



Planning & Zoning Appeal Application

Case #
17-810-00001

Case No. 00-____-000____
Accepted By: _____
Date: ____/____/____
Fees Paid: \$ _____

17-110 00001
RECEIVED
MAR 03 2017
BY: _____

PROJECT INFORMATION

Project/Development Name: Arizona Behavioral Care Homes
Address/General Location: 4349 N. 161st Avenue, Goodyear, AZ 85395
Assessor Parcel Number(s): 50162764 (Palm Valley)
Pre-Application Meeting Date: ____/____/____ City of Goodyear Planner: _____

APPLICANT INFORMATION

This application must be executed by the owner(s) of the subject property or provide an Authorization Letter executed by the owner(s) of the subject property stating that the Applicant is authorized to represent the property owner(s) in this application.

Applicant Name: Crawford Breedlove Company: Arizona Behavioral Care Homes
Address: 4645 S. Lakeshore Drive, suite #3 City: Tempe State: AZ
Phone Number: (225) 802-1717 Email Address: cbreedlove@abch.us
Signature of Property Owner(s): [Signature] Date: 3/1/17

ALL SUBMITTALS MUST INCLUDE THE FOLLOWING INFORMATION:

- ☒ 2 copies of a Narrative (a full description of the appeal and relief sought, any necessary supporting plot plans, site plans, pictures, or other materials, and citation of appropriate Zoning Ordinance provisions relative to the appeal)

Appeal to (Check appropriate box):

- ☒ Board of Adjustment of Staff Decision
☐ City Council of Design Guidelines Appeals Board Decision
☐ City Council of Staff Decision on a Minor Land Division
☒ City Council of Planning & Zoning Commission Decision
☐ Design Guidelines Appeals Board of Development Policy Decision
☐ Other: _____
☒ Fees: \$500

An applicant may receive a clarification from an interpretation or application of a statute, ordinance, code, or authorized substantive policy statement as provided in Section 9-839.

Development Services Department
14455 West Van Buren Street, Building D101
Goodyear, AZ 85338 / 623-932-3005 / www.goodyearaz.gov



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March 02, 2017

RE: Planning & Zoning Appeal Application Narrative: Case# 17-810-00001

To whom it may concern,

Please allow this to serve as the formal narrative associated with our Planning & Zoning Appeal Application. First off, I would like to take the opportunity to go on record to express how much I appreciate the City of Goodyear's willingness to support the growth of local businesses. I always look forward to interacting with representatives from the City of Goodyear because it is obvious that they advocate for safety and accountability, and want what is best for their city and the individuals who choose to live there. Goodyear is one of the fastest growing municipalities in Arizona and we will continue to grow our business and create more jobs there in the future. No part of this narrative is intended to assign blame or any ill will towards the City of Goodyear or any individual working for the city. I take responsibility for my duties as the applicant and admit that I could have done a better job of insuring our property was in compliance with the zoning rules prior to purchasing the property. However, given all the factors and circumstances I will cover in this narrative, I believe that I did an adequate amount of due diligence and am not solely responsible for the position I am in. I believe that the City of Goodyear shares a portion of the responsibility, and because of that I am requesting a slight amount of *Variance* be granted. *Variance*, as defined in section 2-24 of the City of Goodyear Zoning Ordinance (attachment 2), requires the "modification of the literal provisions of the Zoning Ordinance, granted by the Board of Adjustment upon finding that the strict enforcement would cause undue hardship, owing to circumstances unique to an individual property for which the variance is granted, and not caused by the applicant." In addition to that, section 3-3, criteria a, of the City of Goodyear Zoning Ordinance (attachment 3), the minimum distance (1320 ft.) allowed between the two Assisted Living Facilities is stated in the provision, but the specific location (property line, corners, front door, etc.) where the measurements should be taken from is not stated in the provision. I am going to break my points of appeal down using bullet points.

