

**Marked Agendas
Approved Minutes
Approved Reports**

**The May 2, 2018
Board of Adjustment
Meeting Agenda and
Minutes can be found at**

<http://www.scottsdaleaz.gov/boards/board-of-adjustment>

BOARD OF ADJUSTMENT REPORT



Meeting Date: 5/2/2018
Item No.: 5

ACTION

**CL Holdings 68th Place Care Home Variance
4-BA-2018**

Request to consider the following:

1. Approve a variance request request by owner for a variance to the City of Scottsdale Zoning Ordinance, Sections 5.202.A and 5.102.A.2.c pertaining to Care Home location/separation, for a property with Single-family Residential (R1-35) zoning located at 12012 N. 68th Place.

OWNER

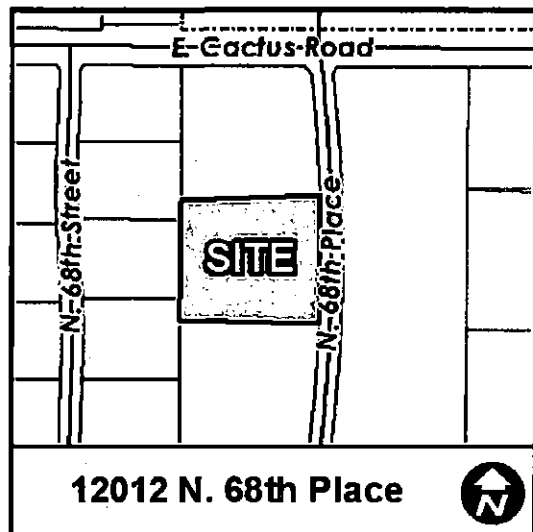
CI Holdings 68Th Pl, LLC
480-414-2596

APPLICANT CONTACT

Larry S. Lazarus
Lazarus, Silvyn & Bangs, P.C.
602-340-0900

LOCATION

12012 N 68th Place



BACKGROUND

Context

The site is lot 13 of the Desert Estates Unit One subdivision, zoned Single-family Residential district (R1-35) and is located south of E. Cactus Road. on the west side of N. 68th Place.

Adjacent Uses and Zoning

- North Desert Estates Unit One subdivision, zoned Single-family Residential (R1-35); existing single-family residence. Farther north is E. Cactus Road, the jurisdictional boarder between the City of Scottsdale and the City of Phoenix, and a single-family residence used as a care home.
- South Desert Estates Unit One subdivision, zoned Single-family Residential (R1-35); existing single-family residence.
- East Rancho Paraiso, zoned Single-family Residential (R1-35) with a Conditional Use Permit (4-UP-2013) for a Ranch and a variance (12-BA-1995) for maximum wall height in the front yard.
- West Desert Estates Unit Two subdivision, zoned Single-family Residential (R1-35); existing single-family residences.

History

- September 27, 2017 Fire sprinkler plans for a care home at 12012 N. 68th Place were rejected because the care home use proposed is not adequately separated from an existing care home approximately 410 feet north of the property.
- November 27, 2017 CL Holdings submitted a request for a Zoning Administrator decision regarding a reasonable accommodation seeking relief from the 750-foot separation requirement between adult care homes per Section 5.102.A.2.c of the Zoning Ordinance.
- December 4, 2017 City Council approved the text amendment, Care Homes/Group Homes Text Amendment (2-TA-2017), that went into effect January 5, 2018.
- January 11, 2018 Letter from the Zoning Administrator was delivered to CL Holdings, upholding previous administrative implementation of Section 5.102.A.2.c of the Zoning Ordinance.
- On February 12, 2018 the applicant filed for an appeal of the Zoning Administrator's decision per the provisions of Section 1.805. of the Zoning Ordinance.
- March 30, 2018 the applicant submitted a Disability Accommodation request (3-BA-2018) and this Variance request.

Zoning Ordinance Requirements

Pursuant to Sections 5.202.A and 5.102.A.2.c City of Scottsdale Zoning Ordinance pertaining to R1-35 Use Regulations, Care Home location: A care home shall not be located within twelve hundred (1200) feet, measured from lot line to lot line, of another care home.

The applicant is requesting a variance of seven hundred eighty five (785) feet which would reduce the required care home separation from twelve hundred (1200) feet to four hundred fifteen (415) feet

Code Enforcement Activity

There has been no recent code enforcement activity at the site.

Community Input

The site has been posted and notification was sent to properties within 750 feet of the site. Staff has received two phone messages and two emails in opposition citing that the request would change the character of the neighborhood and increase traffic.

VARIANCE CRITERIA ANALYSIS

- 1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district:**

The applicant states:

- a. Cactus Road Serves as a Physical Barrier and Separates the Two Homes.** The intersection of 68th Place and Cactus Road is not signalized, making it impossible for pedestrians and bicyclists to lawfully cross Cactus Road as a direct connection between the two (2) homes.
- b. Use and Condition of Abutting Parcel Negatively Impacts the Viable Single-Family Residential Use of the Property.** The parcel to the north of CL Holdings' Property is being used for unsightly outdoor storage of the owner's personal belongings. These abutting conditions pose a hardship to the Property, making it difficult to use, sell or lease the property at market value for single-family residential purposes.
- c. Application of City of Scottsdale "Care Home" Definition and Prevalence of Assisted Living Facilities are Preventing Different Types of Care Homes from Being Established in the Area.** In its Zoning Ordinance, the City of Scottsdale does not distinguish between assisted living facilities and behavioral health residential facilities. Instead, the City has adopted a care home definition which would apply uniformly to these two (2) very different uses. Such practice is inconsistent with ADHS licensing rules and regulations. As reflected by the definitions set forth in Ariz. Rev. Stat. § 36-401 and A.A.C. § R9-10-101, as well as the classes and subclasses of health care institutions listed under A.A.C. § R9-10-102, ADHS has created several types of licenses reflecting the nature of the care services and treatment provided by each. Furthermore, the City's uniform application of the term "care home" also prevents equal housing and services for individuals with disabilities who would not qualify to live in a senior assisted living home. In this case, the prevalence of licensed assisted living homes in the surrounding area prevents CL Holdings from operating a behavioral health residential facility and providing much needed treatment and care services to disabled individuals wanting to live in a single-family residential setting in this area of Scottsdale. According to the list of care homes produced by the City of Scottsdale on February 28, 2018 together with the Care Home

Map dated January 3, 2018, the nearest behavioral health residential facility located in Scottsdale is 4.9 miles away from the Property.

The purpose of the separation requirement is to avoid clustering of similar uses. The uses at issue are different and distinguishable by the ADHS definitions and their actual use. The Royal Palms' home is limited to providing care to disabled individuals who are elderly.²³ With the licensing approval sought by CL Holdings, the home on the subject Property would provide treatment to disabled individuals who are non-elderly and elderly.

- d. Property's Proximate Location to the City of Phoenix Boundary has Created a Special Circumstance Which Deprives the Property of Privileges Enjoyed by Other Care Home Properties in Single Family Residential Districts in Scottsdale. Upon information and belief, the "Care Homes in Scottsdale" Map created by the City of Scottsdale as of January 3, 2018, selectively includes and excludes care homes located in other jurisdictions, such as the City of Phoenix. By adding some care homes to the City's map for purposes of applying the 1,200-ft. distance separation requirement from care homes outside of Scottsdale's jurisdiction but then failing to include others on the map, the City would be enforcing the Zoning Ordinance requirements on a non-uniform basis.

Staff Analysis: The property is 94,137 square feet and the district minimum lot size is 35,000 square feet. The site has similar shape and topography to other properties within the R1-35 district. The property has frontage on a street classified as residential, N. 68th Place and the proximity to a street classified as a major collector, E. Cactus Road, is not uncommon for the district or for care homes. The appearance of the neighboring property does not impact the development standards of the subject property.

The definition and zoning criteria for a care home are universally applied to Scottsdale care homes and are not applied differently for the subject property. Per the Department of Justice letter dated November 10, 2016 the City of Scottsdale does not discriminate between disabilities. Care homes with elderly care and care homes treating recovering addicts are considered the same for the purposes of housing-related policies and practices in Scottsdale.

The "Care Homes in Scottsdale" map was created as part of the Zoning Administrator's decision letter as a graphic to show the existing care home locations and the areas outside of existing care home buffers that new care homes could be located. The City of Scottsdale uses the Arizona Department of Health Services Residential Service Providers database to verify and map care homes.

2. **That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:**

The applicant states the authorization of the variance is necessary for the preservation of CL Holdings' privileges and rights to operate a care home/behavioral health residential facility

use in a single-family residential zoning district and does not constitute a grant of special privileges inconsistent with limitations upon other similarly situated properties.

Staff Analysis: The R1-35 zoning district allows the primary use as a single-family residence. Regardless of the outcome of this variance request, the existing structure can continue to function as a single-family residence. In addition, per the Zoning Administrator's Decision letter dated January 11, 2018 the living situation described as a "family" under the ordinance existing at the time the operation began would be "grandfathered" so long as 1. The home was in compliance at the time of the ordinance change, 2. No increase in the number of disabled residents, and 3. No care is being provided at the residence.

3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:

The applicant states the special circumstances were neither self-imposed nor created by the Property Owner. Siting conditions of the abutting parcel to the north were not created by the owner of the property, the City's "care home" definition was not created by the owner, and a care home located in a neighboring jurisdiction was not self-imposed.

Staff Analysis: The applicant's proposal to change the primary use of the property from a single-family dwelling unit to a care home is self-imposed and then makes the property subject to the additional criteria related to care homes per Section 5.102.2, including the care home separation of twelve hundred (1200) feet.

4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:

The applicant states the primary purpose of a spacing distance between care homes is to foster normalization and community integration of the care home residents. Since both homes have been operating in the current locations since 2011, the presence of both homes has not had any negative impacts on the surrounding neighborhood. The neighborhood has remained residential in character. Two care homes separated by a barrier like Cactus Road hardly constitute a concentration. The two care homes are in distinct neighborhoods in two different cities.

Staff Analysis: The separation requirement is more than for normalization and community integration. The number of people permitted to live on a single residential property can change the character of a neighborhood if not properly separated. Some impacts can include increased activity and traffic.

Staff has received two phone messages and two emails in opposition siting the request would change the character of the neighborhood and increase traffic.

SUMMARY

Based on the facts presented by the applicant, the evidence would support a finding that the property may not have special circumstances that would warrant relief from the strict application of the Zoning Ordinance requirements. The size, shape, topography or configuration of the property is not unique, making this criterion inapplicable. Further, the applicant's proposed variance does appear that it would be detrimental to persons residing or working in the surrounding neighborhood. However, the decision about whether the criteria have been met is for the Board to make after hearing all the evidence at the hearing.

APPROVED BY



Ben Moriarity, Report Author
480-312-2836, bmoriarity@scottsdaleaz.gov

4/12/18

Date



Brad Carr, AICP, Board of Adjustment Liaison
480-312-7713, bcarr@scottsdaleaz.gov

4-12-2018

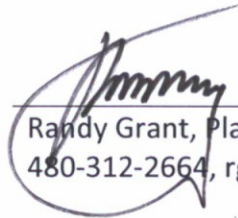
Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

4/16/2018

Date



Randy Grant, Planning and Development Director
480-312-2664, rgrant@scottsdaleaz.gov

4/19/18

Date

ATTACHMENTS

1. Project Description and Justification
2. Context Aerial
3. Aerial Close-Up
4. Zoning Map
5. Proposed Site Plan
6. Citizen Involvement



LAW OFFICES OF

Lazarus, Silvyn & Bangs, P.C.

A PROFESSIONAL CORPORATION

March 30, 2018

VIA HAND-DELIVERY

Board of Adjustment
CITY OF SCOTTSDALE
Planning and Development Services Division
7447 E. Indian School Road
Scottsdale, Arizona 85251

RE: Application for a Variance of the 1200-ft. Care Home Separation Requirement (the "Application") Submitted on Behalf of CL Holdings 68th Place, LLC, an Arizona limited liability company ("CL Holdings") Regarding Property Located at 12012 North 68th Place, Scottsdale, Arizona (the "Property")

Dear Board of Adjustment Members:

Pursuant to Sections 1.801 and 1.804 of the City of Scottsdale Zoning Ordinance, the law offices of Lazarus, Silvyn and Bangs, P.C. submits this narrative in support of a variance application filed on behalf of CL Holdings 68th Place, LLC, the owner of the above-referenced Property. CL Holdings is seeking a decision from the Board of Adjustment (the "Board") approving a variance of the 1,200-foot separation requirement applicable to care homes in the R1-35 zoning district. See Sections 5.202.A and 5.102.A.2.c of the City of Scottsdale Zoning Ordinance (the "Zoning Ordinance"). A variance is necessary in order for CL Holdings to establish a state-licensed behavioral health residential facility on the Property within 415 feet of an assisted living home with directed care services for seniors.

CL Holdings reserves the right to supplement this narrative with additional information, evidence and written materials at least 14 calendar days prior to the Board's public hearing.¹ After careful consideration of the evidence submitted in support of this variance application, the Applicant would request that the Board enter an order with findings of fact and conclusions of law granting an approval of the variance required for CL Holdings to operate a behavioral health residential facility on the Property.

I. PROPERTY DESCRIPTION, LOCATION AND SURROUNDING USES.

CL Holdings' Property is located approximately 300 feet south of the southwest corner of the N. 68th Place and E. Cactus Road intersection. The Property and surrounding lots are zoned R1-35 Single-Family Residential zoning district. The Property's size is approximately 2.18 acres and is currently developed with an approximately 4,610 s.f. single-family residence built in 1957, a guest house, stables, a corral and pool.

At this location, Cactus Road is a heavily-traveled major collector street with approximately

¹ See Section 403 of the City of Scottsdale Rules of Procedure for the Board of Adjustment revised on July 13, 2016, effective September 7, 2016 (hereinafter "BOA Rules of Procedure").

420 West Roosevelt Street | Phoenix, Arizona 85003-1325
602.340.0900 | 602.340.8955 (fax)

4733 East Camp Lowell Drive | Tucson, Arizona 85712-1256
520.207.4464 | 520.300.9662 (fax)

28,300 average daily vehicle trips (as of 2016). The posted speed limit along Cactus Road is 45 mph. A radar speed sign has been installed at Cactus Road west of 68th Place as an attempted traffic calming measure. The 68th Place and E. Cactus Road intersection is not signalized, preventing direct access for pedestrians or bicyclists to travel north and south along 68th Place.

The Property is located within Scottsdale's city limits. Approximately 415 feet north of the Property, the north boundary of the Cactus Road right-of-way serves as the jurisdictional boundary between the City of Scottsdale on the south and the City of Phoenix on the north. The Royal Palms Assisted Living Home is located at 12202 N. 68th Place within the jurisdiction of the City of Phoenix just north of the city limits boundary (approximately 415 feet from the CL Holdings Property, on the north side of Cactus Road).²

Royal Palms, which is located within 1,200 feet of the subject Property, is licensed through the Arizona Department of Health Services ("ADHS") as an assisted living home providing directed care services to the elderly under License No. AL5847H. Directed care services are "programs and services, including supervisory and personal care services, that are provided to persons who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions."³

II. EXISTING USE OF PROPERTY.

Since 2011, CL Holdings has provided a supportive, family environment to residents recovering from alcohol and substance abuse at the Property. CL Holdings does not provide care or treatment, does not administer medication, and does not assist with self-administration of medication to residents. Therefore, CL Holdings is not required to obtain a license from ADHS and has been operating as a "family" under the City of Scottsdale Zoning Ordinance since 2011.

Both CL Holdings and the Royal Palms care homes have been operating since 2011 without any adverse impacts to the community. There has been no interaction of the disabled individuals residing at the Property and at Royals Palms. The residential character of the neighborhood has remained unchanged.

Before the City's most recent text amendment took effect on January 5, 2018⁴, the Zoning Ordinance defined the terms "analogous use", "family" and "adult care home" as follows:

Adult care home shall mean a residential care institution which provides supervisory care, personal care, or custodial care services to adults who require the assistance of no more than one (1) person to walk or to transfer from a bed, chair, or toilet, but who are able to self-propel a wheel-chair, as subject to licensing by the State of Arizona.

...

Analogous use shall mean any use which is comparable to the permitted uses, is similar in one (1) or more important ways to the permitted uses, or resembles the permitted uses

² See Context Aerial dated March 29, 2018 submitted herewith as **Exhibit "1"**.

³ See A.R.S. § 36-401.A.15.

⁴ See City of Scottsdale Resolution 10963 adopted December 5, 2017, attached hereto as **Exhibit "2"**; see also Ordinance No. 4326 adopted December 5, 2017 attached hereto as **Exhibit "3"** (altogether the "Text Amendment").

in one (1) or more aspects. Analogous uses shall not be any more deleterious, obnoxious or harmful than the uses permitted.

...

Family shall mean one (1) or more persons occupying a premise[s] and living as a single housekeeping unit⁵ as distinguished from a group occupying a boardinghouse, lodginghouse or hotel as herein defined.⁶

Based upon these prior definitions, on January 11, 2018, the Zoning Administrator issued to CL Holdings an interpretation of the Zoning Ordinance finding CL Holdings to be a legal non-conforming "family" use subject to the following conditions: (1) No increase in the number of disabled residents, and (2) No care is being provided at the residence. The Zoning Administrator's interpretation with regard to CL Holdings' legal non-conforming use was correct given that the Property's use has been analogous or comparable to a "family" living as a single housekeeping unit rather than a licensed "adult care home."⁷

III. PROPOSED USE OF PROPERTY.

CL Holdings is submitting this variance application to allow for a change in the use of the Property – from an unlicensed, legal non-conforming "family" use to a care home use licensed by ADHS as a behavioral health residential facility. The proposed behavioral health residential facility would be operated within the existing residence on the Property. If approved, the CL Holdings' behavioral health residential facility would provide housing, treatment and care services to no more than 10 adults with disabilities associated with recovery from drug and alcohol abuse.

A care home is a permitted use in the R1-35 Single-Family Zoning District. As part of the recent Text Amendment, the Scottsdale Mayor and City Council adopted an increased distance standard requiring a 1,200-foot separation between care homes in the R1-35 District.⁸ As of January 5, 2018, a "care home" is defined as:

Care home shall mean a dwelling shared as a primary residence by no more than ten (10) adults with a disability that is licensed as a health care institution under Arizona law, and in which on-site supervisory or other care services are provided to the disabled residents. For purposes of this definition, a person must live in the dwelling a minimum

⁵ Prior to January 5, 2018, the Zoning Ordinance did not define the phrase "single housekeeping unit."

⁶ See Zoning Ordinance Section 3.100 in effect prior to January 5, 2018.

⁷ CL Holdings' existing use is not analogous to the former definition of "adult care home." CL Holdings' use is not similar in one (1) or more important ways to an "adult care home" and it does not resemble an "adult care home" in one (1) or more aspects because: (i) CL Holdings' existing use is not a residential care institution (defined as a health care institution providing various care services including "supervisory care services, personal care services, behavioral health services, directed care services or health-related services" see A.R.S. § 36-401.A.40), (ii) the existing use does not provide care services to adults, and (iii) the existing use is not open to adults who require the assistance of a person to walk or to transfer from a bed, chair, or toilet, but who are able to self-propel a wheelchair.

