-ordered evaluations
- (7) Court-ordered treatment
- (8) Respite services
- (9) Recidivism reduction services
- (10) Secure behavioral health residential facility services (as defined in ARS 36-425.06)

D. How will the proposed facility integrate its residents into the surrounding community? Will residents, for example, be able to interact with neighbors, go to nearby parks, shop at the local grocery store, or attend public events?

Response: Residents will go on outings, which are always accompanied by staff and typically occur on weekends. The residents will travel together in a Legacy company vehicle, and will attend church, go bowling, watch movies, play put-put golf, go to the local parks, and various other outings that the local community enjoys. Additionally, as part of the residents’ aftercare

plan, they are encouraged to obtain employment. Some Legacy residents have found steady jobs in and around this Mesa community.

- E. What specific security measures are you proposing for the proposed facility? For example, will interior bedrooms of residents be locked, will there be a fence or wall on the property? How often will residents be able to leave the property?

Response: The rear yard of the property is secured with a masonry wall. No interior resident bedrooms are locked. The house is monitored by an ADT security system, closed-circuit television cameras with real-time monitoring, Google-home cameras which provide notifications to Legacy staff when windows or doors are opened/closed, 24-hour staff presence, and Q15/Q30 rounds, whereby staff lay eyes on residents and note their location and activity within the home every 15-30 minutes throughout the day and evening.

Residents are not permitted to leave the property without a staff member. Residents typically leave the property with staff for outings and activities on the weekends. At the same time, residents are not held against their will in the home and may be discharged from the residence at any time in accordance with the Applicant's discharge policies and procedures.

- F. What is the discharge plan when residents are leaving the facility?

Response: Legacy staff assist residents with living arrangement referrals, alternative or continuing treatment referrals, and transportation in accordance with their discharge policies and procedures. A copy of Legacy's discharge policies and procedures has been submitted to the City.

6. First Review Comment No. 6 – Good Neighbor Policy

- A. Please expand upon the description of acceptable measures to ensure ongoing compatibility with adjacent uses, including the single-family residences and the school to the north.

Response: See updated Good Neighbor Policy dated December 3, 2025 submitted to the City of Mesa and uploaded to Dimes.

- B. How many parking spaces are on the property? Will any visitors or employees be parking on the street if street parking is permitted?

Response: The property provides for 10 parking spaces (one garage space and 9 driveway spaces). Legacy has implemented a policy to prohibit on-street parking by staff or visitors of residents. Residents are not permitted to park their vehicles at the property or drive their vehicles to and from the property.

- C. Expand on the safety and security aspect of the operations. Are residents permitted to leave the facility? Supervised or unsupervised?

Response: See Applicant's Responses to First Review Comment 5.D, E and F above.

- D. Include the name and telephone number of the manager or person responsible for the operation of the facility in the Good Neighbor Policy.

Response: See updated Good Neighbor Policy dated December 3, 2025 submitted to the City of Mesa and uploaded to Dimes.

- E. Respond to the criteria that the proposed use complies with all other development standards in this Chapter (11-31-14).

Response: See Applicant's Analysis of Development Standards dated December 3, 2025 submitted to the City of Mesa and uploaded to Dimes.

7. First Review Comment No. 7 – Photos and Property Owner Authorization Form

- A. Provide current photos of the home exterior.

Response: Current photos of the home exterior have been submitted to the City and uploaded to Dimes.

- B. Please refer to the Property Owner Authorization form uploaded to Dimes. This form will need to be signed and uploaded with the formal submittal. The Owner Signature must match the owner listed with Maricopa County. If the owner is an LLC, please include a note on this form that states that whoever signs is authorized to sign on behalf of that LLC.

Response: The signed Property Owner Authorization form has been submitted to the City and uploaded to Dimes.

8. First Review Comment No. 8 – Citizen Participation

- A. Per Section 11-67-3(A) of the MZO, all applications for public hearings require submission of a Citizen Participation Plan (CPP). The CPP provides an opportunity for the developer, property owners, neighborhood associations, and registered neighborhoods to interact and discuss the proposal prior to the public hearing. As part of the CPP requirements, all property owners within 150 feet and all registered neighborhoods and HOAs within 1 mile must be notified of the public hearing to consider the request.

