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Staff finds that the requested Special Use Permit (SUP) meets the required findings outlined in Mesa Zoning Ordinance (MZO) Section 11-31-14(D)(1).

Staff recommends approval with conditions.

Project Overview

Request:

- The applicant is requesting a Special use Permit (SUP) for Reasonable Accommodation to the spacing requirements of Section 11-31-14(A)(1) of the MZO to allow a Community Residence within 1,200 feet of an existing Assisted Living Home and another existing Community Residences.
- A Community Residence is 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. 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.
- The proposed Transitional Community Residence is a Secured Behavioral Health Residential Facility under A.R.S. § 36-425.06, licensed by the Arizona Department of Health Services, for individuals 18 years of age or older who are placed in the facility pursuant to a court order issued pursuant to A.R.S. §§ 36-550.09 or 13-4521. The facility will serve a maximum of 10 individuals.

Concurrent Applications:

- BOA25-00456: "Janisa Manor Transitional Community Residence SUP Request," Requesting a Special use Permit (SUP) to allow for a Transitional Community Residence, to be considered at the same public hearing as the current request. The project requires the approval of both applications to meet the requirements of the MZO.

Site Context

General Plan:

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

Zoning:

- The project site is Single Residence-9 (RS-9)
- Per Table 11-5-2 of the MZO, a Transitional Community Residence is permitted in Single Residence with a Special Use Permit (SUP) subject to compliance with Section 11-31-14 of the MZO.

Surrounding Zoning & Use Activity:

The proposed Transitional Community Residence is compatible with surrounding land uses, which include single residences.

Northwest (Across McLellan Road) RS-9 Single Residence	North (Across McLellan Road) RS-9 Single Residence	Northeast (Across McLellan Road) RS-9 Single Residence
West RS-9 Single Residence	Project Site RS-9 Single Residence	East (Across the North Upland Circle Alley) RS-9 Single Residence
Southwest (Across the West Heather Drive Alley) RS-9 Single Residence	South (Across the West Heather Drive Alley) RS-9 Single Residence	Southeast (Across the North Upland Circle Alley) RS-9 Single Residence

Site History:

- **December 21, 1952:** City Council annexed 1,194.2± acres, including the project site, into the City of Mesa and subsequently zoned the project site Single Residence-9 (RS-9) (Ordinance No. 358).
- According to the Maricopa County Assessor's website, the existing home was constructed in **1965**.
- **February 13, 2017:** The Zoning Administrator granted a proximity exception to allow the registration of a Group Home for the Handicapped (currently referred to as a Community Residence) on the grounds that it met the requirements of Section 11-31-14(A)(4) of the MZO at the time, which required, "A separation between such homes of 1200-feet or by the presence of significant intervening physical features between an existing group home for the handicapped and the proposed group home for the handicapped, such as arterial streets, canals, parks, or similar buffering features or developments".
- **March 20, 2017:** City of Mesa Planning and Development Services staff approved the registration of a Group Home for the Handicapped - Behavioral Health Residential Facility with a maximum of 10 residents for the project site (PLN2017-00072 and BLD2017-01125).
- **July 8, 2021:** the City Council adopted text amendments to the MZO, which redefined Group Homes for the Handicapped as Community Residences, created and defined a Family Community Residence and Transitional Community Residence and established land use regulations for these new uses, changed the occupancy allowance of a Community Residence from six to 10 individuals to five to 10 individuals, established a process to allow a Community Residence that does not meet the spacing, occupancy or licensure requirements to request reasonable accommodation through a SUP and established the SUP review criteria for a Transitional Community Residence (Ordinance No. 5632).
- **August 3, 2022:** Arizona Department of Health Services records indicate the Behavior Health Residential Facility licensed at the project site, closed. Subsequently, the

Community Residence registration marker and 1,200-foot buffer were removed from Planning's Community Residence tracking map.

- **March 3, 2025:** 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. During the course of reviewing this application, it was determined the proposed Transitional Community Residence did not comply with Section 11-31-14(A)(1) of the MZO, which requires a minimum distance of 1,200 feet from the closest existing community residence, assisted living home, or assisted living center, as measured under MZO 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 10 acres (e.g., park, golf course, etc.), a railroad, or a highway, that is approved by the Zoning Administrator. In addition, it was determined that the proposed Transitional Community Residence met the definition of a Transitional Community Residence since the information provided by the applicant indicates the typical length of stay may range from several weeks to 12 months, depending on the individual's treatment plan with the maximum length of stay of no more than one year (Building Permit PMT25-03880).
- **April 9, 2025:** The application (Building Permit No. PMT25-03880) was denied on the grounds that the proposed Transitional Community Residence did not meet the spacing requirements of Section 11-31-14(A)(1) of the MZO.
- **May 6, 2025:** The applicant submitted a Board of Adjustment application to request a SUP for a reasonable accommodation to the spacing requirements of Section 11-31-14(A)(1) of the MZO and a second Board of Adjustment application for a SUP to allow for a Transitional Community Residence in the RS-9 District pursuant to Section 11-31-14(B) (BOA25-00352 and BOA25-00456, respectively).