- This property will be our sixth (6th) business location in Goodyear and we followed the same process up to this point for all prior locations. We would first verify any prospective property's location on the Assisted Living/Group Home Buffer Zone map and determine whether or not the property was in an acceptable location. If the prospective property was close to an existing Assisted Living/Group Home's buffer zone, we would call one of the representatives at the front counter and request that they look up the address we were interested in. Every time we were interested in a prospective property we did this, and every time they would look up the property address we provided and told us whether or not it was within the buffer zone of any existing Assisted Living/Group Homes. And again, this is not an assignment of blame. To the contrary, we appreciate the City of Goodyear's willingness to be personable and helpful, and we hope that this appeal doesn't have a negative impact on our professional relationship with Goodyear or how other agencies experience Goodyear in the future. However, it is not an uncommon occurrence for the individuals working the front counter to answer questions or provide information that is outside of their scope of practice. The representative I spoke with at the front counter stated that the property was not inside the other property's buffer zone, and that feedback played a role in my decision to buy the property. Moving forward I will not put anyone in the position to make that mistake again.



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- I would suggest the City of Goodyear change the type and functionality of the Assisted Living/Group Home Buffer Zone map provided on their website for a few reasons. First, the map cannot be enlarged or manipulated in any way. This prevents individuals from getting a more detailed and realistic picture of where properties are located, and more importantly, how far they are from one another. When looking at the two properties involved in this case, there appears to be enough space between them to satisfy the buffer zone requirements. Second, the graphics used to represent the houses and their buffer zones are also confusing/misleading. The center point of the buffer zone originates in the middle of a house icon rather than the property lines. As is, the 1320 ft. buffer zone appears to originate in the middle of the house and end where ever the circumference line ends. Third, the map currently displays two properties where one house's buffer zone border cuts directly through the middle of another house. When I presented this example prior to now I was told that "if you expand the map in size, the two houses move away from one another and there is enough room (at least 1320 ft.) between them." The map currently provided by the City of Goodyear cannot be expanded. However, I did enter both addresses into the Google Earth property measurement tool and it elicited an outcome of 1328 ft. without manipulating any settings or manual pin placements. The aforementioned deficiencies associated with the map and the lack of specificity in the City of Goodyear's Zoning Ordinances, as they pertain to this specific subject, played a role in my decision to buy the property, and furthermore played a role in the representative's perspective when giving me her feedback.
- The City of Goodyear's Zoning Ordinance, within its definitions and criteria, fails to state the specific location (property line, corners, front door, etc.) where the measurement between two properties should be taken from. The Assisted Living/Group Home Buffer Zone map and the determining aerial map attached to our denial letter both appear to use measuring points located within the middle of the properties. It wasn't until after the denial of our application that a city council attorney made the determination that property lines should be used to measure between locations. Had I not requested a meeting with the attorney, and instead submitted an official surveyor's measurement using the same start and finish points illustrated in the aforementioned materials provided by the City of Goodyear, would I have been granted an approval from the Planning and Zoning Department? I can't imagine I would have been rejected if I had turned in a surveyor's report presenting an adequate amount of distance between the two properties with an aerial picture using the same start and finish points as the materials used by the City of Goodyear. The attorney's interpretation (property line to property line) is one of several appropriate industry standards for property measurement, but nothing within the City of Goodyear's Zoning Ordinances or materials provided by the City of Goodyear reflects this practice. What if we had a 30 acre property with a Group Home located at the back of the property well over 1320 ft. away? Following the intention and spirit of the rules, would we be denied the opportunity to open a location because the front property line of the 30 acre property was under 1320 ft. away from another property? The strict enforcement of the attorney's interpretation deviates from the spirit of the rules and causes an undue hardship that I was not solely responsible for.

Currently the need for facilities like ours is higher than it has ever been. We are a behavioral health agency with a stellar reputation for providing high quality care, programming, and treatment to adults who are vulnerable and underserved. The Baby Boomer population of older adults is having difficulty remaining independent within their homes and communities. Without our services older adults and adults with mental illnesses have no other place to go but hospitals and nursing homes. Research tells us that individuals who are unable to remain in



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their homes and community settings experience a significant decrease in quality of life and life expectancy. We underutilize emergency services and maintain good relationships with our neighbors and stakeholders within the community. In short, we are good neighbors and do good work. This case has a lot to do with the spirit and intention of the rules specific to protecting the citizens and interests of the City of Goodyear. I am submitting this narrative, a surveyor's report stating that there are 1352.89 feet between the same points used on both the buffer zone map and the aerial map attached to my rejection letter, a few definitions from the City of Goodyear Zoning Ordinance, and a criteria citation from the City of Goodyear Zoning Ordinance. And again, all I am requesting is that the City of Goodyear acknowledges the "grey areas" of this case and make appropriate concessions in consideration of the shared responsibilities of our circumstances.

