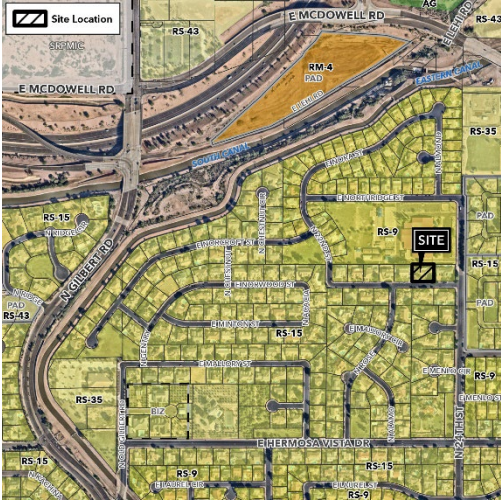




Board of Adjustment Report

Date	January 7, 2026	
Case No.	BOA25-00843	
Project Name	Legacy Recovery Center	
Request	Special Use Permit for a Transitional Community Residence	
Project Location	2338 East Minton Street	
Parcel No(s)	141-06-237	
Project Area	0.5± acres	
Council District	District 1	
Existing Zoning	Single Residence-15 (RS-15)	
General Plan Designation	Traditional Residential	
Applicant	Heather Dukes, Dukes Law PLLC	
Owner	Segal Roland / Abdallah Ehab	
Staff Planner	Emily Johnson, Planner II	

Recommendation

Staff finds that the requested Special Use Permit meets the required findings outlined in Mesa Zoning Ordinance (MZO) Section 11-31-14(B).

Staff recommends approval with conditions.

Project Overview

Request:

The applicant is requesting a Special Use Permit (SUP) for a Transitional Community Residence. Per Table 11-5-2 of the MZO, a SUP is required for a Transitional Community Residence in Single Residence (RS) Districts.

- Per Chapter 86 of the MZO, Transitional Community Residences provide a relatively temporary living arrangement measured in weeks or months with a limit on length of tenancy to less than a year.
- The proposed Transitional Community Residence is licensed to operate as a Behavioral Health Residential Facility by the Arizona Department of Health Services for individuals 18 years of age or older. The facility will serve a maximum of 10 individuals.

Site Context

General Plan:

- The Placetype for the project site is Traditional Residential and the Growth Strategy is Sustain.
- Single-family residential is a principal land use.

Zoning:

- The project site is zoned Single Residence-15 (RS-15).
- Per Table 11-5-2 of the MZO, a Transitional Community Residence use requires the approval of a SUP in single residence (RS) Districts; the criteria for approval of such an SUP is in 11-31-14 in the MZO.

Surrounding Zoning & Use Activity:

Northwest RS-9 Hermosa Vista Elementary	North RS-9 Hermosa Vista Elementary	Northeast RS-9 Hermosa Vista Elementary
West RS-15 Single Residence	Project Site RS-15 Single Residence	East RS-15 Single Residence
Southwest (Across Minton St.) RS-15 Single Residence	South (Across Minton St.) RS-15 Single Residence	Southeast (Across Minton St.) RS-15 Single Residence

Site History:

- **August 25, 1979:** City Council annexed 2,225.5± acres, including the project site, into the City of Mesa (Ordinance No. 1277).
- **February 18, 1980:** City Council approved a rezoning for 253.9± acres, including the project site, from Maricopa County Rural-43 to City of Mesa R1-35 (equivalent to current Single Residence-35[RS-35]) (Case No. Z80-020B; Ordinance No. 1313).
- **September 9, 1985:** City Council approved a rezoning of 66.5± acres, including the project site, from AG and R1-35 to R1-15 and R1-9 (equivalent to current Single Residence-15 and Single Residence-9 [RS-15, RS-9]) (Case No. ZON85-106, Ordinance No. 1984).
- According to the Maricopa County Assessor's website, the existing home was constructed in **2000**.
- **December 16, 2024:** The applicant submitted a building permit application to register a Community Residence with a maximum of 10 individuals (not including staff) at the project site. A City of Mesa Construction Permit and Certificate of Occupancy were issued on February 6, 2025, for an R-4 Residential Care/Assisted Living Occupancy Group (Building Permit PMT24-21631).
- **April 15, 2025:** The City of Mesa Planning Director issued an Interpretation classifying Legacy Recovery Center as a Transitional Community Residence which requires the approval of a Special Use Permit in order to operate.
- **April 30, 2025:** The applicant appealed the Planning Director's interpretation that Legacy Recovery Center meets the definition of a Transitional Community Residence.
- **July 29, 2025:** The Board of Adjustment upheld the Planning Director's April 15, 2025, interpretation (Case No. BOA25-00384).
- **October 3, 2025:** A civil citation was issued citing a violation of Mesa City Code Section 11-5-2 stating that Legacy Recovery Center, a Transitional Community Residence, failed to obtain a Special Use Permit and continued operating (COD25-05771).

Project/Request Details

Site Plan:

- **Location:** 2338 East Minton Street, generally located east of Gilbert Road and south of McDowell Road on the north side of Minton Street.
- **Subdivision:** Identified as Lot 13 of the Hermosa Vistas subdivision.
- **Building:** Maricopa County Assessor records indicate there is an existing single residence with 5,194 square feet of livable area, an 811 square foot covered patio, 1,123 square foot attached garage, and 1,057.5 square foot detached RV garage on a 21,073 square foot lot.
- **Operations:** The property is licensed with the Arizona Department of Health Services as a Behavioral Health Residential Facility (BHRF). Operations at the property are further outlined in the narrative provided by the applicant as a part of the application process. .

Special Use Permit:

Per Chapter 86 of the MZO, a Community Residence is defined, in part, as “a residential living arrangement for five to 10 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.”

Per Chapter 86 of the MZO, a Transitional Community Residence is “[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.”

In certain zoning districts a Transitional Community Residence is not allowed by right but requires the approval of a SUP. Per Section 11-31-14(B) of the MZO, a SUP shall be granted only if the Board of Adjustment finds that the applicant has demonstrated that all the following criteria are met:

1. The proposed use will be compatible with the residential uses allowed as of right in the zoning district:

- Per the applicant's narrative, the facility's housing replicates a family environment in the look and feel of a home. The residents who live at the property emulate a family setting. The residents are responsible for daily tasks such as cleaning, personal hygiene, budgeting, and cooking. They hold each other accountable and support one another. 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. Both family and transitional community residences have family-like relationships where the residents share household chores and duties, learn from each other, and provide one another with emotional support.
- There is no signage or identification marking the residence as a community residence or behavioral health residential facility.
- The applicant has stated that 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 applicant stated in their narrative that the residence will be staffed at all hours, though no staff will live on-site. There will be a total of 6 to 7 staff members with typically 2 to 3 staff on-site between 8:00 am and 4:00 pm and 2 staff members on-site after hours. One of the core elements of community residences is that they seek to emulate a family in how they function with the staff functioning as parents; to ensure that residents have adequate access to Legacy Recovery staff to assist residents with integration into community life, City staff recommends a condition of approval requiring a Legacy Recovery staff member be on site whenever a resident is present (see the Conditions of Approval below).
- The applicant has indicated that there is no maximum or minimum time period 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. The tenancy in a traditional owner-occupied single-family home is relatively permanent with a lower occupancy turnover rate

and tenancy in a transitional community residence is more akin to multiple-family residential uses with a higher turnover rate. To promote stability for residents and ensure compatibility with the residential uses allowed by right in an RS single residence zoning district, City staff recommends a condition of approval requiring an average length of stay of at least 30 days (see the Conditions of Approval below).

