



Date: November 16, 2020
 To: City Council
 From: Rachel Prelog, Senior Planner
 Through: Kari Kent, Assistant City Manager, Christine Zielonka, Development Services Director, Nana Appiah, Planning Director
 Subject: Mesa Zoning Ordinance Text Amendments (**Assisted Living Text Amendments**)-
 Proposed amendments to Chapter 2, Chapter 6, Chapter 8, Chapter 31, Chapter 86, and Chapter 87

PURPOSE AND RECOMMENDATION:

Over the past year, the City Council requested staff to review the City's current zoning regulations for assisted living facilities and nursing and convalescent homes and recommend changes geared towards encouraging those uses to be located outside major road intersections; and also minimize over concentration of those uses in an area. As requested by the City Council, staff reviewed the zoning ordinance and researched various best land uses practices employed to ensure appropriate distribution of uses in areas in a municipality, and as a result is recommending certain text amendments to the City's Zoning Ordinance.

Details of the proposed text changes are attached to this report as Exhibit 1 (i.e. Assisted Living Amendments). The specific affected chapters are Chapter 2: Rules for the Construction of Language and Interpretation, Chapter 6: Commercial and Mixed-Use Districts, Chapter 8: Downtown Districts, Chapter 31: Standards for Specific Uses and Activities, Chapter 86: Use Types, and Chapter 87: Definitions of the Mesa Zoning Ordinance (MZO). The proposed changes: (1) Provide new definitions related to assisted living; (2) Modify the land use review process for assisted living facilities and nursing and convalescent homes; (3) Create development performance standards for assisted living centers and nursing and convalescent homes; (4) Define rules of measurement for how distance from a roadway intersection is measured; and (5) Provide Council Use Permit review criteria specific to assisted living centers and nursing and convalescent homes.

BACKGROUND AND DISCUSSION:

As defined in the City's Zoning Ordinance and State Statutes, assisted living facilities and nursing and convalescent homes provide supervisory care, personal care, custodial care and/or medical care for persons of advanced age or limited ability for self-care. While these facilities resemble multiple residence living arrangements, they are more akin to an institution in how they operate, providing additional services for residents such as transportation, recreation, food, etc. and are licensed by the State of Arizona.

In administering the City's General Plan and Zoning Ordinance, it is the goal of the City to provide adequate and appropriate districts and adequate public facilities for assisted living and nursing and convalescent homes while also protecting a vulnerable subset of the population that needs such care. To effectively continue to administer the City's General Plan and Zoning Ordinance, City

Staff is recommending a set of Zoning Ordinance text amendments to assist and promote healthy distribution of the location of assisted living facilities and convalescent homes in the City.

SUMMARY OF THE AMENDMENTS AND EXPLANATION:

1) Provide new definitions related to assisted living:

The following definitions for “Assisted Living,” “Assisted Living Home,” and “Assisted Living Facility” have been added to Chapter 87: Definitions of the MZO.

Assisted Living Facility. A residential care institution that provides persons with a disability or persons of advanced age or limited ability for self-care that is licensed by the State of Arizona to perform, supervisory care services, personal care services or directed care services on a continuing basis.

Assisted Living Center. An assisted living facility (see definition above) that provides resident rooms or residential units to 11 or more residents.

Assisted Living Home. An assisted living facility (see definition above) that provides resident rooms to 10 or fewer residents.

These definitions align with the Arizona Department of Health Services definitions that also distinguishes assisted living centers from assisted living homes, based on the number of residents accommodated.

2) Modify the land use review process for assisted living facilities and nursing and convalescent homes:

Currently, the Zoning Ordinance allows assisted living facilities in the Neighborhood Commercial (NC), Limited Commercial (LC), Office Commercial (OC), Downtown Business 1 (DB-1), Downtown Residence 3 (DR-3), and the Downtown Core (DC) zoning districts through the approval of a Special Use Permit (SUP). The use is also allowed by-right in the City’s Multiple Residence (RM) zoning district. For nursing and convalescent homes, those uses are allowed by-right in the General Commercial (GC), Downtown Business 2 (DB-2), DB-1, NC, LC, OC zoning districts. They are allowed in the RM district through the approval of an SUP.

Staff is recommending that assisted living centers (11 or more residents) and nursing and convalescent homes be required to be reviewed through a Council Use Permit (CUP). This review process will provide the opportunity for multiple public input through the Planning and Zoning Hearing for recommendation and for the City Council’s review and decision. The changes will also provide opportunities for the Council to seek public responses from their respective districts in reviewing such projects.

Assisted living homes (10 or fewer residents) will continue to be reviewed similar to group home for the handicapped. Staff is currently reviewing zoning text amendments to the City’s requirements for group home for the handicapped or “Community Residences” and plan to discuss the proposed and recommended changes with the City Council in the coming months.

3) *Create development performance standards for assisted living centers and nursing and convalescent homes:*

Development performance standards are intended to regulate the intensity of land uses to minimize adverse impact on abutting and nearby properties. As part of the proposed amendments, staff is recommending the adoption of two standards for development and location of assisted living centers and convalescent homes. These standards are: (1) Requiring a 600-foot separation for assisted living centers and nursing and convalescent homes from a major roadway intersection; and (2) A 1,200-foot separation of such uses from the closest assisted living center, nursing and convalescent home, or group home for the handicapped.

The requirement for assisted living centers and nursing and convalescent homes to be setback 600 feet from a major roadway intersection would apply to the intersection of a highway and arterial street, highway and collector street, arterial and arterial street, or arterial and collector street. This separation requirement is intended to promote the siting of facilities away from busy intersections, which could be unsafe for residents of those uses. The 1,200-foot separation requirement for assisted living centers and nursing and convalescent homes from one another will help minimize an over concentration of such uses in areas of the City, which may lessen the impact on City services and help ensure adequate distribution of public facilities.

4) *Define rules of measurement for how distance from a roadway intersection is measured:*

Chapter 2 of Title 11 (i.e. Mesa Zoning Ordinance) provides the rules for measurement by which development and performance standards are reviewed. To provide clarity and consistency in the application of measuring the required 600-foot separation for land uses to an intersection, staff is recommending adding a definition to Chapter 2 of the Zoning Ordinance to clearly define how distance from an intersection is measured.

5) *Provide Council Use Permit criteria specific to assisted living facilities and nursing and convalescent homes:*

As part of the recommendation for the requirement of a CUP for assisted living facilities and nursing and convalescent homes, staff is recommending the City Council to adopt specific review criteria to guide approval of CUP requests for assisted living facilities and nursing and convalescent homes. The proposed criteria is an addition to the City's current standards review criteria for CUPs found in Section 11-70-6 of the MZO. The recommended criteria is intended to address the unique operations and potential impacts of assisted living facilities and nursing and convalescent homes in the City.

The recommended criteria seeks: (1) To minimize the potential for over-concentration of assisted living facilities and nursing and convalescence homes, and the creation of an institutional atmosphere or defacto social service district in areas of the City; (2) To ensure that uses are adequately distributed in the City and located in areas where there are adequate public facilities to support the uses; and (3) To ensure that the uses will not have an adverse impact on vehicular traffic or level of service.

RECOMMENDATION

After thorough evaluation of the City's General Plan and Zoning Ordinance, and discussions with various stakeholders including the assisted living associations, and research of land use practices, staff is recommending approval of the proposed amendments to the Mesa Zoning Ordinance.