Thank you for your time and consideration,

Crawford Breedlove, CEO
Arizona Behavioral Care Homes

showing or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school, **institution** of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

Adult Care Facility. A licensed supervised care facility for adults who are transported to the premises on a regular basis or are living together by reason of age, disability, illness, infirmity or companionship and for whom meals, recreation or other diversion and general, healthful care is provided.

Airport. Property used or intended primarily for taking off and landing of aircraft, and appurtenant areas used or intended for **airport buildings** or facilities (e.g., open spaces, taxiways and tie-down areas, hangers and **accessory buildings**).

Alley. Public thoroughfare which affords only secondary vehicular **access** to **abutting** property and is not intended for general traffic circulation.

Amendment. Change in wording, context, or substance of this Ordinance (e.g., addition or deletion, or change in **district** boundaries or classifications on **district map**) which imposes any regulation not heretofore imposed, or removes or modifies any regulation heretofore imposed.

Amusement Park. An outdoor facility, which may include **structures** and **buildings**, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and **buildings** for show and entertainment.

Analogous Use. Comparable, similar, or resembling listed uses. **Analogous** uses shall not be any more deleterious, obnoxious, or harmful than uses permitted.

Apartment. Suite of rooms, with cooking facilities and private bath and toilet facilities, used for living purposes. Each **apartment** shall be considered a **dwelling unit**.

Assisted Living Home. A residential care institution having common kitchen facilities that provides resident rooms and provides or contracts to provide 24-hour supervisory care services, personal care services or directed care services on a continuing basis to ten (10) or fewer persons. **All assisted living homes are subject to the provisions of Section 3-2-1-B.10. of this Ordinance.**

Attached Building. **Building** with parts of exterior **wall** in common with another **building**, or connected to another **building** by roof.

purposes, but not considered a single or multiple **family dwelling, apartment, efficiency apartment, rooming unit or guest room.**

Trailer, Travel. Vehicle or portable unit mounted on a chassis and wheels, not exceeding eight (8) feet wide and/or forty (40) feet long, and is drawn by a motor vehicle to provide temporary living quarters for recreational, camping, or travel use.

Trailer, Work. Portable vehicular attachment with axle and wheels used exclusively for business or occupational purposes.

Truck, Camper. Portable unit, consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck, to provide temporary living quarters for recreational, camping, or travel use.

Use. Purpose for which land or a **building** is occupied or maintained, arranged, designed or intended.

Use, Accessory. Subordinate use customarily incidental to, and conducted on the same **lot** with, a principal use of a **building**, including household employee's quarters.

Used Car Dealer. Operation of a used car sales business not connected with a franchised new car dealership.

Use Permit. Permit granted to a property owner by the Council to conduct a **permitted use** in a zoning **district** subject to a **Use Permit**. Use permit may be granted at the discretion of Council after receiving a recommendation from the Planning Commission.

Use Permit Use. A **Use Permitted** in a particular zoning **district** only upon showing that such use will comply with all the conditions and standards for the location and/or operations of such use as specified in this Ordinance and authorized by the City Council.

Variance. Modification of the literal provisions of the Zoning Ordinance, granted by the Board of Adjustment upon finding that the strict enforcement would cause undue hardship, owing to circumstances unique to an individual property for which the **variance** is granted, and not caused by the applicant.

Ventilation Court. An area provided within a **building site**, open to the sky, for the purpose of providing light and air to rooms intended for human habitation which do not otherwise have window exposure to a **street, alley** or other open space. The width of a court shall be its least horizontal dimension.

Veterinary Hospital. Facility maintained by a licensed doctor of veterinary medicine where all types of animals are given medical and surgical treatment and are cared for during the time of treatment.

f. A "home occupation" shall not include, among others, the following:

- (1) Auto or appliance repair;
- (2) Barbershops and beauty parlors;
- (3) Commercial stables;
- (4) Direct sales;
- (5) Veterinary offices, **hospitals** and **kennels**;
- (6) Real estate offices;
- (7) **Restaurants**;
- (8) Cabinet maker or furniture making.

g. **Home businesses** are subject to registration and annual renewal by the **Zoning Administrator** or his designee.