⁸ See Zoning Ordinance §§ 5.202.A and 5.102.A.2.c.

of thirty (30) consecutive days for this dwelling to be considered a primary residence. A care home is a principal, not an accessory, use.⁹

Under the City of Scottsdale Zoning Ordinance, all dwellings licensed as a health care institution by ADHS are grouped together under the single definition of “care home” regardless of the vast differences in services and treatment provided under the various sub-categories of ADHS licenses. Thus, based upon the City’s definition of “care home,” a state-licensed “behavioral health residential facility” providing care services and treatment for disabled individuals recovering from drug and alcohol abuse would be considered the same use as a state-licensed “assisted living facility” providing directed care services to disabled seniors. The following side-by-side comparison of these 2 ADHS licensing categories demonstrates the differences between a behavioral health residential facility (CL Holdings’ proposed use) and an assisted living home with directed care services (Royal Palms’ use). For instance, notice the focus on “treatment” of “behavioral health issues” as part of the definition of behavioral health residential facilities. The words “treatment” and “behavioral health issues” are altogether missing from the definition of assisted living home.

**Comparison of Two (2) ADHS Licenses:
 Behavioral Health Residential Facility vs. Assisted Living Home with Directed Care Services**

Behavioral Health Residential Facility (CL Holdings’ Proposed Use)	Assisted Living Home w/ Directed Care Services (Royal Palms’ Use)
<p>Definition of Behavioral Health Residential Facility:¹⁰</p> <p>A health care institution that provides <u>treatment</u> to an individual experiencing a <u>behavioral health issue</u> that:</p> <ul style="list-style-type: none"> a. Limits the individual’s ability to be independent, or b. Causes the individual to require <u>treatment</u> to maintain or enhance independence. 	<p>Definition of Assisted Living Home:¹¹</p> <p>An <u>assisted living facility</u> that provides resident rooms to ten or fewer residents.</p> <p>Definition of Assisted Living Facility:¹²</p> <p>A residential care institution, including an adult foster home, that provides or contracts to provide supervisory care services, personal care services or <u>directed care services</u> on a continuous basis.</p>
<p>Definition of Treatment:¹³</p> <p>A procedure or method to cure, improve, or palliate an individual’s medical condition or behavioral health issue.</p>	<p>Definition of Directed Care Services:¹⁴</p> <p>Programs and services, <u>including supervisory and personal care services</u>, that are provided to persons who are incapable of recognizing danger, summoning assistance, expressing need or making basic care decisions.</p>

⁹ See Zoning Ordinance § 3.100, Definition of “Care Home.”

¹⁰ Emphasis added. See A.A.C. § R9-10-101.29.

¹¹ Emphasis added. See Ariz. Rev. Stat. § 36-401.A.9.

¹² Emphasis added. See Ariz. Rev. Stat. § 36-401.A.8.

¹³ See A.A.C. § R9-10-101.209.

¹⁴ Emphasis added. See Ariz. Rev. Stat. § 36-401.A.15.

<p>Definition of Behavioral Health Issue:¹⁵</p> <p>An individual's condition related to a mental disorder, a personality disorder, substance abuse, or a significant psychological or behavioral response to an identifiable stressor or stressors.</p>	<p>Definition of Supervisory Care Services:¹⁶</p> <p>General supervision, including daily awareness of resident functioning and continuing needs, the ability to intervene in a crisis and assistance in the self-administration of prescribed medications.</p>
	<p>Definition of Personal Care Services:¹⁷</p> <p>Assistance with activities of daily living that can be performed by persons without professional skills or professional training and includes the coordination or provision of intermittent nursing services and administration of medications and treatments by a nurse who is licensed pursuant to title 32, chapter 15 or as otherwise provided by law.</p>

The Zoning Ordinance's all-inclusive definition of "care home" makes no distinction between these 2 very different uses and the residents that they serve.

IV. BOARD OF ADJUSTMENT AUTHORITY.

A. Arizona Revised Statutes and Zoning Ordinance.

Arizona's zoning enabling statutes prescribe the authority of the Board of Adjustment to hear and decide applications for variances, appeals from the decisions of the zoning administrator, and to exercise other powers as may be granted by the zoning ordinance of a municipality.¹⁸ With regarding to variances, Subsections G and H of Ariz. Rev. Stat. § 9-462.06 provide as follows:

G. The board of adjustment shall:

- ...
2. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings, the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located. (Emphasis added).
- ...

H. The board of adjustment may not:

- ...
2. Grant a variance if the special circumstances applicable to the property

¹⁵ See A.A.C. § R9-10-101.25.

¹⁶ See Ariz. Rev. Stat. § 36-401.A.45.

¹⁷ See Ariz. Rev. Stat. § 36-401.A.36.

¹⁸ See Ariz. Rev. Stat. §§ 9-462.06.C and G.

are self-imposed by the property owner.¹⁹

In accordance with these state statutes, Section 1.801 of the City's Zoning Ordinance grants authority to the Board to "hear all applications for variances from the provisions of [the] Zoning Ordinance."²⁰

V. APPLICANT WILL SUBMIT EVIDENCE TO THE BOARD SATISFYING ALL FOUR (4) VARIANCE TESTS.

The Scottsdale Zoning Ordinance provides 4 tests that must be satisfied by an applicant seeking a variance. A variance is authorized if the applicant can establish:

- a. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
- b. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
- c. That the special circumstances applicable to the property were not self-imposed or created by the property owner; and
- d. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.²¹

As demonstrated below and in future supplemental materials, the Applicant is capable of satisfying all four (4) variance tests. A variance of the 1,200-foot separation requirement is fundamental to preventing an unnecessary property hardship resulting from the literal enforcement of the Zoning Ordinance separation provision applicable to care homes in the R1-35 zoning district.

A. First Test: Special Circumstances Apply to the Property and a Strict Application of the Zoning Ordinance Would Deprive the Property of Privileges Enjoyed by Other Property of the Same Classification in the Same Zoning District.

There are several special circumstances and hardships which apply to the Property's surroundings and location and would deprive the Property of privileges enjoyed by other properties of the same classification in the same zoning district. The following bullet points summarize those special circumstances. Additional information and exhibits will be provided 14 calendar days prior to the Board's hearing on this matter.

¹⁹ See Ariz. Rev. Stat. §§ 9-462.06.G and H.

²⁰ See Zoning Ordinance § 1.801.

²¹ Emphasis added. See Zoning Ordinance § 1.804.A.

- ***Cactus Road Serves as a Physical Barrier and Separates the Two Homes.*** The significant width of the Cactus Road right-of-way and the average daily traffic traveling along Cactus Road would serve as a physical barrier creating separation between the CL Holdings' proposed behavioral health residential facility and the existing Royal Palms Assisted Living Home. The intersection of 68th Place and Cactus Road is not signalized, making it impossible for pedestrians and bicyclists to lawfully cross Cactus Road as a direct connection between the two (2) homes.
- ***Use and Condition of Abutting Parcel Negatively Impacts the Viable Single-Family Residential Use of the Property.*** As shown by the Context Aerial Map and photographs submitted herewith, the parcel to the north of CL Holdings' Property is being used for unsightly outdoor storage of the owner's personal belongings. These abutting conditions pose a hardship to the Property, making it difficult to use, sell or lease the property at market value for single-family residential purposes.
- ***Application of City of Scottsdale "Care Home" Definition and Prevalence of Assisted Living Facilities are Preventing Different Types of Care Homes from Being Established in the Area.*** In its Zoning Ordinance, the City of Scottsdale does not distinguish between assisted living facilities and behavioral health residential facilities. Instead, the City has adopted a care home definition which would apply uniformly to these two (2) very different uses. Such practice is inconsistent with ADHS licensing rules and regulations. As reflected by the definitions set forth in Ariz. Rev. Stat. § 36-401 and A.A.C. § R9-10-101, as well as the classes and subclasses of health care institutions listed under A.A.C. § R9-10-102, ADHS has created several types of licenses reflecting the nature of the care services and treatment provided by each. Furthermore, the City's uniform application of the term "care home" also prevents equal housing and services for individuals with disabilities who would not qualify to live in a senior assisted living home. In this case, the prevalence of licensed assisted living homes in the surrounding area prevents CL Holdings from operating a behavioral health residential facility and providing much needed treatment and care services to disabled individuals wanting to live in a single-family residential setting in this area of Scottsdale. According to the list of care homes produced by the City of Scottsdale on February 28, 2018 together with the Care Home Map dated January 3, 2018, the nearest Scottsdale behavioral health residential facility is 4.9 miles away from the Property.²²

The purpose of the separation requirement is to avoid clustering of similar uses. The uses at issue are different and distinguishable by the ADHS definitions and their actual use. The Royal Palms' home is limited to providing care to disabled individuals who are elderly.²³ With the licensing approval sought by CL Holdings, the home on the subject Property would provide treatment to disabled individuals who are non-elderly and elderly.

- ***Property's Proximate Location to the City of Phoenix Boundary has Created a Special Circumstance Which Deprives the Property of Privileges Enjoyed by Other Care Home Properties in Single Family Residential Districts in Scottsdale.*** Upon information and belief,

²² See licenses designated with a "BH" prefix in the list of care homes produced by the City of Scottsdale on February 28, 2018 and attached hereto as Exhibit "4".

²³ See Royal Palms Assisted Living Home website.

the "Care Homes in Scottsdale" Map created by the City of Scottsdale as of January 3, 2018, selectively includes and excludes care homes located in other jurisdictions, such as the City of Phoenix. By adding some care homes to the City's map for purposes of applying the 1,200-ft. distance separation requirement from care homes outside of Scottsdale's jurisdiction but then failing to include others on the map, the City would be enforcing the Zoning Ordinance requirements on a non-uniform basis.

B. Second Test: Authorization of the Variance is Necessary for the Preservation of Privileges and Rights Enjoyed by Other Property of the Same Classification in the Same Zoning District, and Does Not Constitute a Grant of Special Privileges Inconsistent with the Limitations upon Other Properties in the Vicinity and Zone in which such Property is Located.

The authorization of the variance is necessary for the preservation of CL Holdings' privileges and rights to operate a care home/behavioral health residential facility use in a single-family residential zoning district. After recognizing: (1) the significant barrier and separation of uses created by Cactus Road, (2) the undesirable use of the parcel to the north, (3) the significant differences in age, disabilities and services when comparing the assisted living home and CL Holdings' behavioral health residential facility, and (4) the City's non-uniform application of its distance requirement to a use beyond its jurisdictional boundaries, it becomes readily apparent that the authorization of a variance does not constitute a grant of special privileges inconsistent with limitations upon other similarly situated properties.

C. Third Test: The Special Circumstances Applicable to the Property Were Not Self-Imposed or Created by the Property Owner.

The events giving rise to the special circumstances in this case were neither self-imposed nor created by the Property Owner.

- The uses and conditions of the abutting parcel to the north were not created by the owner of the Property,
- The discriminatory consequences arising from the City' application of the newly-adopted "care home" definition were not created by the owner of the Property, and
- In the event it is shown that the City is applying the care home distance requirement in a non-uniform manner when care home uses in other jurisdictions are involved, the non-uniform enforcement by the City would not be created by the owner of the Property.

D. Fourth Test: Authorization of the Variance Will Not be Materially Detrimental to Persons Residing or Working in the Vicinity, to Adjacent Property, to the Neighborhood or to the Public Welfare in General.

Having relied on at least one document prepared by Daniel Lauber, AICP, when writing its zoning amendments for care homes for people with disabilities, the city should be well aware that the primary purpose of a spacing distance between care homes is to foster normalization and community integration of the care home residents, two core principles of care homes for people with disabilities. One of the underlying concerns is that the residents of a care home will interact or socialize mostly with other people with disabilities from the nearby care home to the exclusion of the so-called "able bodied" neighbors

without disabilities. These nearby non-disabled neighbors are supposed to serve as role models for the people with disabilities.

The spacing distance between care homes allowed as of right is set so that there's no doubt that the homes are far enough apart to foster this normalization and community integration and use of non-disabled neighbors as role models. However, when a care home is proposed to be located within the spacing distance of an existing care home, zoning codes need to make exceptions to this spacing distance on a case by case basis. In this instance, allowing this exception will not hinder normalization and community integration of the residents of either home, nor the ability to utilize non-disabled neighbors as role models.

The presence of the Royal Palms Assisted Living Home 415 feet from the lot line of the applicant's recovery residence poses no obstacle to normalization or community integration among the residents of either home. The two homes are separated by a large lot and Cactus Road which serves as a barrier to interaction between the residents of Royal Palms and CL Holdings' Centered Living Recovery Home. The rather significant width of the Cactus Road right-of-way and the high average daily traffic traveling along Cactus Road have acted as a physical barrier separating CL Holdings' existing recovery residence and Royal Palms Assisted Living Home — there is no reason to imagine the road would not continue to act as a barrier after CL Holdings' receives its state license. The intersection of 68th Place and Cactus Road is not signalized, which will continue to make it impossible for pedestrians and bicyclists to lawfully cross Cactus Road as a direct connection between the two homes.

As the evidence will show, there has been no interaction between the residents of the two existing care homes during the seven years they have both been at their current addresses. This lack of interaction is due in large part to the barrier that Cactus Road creates which prevents interaction between the residents of Royal Palms Assisted Living and the current and future residents of the Centered Living Recovery Home. The lack of interaction is also due to the very different nature of the occupants of both care homes, the former being frail elderly and the later being people in recovery from drug and/or alcohol dependency. Lacking disability and age commonalities further discourages interaction and socialization between the two sets of occupants and increases the use of nondisabled neighbors as role models. Consequently, granting the variance to CL Holdings will not undermine the ability of both homes to achieve their core goals.

Over the past seven years there is no evidence that the presence of both homes has had any negative impacts on the surrounding neighborhood. The neighborhood has remained residential in character. Two care homes separated by a barrier like Cactus Road hardly constitute a concentration — the two care homes are in distinct neighborhoods in two different cities.

In this case, the separation requirements are not preventing clustering of similar uses, they are effectively prohibiting new care homes with entirely different care services or treatment programs from being established in single-family residential districts. By treating dissimilar care homes as one in the same, the City is discriminating against individuals with a wide range of disabilities recognized by the Americans with Disabilities Acts and the Fair Housing Act. Authorizing a variance to prevent housing discrimination in this circumstance will not be materially detrimental to persons residing or working in the vicinity of the Property, to adjacent property, to the neighborhood or the public welfare in general.

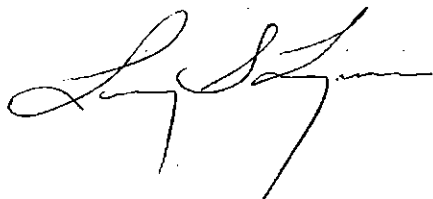
As opposed to being a detriment, granting a variance for CL Holdings' proposed behavioral health residential facility will, in fact, benefit the persons residing and working in the area, the neighborhood and the public welfare in general by:

- Requiring that CL Holdings update the residence with automatic fire sprinkler systems and comply with State licensing rules and regulations, which would be required if the home is licensed as a behavioral health residential facility, thus benefiting the health and safety of its residents and other individuals and reducing the risk that substantial physical damage would occur to the property of others;
- Promoting Goal No. 6 of the Housing Element of the City of Scottsdale General Plan 2001 by encouraging and supporting:
 - the "increased availability and integration of a variety of housing that supports flexibility, mobility, independent living, and services for all age groups and those with special needs," and
 - "housing opportunities to meet the unique housing needs of young working families, the elderly, and disabled" (Emphasis added).
- Offering treatment and counseling services which directly respond to the opioid epidemic declared throughout the U.S. and in the State of Arizona.²⁴

VI. CONCLUSION

For the foregoing reasons, CL Holdings respectfully requests an order from the Board granting the requested variance of the care home separation requirement in Section 5.102.A.2.c. of the Zoning Ordinance for the purpose of allowing a state-licensed behavioral health residential facility to open and operate at 12012 N. 68th Place.

Respectfully,

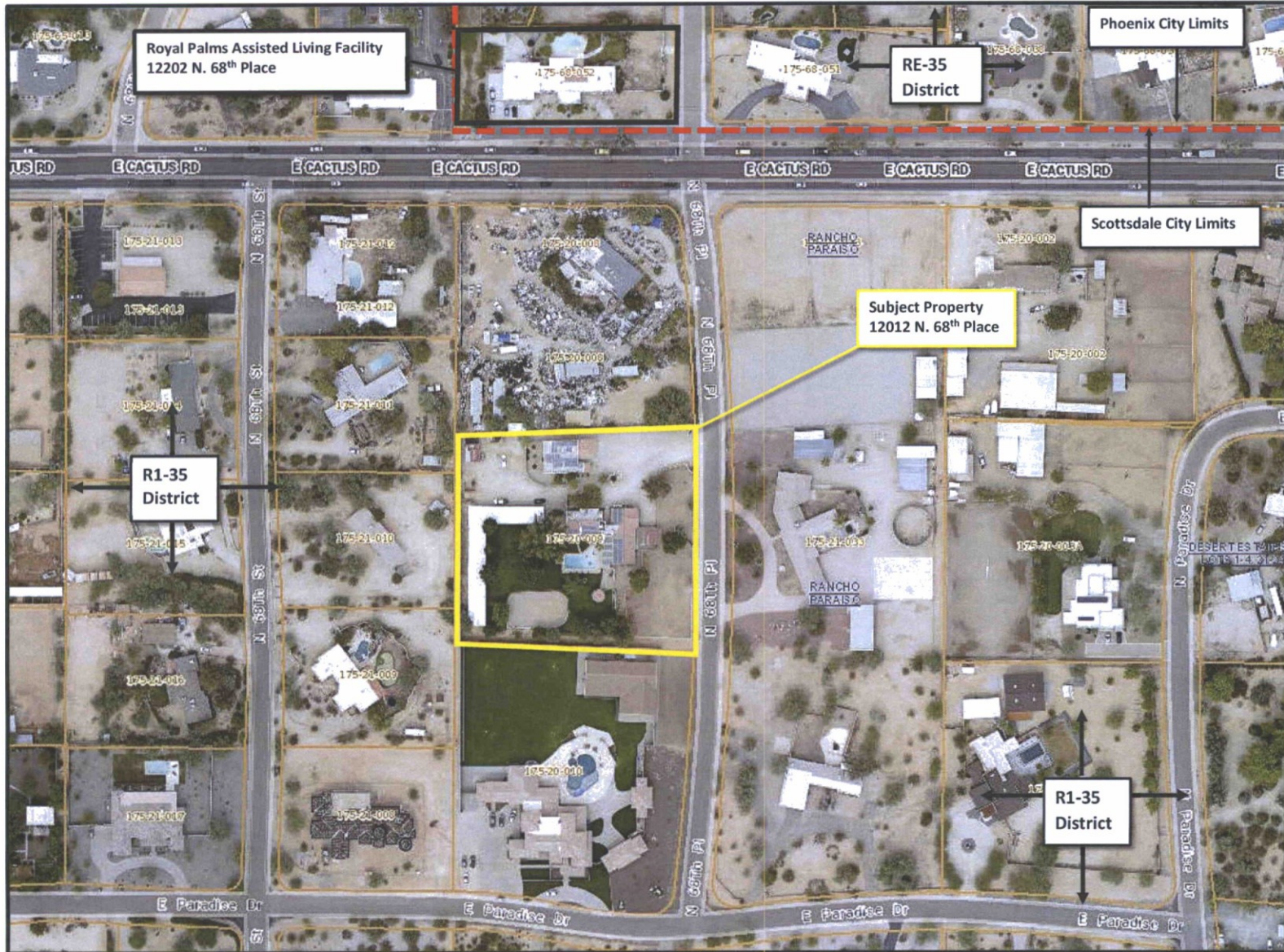


Larry S. Lazarus
LAZARUS, SILVYN & BANGS, P.C.

Attachments

²⁴ See Declaration of Emergency signed by Governor Douglas A. Ducey on June 5, 2017, attached hereto as **Exhibit "5"**.

