

**CITY OF GOODYEAR
PLANNING AND ZONING COMMISSION ACTION REPORT**

SUBJECT: Use Permit for Assisted Living Home	STAFF PRESENTER: Katie Wilken, Planning Manager
	CASE NUMBER: 18-300-00007
	APPLICANT: Crawford Breedlove, Arizona Behavioral Care Homes, LLC

PROPOSED ACTION:

1. Conduct a public hearing to consider a request for a Use Permit for an Assisted Living Home with up to 10 residents
 - a. Open the Public Hearing
 - b. Staff Presentation
 - c. Applicant Presentation
 - d. Receive Public Comment
 - e. Close the Public Hearing
2. Recommend Denial of a Use Permit to allow up to 10 people in an Assisted Living Home, located at 4349 N. 161st Avenue.

BACKGROUND AND PREVIOUS ACTIONS:

The property is located in the Palm Valley Phase 5 Planned Area Development (PAD). In February 2017, the applicant submitted an Assisted Living Home Zoning Clearance application to provide services for up to 10 residents. The application was denied due to the property being within 1,145 feet of an existing assisted living home with up to 10 residents. The applicant submitted an appeal request to staff's denial and the Board of Adjustment affirmed staff's decision at a hearing held on June 28, 2017. The home was permitted as an assisted living home for up to 6 residents in accordance with city requirements and has been operating as such since.

STAFF ANALYSIS:**Current Policy:**

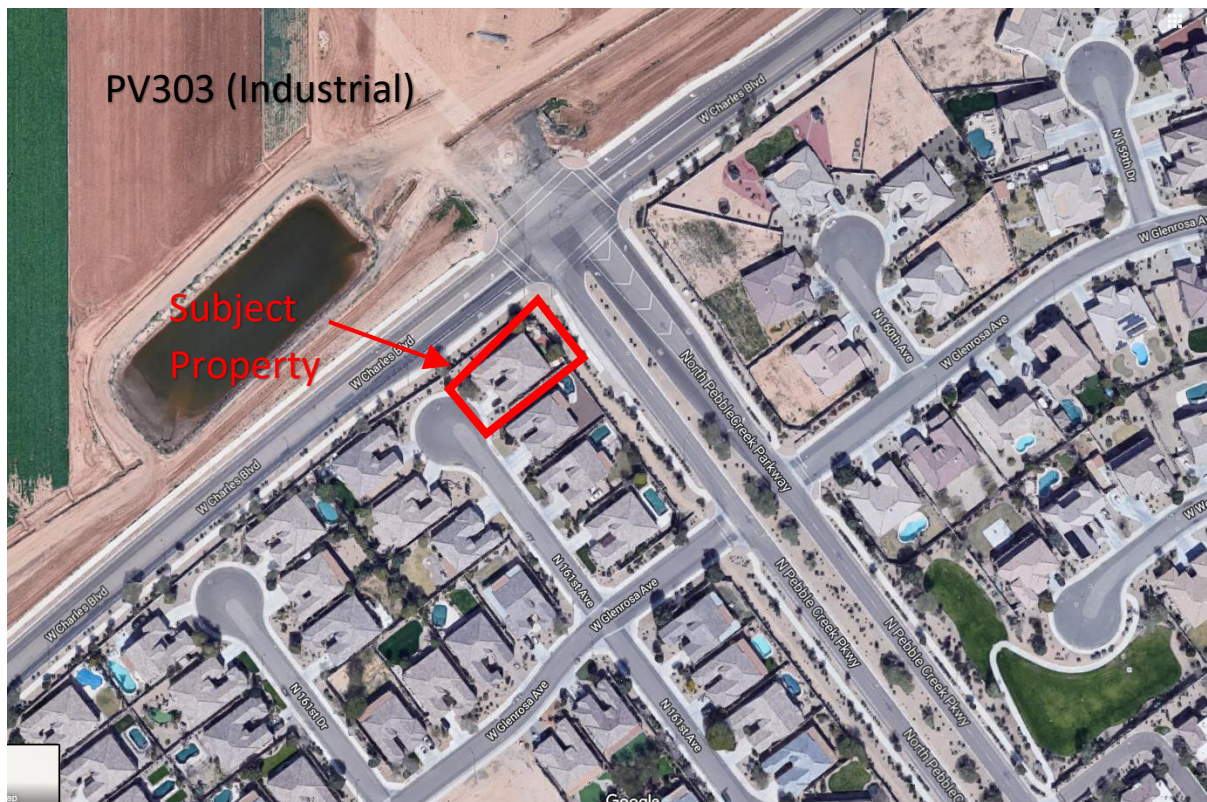
Group homes, which are referred to as "assisted living homes" in the city of Goodyear Zoning Ordinance are subject to the Fair Housing Act. Persons with disabilities are a protected class under the Fair Housing Act. This means that groups of persons with disabilities cannot be treated differently than other groups of persons. Furthermore, due to their disability, these groups of persons may require special accommodation. Although assisted living home operators receive compensation, they are not considered a business with regards to zoning, due to federal protections.