- 4. Horse corrals and private riding stables, provided that **structures** and enclosures containing such uses shall not be located closer than one hundred (100) feet from any dwelling, nor fifty (50) feet from any **lot line**. Corrals shall be cleaned and waste material removed not less than one (1) time each week in a husbandlike manner.
- 5. Nurseries and greenhouses for commercial growing of plants, trees, bushes, flowers, and vegetables and other food crops, provided that such enclosures shall not be located closer than fifty (50) feet from any dwelling.
- 6. Private garage.
- 7. Private **swimming pools** when enclosed with a **non-climbable** fence at least five (5) feet in height, with a six (6) foot maximum, with self-closing and self-latching gates.
- 8. Temporary **buildings** for uses incidental to construction work, which **buildings** shall be removed upon completion or abandonment of construction work.
- 9. **Signs**, on-site, as provided in Article 7 of this Ordinance.
- 10. **Assisted Living Home**. An application for an **assisted living home** must be submitted, reviewed and approved by the Community Development Director or his designee prior to a Zoning Clearance being signed from the City. Any

assisted living home as defined by Section 2-2 of this Ordinance is subject to the following criteria;

- (a) A minimum separation distance of 1,320 feet, one-quarter (1/4) mile for all **assisted living homes** with greater than six (6) residents, from another **assisted living home** with greater than six (6) residents, unless a Use Permit is approved by the City Council.
- (b) Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.
- (c) No signage for advertising or notification of use shall be permitted on or off the site.
- (d) Deliveries or routine stops (exclusive of visitors) specific to an assisted living home shall be restricted to day light hours only.
- (e) The **assisted living home** shall be subject to annual renewal and registration with the Community Development Department and annual inspection by the Fire Department.
- (f) The Community Development Director, or his designee, shall have the right to review, provide corrective action and if necessary, revoke any approval of an **assisted living home** if it is found to be endangering the public health, welfare, or safety of the surrounding community.
- (g) The **assisted living home** shall meet all requirements of the prevailing City of Goodyear Building and Fire Codes to be determined by the Chief Building Official and the Fire Chief, or their designees.
- (h) The **assisted living home** shall obtain and keep current all necessary licenses and certifications from the Arizona Department of Health Services.

C. **USE PERMIT USES.** The following uses may be approved by **Use Permit**.

- 1. Sales **building** or stand for the sale of **farm** produce raised on the premises.
- 2. Public utility facilities to serve the immediate area, but not including office facilities or maintenance **yards** for public utility use.
- 3. Parochial and public schools.
- 4. **Guest ranch** and resort.

5. An additional single-family unit may be permitted for every twenty acres of **lot area** above the first ten (10) acres.
6. **Assisted Living Home** with greater than six (6) residents closer than 1,320 feet, one-quarter (1/4) mile, from an existing **assisted living home** with greater than six (6) residents, subject to the provisions of Section 3-2-1-B.10.

D. DEVELOPMENT REGULATIONS:

1. **Use Permit** uses are subject to **Site Plan** review.
2. Area, Setback and Height and related requirements shall conform with the standards for this **District**, as set forth in the Single **Family Residential Districts** Standards, Subsection 3-2-7.
3. **Off-Street Parking**: There shall be not less than two side-by-side, enclosed, **off-street parking spaces per dwelling unit**; which, together with parking for **Use Permit** uses, shall be in accord with the parking requirements provided in Article 6.
4. Landscaping, **Walls**, Screening, Pools: Refer to Article 5, Property Improvement Standards.
5. Supplemental Regulations: Refer to Article 8, General Provisions.

Section 3-2-2 AP - Agricultural Preservation

The purpose of the AP **District** is to retain the community's agricultural heritage through preservation of large, working **farms** or **ranches** in appropriate locations with spacious buffering affording transition for the mitigation of negative impacts upon or from **farming** operations.

- A. **PRINCIPAL PERMITTED USES.** Only listed use of **structures** or land shall be permitted.
1. One **single family dwelling** on any **lot** or parcel, which may include subdivision of not more than thirty (30) percent of the total land area within the parcel for: 1) individual avocational **farm** or horse property lots of not less than five (5) acres in area; or 2) masterplanned "**farm** village" clusters of traditional **bungalow** housing, subject to Planned Area Development provisions, as provided in Article 4-3.
 2. Dairies, egg and poultry **farms**, provided that enclosures or **structures** containing such activities shall not be located closer than five hundred (500) feet from any dwelling, nor two hundred (200) feet from any **lot line**. Such activities shall be conducted and maintained in a manner that prevents noxious odors, noise, dust,