1



Royal Palms Assisted Living Facility
12202 N. 68th Place

RE-35
District

Phoenix City Limits

Scottsdale City Limits

Subject Property
12012 N. 68th Place

R1-35
District

R1-35
District

CONTEXT AERIAL
03/29/2018

Property Owner:
CL Holdings 68th Place, LLC

Address: 12012 N. 68th Place

APN: 175-20-009

Net Parcel Area:
94,843 s.f.
2.18 acres

Zoning: R1-35 Single-Family
Residential District

Proposed Use: Care Home
(Behavioral Health
Residential Facility)

Proposed Site
Improvements:
- No new buildings or
structures proposed

Source: Maricopa County
Assessor's GIS Aerial
Photograph 2017

2

RESOLUTION NO. 10963

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "2-TA-2017--CARE HOMES/GROUP HOMES TEXT AMENDMENT."

WHEREAS, State Law permits cities to declare documents a public record for the purpose of incorporation into city ordinances; and

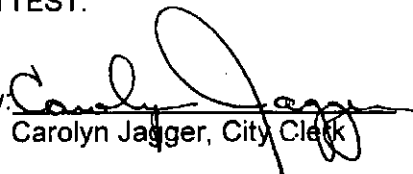
WHEREAS, the City of Scottsdale wishes to incorporate by reference amendments to the Zoning Ordinance, Ordinance No. 455, by first declaring said amendments to be a public record.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

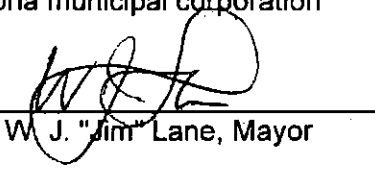
Section 1. That certain document entitled "2-TA-2017--Care Homes/Group Homes Text Amendment," attached as Exhibit 'A', a paper and an electronic copy of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 5th day of December, 2017.


ATTEST:

By: 
Carolyn Jagger, City Clerk

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: 
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Bruce Washburn, City Attorney
By: Patricia J. Boomsma, Assistant City Attorney

2-TA-2017 – Care Homes/Group Homes Text Amendment

AMENDMENTS TO ZONING ORDINANCE RELATING TO GROUP LIVING AND CARE HOMES

The City Council of the City of Scottsdale hereby amends the Zoning Ordinance (Ord. No. 455), specifically, Sec. 1.202 (Interpretations and Decisions), Sec. 1.801 (Powers of the Board of Adjustment), Sec. 1.1304 (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use), Sec. 3.100 (Definitions), Sec. 5.010 (Single-family Residential (R1-190)), Sec. 5.012 (Use Regulations), Sec. 5.100 (Single-family Residential (R1-43)), Sec. 5.102 (Use Regulations), which affects all other Single-family Residential and Two-Family Residential districts (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5 and R-2), Sec. 5.700 (Medium-Density Residential (R-3)), Sec. 5.703 (Use Regulations), Sec. 5.800 (Townhouse Residential (R-4)), Sec. 5.803 (Use Regulations), Sec. 5.900 (Resort/Townhouse Residential (R-4R)), Sec. 5.903 (Use Regulations), Sec. 5.1001 (Multiple-family Residential (R-5)), and Sec. 5.1003 (Use Regulations), and adds new Sec. 1.806 (Disability Accommodation), and new Sec. 1.920 (Request for Disability Accommodation) as specified below, with strikethroughs indicating deleted language and shading indicating new language:

Sec. 1.202. - Interpretations and decisions.

A. The provisions of this Zoning Ordinance shall be interpreted and applied by the Zoning Administrator. Any request for a Zoning Ordinance interpretation or decision must be made in writing to the Zoning Administrator. The Zoning Administrator shall respond in writing to such requests for Zoning Ordinance interpretations or other decisions within forty-five (45) days from the date of the written request, provided no building permits have been issued on the subject development. A record of the Zoning Administrator's responses shall be available for public review.

B. The appeal of Zoning Ordinance interpretations or other decisions by the Zoning Administrator may be initiated by any aggrieved person or by any officer, department, board or commission of the city affected by the interpretation or decision of the Zoning Administrator. For purposes of this subsection an aggrieved person is one who receives a particular and direct adverse impact from the interpretation or decision which is distinguishable from the effects or impacts upon the general public. Appeals must be filed with the City Clerk no later than thirty (30) days after the Zoning Administrator issues any written interpretation or decision. Any timely appeal shall be processed pursuant to Section 1.805.

C. When the provisions of this Zoning Ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.

D. The presumption established in this Zoning Ordinance is that all general uses of land are permissible within at least one (1) zoning district in the city's planning jurisdiction. The use regulations set forth in each district cannot be all inclusive, and may include general use descriptions that encompass several specific uses. Uses listed specified in each district shall be interpreted liberally to include other uses which have similar impacts to the listed uses. However, the use regulations shall not be interpreted to allow more than one principal use

2-TA-2017 – Care Homes/Group Homes Text Amendment

in a dwelling in a residential district shown on Table 4.100.A or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown in Table 4.100.A, or to allow an unspecified use in one (1) zoning district which more closely relates to a use that is permissible in another zoning district. The Zoning Administrator shall interpret uses within each district.

E. Accessory uses are allowed in all districts. Accessory uses shall not alter the principal/primary use of building or lot, or adversely affect other properties in the district. All accessory uses shall be reasonably compatible with the types of uses permitted in the surrounding areas.

Sec. 1.801. – Powers of the Board of Adjustment.

The Board of Adjustment shall hear all applications for:

A. ~~Vari~~ances from the provisions of this Zoning Ordinance; ~~The Board shall also hear appeals from the:~~

~~A. B. Appeals from the Zoning Administrator's interpretation of the Zoning Ordinance or other decisions; and~~

~~B. C. Requests for Disability Accommodation made pursuant to section 1.920; and~~

~~D. Under the Land Divisions ordinance, the General Manager's interpretations and decisions made on appeals.~~

[Renumber current 1.806 to 1.807, and insert the following new 1.806:]

Sec. 1.806. – Disability Accommodation

A. A disability accommodation from a development standard or separation requirement shall not be authorized unless the Board shall find upon sufficient evidence all of the following:

1. The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.);
2. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling;
3. The standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale;
4. The requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance of the City of Scottsdale;
5. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.) and interpretive case law;

B. The profitability or financial hardship of the owner/service provider of a facility shall not be considered in determining whether to grant a disability accommodation.

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- C. The requested accommodation must comply with all applicable building and fire codes.
- D. The requested accommodation must not, under the specific facts of the application, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

Sec. 1.920. Request for Disability/Accommodation.

An applicant may request a disability accommodation from a development standard or separation requirement if the standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the city of Scottsdale. The zoning administrator may administratively approve up to a ten percent (10%) modification of a development standard or separation requirement upon finding that such a modification will further the policies contained in the Arizona and federal fair housing laws and the Americans with Disabilities Act. All other requests for disability accommodation shall be submitted to the Board of Adjustment as a request for disability accommodation.

Sec. 1.1304. - Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use.

- A. Except as set forth in paragraph (b) of this subsection, no existing structure designed or arranged in a manner not permitted under the regulations of this Zoning Ordinance for the district in which such structure is located shall be enlarged, extended, reconstructed or structurally altered unless such structure together with such enlargement, extension, reconstruction or structural alterations conform in every respect with the regulations specified by this Zoning Ordinance for such district in which said structure is located. Provided nothing herein shall prohibit any reasonable repairs or alterations to such structure. Similarly, except as set forth in paragraph (c) of this subsection, no existing use not permitted under the regulations of this Zoning Ordinance shall be enlarged or extended unless such use conforms in every respect with the regulations specified by this ordinance for the district in which such use is located.
- B. For all dwellings located in residential zoning districts that are not located within an environmentally sensitive lands overlay zone:
 - 1. Structural enlargements, extensions, reconstruction or modifications to dwellings are permitted if:
 - a. The enlargement, extension, reconstruction or modification is made to the ground level story;
 - b. The height of any portion of the dwelling is not increased;
 - c. The total of the initial and any subsequent enlargement, extension, reconstruction or modification constitutes less than fifty (50) percent of the gross floor area of the existing dwelling; and
 - d. The dwelling enlargement, extension, reconstruction, or structural modification conforms to all of the regulations specified by this Zoning Ordinance for such district in which the dwelling is located.
 - 2. Nothing contained in this subsection shall prohibit any reasonable repairs or alterations to such dwelling.

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3. An existing use not permitted under the regulations of this Zoning Ordinance shall not be enlarged or extended unless such use conforms to the regulations specified by this Zoning Ordinance for the district in which the use is located.

C. Any authorized care home that is lawfully located and operating in a residential zoning district on December 5, 2017, may continue to operate in their existing location. Nothing in this section will grandfather a care home operating unlawfully or that is located in violation of the provisions of the Zoning Ordinance of the City of Scottsdale existing on December 5, 2017.

Section 3.100. Definitions

Adult care home shall mean a residential care institution which provides supervisory care, personal care, or custodial care services to adults who require the assistance of no more than one (1) person to walk or to transfer from a bed, chair, or toilet, but who are able to self-propel a wheelchair, as subject to licensing by the State of Arizona dwelling shared as a primary residence by no more than ten adults with a disability that is licensed as a health care institution under Arizona law, and in which on-site supervisory or other care services are provided to the disabled residents. For purposes of this definition, a person must live in the dwelling a minimum of thirty consecutive days for this dwelling to be considered a primary residence. A care home is a principal, not an accessory, use.

Convalescent home or nursing home shall mean any place or institution which makes provisions for bed care, or for chronic or convalescent care for one (1) or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona, as a convalescent and nursing home.

Disability means a physical or mental impairment that substantially limits one or more major life activities where the person with a disability either has a record of having such impairment or is regarded as having such impairment. A person with a disability shall not include any person currently engaging in the illegal use of controlled substances under Arizona law. The term disability will be interpreted consistent with the Americans with Disabilities Act and the Federal Fair Housing Act.

Dwelling shall mean any building, or portion thereof, which that is designed exclusively principally for residential purposes, and that includes sleeping, cooking and sanitary facilities.

Family shall mean one (1) to six (6) adults and, if any, their related dependent children or more persons occupying a premise[s] and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodginghouse or hotel as herein defined. For purposes of the Zoning Ordinance, "Family" includes a residential facility as that term is defined in Title 36, Chapter 5-1, Article 2 of the Arizona Revised Statutes, in which persons with developmental disabilities live and that is licensed, operated, supported or supervised by the State of Arizona.

Group home means a dwelling shared by more than six adults as their primary residence in which no supervisory or other care is provided. For purposes of this definition, a person must

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live in the dwelling a minimum of thirty consecutive days for this dwelling to be considered a primary residence.

Minimal residential health care facility shall mean a residential health care facility which provides resident rooms or residential units, and may include independent living units and such services such as central dining, transportation and limited medical assistance.

Related dependent children shall mean all persons under the age of 18, or who have been declared dependent by a court of competent jurisdiction, who are related to one of the adults by blood, guardianship, or adoption, or who is the foster child of one of the adults.

Residential health care facility shall mean a health care institution with, at a minimum, 24-hour supervisory care services.

Single housekeeping unit shall mean a group of one (1) or more persons residing together in a dwelling who share use of and responsibility for common areas, household activities, and responsibilities such as meals, chores, household maintenance, and expenses. This term excludes living situations where an entity or individual other than a resident provides job training or life skill development services on-site, or provides supervisory, medical, personal, or custodial care services to more than six adults residing in the dwelling.

Specialized residential health care facility shall mean a health care institution that provides inpatient beds or resident beds and nursing services to persons who need continuous nursing services but who do not require hospital care or direct daily care from a physician, convalescent or nursing home which normally provides medical care and supervision.

Supervisory care services means general supervision, including daily awareness of resident functioning and continuing needs, and the ability to intervene in a crisis and to assist in the self-administration of prescribed medications.

Sec. 5.012. - Use regulations. [R1-190]

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered, or enlarged only for the following uses:

1. Accessory buildings, swimming pools, home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
2. Adult care homes; subject to the following criteria:
 - a. *Floor area ratio:* Is limited to thirty-five hundredths (0.35) of the net lot area.
 - b. *Capacity:* The maximum number of residents, other than including up to ten disabled persons, the manager/supervisor, or property owner, and residential staff at the home is twelve ten (4012) per residential lot.
 - c. *Location:* An adult care home shall not be located within seven hundred fiftytwo hundred (7501200) feet, measured from lot line to lot line, of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.

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- d. *Compatibility:* The home and its premises shall be maintained in a clean, well-kept condition, that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
 - e. *Criteria:* Care homes must be licensed by the State of Arizona and must provide proof of such licensing by the State of Arizona as a health-care institution to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.
 - f. *Accommodation:* A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1:806 of this Zoning Ordinance.
3. Charter school located on property with a net lot size of one (1) acre or more.
 4. Day care home.
 5. Day care group home.
 6. Dwelling units, single-family, including Vacation rental or Short-term rental; limited to one main dwelling unit per lot.
 7. Guest house, as an accessory use subject to the following criteria:
 - a. The cumulative square footage of the guest house(s) shall be no greater than one-half (1/2) the livable square footage of the main dwelling.
 - b. Any guest house shall be connected to the existing water meter for the main dwelling. It shall not be separately metered.
 - c. The guest house shall not be rented or offered for rent independent of the main dwelling.
 8. Model homes.
 9. Municipal uses.
 10. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
 11. Private tennis courts.
 12. Public, elementary and high schools
 13. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
 14. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R1-190 District:
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.

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- c. Building height: Development Review Board may allow building heights, including, towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Section 7.100. through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
- d. Required open space:
- i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
- e. Parking: Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s).

A minimum of fifteen (15) percent of all parking areas shall be landscaped.

A ten-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.

All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

There shall be a three-foot high landscaped berm along all street frontage where parking occurs.

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- h. Access: All churches must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. Operations: No outdoor activities shall be permitted after 10:00 p.m.
j. Noise: Outdoor speakers or paging systems are not allowed.

B. *Uses subject to conditional use permit.*

1. Cemetery (see Section 1.403 for criteria).
2. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
3. Community buildings and recreational facilities not publicly owned, such as: athletic fields, boys' clubs, etc.
4. Farms and ranches.
5. Golf course (except miniature golf course or commercial driving range).
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, including, but not limited to, the following as well as those otherwise required in the R1-190 District.
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Noise: Outdoor speaker systems or bells are not allowed.
 - d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped in addition to open space in

2-TA-2017 – Care Homes/Group Homes Text Amendment

- d. above. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.
- i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A. property line (including right-of-way width) or setback twenty-five (25) feet from any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5 or Manufactured Home M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.
- j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
- k. Circulation plan: The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

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9. Public utility buildings, structures or appurtenances thereto for public service uses.
10. Recreational uses (see section 1.403 for specific uses and development criteria for each).

Sec. 5.102. - Use regulations. [R1-43]

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Accessory buildings, swimming pools, home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

2. Adult care homes; subject to the following criteria:

a. Floor area ratio: Is limited to thirty-five hundredths (0.35) of the net lot area.

b. Capacity: The maximum number of residents, including up to ten disabled persons other than the manager/supervisor, or property owner, and residential staff at the home is ten-twelve (12-10) per residential lot.

c. Location: An adult care home shall not be located within seven hundred fifty (750) twelve hundred (1200) feet, measured from lot line to lot line, of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.

d. Compatibility: The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.

e. Parking: All parking for the property owner residents and any employees shall be provided in off-street locations but in no case shall parking occupy more than three-tenths (0.3) of the required front yard.

f. Criteria: Care homes must provide proof of licensing as a health care institution by the State of Arizona to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.

g. Accommodation: A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806 of this Zoning Ordinance.

3. Charter school located on property with a net lot size of one (1) acre or more.
4. Day care home.
5. Day care group home.
6. Dwelling units, single-family, including Vacation rental or Short-term rental, limited to one main dwelling per lot.
7. Guest houses, as an accessory use subject to the following criteria:
 - a. The cumulative square footage of the guest house(s) shall be no greater than one-half (1/2) the livable square footage of the main dwelling.

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- b. The guest house shall be connected to the water meter for the main dwelling. It shall not be separately metered.
- c. The guest house shall not be rented or offered for rent independent of the main dwelling.
- 8. Model homes.
- 9. Municipal uses.
- 10. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
- 11. Private tennis courts.
- 12. Public, elementary and high schools.
- 13. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
- 14. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R1-43 District:
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Building height: Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Sections 7.100 through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
 - d. Required open space.
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped. A ten-foot minimum landscape setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential

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Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.

- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

There shall be a three-foot high landscaped berm along all street frontages where parking occurs.

- h. Access: All churches must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. Operations: No outdoor activities shall be permitted after 10:00 p.m.

- j. Noise: Outdoor speakers or paging systems are not allowed.

B. *Uses subject to conditional use permit.*

1. Cemetery (see section 1.403 for criteria).
2. Community buildings and recreational facilities not publicly owned, such as: Athletic fields, boys' clubs, etc.
3. Farms.
4. Golf course (except miniature golf course or commercial driving range).
5. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards, including, but not limited to, the following as well as those otherwise required in the R1-43 District.

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- a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
- b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
- c. Noise: Outdoor speaker systems or bells are not allowed.
- d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
- e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas in addition to open space in d. above shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.
- i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions

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of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from the property line (including right-of-way width) of any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A. or setback twenty-five (25) feet from any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multi-family Residential R-5 or Manufactured Home M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.

- j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
 - k. Circulation plan: The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
9. Public utility buildings, structures or appurtenances thereto for public service uses.
10. Recreational uses including commercial stables, ranches and tennis clubs (see section 1.403 for specific uses and development criteria for each).

Sec. 5.703. - Use regulations. [R-3]

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

- 1. ~~1.1~~ **Group homes.**
- 2. ~~2~~ Day care home.
- 3. ~~3~~ Dwelling unit(s), including Vacation rental or Short-term rental.
- 4. ~~4~~ Accessory buildings; swimming pool, private home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
- 5. ~~5~~ Temporary buildings for uses incidental to construction work to be removed upon completion or abandonment of construction work.
- 6. ~~6~~ Model dwelling units.
- 7. ~~7~~ Municipal uses.
- 8. ~~8~~ Wireless communications facilities; types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

B. *Uses permitted by conditional use permit.*

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1. Wireless communications facilities; type 4, subject to requirements of sections 1.400, 3.100 and 7.200.
2. Residential health care facility (see section 1.403 for criteria except as modified in section 5.704.C.)

Sec. 5.803. - Use regulations. [R-4]

A. *Permitted uses.* Building, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Single-family dwelling having either party walls or walled courtyards, including Vacation rental or Short-term rental.
2. Accessory buildings and uses customarily incident to the permitted uses, including private garage, home occupations, swimming pools and recreation buildings. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

~~3. Group homes.~~

4. Municipal uses.

~~3-45.~~ Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

~~46.~~ Temporary sales office buildings and model homes.

~~57.~~ Churches and places of worship.

~~68.~~ Day care home.

B. *Permitted uses by conditional use permit.*

1. Wireless communications facilities; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200.

2. Residential health care facility (see section 1.403 for criteria except as modified in section 5.804.D.)

Sec. 5.903. - Use regulations. [R-4R]

A. Permitted Uses

1. Travel Accommodation.
2. Dwelling units having either party walls or walled courtyards, including Vacation rental or Short-term rental.
3. Accessory buildings and uses customarily incidental to the permitted uses, including private garages, home occupations, swimming pool, recreation buildings and walled driveway entrance.

~~4. Group homes.~~

~~5.~~ Municipal uses.

~~56.~~ Wireless communications facilities, Types 1, 2 and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

~~67.~~ Churches and places of worship.

