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**RE: Community Residence Registration - 2338 East Minton Street**

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**From** Kwasi Abebrese <kwasi.abebrese@mesaaz.gov>

**Date** Wed 10/9/2024 3:21 PM

**To** Heather Dukes <hdukes@dukeslawaz.com>

Hello Heather,

Sorry for the late response to your message. Per Chapter 86 of the Mesa Zoning Ordinance (MZO), a Family Community Residence is defined as a community residence with 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 document of the community residence. The minimum length of tenancy is typically a year or longer. If the proposed use falls under this category, then it is considered as a Family Community Residence.

Please let me know if you have any further questions.

Best,

**Kwasi Abebrese**

Planner II

City of Mesa

55 N Center St

P. O. Box 1466

Mesa, AZ 85211-1466

Phone: 480.644.2764

Email: [Kwasi.Abebrese@mesaaz.gov](mailto:Kwasi.Abebrese@mesaaz.gov)

*Standard business hours are 7:00 AM – 6:00 PM Monday through Thursday. City Hall is closed on Fridays.*



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**From:** Heather Dukes <hdukes@dukeslawaz.com>

**Sent:** Wednesday, October 9, 2024 2:52 PM

**To:** Kwasi Abebrese <kwasi.abebrese@mesaaz.gov>

**Subject:** Fw: Community Residence Registration - 2338 East Minton Street

**Importance:** High

Good afternoon, Kwasi,

Are you able to provide confirmation by today that the use I described below is a family community residence?

Sincerely,

Heather N. Dukes, Esq.

DUKES LAW, PLLC

5527 N. 25th Street

Phoenix, AZ 85016  
Mobile: (602)320-8866  
Email: [hdukes@dukeslawaz.com](mailto:hdukes@dukeslawaz.com)

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**From:** Heather Dukes <[hdukes@dukeslawaz.com](mailto:hdukes@dukeslawaz.com)>  
**Sent:** Monday, October 7, 2024 2:11 PM  
**To:** Kwasi Abebrese <[Kwasi.Abebrese@mesaaz.gov](mailto:Kwasi.Abebrese@mesaaz.gov)>  
**Subject:** Re: Community Residence Registration - 2338 East Minton Street

Kwasi,

Thank you for this information. As I mentioned on the phone, my client needs confirmation that their use would be considered a family community residence before proceeding. The Mesa Zoning Ordinance permits a family community residence within the RS-15 zoning ordinance without an SUP requirement. A "community residence" and the subcategory "family community residence" are defined as:

**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.

**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.

To assist with this determination, I have provided the following information:

- **The name of the facility**
  - Legacy Recovery Center, LLC will be the license-holder and applicant
- **The type of Community Residence**
  - Family Community Residence
- **The number of residents**
  - Up to 10 residents
- **The age range of the residents**
  - Adults

- **What Arizona State agency will be licensing this facility? Or, provide certification by the Arizona Recovery Housing Association or a “Permanent” Oxford House Charter if not required to be licensed by the State of Arizona.**
  - The Arizona Department of Health Services will be licensing this facility as a behavioral health residential facility.
- **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, employer interview coaching, and motivational interviewing.
  - 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. Some residents may live there for 3-6 months while others may choose to live there for longer than a year.

- **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

- **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.

Based on this information, please confirm that my client's community residence use would constitute a "family community residence." If you can respond before Wednesday, October 9th, I would greatly appreciate. Please do not hesitate to contact me if you need additional information or have any questions.

Sincerely,

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

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**From:** Kwasi Abebrese <[Kwasi.Abebrese@mesaaz.gov](mailto:Kwasi.Abebrese@mesaaz.gov)>

**Sent:** Wednesday, October 2, 2024 7:21 AM

**To:** Heather Dukes <[hdukes@dukeslawaz.com](mailto:hdukes@dukeslawaz.com)>

**Subject:** Community Residence Registration - 2338 East Minton Street

Hello,

The property at 2338 East Minton Street is in the Single Residence 15 (RS-15) zoning district and meets the 1,200 feet separation requirement to be a registered Community Residence with 5-10 individuals.