4

City of Goodyear
Development Services Department, Planning and Zoning Division



February 17, 2017

Eric Sims
Arizona Behavioral Care Homes
4645 S. Lakeshore Drive, Suite 3
Tempe, AZ 85282

**RE: AZ Behavioral Care Homes
4349 N. 161st Ave., Goodyear, AZ
Assisted Living Facility – Denial
Case No. 17-810-00001**

Mr. Sims:

This letter is to inform you that the above referenced application has been rejected. The City of Goodyear Zoning Ordinance requires a minimum separation distance of 1,320 feet for all assisted living homes with greater than six residents from another assisted living home with greater than six residents unless a Use Permit is approved by the City Council (Section 3-2-1-B-10).

According to our records, an assisted living home with 7-10 residents is located within the 1,320 feet vicinity of the proposed site at 16195 W. Glenrosa Avenue (Atlantis II Assisted Living). A copy of the city map showing the existing site with a buffer that overlaps the proposed site is attached.

You may contest this letter within 30 days of issuance by providing a professional survey showing the separation is greater than 1,320 feet or by providing proof that the existing Assisted Living Facility is no longer in use.

Another option is to apply for a Use Permit. If you are interested in pursuing this option please contact me to discuss.

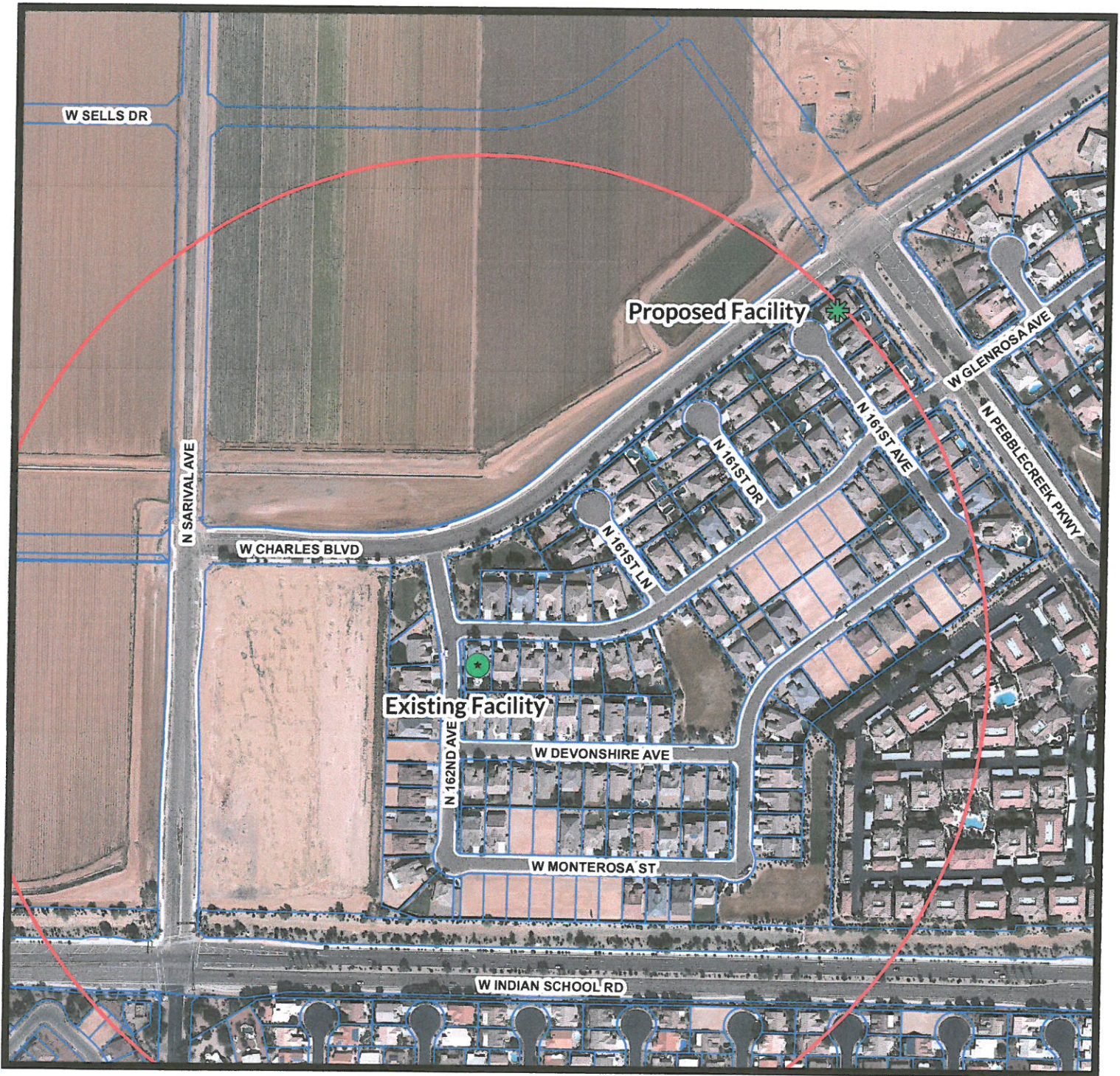
If you have any further questions or concerns, please feel free to contact me by email at Alexandra.Lestinsky@goodyearaz.gov or 623-882-7943.