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- 78. Day care home.
- B. *Permitted uses by conditional use permit.*
 - 1. Golf courses.
 - 2. Wireless communications facilities; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200.
 - 3. Recreational uses (see section 1.403 for specific uses and development criteria for each).

Sec. 5.1003. - Use regulations. [R-5]

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Accessory buildings; swimming pool; home occupations; and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.

~~2. Group home.~~

23. Day-care home.

34. Dwelling, single-family detached or attached, including Vacation rental or Short-term rental.

45. Dwelling, multiple family.

56. Municipal uses.

67. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.

78. School: Public and charter, elementary and high.

89. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of construction work.

910. Temporary sales office buildings and model homes.

1011. Churches and places of worship.

B. *Uses permitted by conditional use permit.*

1. Commercial and/or ham transmitting or receiving radio and television antennas in excess of seventy (70) feet.

2. Community buildings or recreational fields not publicly owned.

~~3. Convent.~~

43. Day-care center.

54. Golf course, regulation or par-three, that is incidental to and located within the development.

~~6. Orphanage.~~

75. Plant nursery; provided, however, that all materials (other than plant materials) shall be screened from view by a solid fence or wall at least six (6) feet in height, and further that a

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completely enclosed building having a minimum floor area of five hundred (500) square feet shall be provided.

86. Private club, ~~fraternity, sorority and lodges.~~

97. Private lake, semi-public lake, tennis courts.

408. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R-5 District.

a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).

b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.

c. Noise: Outdoor speaker system or bells are not allowed if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.

d. Required open space.

i. Minimum: 0.24 multiplied by the net lot area.

ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.

iii. NAOS may be included in the required open space.

e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a

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local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.

i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. No playground or outdoor activity area shall be located within fifty (50) feet of any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or within twenty-five (25) feet of any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5 or Manufactured Home M-H district. All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., by a minimum six-foot high screen wall.

j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.

- 449. Public buildings other than hospitals.
 - 102. Public utility buildings, structures or appurtenances thereto for public service uses.
 - 113. Recreational uses.
 - 124. Residential health care facility.
 - 135. Travel accommodation.
16. Wireless communications facilities; Type 4, subject to requirements of sections 1.400., 3.100., and 7.200.

3

ORDINANCE NO. 4326

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO APPROVE A TEXT AMENDMENT (2-TA-2017) TO THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE (ORDINANCE NO. 455), SPECIFICALLY, SEC. 1.202 (INTERPRETATIONS AND DECISIONS), SEC. 1.801 (POWERS OF THE BOARD OF ADJUSTMENT), SEC. 1.1304 (ENLARGEMENT, EXTENSION, RECONSTRUCTION OR STRUCTURAL ALTERATION OF NONCONFORMING STRUCTURE; ENLARGEMENT OF NONCONFORMING USE), SEC. 3.100 (DEFINITIONS), SEC. 5.010 (SINGLE-FAMILY RESIDENTIAL (R1-190)), SEC. 5.012 (USE REGULATIONS), SEC. 5.100 (SINGLE-FAMILY RESIDENTIAL (R1-43)), SEC. 5.102 (USE REGULATIONS), WHICH AFFECTS ALL OTHER SINGLE-FAMILY RESIDENTIAL AND TWO-FAMILY RESIDENTIAL DISTRICTS (R1-130, R1-70, R1-35, R1-18, R1-10, R1-7, R1-5 AND R-2), SEC. 5.700 (MEDIUM-DENSITY RESIDENTIAL (R-3)), SEC. 5.703 (USE REGULATIONS), SEC. 5.800 (TOWNHOUSE RESIDENTIAL (R-4)), SEC. 5.803 (USE REGULATIONS), SEC. 5.900 (RESORT/TOWNHOUSE RESIDENTIAL (R-4R)), SEC. 5.903 (USE REGULATIONS), SEC. 5.1001 (MULTIPLE-FAMILY RESIDENTIAL (R-5)), AND SEC. 5.1003 (USE REGULATIONS), ADD NEW SEC. 1.806 (DISABILITY ACCOMMODATION), AND ADD NEW SEC. 1.920 (REQUEST FOR DISABILITY ACCOMMODATION) TO ADDRESS VARIOUS TYPES OF CARE HOMES AND GROUP HOMES IN RESIDENTIAL ZONING DISTRICTS.

WHEREAS, in response to a citizen petition City staff has conducted research on state and federal law as well as looked at numerous ordinances of other jurisdictions; and

WHEREAS, the City of Scottsdale desires to permit disabled persons to reside in single family residential neighborhoods in compliance with the Fair Housing Act and the Americans with Disabilities Act; and

WHEREAS the City of Scottsdale desires to promote the social and treatment benefits to disabled persons provided in a residential setting by preventing a concentration of facilities for the disabled in any particular area so as to institutionalize that area; and

WHEREAS the City desires to maintain the residential character of its neighborhoods as a quiet place for families of all kinds to thrive; and

WHEREAS, federal and state fair housing laws protect the rights of persons with disabilities to obtain housing and pursuant to federal and state fair housing laws; and

WHEREAS, persons recovering from alcohol and drug addiction are considered persons with disabilities and thus are protected by fair housing laws so long as such persons are not currently using alcohol and drugs; and

WHEREAS, due to the care needs and transient residencies of disabled residents in some residential care facilities, such facilities reportedly result in increased parking demand, increased traffic, and the potential for impacts to the residential character of neighborhoods, which the City Council desires to address by providing limits on the size of both licensed and unlicensed facilities while providing persons with a disability opportunities for housing; and

WHEREAS, the Fair Housing Act does not preempt local zoning laws or preclude the adoption, amendment or enforcement of zoning regulations by the City of Scottsdale pursuant to its local police powers so long as such zoning regulations are consistent with state and federal laws, including the Fair Housing Act as amended; and

WHEREAS, the adoption of zoning ordinances and land use planning is a fundamental function and police power of local government; and

WHEREAS, zoning regulations are adopted and enforced in the City of Scottsdale for the protection of the health, safety and welfare of the public; and

WHEREAS, the State of Arizona licenses certain care homes for people with disabilities, which licensing necessitates the involvement of local jurisdictions in determining life safety code compliance of said care homes; and

WHEREAS, the Fair Housing Act makes it unlawful to utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of nondisabled persons; and

WHEREAS, the Fair Housing Act does not allow local land use policies or actions that treat groups of persons with some disabilities less favorably than groups of people with other disabilities; and

WHEREAS, clustering of care homes undermines the ability of care homes to achieve normalization and community integration for their residents which is one of the essential purposes of a care home; and

WHEREAS, the City of Scottsdale is hereby amending its zoning ordinance to make the reasonable accommodations required by the Fair Housing Act by removing any terms and conditions that have the effect of limiting or making housing unavailable to people with disabilities while preserving the ability of care homes and group living situations to emulate a family and achieve normalization and community integration of their residents; and

WHEREAS, while no aggregation of more than six adults will constitute a "family," the new zoning provisions establish a reasonable accommodation process for disabled persons who need relief from the limitations of the ordinance; and

WHEREAS, a care home for people with disabilities that has been denied required state licensing or certification would not be allowed due to the state's own licensing or certification laws; and

WHEREAS, current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act, by virtue of that status, and

WHEREAS, the City Council has determined that the proposed amendments will not unreasonably restrict the rights of persons with a disability to fair housing while providing protections and mitigation of impacts to the residential character of neighborhoods, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

WHEREAS, the Planning Commission held a public hearing on October 25, 2017 to consider a text amendment to the City of Scottsdale Zoning Ordinance, Case No. 2-TA-2017; and

WHEREAS, that certain document entitled "2-TA-2017 – Care Homes/Group Homes Text Amendment," one paper and one digital copies of which are on file in the office of the City Clerk, was declared to be a public record by Resolution No. 10963; and

WHEREAS, the City Council has determined that the subject Zoning Ordinance amendment is in conformance with the General Plan;

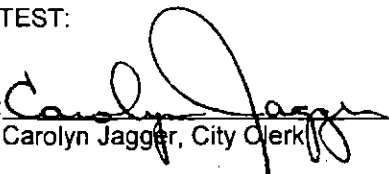
NOW THEREFORE BE IT ORDAINED by the Council of the City of Scottsdale that a text amendment to the City of Scottsdale Zoning Ordinance is hereby approved as follows.

Section 1. That the Zoning Ordinance of the City of Scottsdale is hereby amended as specified in that certain document entitled "2-TA-2017 – Care Homes/Group Homes Text Amendment," declared to be a public record by Resolution No. 10963 of the City of Scottsdale, is hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

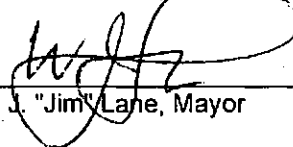
Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the document adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 5th day of December, 2017.

ATTEST:

By: 
Carolyn Jagger, City Clerk

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: 
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY


Bruce Washburn, City Attorney
By: Patricia J. Boomsma, Assistant City Attorney

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Spreadsheet of Care Homes Located with the City of Scottsdale as of February 2018
(Produced by the City of Scottsdale on February 28, 2018)

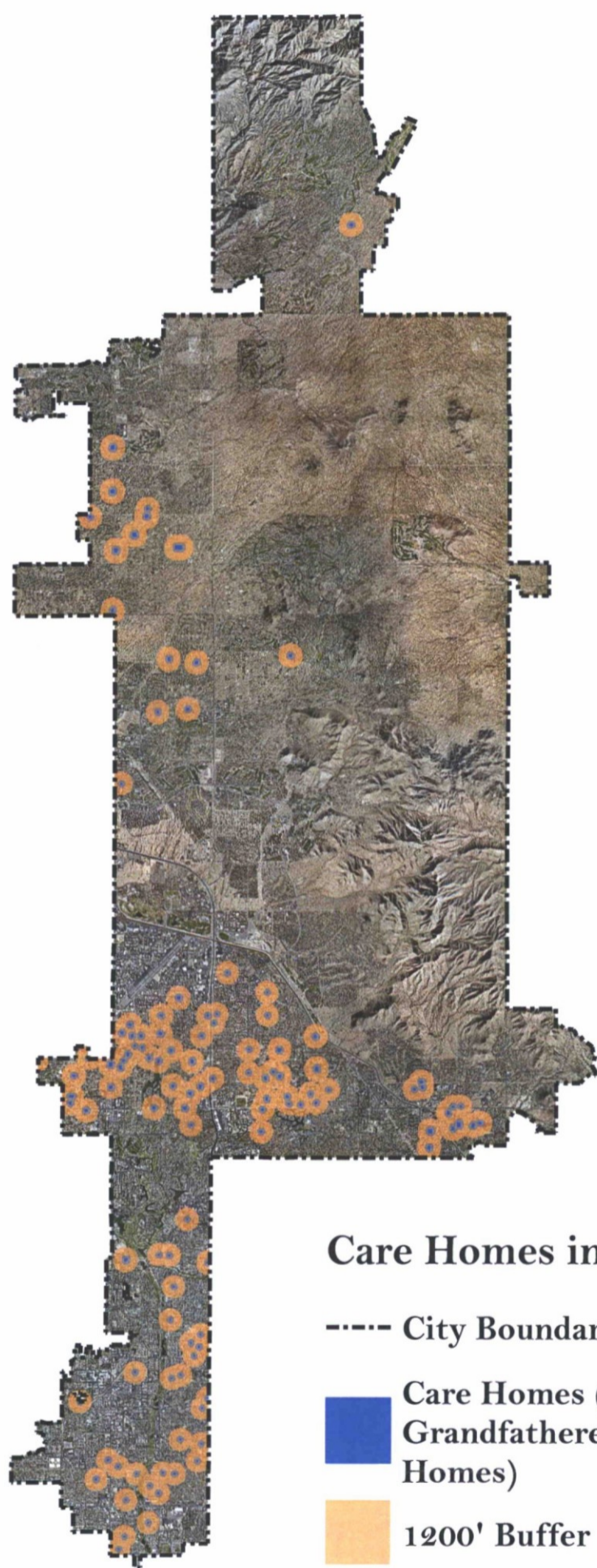
1	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	apn	qs_num	site address	license	name	city	state	zip_code	phone	fax_email	capacity	case status	cds_case	state licensing	status	Business
2	173-02-266	20-47	8108 EAST MONTEBELLO AVENUE	AL1920H	COZY VILLA	SCOTTSDALE	AZ	85250	480-483-2150	(480) 368-5531	3	APPROVED	NA	LICENSED	LEGACY APPROVED	
3	173-27-128	19-48	5132 NORTH 86TH PLACE	AL7139H	CHAPARRAL HOME CARE LLC	SCOTTSDALE	AZ	85250	480-675-0281	(480) 675-7643	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
4	173-61-121	18-47	4526 NORTH 82ND STREET	AL9643H	TRANQUILITY ASSISTED LIVING HOME	SCOTTSDALE	AZ	85251	850-580-7035	(480) 773-7279	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
5	130-36-095	15-47	8331 EAST MONTEREY WAY	AL6221H	MONTEREY GERIATRIC CARE	SCOTTSDALE	AZ	85251	480-970-1870	(480) 970-1870	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
6	130-40-208	15-48	8701 EAST CHEERY LYNN ROAD	AL6265H	HOME SWEET HOME ON CHEERY LYNN	SCOTTSDALE	AZ	85251	480-675-0101	(510) 217-4036	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
7	177-03-046	23-47	7038 NORTH VIA DE VIDA	AL1505H	SUMMA CARE - SCOTTSDALE	SCOTTSDALE	AZ	85258	602-703-3706	(480) 654-4466	5	APPROVED	NA	LICENSED	LEGACY APPROVED	
8	177-04-465	24-48	8411 EAST VIA DE JARDIN	AL2348H	LIANN'S HOMES	SCOTTSDALE	AZ	85258	480-607-9588	(480) 607-9583	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
9	175-38-021	29-43	11002 NORTH 66TH STREET	AL5705H	SUNRISE CARE HOMES-SHEA	SCOTTSDALE	AZ	85254	480-367-9117	(480) 922-3520	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
10	217-47-318	29-53	10405 EAST DESERT COVE AVENUE	AL9112H	DESERT COVE ASSISTED LIVING	SCOTTSDALE	AZ	85259	480-451-5389	(480) 656-1294	10	APPROVED	7-AC-2008	LICENSED	LEGACY APPROVED	
11	175-18-035	30-45	7366 EAST PARADISE DRIVE	AL9596H	ROYAL PALMS I ASSISTED LIVING	SCOTTSDALE	AZ	85260	480-348-7967	(480) 348-7967	10	APPROVED	6-AC-2014	LICENSED	LEGACY APPROVED	
12	175-63-035	29-48	11030 NORTH 84TH PLACE	AL4853H	CALINI'S ASSISTED LIVING OF SCOTTSDALE	SCOTTSDALE	AZ	85260	480-219-9442	(480) 699-7384	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
13	217-31-031E	28-59	10125 NORTH 131ST PLACE	AL4567H	SCOTTSDALE LIFE ASSISTED LIVING, LLC	SCOTTSDALE	AZ	85259	480-391-3780	(480) 391-1918	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
14	174-22-073	23-46	7021 NORTH 79TH PLACE	AL1004H	LIANN'S HOMES	SCOTTSDALE	AZ	85258	480-905-3144	(480) 607-9583	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
15	212-03-134	46-48	8434 EAST LA JUNTA	AL6295H	LOVIN MANOR TOO	SCOTTSDALE	AZ	85255	602-828-0232	(480) 367-7970	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
16	175-04-039	32-45	7340 EAST SWEETWATER AVENUE	AL8013H	LAS FUENTES ASSISTED LIVING	SCOTTSDALE	AZ	85260	602-793-9140	(480) 607-9723	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
17	175-09-179	31-46	7741 EAST CHARTER OAK ROAD	AL4812H	CASA BUENAVANTE	SCOTTSDALE	AZ	85260	480-483-4747	(480) 483-6845	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
18	212-02-337	44-46	7878 EAST VISTA BONITA DRIVE	AL5663H	PINNACLE PEAK ASSISTED LIVING	SCOTTSDALE	AZ	85255	02-326-5464	(480) 502-5527	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
19	217-50-374	32-51	9693 EAST DAVENPORT DRIVE	AL2346H	LIANN'S HOMES	SCOTTSDALE	AZ	85260	480-657-2856	(480) 607-9583	8	APPROVED	NA	LICENSED	LEGACY APPROVED	
20	217-60-073	31-50	9409 EAST BLOOMFIELD	AL6060H	BLOOMFIELD HOUSE	SCOTTSDALE	AZ	85260	480-661-0091	(480) 661-0634	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
21	217-20-123	29-59	12847 EAST BECKER LANE	AL6547H	BETHANY ADULT HOME CARE	SCOTTSDALE	AZ	85259	480-203-2835	(480) 203-2835	5	APPROVED	NA	LICENSED	LEGACY APPROVED	
22	217-50-561	33-51	9742 EAST GELDING DRIVE	AL9404H	MOTHER TERESA'S SENIOR CARE HOME	SCOTTSDALE	AZ	85260	480-614-5410	(480) 614-5410	10	APPROVED	7-AC-2008	LICENSED	LEGACY APPROVED	
23	212-08-369A	47-47	8038 EAST HAPPY VALLEY ROAD	AL9890H	CAREFREE ASSISTED LIVING HOME	SCOTTSDALE	AZ	85255	480-502-7959	(480) 515-1970	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
24	216-69-039A	52-45	29192 NORTH 76TH STREET	AL5038H	LOVIN MANOR	SCOTTSDALE	AZ	85255	480-828-0232	(480) 367-7970	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
25	216-69-049B	52-46	29750 NORTH 77TH PLACE	AL8671H	SERENITY ASSISTED LIVING	SCOTTSDALE	AZ	85262	480-585-9757	(480) 585-9583	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
26	212-03-078	45-47	23402 NORTH 84TH STREET	AL6732H	CALAVAR ASSISTED LIVING HOME	SCOTTSDALE	AZ	85255	480-563-2638	(480) 569-5170	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
27	175-12-212	31-48	8617 EAST SWEETWATER AVENUE	AL9059H	LAS FUENTES ASSISTED LIVING II	SCOTTSDALE	AZ	85260	602-793-9140	(480) 607-9723	8	APPROVED	NA	LICENSED	LEGACY APPROVED	
28	175-15-029	30-46	7917 EAST CACTUS ROAD	AL10089H	HAYDEN VILLA	SCOTTSDALE	AZ	85260	480-459-8206	(480) 459-8206	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
29	217-26-223	30-51	9883 EAST CORTEZ STREET	AL7942H	SCOTTSDALE NORTH INC A L	SCOTTSDALE	AZ	85260	80-682-8974	(480) 459-5589	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
30	217-25-314A	30-49	11444 NORTH 88TH PLACE	AL9627H	HANDS OF CARE	SCOTTSDALE	AZ	85260	480-264-6044	(480) 264-4785	10	APPROVED	2-AC-2008	LICENSED	LEGACY APPROVED	
31	175-46-068	28-48	8438 EAST WELSH TRAIL	AL7399H	HARTS HOME, EXCEPTIONAL ELDER CARE	SCOTTSDALE	AZ	85258	480-596-5700	(480) 483-8686	5	APPROVED	NA	LICENSED	LEGACY APPROVED	
32	173-70-150	19-48	8632 EAST PECOS LANE	AL4977H	A & M SCOTTSDALE HOME	SCOTTSDALE	AZ	85250	480-236-7372	(480) 752-3261	9	APPROVED	NA	LICENSED	LEGACY APPROVED	
33	129-04-019	14-44	6879 EAST VERNON AVENUE	AL5438H	A PLACE IN THE SUN	SCOTTSDALE	AZ	85257	480-946-3087	(480) 947-0263	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
34	175-54-002	28-43	6819 EAST SHEA BOULEVARD	AL2868H	ASSISTED LIVING OF SCOTTSDALE	SCOTTSDALE	AZ	85254	480-998-0988	(480) 219-6494	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
35	175-10-178	31-45	7512 EAST LARKSPUR DRIVE	AL8220H	A & M ASSISTED LIVING OF SCOTTSDALE, LLC	SCOTTSDALE	AZ	85260	480-664-3999	(480) 588-5459	9	APPROVED	NA	LICENSED	LEGACY APPROVED	
36	217-35-027	28-51	10571 NORTH 96TH PLACE	AL9467H	CENTRAL SCOTTSDALE ASSISTED LIVING, LLC	SCOTTSDALE	AZ	85258	480-820-0748	(480) 907-7713	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
37	175-19-008	30-44	7125 EAST PARADISE DRIVE	AL7614H	SCOTTSDALE CASA DE PARADISE	SCOTTSDALE	AZ	85254	480-483-1492	(480) 951-1280	10	APPROVED	14-AC-2008	LICENSED	LEGACY APPROVED	
38	216-67-248A	53-44	7191 EAST MONTGOMERY ROAD	AL7526H	LAS FUENTES ASSISTED LIVING III	SCOTTSDALE	AZ	85255	602-793-9140	(480) 607-9723	10	APPROVED	2-AC-2009	LICENSED	LEGACY APPROVED	
39	175-09-228	31-45	7412 EAST WETHERSFIELD ROAD	AL7787H	SCOTTSDALE HOME CARE LLC	SCOTTSDALE	AZ	85260	602-397-1900	(480) 315-9541	5	APPROVED	7-AC-2009	LICENSED	LEGACY APPROVED	
40	175-18-018	30-45	7311 EAST SUNNYSIDE DRIVE	AL8023H	SUNNYHILL ADULT CARE HOME INC. II	SCOTTSDALE	AZ	85260	480-275-2237	(480) 951-5229	10	APPROVED	8-AC-2009	LICENSED	LEGACY APPROVED	
41	175-01-157	32-48	13637 NORTH 87TH STREET	AL8077H	TUSCAN PLACE ASSISTED LIVING HOME	SCOTTSDALE	AZ	85260	602-703-9583	(480) 471-6137	10	APPROVED	1-AC-2010	LICENSED	LEGACY APPROVED	
42	175-30-076	29-47	8139 EAST CHOLLA STREET	AL6949H	CALLINI'S ASSISTED LIVING	SCOTTSDALE	AZ	85260	480-656-3933	(480) 656-4989	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
43	217-32-012F	28-58	12650 EAST COCHISE DRIVE	AL8166H	VIP PARADISE CARE LLC	SCOTTSDALE	AZ	85259	602-704-4282	(602) 264-7048	10	APPROVED	2-AC-2010	LICENSED	LEGACY APPROVED	
44	217-27-304	29-53	10521 EAST CLINTON STREET	AL8494H	TRINITY HOME ON CLINTON	SCOTTSDALE	AZ	85259	480-451-0741	(480) 451-0742	5	APPROVED	2-AC-2011	LICENSED	LEGACY APPROVED	
45	217-22-076	31-53	10474 EAST CORRINE DRIVE	AL8508H	SCOTTSDALE FOOTHILLS ASSISTED LIVING	SCOTTSDALE	AZ	85259	480-621-8800	(480) 219-2203	10	APPROVED	3-AC-2011	LICENSED	LEGACY APPROVED	
46	175-63-007	29-48	8611 EAST CHOLLA STREET	AL8734H	AGAPE SENIOR LIVING OF SCOTTSDALE, LLC	SCOTTSDALE	AZ	85260	480-664-1112	(480) 664-7224	10	APPROVED	1-AC-2012	LICENSED	LEGACY APPROVED	
47	217-60-045	32-49	13614 NORTH 89TH STREET	AL9661H	HORIZON MANOR I	SCOTTSDALE	AZ	85260	480-295-6786	(480) 588-7138	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
48	131-02-023	14-47	2524 NORTH 80TH PLACE	AL9081H	OUR PARENTS HOUSE	SCOTTSDALE	AZ	85257	480-414-7502	(480) 247-3682	10	APPROVED	3-AC-2012	LICENSED	LEGACY APPROVED	
49	173-68-118	19-48	8525 EAST PASADENA AVENUE	AL9137H	HOME AWAY FROM HOME ASSISTED LIVING HOME CARE	SCOTTSDALE	AZ	85250	480-249-4118	(480) 970-7878	5	APPROVED	1-AC-2013	LICENSED	LEGACY APPROVED	
50	212-31-285	42-45	7247 EAST TAILFEATHER DRIVE	AL9593H	LAS FUENTES ASSISTED LIVING IV	SCOTTSDALE	AZ	85255	480-366-4913	(480) 316-4590	10	APPROVED	2-AC-2013	LICENSED	LEGACY APPROVED	
51	217-39-089	29-57	12105 EAST SHANGRI-LA ROAD	AL9330H	KAY ADULT CARE HOME	SCOTTSDALE	AZ	85259	480-694-5505		10	APPROVED	7-AC-2013	LICENSED	LEGACY APPROVED	
52	175-10-073	31-45	7515 EAST SWEETWATER AVENUE	AL9652H	SWEETWATER PINES	SCOTTSDALE	AZ	85260	602-430-5382		10	APPROVED	1-AC-2014	LICENSED	LEGACY APPROVED	
53	175-32-035	29-46	7838 EAST SHEA BOULEVARD	BH4464	A BETTER TODAY RECOVERY SERVICES	SCOTTSDALE	AZ	85260	480-223-2546		10	APPROVED	3-AC-2014	LICENSED	LEGACY APPROVED	
54	175-13-047	30-48	8425 EAST CACTUS ROAD	AL9613H	BRIDGE ROYAL HOMECARE	SCOTTSDALE	AZ	85260	480-221-5931	kiwigal10@gmail.com	5	APPROVED	7-AC-2014	LICENSED	LEGACY APPROVED	
55	173-39-132	18-45	7556 EAST COOLIDGE STREET	UNK	COOLIDGE	SCOTTSDALE	AZ	85251	480-784-7444	acasael@yahoo.com (email)	0	APPROVED	6-AC-2015	UNLICENSED	LEGACY PENDING LICENSE	
56	175-04-063	32-45	7480 EAST CAMINO SANTO	AL10364H	MY HOME SWEET HOME IN SCOTTSDALE, LLC	SCOTTSDALE	AZ	85260	480-202-4402		10	APPROVED	9-AC-2015	LICENSED	LEGACY APPROVED	
57	212-08-369A	47-47	8038 EAST HAPPY VALLEY ROAD	AL9890H	CAREFREE ASSISTED LIVING HOME	SCOTTSDALE	AZ	85258	480-502-7959	lulana@carefreeah.com	0	APPROVED	10-AC-2015	LICENSED	LEGACY APPROVED	
58	174-20-001A	22-45	6838 NORTH ROCKING ROAD	BH4988	SERENITY CARE CENTER, LLC	SCOTTSDALE	AZ	85250	480-677-1331	cclaud@treatmentllc.com	0	APPROVED	1-AC-2016	LICENSED	LEGACY APPROVED	
59	131-47-044	11-45	808 NORTH 74TH STREET	BH4859	GRACEFUL HOMES, LLC	SCOTTSDALE	AZ	85257	617-642-1481		0	APPROVED	2-AC-2016	LICENSED	LEGACY APPROVED	
60	175-23-037	30-43	11616 NORTH 66TH STREET	UNK	CASSIDY RESIDENCE	SCOTTSDALE	AZ	85254	480-741-1992	bernardcassidy@hotmail.com	10	APPROVED	3-AC-2016	UNLICENSED	LEGACY PENDING LICENSE	
61	131-33-049	14-47	8201 EAST LEWIS AVENUE	AL10377H	GUTIERREZ ASSISTED LIVING	SCOTTSDALE	AZ	85257	480-414-1244	kenet123@gmail.com	0	APPROVED	4-AC-2016	LICENSED	LEGACY APPROVED	
62	131-50-001	12-46	7746 EAST LATHAM STREET	AL9997H	LENDING HAND SCOTTSDALE ASSISTED LIVING	SCOTTSDALE	AZ	85257	480-388-7499	chandra.carcha@gmail.com	10	APPROVED	5-AC-2016	LICENSED	LEGACY APPROVED	