***Please be advised:*** the eligibility of the subject property to be a registered Community Residence with 5-10 individual is not guaranteed, since other properties in the area are also eligible to be a registered Community Residence with 5-10 individuals.

To secure the ability of the subject property to be a Community Residence with 5-10 individuals, please submit a Community Residence registration application per the instructions below as soon as possible.

To register this address as a Community Residence with 5-10 individuals, please prepare and submit the Community Residence registration information per the following instructions.

1. Provide completed and signed Community Residence registration form
2. Provide completed and signed Occupancy Confirmation Worksheet
3. Provide a signed Property Owner Authorization form
4. Please provide a typed narrative with the following information about the Community Residence:
  - The name of the facility
  - The name, telephone number, email address and mailing address of the person responsible for the facility
  - The type of Community Residence
  - The number of residents
  - The age range of the residents
  - What Arizona State agency will be licensing this facility? Or, provide certification by the Arizona Recovery Housing Association or a "Permanent" Oxford House Charter if not required to be licensed by the State of Arizona.
  - Indicate whether or not all residents are capable of recognizing and responding to emergency situations without assistance from staff.
  - Does the residence have fire sprinklers?
  - Are the fire sprinklers monitored by an off-site agency? If yes, please provide verification of off-site monitoring.
  - Explain what services are provided at the facility.
  - Explain how the residents are supervised at the facility.
5. Provide a site plan of the property. Please include the address of the property on the site plan, label the major street names and provide a compass orienting the map.
6. Provide a floor plan of the facility

Attached is a copy of the Community Residence registration form, property owner authorization form and Occupancy Confirmation Worksheet. Please complete the registration and worksheet forms. The property owner authorization form is required to be signed by the property owner if the Community Residence applicant is not the property owner. Also, if the property owner or proposed Community Residence is owned/operated by a LLC, then provide documentation that authorizes the property owner signatory or Community Residence applicant to "act" on behalf of the LLC.

Once these documents are gathered, completed and signed, then, scan all the documents, including the narrative, and create one pdf containing all the scanned documents. Next, follow the instructions below to create a building permit (DIMES program) to begin the review/approval process for a new Community Residence Registration/Certificate of Occupancy.

1. Following is a link to the DIMES home page: <https://aca-prod.accela.com/MESA/Default.aspx>
2. Under the "I Want to" button, select the "Create a Construction Permit" for the drop-down menu.
3. If you do not have a DIMES account, you will need to create an account using the "Register" button in the top left corner of the page. Once you are registered for an account, the login to DIMES using the "login" button in the top right corner with log-in information. If you already have a DIMES account, then login in to your account using the "Login" button in the top left corner of the page. (Following is a link to DIMES help: <https://www.mesaaz.gov/business/development-services/dimes-help> If you have question about the DIMES program call 480-644-4273)
4. Once you are logged-in to your DIMES account, agree to the "General Disclaimer" and then, select "Continue Application"
5. On the next page, from the list of construction permits, choose "Residential Permit" and then, select "Continue Application"
6. Fill out all the necessary address and contact information and then, select "Continue Application"
7. At Step 2: Application Information>Application Detail, complete all fields with a "red asterisk" \*
8. Type in \$0 in the "Job Value(\$)" field.
9. Select "Non-Structural" from "Type of Work" drop-down menu
10. Upload the pdf containing the "Community Residence registration form, Occupancy Confirmation Worksheet, Property Owner Authorization form, LLC authorization, Project Narrative, Site Plan and Floor Plan etc" file into the DIMES system. Select "Construction Documents" from the drop down menu under "Type". In the "Description" box, type "CR forms".
11. Then submit your permit. A PMT Number will be assigned to the application.
12. Once the permit is submitted, the permit review turn-around time is 10 City of Mesa working days (M-Th).
13. The DIMES program will send a "no-reply" email to notify the applicant of changes in permit status.
14. FYI -- Please note the Community Residence Registration fee is \$250 + 4% Tech Fee and the duplicate Certificate of Occupancy fee is \$120.00 + 4% Tech Fee.

Please contact Permit Services at 480-644-4273 if you have questions about these instructions.

Best,

**Kwasi Abebrese**

Planner II

City of Mesa

55 N Center St

P. O. Box 1466

Mesa, AZ 85211-1466

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