- As indicated by the applicant, residents living in the community residence do not have their own vehicles on-site, staff will provide transportation in a company vehicle, creating less traffic and activity. The site has a total of 10 on-site parking spaces, one garage space for the company vehicle and nine driveway spaces. Minton Street is a public street, but the Legacy Recovery Center has implemented a no on-street parking policy with all employees and visitors of residents.
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.
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.
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:**

The applicant submitted a Good Neighbor Policy (Exhibit 4) containing the following information:

- Measures to maintain a positive, collaborative relations with neighbors and the broader community such as: 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 actions to improve and maintain the grounds and premises in a neat, clean appearance at all times; and observing and participating in any ordinance related to noise control.
- 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 neighbor's houses and no excessive noise). Residents and staff are also expected to refrain from behavior that interferes with a neighbor's ability to enjoy their home or property, such behavior includes smoking outside of the designated smoking area in the rear-yard of the property, loitering, lewd or offensive language, and the cleanliness of the public space around the property.
- The name, telephone number and email address of the facility manager in the form of contact information for the Executive Director and the Chief Executive Officer (CEO).
- Complaint response procedures include offering the CEO's and Executive Director's contact information to anyone with a complaint and notifying the CEO and Executive Director of the complaint as well as the person's contact information, if possible.
 - New resident orientation will include program rules and include how residents are to greet and interact with neighbors and/or concerned parties.
 - All complaints filed by neighbors to residents or staff will be reviewed by Legacy's Governing Authority who will respond in writing to the complainant within 10 business days to attempt to resolve the issue.
 - All code complaints filed by neighbors to the City will be timely responded to or addressed by the CEO or other designated individual, depending on the nature of the code complaint or City's requirements/guidelines at issue.

The proposed Transitional Community Residence complies with the general requirements for Community Residences set forth in 11-31-14 of the MZO: (a) there is a distance of more than 1,200-foot from the closest existing community residence, assisted living home, or assisted living center as required by Subsection (A)(1); (b) the occupancy will not exceed 10 residents (not including staff) per Subsection (A)(2); and (c) the community residence has the required licensure and certification as it has obtained a Behavior Health Residential Facility license from the Arizona Department of Health Services per Subsection (A)(3) (Exhibit 5).

Required Notification

The applicant provided letters to surrounding property owners within 150 feet of the project site, notifying them of the public hearing.

At the time of this report, Staff has received one letter in opposition to the project from the City of Mesa Public Schools.

Conditions of Approval

Staff recommends **approval** of the Special Use Permit (SUP) for a Transitional Community Residence, subject to the following conditions:

1. Compliance with the Mesa Zoning Ordinance, including all applicable City Development codes and regulations.
2. Approval of a final Community Residence registration for the project site and annual registration renewal in accordance with Section 11-31-14 of the MZO.
3. A staff member will be present on-site whenever there are any residents at the home.
4. The annual average length of the residents' stay, calculated in days, must be 30 days or more.
 - a. As a part of the annual registration renewal of the community residence required by the Mesa Zoning Ordinance, data shall be provided to the City evidencing compliance with the 30-day minimum average length of stay, including, as a minimum, the arrival date, the departure date and duration of each resident's stay.
 - b. The data provided shall not include confidential medical information (e.g., no HIPAA protected information or information about the disabilities of the residents) or any personal identifying information of any resident.
 - c. The City reserves the right to ask for additional information regarding resident length of stay provided the information does not contain the excluded information identified in Subsection (b) above.

Section 11-70-5 of the MZO allows for a revocation process if any condition, stipulation, or term of the approval of the SUP has been violated. In addition to the conditions of approval above, approval of the SUP is conditioned on the information provided by the applicant at the public hearing and in the application (including any accompanying narrative and other supplemental materials) not being false or materially misleading at the time of approval.

Exhibits

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Narrative / Justification and Compatibility Statement

Exhibit 3 – Site Plan and Floor Plan

Exhibit 4 – Good Neighbor Policy

Exhibit 5 – Site Photos

Exhibit 6 – License

Exhibit 7 – Mesa Public Schools Letter

Exhibit 8 – Power Point Presentation