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
83	217-25-476	30-50	9405 EAST POINSETTIA DRIVE	UNK	POINSETTIA	SCOTTSDALE	AZ	85260	602-615-1527	sarn.southwest@gmail.com	0	APPROVED	7-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
84	131-10-036	13-46	7807 EAST CYPRESS STREET	UNK	ELIZABETH BUER ASSISTED LIVING	SCOTTSDALE	AZ	85257	602-618-5695	elizabeth.goodman@aps.com	0	APPROVED	8-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
85	216-68-348	52-44	6828 EAST DUANE LANE	UNK	ASSISTED LIVING PROJECT	SCOTTSDALE	AZ	85266	602-879-1456	ocstudio@live.com	10	APPROVED	9-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
86	212-10-045	49-44	26639 NORTH 71ST PLACE	UNK	NORTH SCOTTSDALE ASSISTED LIVING HOME	SCOTTSDALE	AZ	85266	480-221-2948	support@northscottsdaleniortliving.org	10	APPROVED	10-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
87	217-35-160	28-51	9815 NORTH 96TH PLACE	AL10022	BLUE LAKES ASSISTED LIVING LLC	SCOTTSDALE	AZ	85258	602-686-9619	(480) 404-9158	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
88	217-39-012B	29-57	12224 EAST SHANGRI LA ROAD	BH5034	SERENITY CARE CENTER, LLC	SCOTTSDALE	AZ	85259	602-510-0295	(480) 718-8839	6	APPROVED	NA	LICENSED	LEGACY APPROVED	
89	217-32-071F	28-58	12749 EAST TURQUOISE AVENUE	BH4989	SERENITY CARE CENTER LLC	SCOTTSDALE	AZ	85250	602-510-0295	(480) 718-8839	6	APPROVED	NA	LICENSED	LEGACY APPROVED	
90	131-22-474	14-46	7626 EAST SHERIDAN	BH618	SOUTHWEST BEHAVIORAL HEALTH SERVICES, INC	SCOTTSDALE	AZ	85257	602-285-4318	(602) 265-8533	5	APPROVED	NA	LICENSED	LEGACY APPROVED	
91	175-10-067	31-46	7585 EAST SWEETWATER AVENUE	UNK	GABRIEL GROZAV CARE HOME	SCOTTSDALE	AZ	85260	951-565-0172	ggrozav2@gmail.com	10	APPROVED	11-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
92	175-39-011	29-43	6530 EAST CLINTON STREET	AL6884H	ASSISTED LIVING	SCOTTSDALE	AZ		480-682-8974		0	APPROVED	16-AC-2017	LICENSED	LEGACY APPROVED	
93	131-29-062	14-45	7308 EAST VIRGINIA AVENUE	UNK	SERENE VALLEY	SCOTTSDALE	AZ		650-580-7035	alhinfo@yahoo.com	10	APPROVED	17-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
94	215-54-052	33-47	14025 NORTH 82ND PLACE	UNK	14025 N 82nd Place	SCOTTSDALE	AZ		773-350-0460	albenabah@gmail.com	10	APPROVED	14-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
95	131-21-051	13-45	1721 NORTH 74TH PLACE	UNK	1721 N 74th Pl - Care Home	SCOTTSDALE	AZ		480-252-9122	michaelgreenland1@gmail.com	5	APPROVED	15-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
96	131-10-119	13-46	7935 EAST PALM LANE	UNK	PALM LANE ASSISTED LIVING	SCOTTSDALE	AZ	85257	650-580-7035	alhinfo@yahoo.com	10	APPROVED	18-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
97	175-66-007	32-46	7924 EAST SWEETWATER AVENUE	UNK	CARE HOME	SCOTTSDALE	AZ	85260	602-790-8100	(623) 780-0786	10	APPROVED	19-AC-2017	UNLICENSED	LEGACY PENDING LICENSE	
98	216-66-201	53-46	29914 NORTH 78TH STREET	AL5726H	DIXILETA ADULT CARE HOME II	SCOTTSDALE	AZ	85262	480-577-0174	(480) 393-3096	8	APPROVED	NA	LICENSED	LEGACY APPROVED	
99	174-12-058	21-47	6401 NORTH 82ND STREET	AL7904H	SUNRISE HOME FACILITY I INC	SCOTTSDALE	AZ	85250	480-367-9117	(480) 922-3520	10	APPROVED	NA	LICENSED	LEGACY APPROVED	
100	174-69-008	22-48	8736 EAST JOSHUA TREE LANE	AL1529H	CALINI'S ADULT CARE HOME	SCOTTSDALE	AZ	85250	480-242-8742	(480) 607-7365	10	APPROVED	NA	LICENSED	LEGACY APPROVED	0922565
101	217-26-323	29-52	10250 EAST BECKER LANE	AL5413H	NORTH SCOTTSDALE GARDENS ASSISTED LIVING HOME	SCOTTSDALE	AZ	85260	80-657-9385	(480) 219-8763	10	APPROVED	NA	LICENSED	LEGACY APPROVED	0938313
102	217-27-374	29-53	10710 EAST MESCAL STREET	AL6365H	TRINITY HOME OF SCOTTSDALE, LLC	SCOTTSDALE	AZ	85259	480-451-0741	(480) 451-0742	8	APPROVED	NA	LICENSED	LEGACY APPROVED	1012015
103	217-41-295	32-49	13330 NORTH 88TH PLACE	AL4870H	SIERRA'S ASSISTED LIVING, THE	SCOTTSDALE	AZ	85260	602-622-1667	(480) 614-1382	10	APPROVED	NA	LICENSED	LEGACY APPROVED	0921210
104	217-29-518	29-58	12705 EAST SAHUARO DRIVE	AL6348H	EAST SHEA ASSISTED LIVING	SCOTTSDALE	AZ	85259	480-621-8423	(480) 621-8356	10	APPROVED	NA	LICENSED	LEGACY APPROVED	1055529
105	216-50-121A	55-44	32100 NORTH SCOTTSDALE ROAD	AL7079H	UPON THE ROCK ASSISTED LIVING	SCOTTSDALE	AZ	85262	480-221-1140	(480) 595-5492	10	APPROVED	NA	LICENSED	LEGACY APPROVED	1075034
106	217-15-809	34-49	9043 EAST HILLERY DRIVE	AL8821H	RAINTREE ASSISTED LIVING LLC	SCOTTSDALE	AZ	85260	602-487-7951	(888) 213-8186	6	APPROVED	2-AC-2012	LICENSED	LEGACY APPROVED	1091813
107	173-61-086C	18-47	8319 EAST HAZELWOOD	AL9841H	HAZELWOOD MANOR ASSISTED LIVING HOME	SCOTTSDALE	AZ	85251	480-658-0614	(480) 656-0654	10	APPROVED	10-AC-2008	LICENSED	LEGACY APPROVED	1119027
108	217-26-230	30-51	9823 EAST JENAN DRIVE	AL8593H	ARIZONA ROYAL CARE HOME, LLC	SCOTTSDALE	AZ	85260	602-264-2668	(480) 264-2668	10	APPROVED	5-AC-2009	LICENSED	LEGACY APPROVED	1094203
109	217-26-245	29-52	10031 EAST DESERT COVE AVENUE	AL8828H	RETREAT AT DESERT COVE, THE	SCOTTSDALE	AZ	85260	602-214-4005	(602) 443-8005	10	APPROVED	4-AC-2010	LICENSED	LEGACY APPROVED	1083847
110	175-30-081	29-47	10610 NORTH 84TH STREET	AL9084H	CALINIS ALOS II	SCOTTSDALE	AZ	85260	480-219-8554		5	APPROVED	3-AC-2013	LICENSED	LEGACY APPROVED	1100466
111	175-03-053	32-46	13452 NORTH HAYDEN ROAD	AL9203H	SUNRISE CARE HOME-HAYDEN	SCOTTSDALE	AZ	85260	480-703-6644		10	APPROVED	5-AC-2013	LICENSED	LEGACY APPROVED	1095070
112	130-41-208	16-48	8704 EAST AMELIA AVENUE	AL9490H	SERENE VALLEY ALH	SCOTTSDALE	AZ	85251	480-248-5548		10	APPROVED	4-AC-2014	LICENSED	LEGACY APPROVED	1108891
113	219-11-223	64-54	39022 NORTH FERNWOOD LANE	BH5061	SERENITY CARE CENTER, LLC	SCOTTSDALE	AZ	85262	561-722-8055	erousseau@treatmentllc.com	0	APPROVED	14-AC-2016	LICENSED	LEGACY APPROVED	1132082
114	216-70-001J	51-47	28760 NORTH 83RD STREET	BH5353	83RD GROUP HOME	SCOTTSDALE	AZ	85266	772-266-7682	erousseau@treatmentllc.com	0	APPROVED	13-AC-2017	LICENSED	LEGACY APPROVED	
115	217-32-033J	28-57	10250 NORTH 124TH STREET		10250 N 124TH ST CARE HOME	SCOTTSDALE	AZ	85259	(623) 252-6483	amit2222@gmail.com	10	APPROVED	1-AC-2018	UNLICENSED	LEGACY PENDING LICENSE	
116	217-33-034J	28-55	11345 EAST BERYL AVENUE		11345 E BERYL CARE HOME	SCOTTSDALE	AZ	85259	623-252-6483	amit2222@gmail.com	10	APPROVED	2-AC-2018	UNLICENSED	NEW PENDING LICENSE	

Spreadsheet of Care Homes Located Outside City of Scottsdale's Jurisdiction as of February 2018
 (Produced by the City of Scottsdale on February 28, 2018)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	apn	qs_num	site address	license	name	city	state	zip_code	phone	fax_email	capacity	case_status	cds_case	state_licensing	status
2	167-79-122	31-41	5937 EAST CACTUS ROAD	AL8066H	AGAVE MANOR	SCOTTSDALE	AZ	85254	602-373-9933	(480) 368-9777	10	APPROVED	NA	LICENSED	LEGACY APPROVED
3	175-68-052	31-44	12202 NORTH 68TH PLACE	AL5847H	ROYAL PALM ASSISTED LIVING	SCOTTSDALE	AZ	85254	480-609-7006	(480) 483-4659	10	APPROVED	NA	LICENSED	LEGACY APPROVED
4	173-47-023C	17-43	6646 EAST MONTEROSA	AL9186H	CONSTANT CARE ASSISTED LIVING OF ARCADIA	SCOTTSDALE	AZ	85251	602-803-5642	(602) 358-7512	10	APPROVED	6-AC-2013	LICENSED	LEGACY APPROVED



Care Homes in Scottsdale

- City Boundary
-  Care Homes (Currently All Grandfathered Approved Homes)
-  1200' Buffer

Last Updated 1/3/2018

5

**DECLARATION OF EMERGENCY
and NOTIFICATION OF ENHANCED SURVEILLANCE ADVISORY
Opioid Overdose Epidemic**

WHEREAS, the Arizona Department of Health Services has confirmed 790 deaths due to opioids in Arizona in 2016, which equates to an average of more than two Arizonans per day; and

WHEREAS, the Arizona Department of Health Services has confirmed that the number of opioid deaths has increased 74% from 2012-2016, with 2016 showing Arizona's highest number of deaths; and

WHEREAS, opioids are powerful pain killers that are highly addictive; and

WHEREAS, of the 1,497 drug overdose deaths in 2016, 52.7% noted opioids as a primary cause of death; and

WHEREAS, these deaths as a result of overdose are preventable; and

WHEREAS, the opioid overdose epidemic affects all Arizonans; and

WHEREAS, in Arizona, law enforcement and first responders have the authority to carry and administer the life saving drug Naloxone; and

WHEREAS, the Arizona Department of Health Services requires more robust and more accurate data to successfully combat the opioid overdose epidemic; and

WHEREAS, the Governor and the Director of the Arizona Department of Health Services have reasonable cause to believe that disease, illness, and health conditions, including death, are being caused by the opioid overdose epidemic; and

WHEREAS, it is necessary and appropriate to take action to ensure that the residents of Arizona remain safe and healthy; and

WHEREAS, the Governor is authorized to declare an emergency pursuant to A.R.S. § 26-303(D).