According to the city of Goodyear Zoning Ordinance, an assisted living home with 6 or fewer residents is permitted in all residential zoning districts. An assisted living home with 7-10 residents requires a ¼ mile (1,320 feet) separation from other assisted living homes with 7-10 residents. An assisted living home with 7-10 residents does not have to separate from assisted living homes with 6 or fewer residents.

An assisted living home may locate closer than ¼ mile to another assisted living home if a use permit is obtained. A use permit requires public review and recommendation by the Planning and Zoning Commission and approval by the City Council.

Details of the Request:

This is an existing assisted living home currently allowed to have up to 6 residents. The applicant is requesting approval of a use permit to increase the maximum number of residents from 6 to 10. The home is located 1,145 feet from an existing assisted living home with 7 to 10 residents, as measured from property line to property line. The Zoning Ordinance requires a separation distance of 1,320 feet from property line to property line.



Location of home



Front of home, Google streetview

Assisted living homes allow persons with disabilities to be able live in a residential neighborhood, who might not otherwise be able to live on their own. The purpose of limiting the number of residents in an assisted living home is to ensure that a neighborhood does not lose its single-family residential feel. If several homes with 7 to 10 residents were to locate within a cluster, it could have an impact to the neighborhood such as reducing parking availability on the street, increased traffic impacts, and other impacts associated with the increased population and associated service delivery.

According to a joint statement by the Department of Housing and Urban Development (HUD) and the Department of Justice (DOJ) on the Fair Housing Act, “a group home that provides housing for a number of persons with disabilities that exceeds the number allowed under the family definition has the right to seek an exception or waiver.” The city of Goodyear uses the use permit process for evaluating the exception request.

Evaluation Criteria:

The Zoning Ordinance, Section 1-3-2 (Use Permits), provides that the Planning and Zoning Commission and City Council must determine that the proposed use meets the following findings prior to granting a use permit:

1. *The use permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare.*

The use permit proposes to increase the maximum number of residents from 6 to 10. The home fails to meet the separation requirement by 175 feet. If this use permit were to be approved, any additional new homes with 7 to 10 residents will be required to separate ¼ mile from this home.

While the home may use more parking than typical, due to the location of the home on a cul-de-sac, there is more on-street parking availability.

- The proposed use is reasonably compatible with uses permitted in the surrounding area.*

The home is located within a residential neighborhood. There are no residents located to the north or east of the property. There is a residence located immediately to the south and residences located to the west. No additions or significant remodels are proposed to the home due to this request. The residence is approximately 3,800 square feet and has 5 bedroom.

Since May 2018, there has been 22 calls for service to the Police Department and 4 calls for service to the Fire Department at the home. On average, a residential home has 0.26 calls for service to the Police Department annually. General information for the Fire Department is unavailable. Therefore, the number of calls for service for this property is disproportionate to the calls for service for a single family home and is detrimental to persons residing in the vicinity of the property and the public welfare.

Luke Air Force Base:

The subject property is located within the vicinity of a military airport. Given the location of the property and the commercial nature of the proposed use, base operations will not be adversely impacted by this request.

Phoenix Goodyear Airport:

The subject property is located within the Phoenix Goodyear Traffic Pattern Airspace. Given the location of the property, airport operations will not be adversely impacted by this request.

Fire Response:

The fire station response analysis is provided below:

Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
#185	2.15	1.08	2.15	1.08

2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
#183	6.44	3.22	6.44	3.22

Police Response:

The property is located within an existing patrol beat and the current level of service within this beat can accommodate the property.

PUBLIC PARTICIPATION:

In accordance with the city's Citizen Review process, a neighborhood meeting was held on Tuesday, October 16th. Three residents were in attendance. They expressed general concerns with the use. They stated that there have been times there are up to eight police cars at the

residence. The residents smoke and use inappropriate language in the backyard which disrupts the enjoyment of their backyards. They also stated there are several cars parked on the street. Furthermore, they stated there were concerns with security.

Crawford Breedlove, the applicant, was at the meeting and answered the resident's questions. He stated he could designate a smoking area in the backyard away from the neighbor's homes and he would speak to the on-site manager about the inappropriate language. He stated they cannot lock the residents in and so they are free to come and go. He explained that the home manager has not called the police but that residents have their own cell phones and they have called 911 themselves. He stated that if it is a false call to 911 then they should be ticketed like anyone making a false call to 911 should.

FISCAL ANALYSIS:

Although a fiscal impact analysis has not been conducted on this use permit request, all new development will have an ongoing fiscal impact on the city. Construction is not associated with this request.

The higher volume of calls for service to the Police Department and Fire Department imposes an undue financial burden to the city of Goodyear.

RECOMMENDATION:

Recommend denial a Use Permit to allow up to ten people in an Assisted Living Home, located at 4349 N. 161st Avenue due to the location not adhering to the Zoning Ordinance separation requirements and incompatible calls for service and resulting impacts to the immediate single family neighborhood and financial burden.

ATTACHMENTS:

1. Aerial Photo
2. Project Narrative