Thank you,

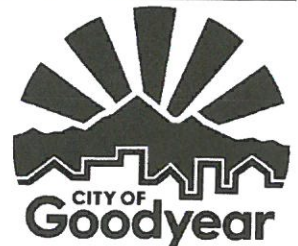
Sincerely,
THE CITY OF GOODYEAR

Alex Lestinsky
Planner II

Aerial Photo Exhibit
4349 N. 161st Ave.
Case No. 17-810-00002



Drawn By: Alex Lestinsky
City of Goodyear Development Services Department
Date: February 13, 2017



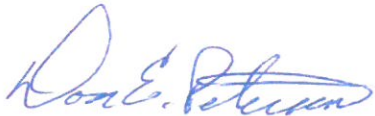
February 28, 2017

Crawford Breedlove
Arizona Behavioral Care Homes
Phoenix, Arizona

Crawford,
Per your instructions from our conversation this morning, I have completed my measurements from door to door at 16195 West Glenrosa, Goodyear, Arizona to 4349 North 161st Avenue, Goodyear, Arizona and have determined the horizontal distance to be 1352.89 feet.

Please let me know if you need anything further on this project and I will be happy to help.

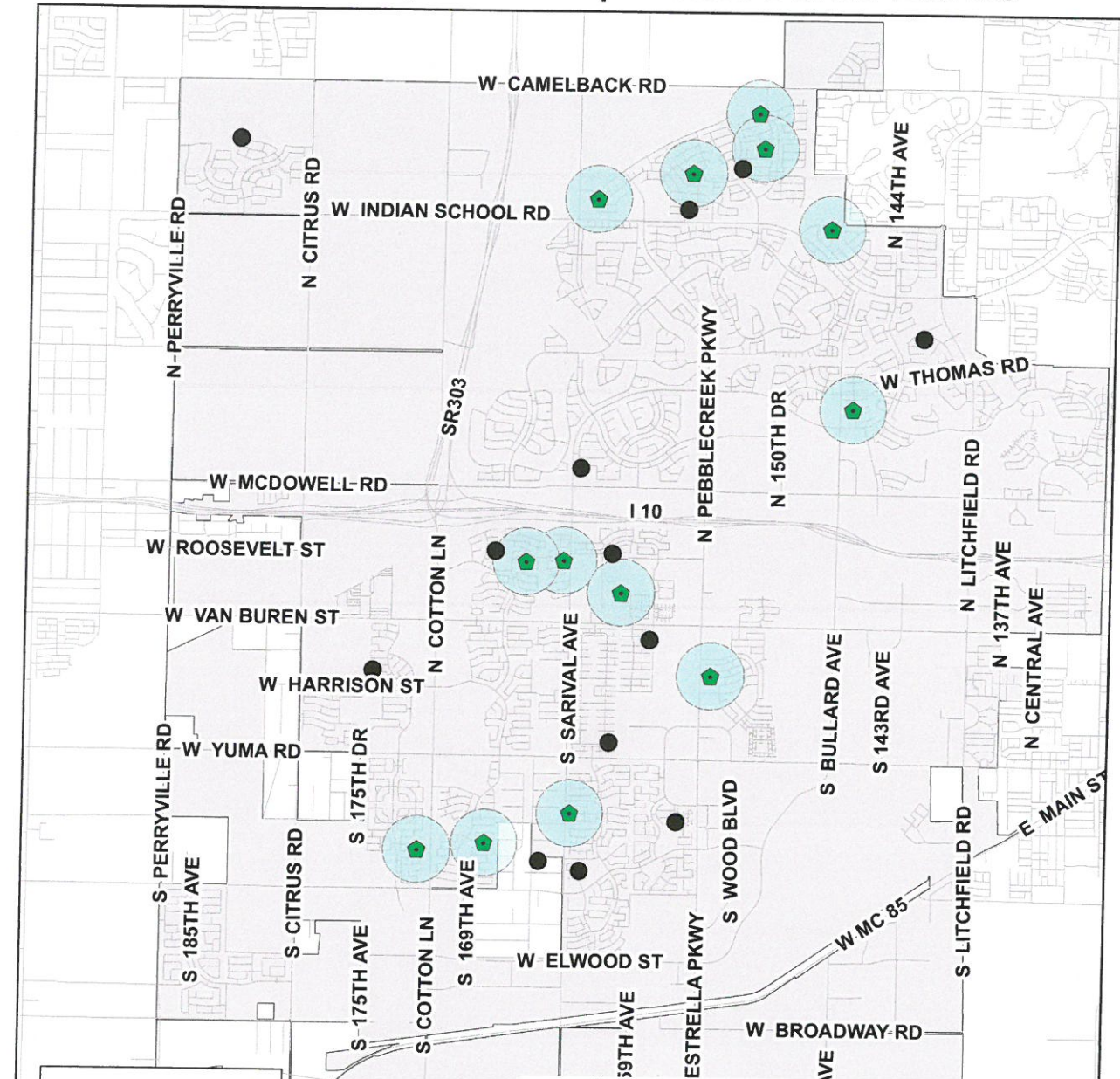
Sincerely,



Don E. Petersen, RLS#33877
3006 North 21st Place
Phoenix, Arizona 85016
602) 989-0743

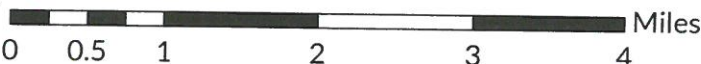


City of Goodyear Group Home Buffer Zones



Name	Address	Subdivision	Separation
Amazing Care	16345 W Roosevelt St	Canyon Trails	Y
Atlantis II	16195 W Glenrosa Ave	Palm Valley P5	Y
Kissling Manor	15456 W Morning Glory St	Centerra	Y
AZ Love and Care LLC	15250 W Pierson St	Palm Valley P5	Y
AZ Behavioral Care Homes I	16575 W Roosevelt St	Canyon Trails	Y