NOW, THEREFORE I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby determine that the opioid overdose epidemic present in Arizona justifies a declaration of a State of Emergency and issuance of an Enhanced Surveillance Advisory, pursuant to A.R.S. §§ 26-303(D), 36-782, and 36-787, and I do hereby:

- a. Declare that a State of Emergency exists in Arizona due to the Opioid Overdose Epidemic, effective June 5, 2017; and
- b. Direct that the State of Arizona Emergency Response and Recovery Plan be used to direct and control State and other assets, and authorize the Director of the Arizona Department of Emergency and Military Affairs to coordinate State assets; and
- c. Authorize the Director of the Arizona Department of Health Services to coordinate all matters pertaining to the public health emergency response of the State in accordance with A.R.S. § 36-787(A)(2); and

d. Require the Director of the Arizona Department of Health Services to:

- 1) within seven days of this order, provide consultation to the Governor on identifying and recommending the necessary elements for an Enhanced Surveillance Advisory pursuant to A.R.S. § 36-782(B); and
- 2) initiate emergency rule making with the Arizona Attorney General's Office in order to develop rules for opioid prescribing and treatment within health care institutions pursuant to A.R.S. § 36-405; and
- 3) develop guidelines to educate healthcare providers on responsible prescribing practices; and
- 4) develop and provide training to local law enforcement agencies on proper protocols for carrying, handling, and administering Naloxone in overdose situations; and
- 5) provide a report on findings and recommendations, including additional needs and response activities, and preliminary recommendations that require legislative action to the Governor by September 5, 2017.

This Emergency Declaration will be eligible for termination upon my receipt and acceptance of the Arizona Department of Health Services' Opioid Overdose Epidemic Response Report.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.


GOVERNOR

DONE at the Capitol in Phoenix on this 5th day of June in the Year Two Thousand Seventeen and of the Independence of the United States of America the Two Hundred and Forty-first.

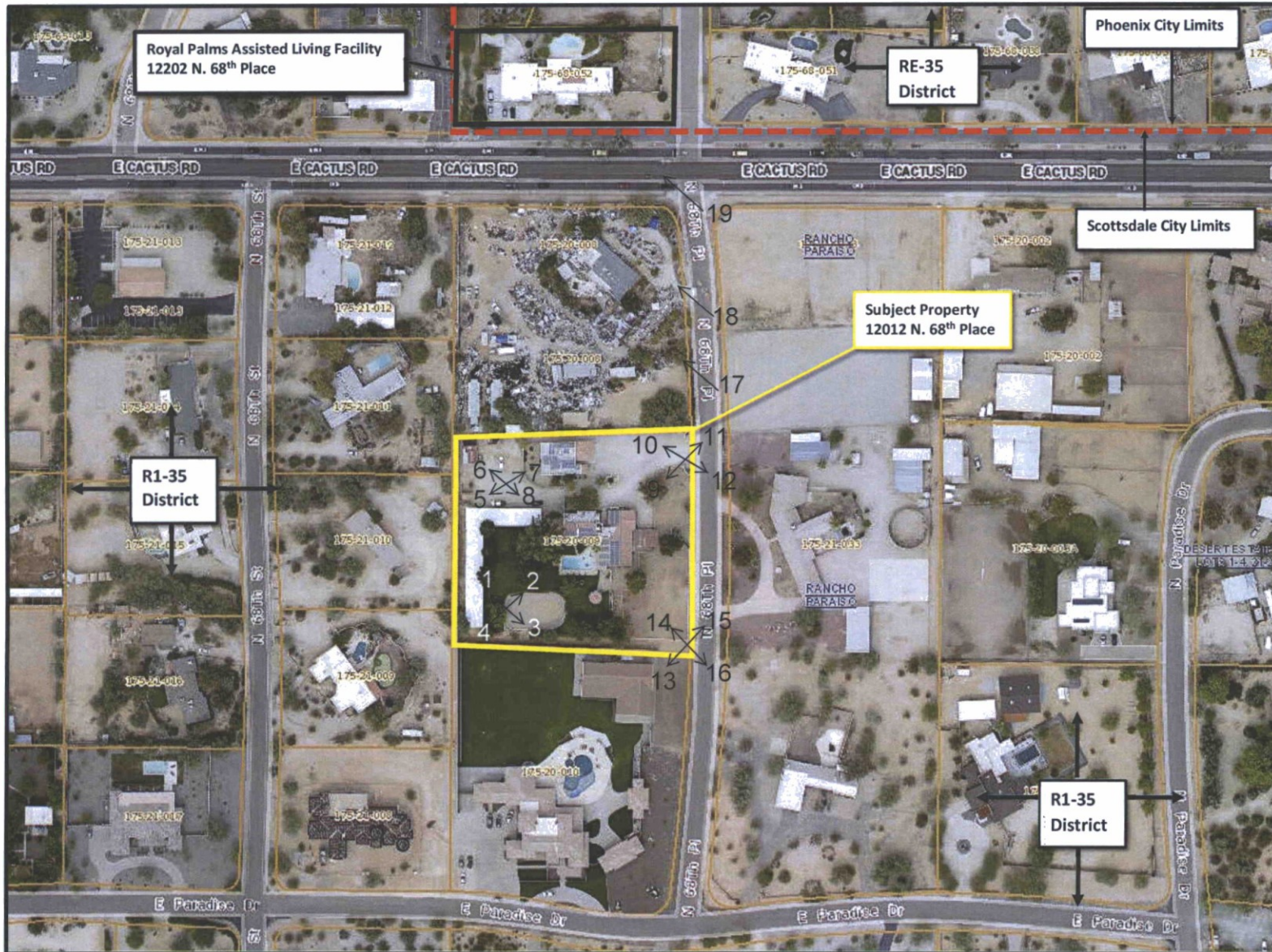
ATTEST:



Secretary of State



6



Royal Palms Assisted Living Facility
12202 N. 68th Place

RE-35
District

Phoenix City Limits

Scottsdale City Limits

Subject Property
12012 N. 68th Place

R1-35
District

R1-35
District

CONTEXT AERIAL
03/29/2018

Property Owner:
CL Holdings 68th Place, LLC

Address: 12012 N. 68th Place

APN: 175-20-009

Net Parcel Area:
94,843 s.f.
2.18 acres

Zoning: R1-35 Single-Family
Residential District

Proposed Use: Care Home
(Behavioral Health
Residential Facility)

Proposed Site
Improvements:
- No new buildings or
structures proposed

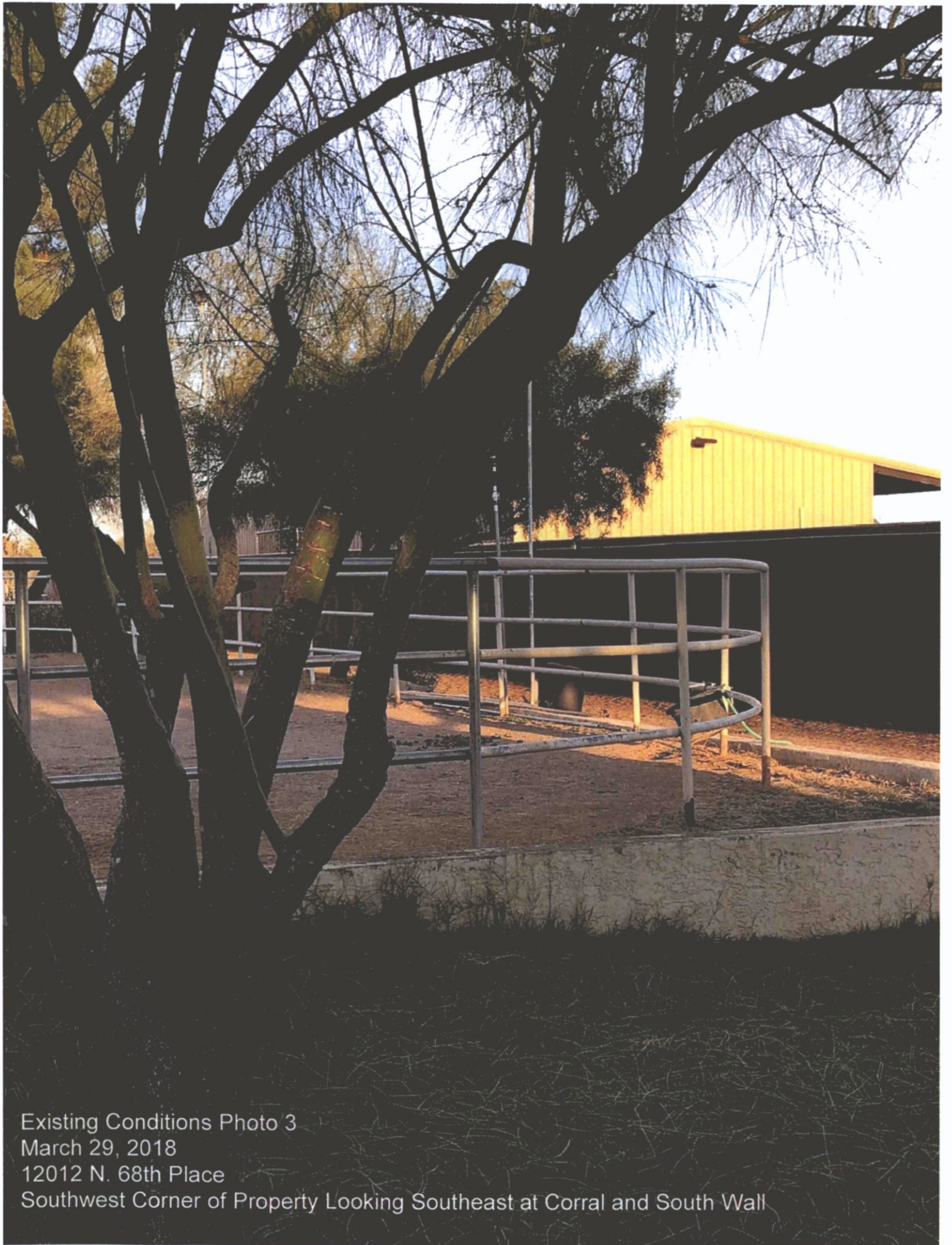
Source: Maricopa County
Assessor's GIS Aerial
Photograph 2017



Existing Conditions Photo 1
March 29, 2018
12012 N. 68th Place
Southwest Corner of Property Looking Northwest at Stables



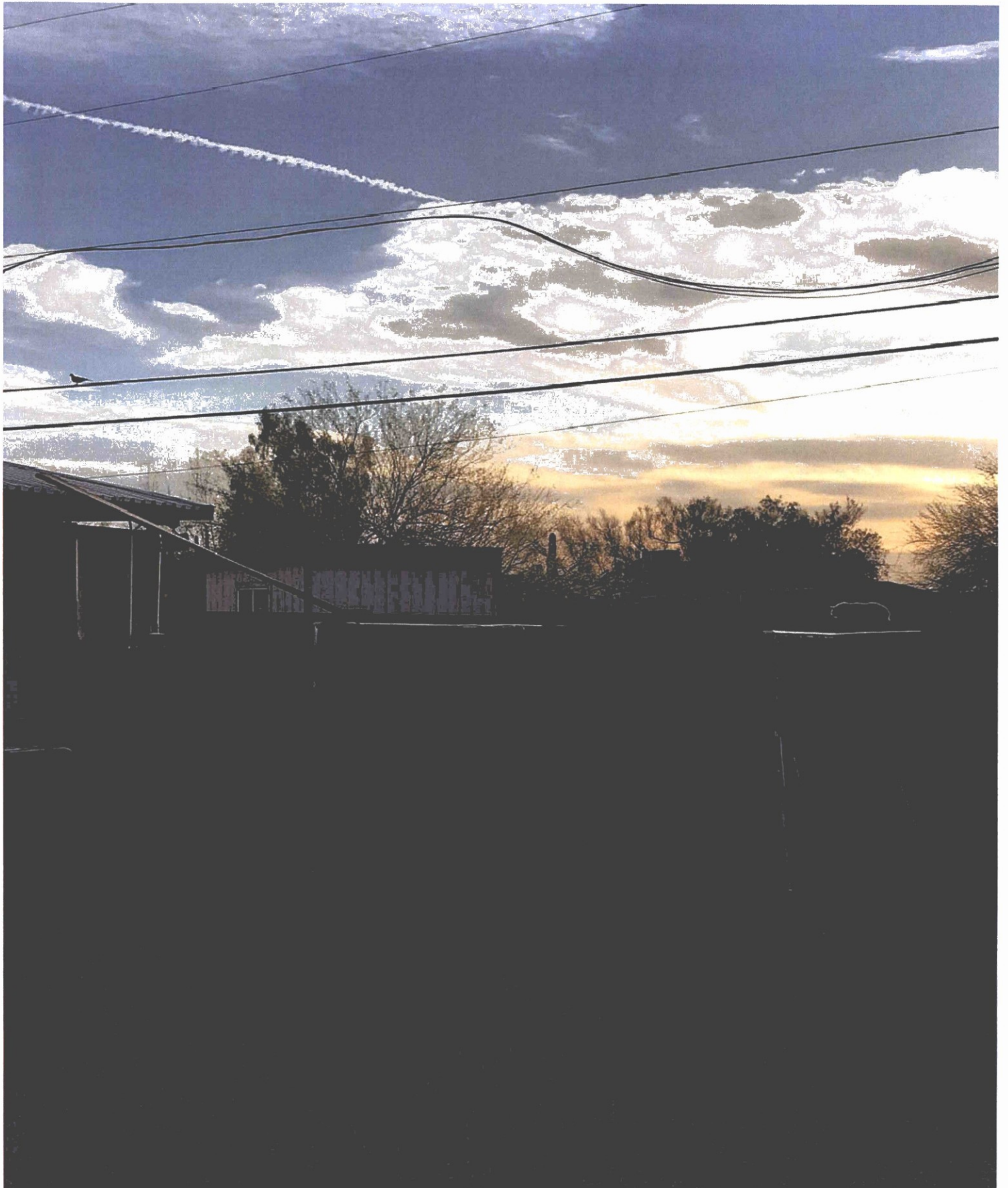
Existing Conditions Photo 2
March 29, 2018
12012 N. 68th Place
Southwest Corner of Property Looking Northeast at Rear Yard and Residence



Existing Conditions Photo 3
March 29, 2018
12012 N. 68th Place
Southwest Corner of Property Looking Southeast at Corral and South Wall



Existing Conditions Photo 4
March 29, 2018
12012 N. 68th Place
Southwest Corner of Property Looking Southwest at Rear Yard and Walls



Existing Conditions Photo 5

March 29, 2018

12012 N. 68th Place

Northwest Corner of Property Looking Southwest at North End of Stables and Hay Bin