Project/Request Details

Site Plan:

- **Location:** East of Alma School Road within the 800 block on the south side of McLellan Road.
- **Subdivision:** Identified at as Lot 8 of the Fairway Gardens subdivision.
- **Building:** Maricopa County Assessor records indicated there is an existing single residence with 2,371 square feet of livable area and 168 square feet of covered patio area on a lot with 8,350 square feet of area.

Special Use Permit:

Per Section 11-31-14(D) of the Mesa Zoning Ordinance (MZO), a Community Residence that does not meet the spacing, occupancy or licensure requirements may request a reasonable accommodation through the SUP process. The accommodation being sought must be reasonable and necessary to afford individuals with disabilities an equal opportunity to use and enjoy housing. Per Section 11-31-14(D)(1) of the MZO, a SUP to the spacing requirements shall be granted only if the Board of Adjustment finds that the applicant has demonstrated that the proposed use meets all of the following criteria:

1. **The proposed use will not interfere with the community integration of the residents of any existing community residences, assisted living homes, or assisted living centers, or their ability to interact with neighbors without disabilities; and the**

presence of other community residences, assisted living homes, or assisted living centers will not interfere with the community integration and interaction of the residents of the proposed use;

- The proposed Transitional Community Residence and the nearest Assisted Living Facility (Assisted Living Home) are 846 feet apart, measured in a straight line from the nearest parcel line of the existing Assisted Living Facility to the nearest wall of the proposed Transitional Community Residence, which crosses over adjacent properties. The distance required to travel along the street is approximately 1,048 feet and would require an individual to cross McLellan Road, which has four lanes plus a center turn lane, and there are no crosswalks or traffic control features to allow a pedestrian to legally cross McLellan Road in the immediate vicinity (the closest being at the intersection of Country Club Road and McLellan Road).
- The proposed Transitional Community Residence and the nearest other Community Residence are 985 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 1,697 feet, or a little less than 1/3 of a mile, and would require an individual to cross McLellan Road, which, as noted above, does not have crosswalks in the immediate vicinity or traffic control measures to stop the flow of traffic to allow a pedestrian to legally cross (the closest being at the intersection of Alma School Road and McLellan Road).
- The proposed Transitional Community Residence is a Secured Behavioral Health Residential Facility under A.R.S. § 36-425.06, licensed by the Arizona Department of Health Services, for individuals 18 years of age or older who are placed in the facility pursuant to a court order issued pursuant to A.R.S. §§ 36-550.09 or 13-4521. The facility will serve a maximum of 10 individuals. Based on the distance between the proposed Transitional Community Residence and the Assisted Living Facility and the different care and demographics of the proposed Transitional Community Residence and the Assisted Living Facility, staff does not believe the proposed Transitional Community Residence will interfere with the integration of the Assisted Living Facility residents in the community. Similarly, the presence of the existing Community Residence, which operates as a facility offering alcohol-free or drug-free housing as defined in A.R.S. § 36-2061(3), will not interfere with the community integration and interaction of residents of the proposed Transitional Community Residence based on the distance between the two facilities and the fact that the two facilities are serving two different populations. Also, due to the location of the proposed Transitional Community Residence as compared to the Assisted Living Facility and the existing Community Residence, it would be unlikely that the residents at each property would be aware of the other sites.

2. **The proposed use in combination with any existing community residences, assisted living homes, or assisted living centers will not alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere or by creating or intensifying a de facto social service**

district by clustering or concentrating community residences, assisted living homes, or assisted living centers; and;

- The closest Assisted Living Facility (the Assisted Living Home) resides 1,048 feet (walking distance) to the east on the north side of McLellan Road. The existing Community Residence also resides across McLellan Road and is approximately 1,697 feet (walking distance) to the northwest.
- The combination of the proposed Transitional Community Residence with the existing Assisted Living Facility and Community Residence will not alter the residential character of the surrounding neighborhood by creating or intensifying an institution atmosphere or a de facto social service district.

3. The proposed use complies with all other development standards in this Chapter.

- The proposed Transitional Community Residence will apply for a license with the Arizona Department of Health Services in compliance with Section 11-31-14(A)(3) of the MZO.
- The applicant is requesting a SUP to allow for a Transitional Community Residence in the RS-9 District (BOA25-00456). If approved, the Transitional Community Residence will comply with all other development standards of Section 11-31-14 of the MZO.

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 had not received any communications providing support or opposition to the project.

Conditions of Approval

Staff recommends **approval** of the Special Use Permit (SUP) for Reasonable Accommodations to the spacing requirements to allow for a Community Residence within 1,200 feet of an existing Community Residence:

1. Approval of and compliance with all requirements of Case No. BOA25-00456, including approval of a Special Use Permit for a Transitional Community Residence.
2. Approval of a Community Residence registration for the project site in accordance with Section 11-31-14 of the MZO.
3. Compliance with all applicable City development codes and regulations.

Exhibits

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Narrative/Justification Statement

Exhibit 3 – Site Plan

Exhibit 4 – Separation Map

Exhibit 5 – Site Photos

Exhibit 6 – Power Point Presentation