A Paradise for Parents	15292 W Campbell Ave	Palm Valley P5	Y
Goodyear Assisted Living Home	14808 W Amelia Ave	Palm Valley 3B	Y
Sims	560 N 159th Ln	Travis Park	Y
Golden Age	17176 W Watkins St	Cottonflower	Y
Bujdoso	14611 W Wilshire Dr	Palm Valley P2	Y
Paradise AL/Helping Hands AL	4429 N 156th Dr	Palm Valley Phase 5	Y
AZ Behavioral Care Homes II	16781 W Hilton Ave	Canyon Trails U4	Y
All Valley	1846 S 162nd Ln	Pueblo Verde	Y
Jackson	4434 N 153rd Ln	Palm Valley P5	N
Grosso	16060 W Desert Bloom St	Wildflower	N
Cretu	17454 W Morning Glory St	Canyon Trails 4 West	N
Heath	13522 S 184th Ave	Montecito	N
Sims	16800 W Roosevelt St	Canyon Trails	N
Boone	16041 W Diamond St	Canyon Trails	N
Kim	15594 W Durango St	Estrella Vista	N
Adult Foster Care	16235 W Coronado Rd	Palm Valley P8	N
Adult Foster Care	16427 W Watkins St	Sarival Gardens	N
Asota	15813 W Monroe St	Wildflower Ph. 1	N
Cretu or Looking Forward	17454 W Morning Glory St	Canyon Trails Unit 4 West	N
Kaur	4538 N 183rd Ave	Sedella	N
Anne's Tender Care Home	14123 W Smalley St	Palm Valley P2	N
Hand in Hand	16163 W Hammond St	Sarival Village P. 3	N
Tender Loving Hands	15635 W Devonshire Ave	Palm Valley P5	N

Last updated: 10/20/15 AL



Area of Separation
A group home with 7-10 residents may not locate within a quarter mile of any other group home