Existing Conditions Photo 6

March 29, 2018

12012 N. 68th Place

Northwest Corner of Property Looking Northwest at Storage Shed

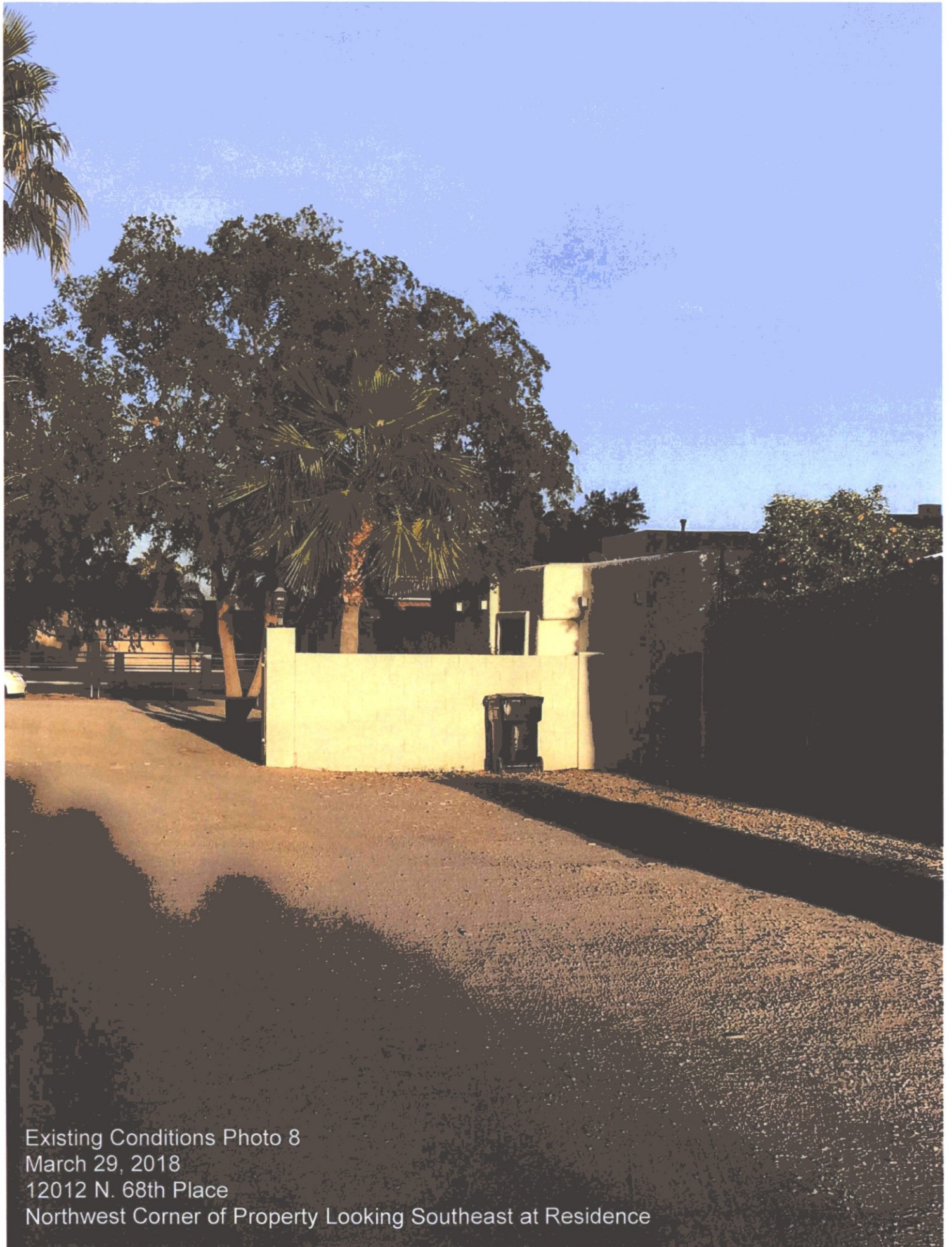


Existing Conditions Photo 7

March 29, 2018

12012 N. 68th Place

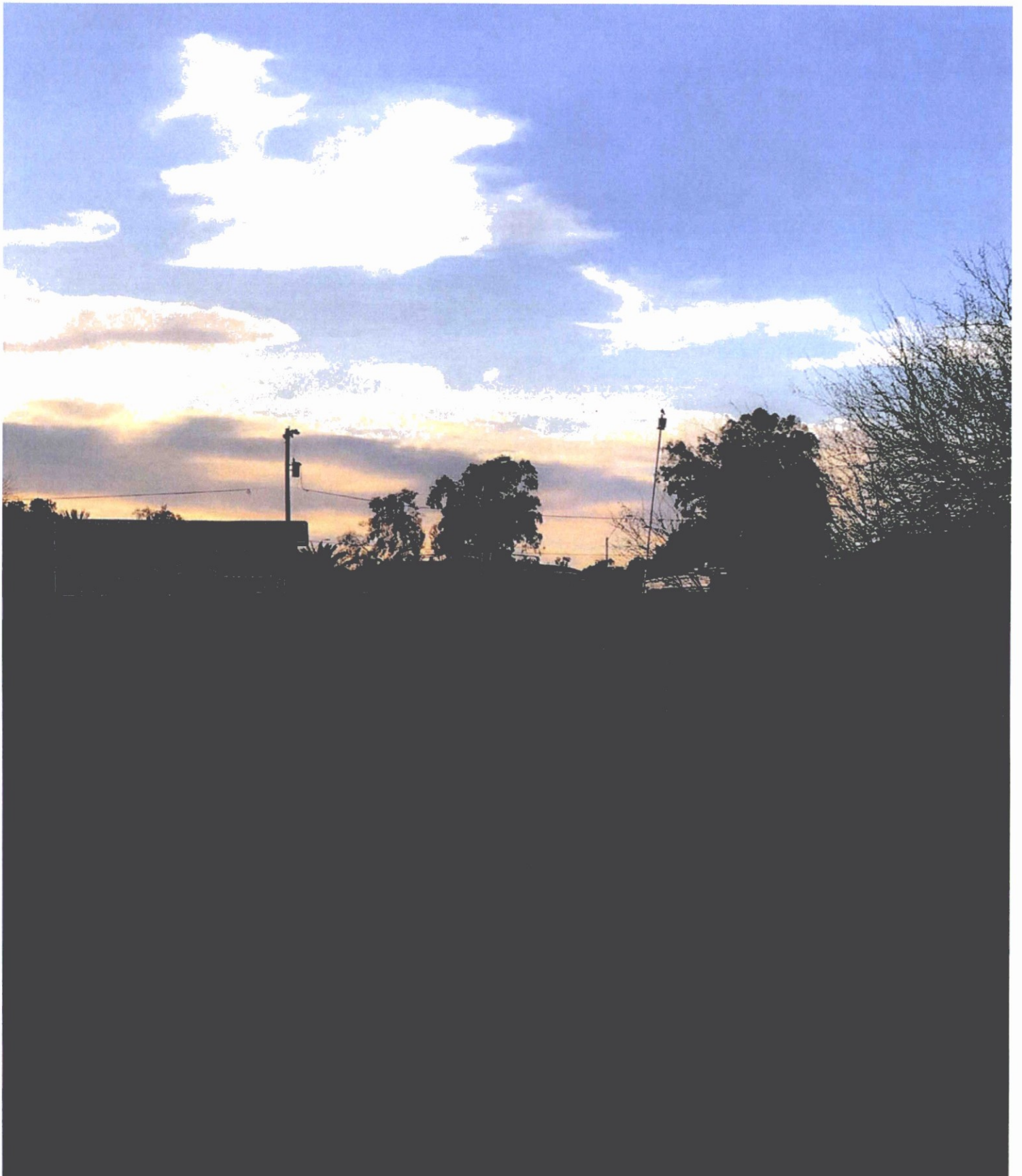
Northwest Corner of Property Looking Northeast at Accessory Building and Wall



Existing Conditions Photo 8
March 29, 2018
12012 N. 68th Place
Northwest Corner of Property Looking Southeast at Residence



Existing Conditions Photo 9
March 29, 2018
12012 N. 68th Place
Northeast Corner of Property Looking Southwest at Residence

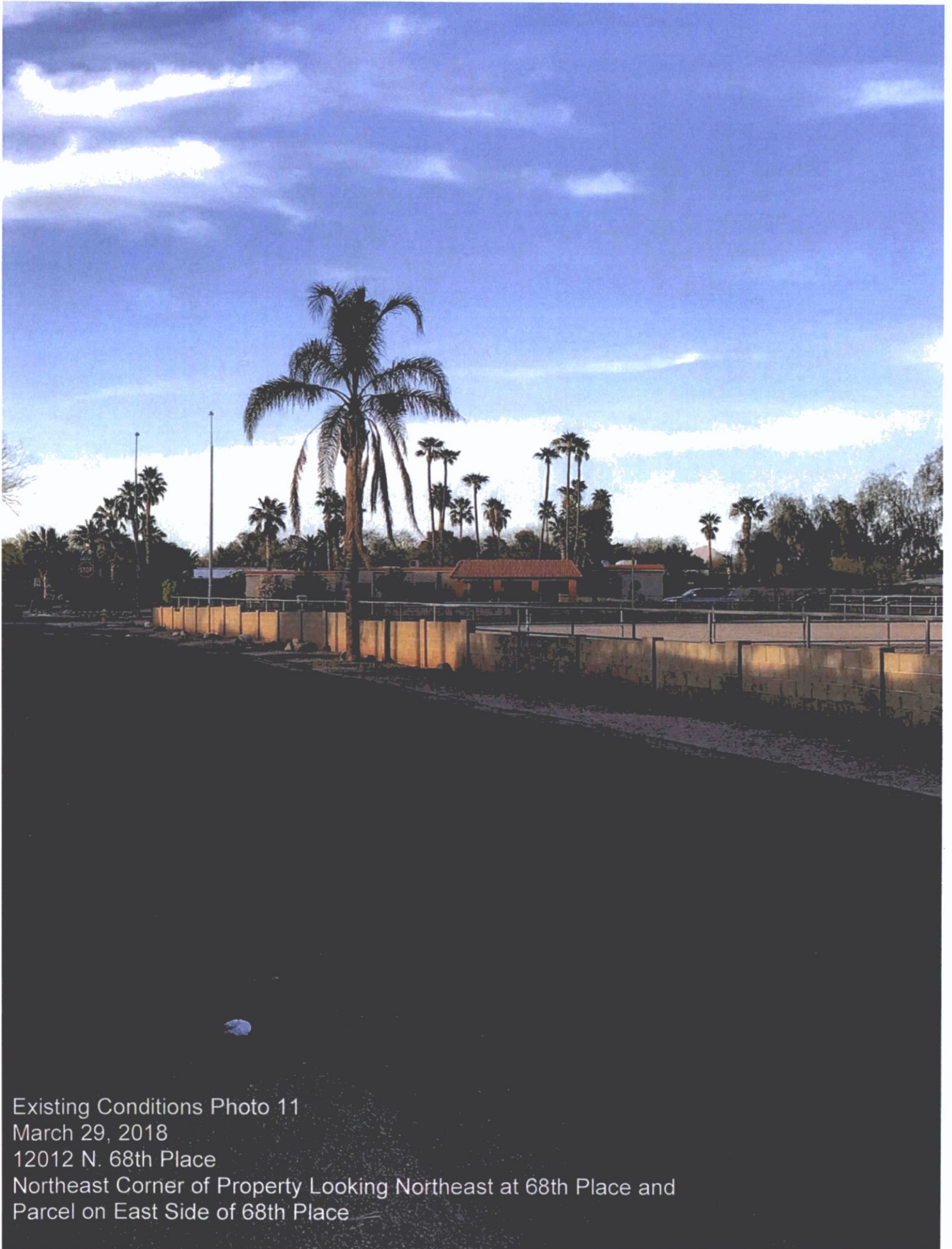


Existing Conditions Photo 10

March 29, 2018

12012 N. 68th Place

Northeast Corner of Property Looking Northwest at North Wall and
Outdoor Storage on Abutting Property

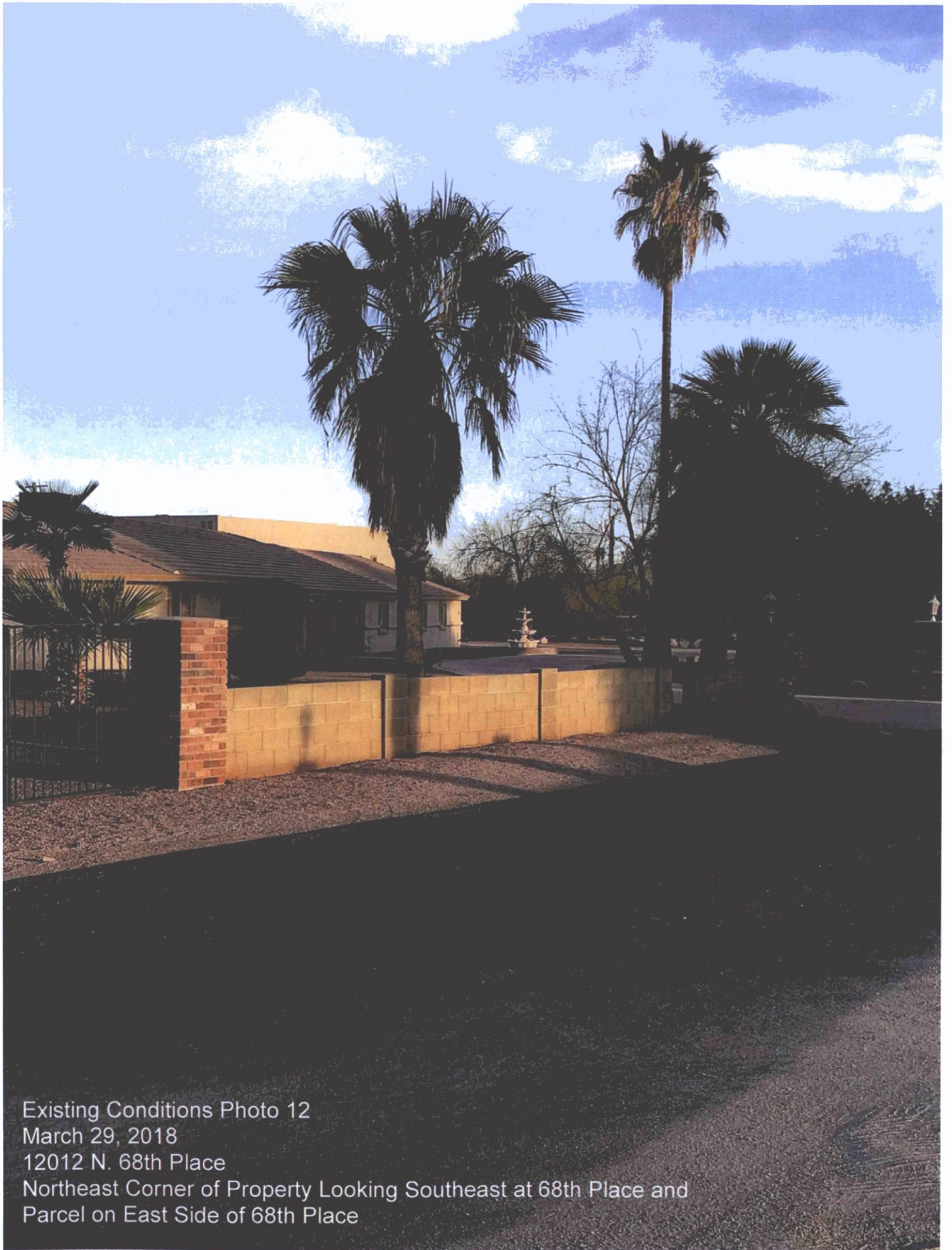


Existing Conditions Photo 11

March 29, 2018

12012 N. 68th Place

Northeast Corner of Property Looking Northeast at 68th Place and
Parcel on East Side of 68th Place

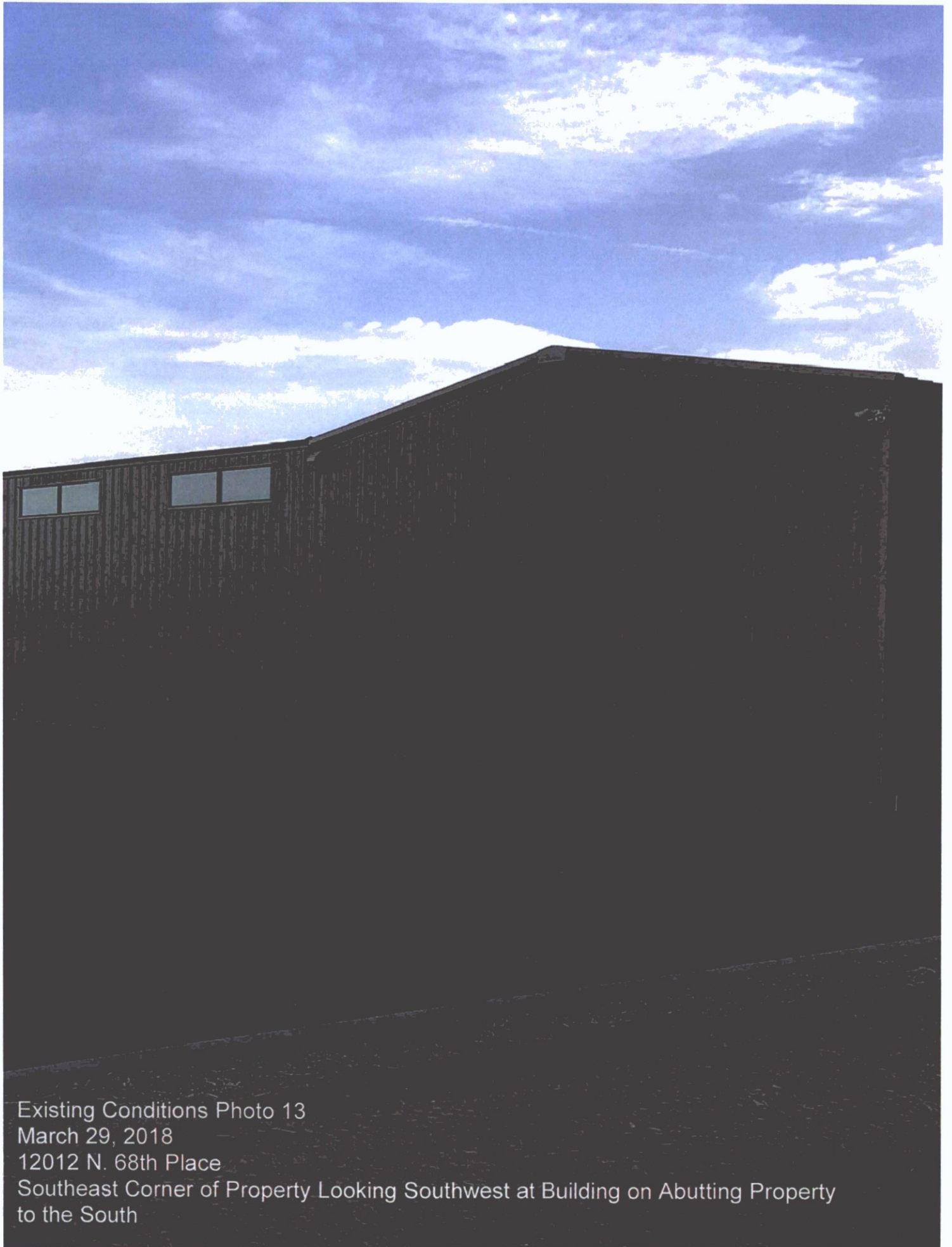


Existing Conditions Photo 12

March 29, 2018

12012 N. 68th Place

Northeast Corner of Property Looking Southeast at 68th Place and
Parcel on East Side of 68th Place



Existing Conditions Photo 13

March 29, 2018

12012 N. 68th Place

Southeast Corner of Property Looking Southwest at Building on Abutting Property
to the South



Existing Conditions Photo 14
March 29, 2018
12012 N. 68th Place
Southeast Corner of Property Looking Northwest at Residence

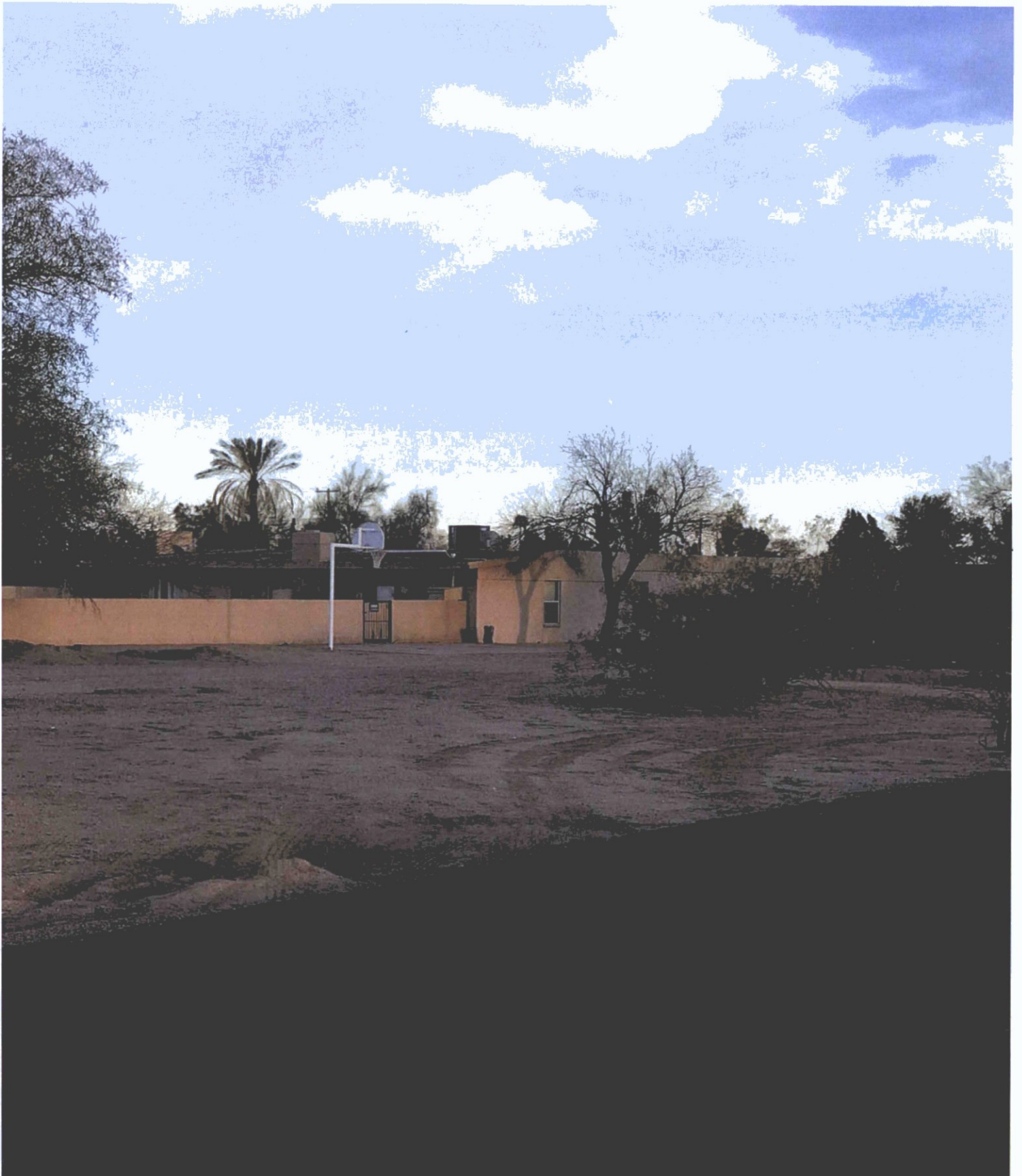


Existing Conditions Photo 15

March 29, 2018

12012 N. 68th Place

Southeast Corner of Property Looking Northeast at 68th Place and
Residence on East Side of 68th Place