Response: The Applicants Citizen Participation Plan dated December 3, 2025 has been submitted to the City of Mesa and uploaded to Dimes.

- B. Provide the required CPP with the formal submittal. Please see more information online by going to the Planning Division homepage, selecting "Current Planning", and then by reviewing

the “Citizen Participation” process - Link

Response: The Applicants Citizen Participation Plan dated December 3, 2025 has been submitted to the City of Mesa and uploaded to Dimes.

- C. Advisory - One month prior to the hearing, submit a Citizen Participation Report (CPR) that describes all efforts made to reach out to the surrounding community, details any feedback received, and how that feedback was addressed or resolved. A copy will be provided to the approving body with the subject staff report.

Response: The Applicants Citizen Participation Plan dated December 3, 2025 addresses the timing and contents of the Citizen Participation Report.

9. First Review Comment No. 9 – Public Notice

- A. Per Section 11-67-5(A)(2) of the MZO, any applications to the Board of Adjustment or Zoning Administrator acting as the Hearing Officer shall post the subject property no less than 15 days prior to the first scheduled hearing, and provide additional notice by first class mail a minimum of 15-days prior to the first scheduled hearing date to all owners of property located within 150-feet of the exterior boundary of the property that is the subject of the application, based on the last assessment.

Response: Acknowledged and addressed in the Applicant’s Citizen Participation Plan dated December 3, 2025.

- B. A Citizen Participation Plan Packet will be uploaded to Dimes to be signed (page 7). A signature is required to indicate applicants understand the requirements for public notice per Section 11-67-5 in the MZO. Upload the signed packet to the Dimes account.

Response: The Applicants Citizen Participation Plan dated December 3, 2025 has been submitted to the City of Mesa and uploaded to Dimes.

- C. Mailing lists will be provided in the formal submittal case file on Dimes for both the Citizen Participation and Public Notice processes: a. HOAs and Registered Neighbors b. Surrounding property owners within 150 feet.

Response: Acknowledged. No Response Required – comment provided for informational purposes only.

10. First Review Comment No. 10 – Anticipated Process – SUP

Response: Acknowledged. No Response Required – comment provided for informational purposes only.

11. First Review Comment No. 11 – Schedule

Response: Acknowledged. No Response Required – comment provided for informational purposes only.

12. First Review Comment No. 12 – “This could mean that the total number of vehicles could be up to 6 for visitors, 2 or 3 for employees, and potentially the company vehicle. It is unclear if street parking is permitted.”

Response: The Applicants First Revised Narrative dated December 3, 2025 has been submitted to the City of Mesa and uploaded to Dimes.

13. First Review Comment No. 13 - List should be: Single Residence, Multiple Residence, Assisted Living Facility, Boarding House, Community Residence, Comprehensive Youth Residence, Day Care Group Home, Manufactured Home Parks, Manufactured Home Subdivisions, Recreation Vehicle Parks, Recreational Vehicle Subdivisions.

Response: The Applicants First Revised Narrative dated December 3, 2025 has been submitted to the City of Mesa and uploaded to Dimes.

14. First Review Comment No. 14 and 15 – Revisions to Good Neighbor Policy as redlined by City staff.

Response: See updated Good Neighbor Policy dated December 3, 2025 submitted to the City of Mesa and uploaded to Dimes.

We reserve the right to submit to the Board of Adjustment additional information and documentation in support of this SUP application in accordance with the Zoning Ordinance and rules of procedure.

If you need any additional information or documentation to process this SUP application, please do not hesitate to contact me at the email address or phone number below. Thank you.

Very truly yours,

/s/ Heather N. Dukes

Heather N. Dukes, Esq.

602.320.8866 | hdukes@dukeslawaz.com

Clin 003 – Discharge/Follow-up Instructions

Policy No. & Title	Effective Date	Review/Revised Date	Page 1 of 1
Clin 003 – Discharge/Follow-up Instructions	8/1/23	9/2/2025	

Purpose: It is the policy of Legacy Recovery Center to ensure that all Discharges take place in a manner that is both beneficial and protective of the resident and consistent with AZDHS State requirements.

PROCEDURE

1. Clinical personnel shall ensure that a discharge summary:
 - a) Is entered into the resident record when the resident discharges from the program;
 - b) Includes the items that were returned to the resident
 - c) Is completed by a behavioral health professional or a behavioral health technician authenticated by the BHP; and
 - d) Includes:
 - i. The resident's presenting issue and other behavioral health issues identified in the resident's treatment plan
 - ii. A summary of the treatment provided to the resident
 - iii. The resident's progress in meeting treatment goals, including treatment goals that were and were not achieved
2. Treatment Personnel shall ensure at time of discharge:
 - a) A resident or residents representative receives in written form at least 3 referrals for treatment or ancillary services follow up instructions that the resident may need after discharge. Legacy Recovery Center's Case Management team will ensure that all appointments, housing, and transportation needs the resident may have, are in place prior to discharge.
 - b) Will contact the family or representative, if necessary, upon discharge
 - c) Provide resident with a copy of grievance policy; explain this process
 - d) That a resident was given a Resident Satisfaction Survey prior to discharge.
 - e) A discharge order is completed by a BHP or medical practitioner.
 - f) Legacy Recovery Center will arrange for transportation of patient from the facility to the designated living situation, or aftercare facility upon discharge
3. Administrative Personnel shall ensure before closing a resident file:
 - a) Discharge Summary is completed
 - b) Discharge Plan is completed
 - c) Resident discharge check list is completed by appropriate personnel
4. Referrals Upon Discharge
 - a) Regardless of the type of discharge, all residents will be provided with a minimum of three (3) appropriate referrals for continued, recommended after-care, or ordered follow-up specialty care when leaving our residential treatment setting.
 - b) An appropriate referral is one that meets the following criteria:
 - i. The provider is nationally accredited.
 - ii. The provider or treatment organization offers services at the level of care clinically indicated for the resident (e.g., aftercare programs suited to their diagnosis).
 - iii. Whenever possible, referrals are made to providers covered by the resident's health plan. Priority will be given to in-network providers or organizations that maximize accessibility, affordability, and the likelihood that the provider can meet the resident's needs, preferences, and treatment goals.

5. Types of Discharges:

- I. **Staff Initiated Discharge** (*SID - when a resident is deemed inappropriate for treatment at this facility - medical/other*)
 - a) Resident is not eligible to return to Legacy Recovery Center or have contact with active residents for at least 30 days after discharge
 - b) After 30 days resident may reapply for treatment services
 - II. **Against Staff Advice** (*ASA - Resident Initiated Discharge - when a resident leaves before treatment is complete against staff advice*)
 - f) Resident is not eligible to return to Legacy Recovery Center or have contact with active residents for at least 30 days after discharge
 - g) After 30 days resident may reapply for treatment services
 - III. **Mutually Initiated Discharge** (*Graduation – when resident is in total compliance with treatment plan and program*)
 - h) Resident may be referred to After Care Services
 - i) Resident will have been administered a Resident Satisfaction Survey
 - IV. **Program Compliance** (*Resident has complied with program but not completed, not eligible for graduation, mutually initiated discharge by staff and resident*)
 - a) Resident may be referred to After Care Services
 - b) Resident will have been administered a Resident Satisfaction Survey
6. **Good Neighborhood impact** (Legacy Recovery Center will take all steps necessary to ensure the patient is discharged in an orderly manner, and transportation is provided regardless of discharge type so as to reduce neighborhood traffic.)
- a.) Resident will be provided transportation off site either by Legacy Recovery Center, Family, or the aftercare provider to which the resident is being referred to.
 - b.) Legacy Recovery Center wishes to be mindful and respectful of it's neighbors, by reducing foot traffic, any potential disturbances, and sound.
 - c.) Should the resident refuse transportation, Legacy Recovery Center will offer alternative methods such as uber, or other transportation services.

MONITORING

1. Quarterly, a random sampling of closed records will be reviewed to determine if the discharge protocol is being followed.
2. Resident Satisfaction Surveys will be administered by staff designated by the Administrator.
3. Resident Satisfaction Survey results will be reviewed at the quarterly QM Meeting.
4. The Clinical Director or Administrator may activate training or new protocols to ensure best practices for discharge planning.