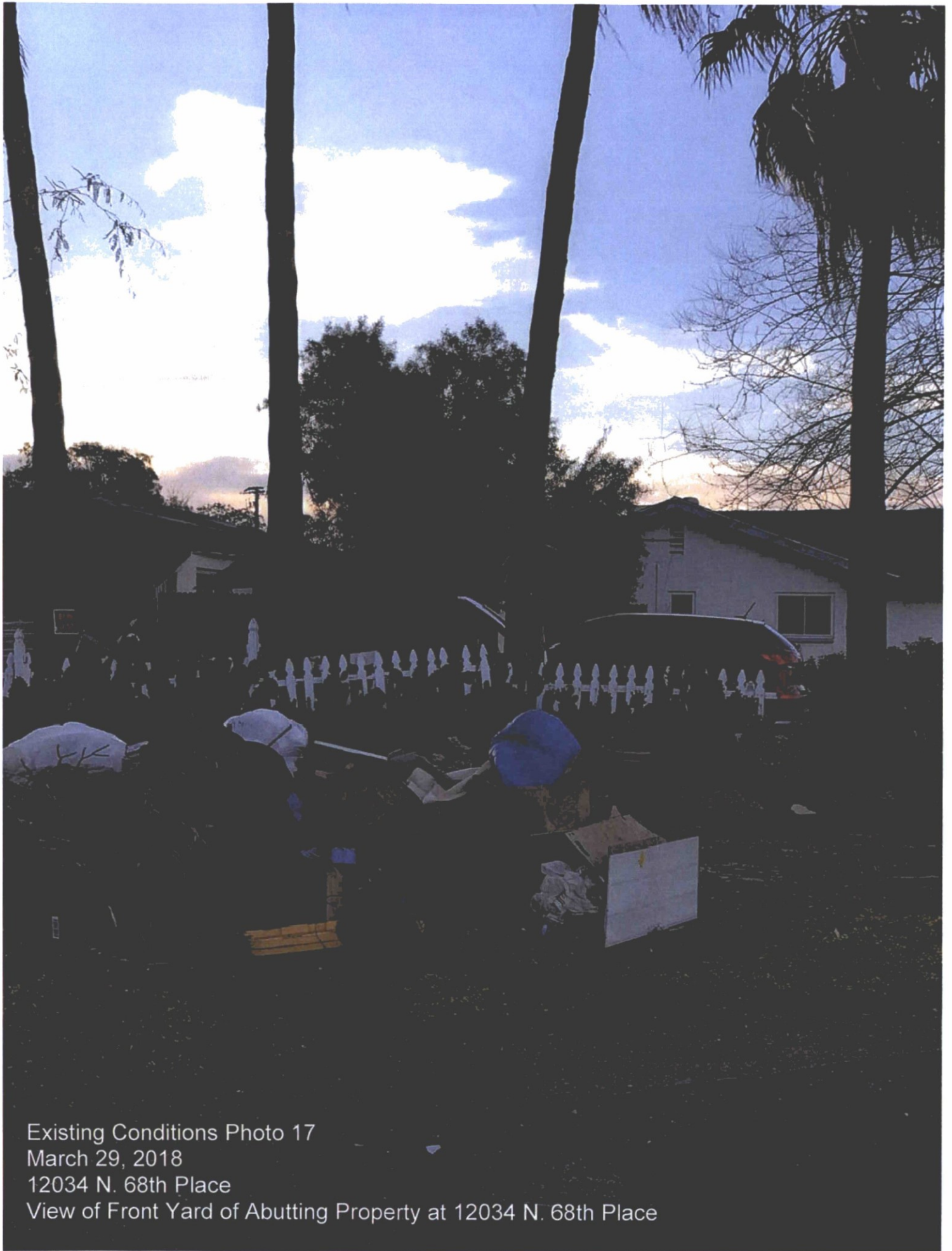


Existing Conditions Photo 16

March 29, 2018

12012 N. 68th Place

Southeast Corner of Property Looking Southeast at 68th Place and
Residence on East Side of 68th Place

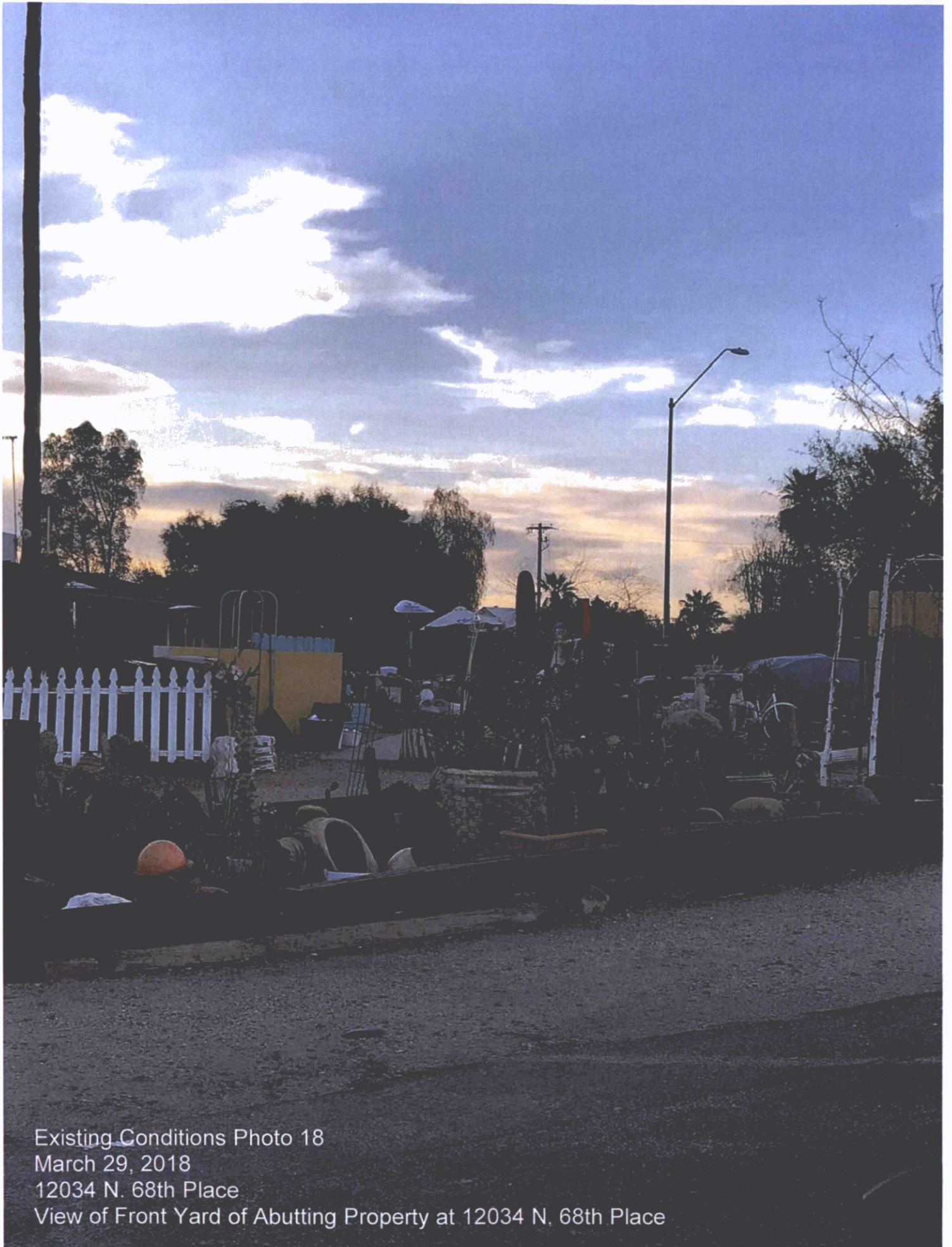


Existing Conditions Photo 17

March 29, 2018

12034 N. 68th Place

View of Front Yard of Abutting Property at 12034 N. 68th Place

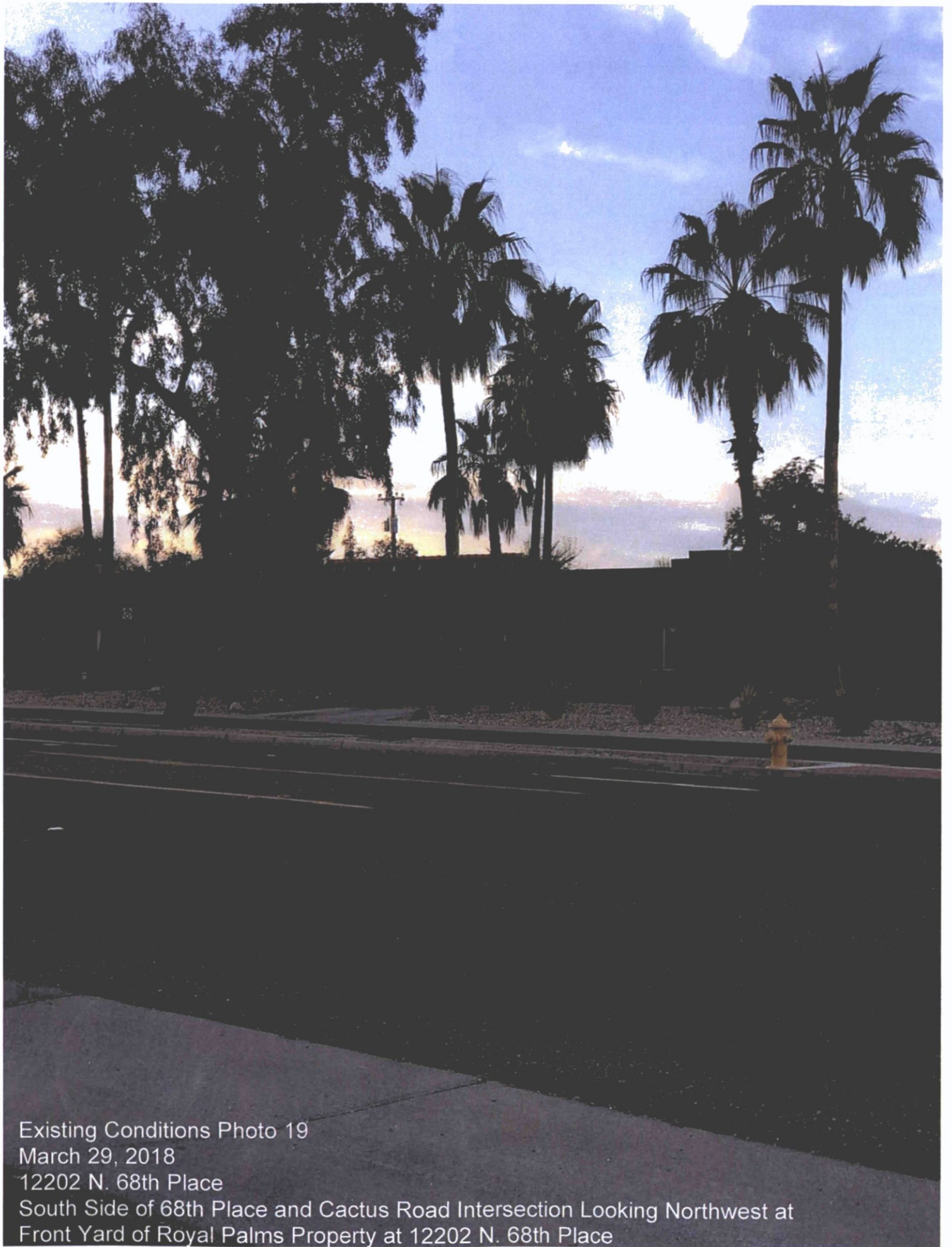


Existing Conditions Photo 18

March 29, 2018

12034 N. 68th Place

View of Front Yard of Abutting Property at 12034 N. 68th Place



Existing Conditions Photo 19

March 29, 2018

12202 N. 68th Place

South Side of 68th Place and Cactus Road Intersection Looking Northwest at

Front Yard of Royal Palms Property at 12202 N. 68th Place



CL Holdings 68th Place Care Home Variance

4-BA-2018



Q.S.
30-44

Google Earth Pro Imagery



CL Holdings 68th Place Care Home Variance

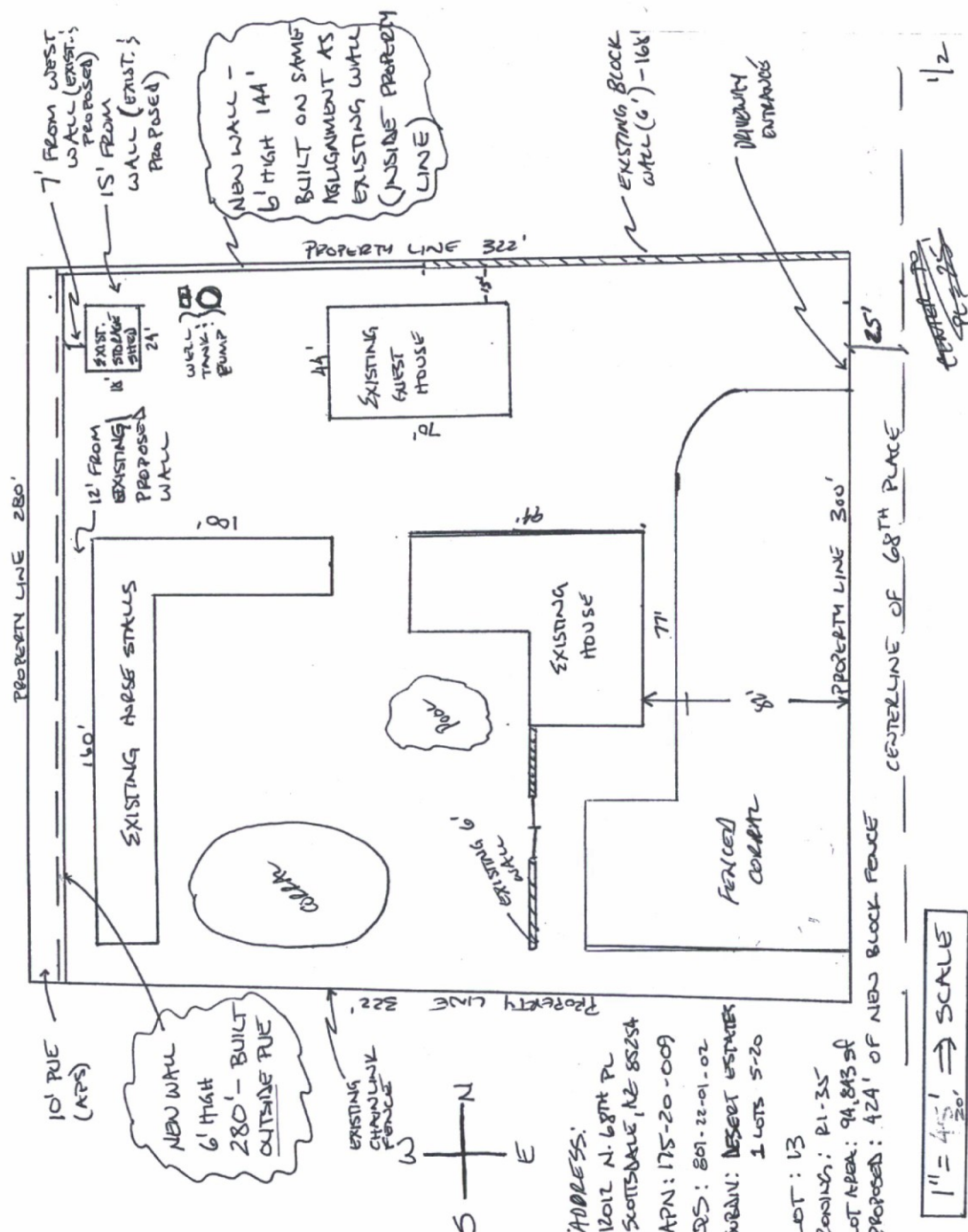
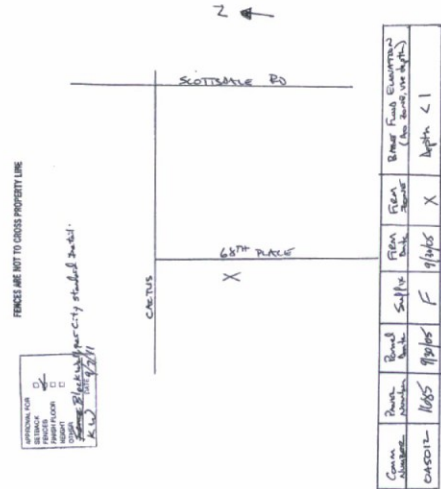
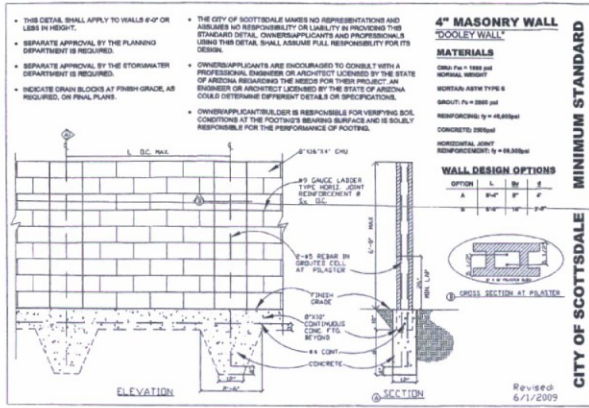
4-BA-2018



CL Holdings 68th Place Care Home Variance

4-BA-2018

174130



ATTACHMENT 5

ADDRESS:
 12012 N. 68TH PL
 SCOTTSDALE, AZ 85254
 APN: 175-20-009
 CDS: 801-22-01-02
 SUBDIV: DESERT ESTIMATES
 1 LOTS 5-20
 LOT: 13
 ZONING: R1-35
 LOT AREA: 94,843 sq ft
 PROPOSED: 424' OF NEW BLOCK FENCE

Moriarity, Ben

From: Greer, Timothy <TGreer@Hensley.com>
Sent: Tuesday, April 10, 2018 10:36 AM
To: Moriarity, Ben
Cc: Bryan Sheets (Bryan.Sheets@supremelending.com)
Subject: Case No 3-BA-2018, 4_BA-2018

Mr. Moriarty:

I left you a VM with the following information but I thought it might be appropriate to duplicate the communication with this e-mail.

In regards to the matter of a Variance and Disability application for the property located at 12012 North 68 place, my household is against such variance being granted.

The reason for our objection is that our neighborhood does not have a HOA to protect the integrity of the area so we rely on zoning codes by the City of Scottsdale.

The latest one (from last year) was rezoning a huge section of property in my neighborhood to commercial business boarding/training horses. Despite overwhelming opposition to this well-funded PR backed move, the city approved the variance.

We (and many others in the neighborhood) bought in this area BECAUSE of what it offered.

Please don't change that. Just because we have land and a lack of HOA it shouldn't be an open invitation for well-funded companies to open shop in the neighborhood. I think we have enough group homes in the area already.

Thanks for your time,

Sincerely,

Tim and Nancy Greer-480-905-8580

6701 East Paradise Drive

Scottsdale, AZ

85254

"This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have

ATTACHMENT 6

received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited."

Moriarity, Ben

From: Sue Bour <tsopm414@aol.com>
Sent: Monday, April 09, 2018 10:41 AM
To: Moriarity, Ben
Cc: City Council
Subject: Case No. 3 - BA - 2018, 4 - BA - 2018

To: Brad Carr
Ben Moriarity
Guy Phillips

Board of Adjustment Staff Representative
City of Scottsdale Planning and Development Division
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: Case No. 3 - BA - 2018, 4 - BA - 2018

We recently received a letter from Lazarus, Silvyn & Bangs, P.C. stating that the property located at 12012 North 68th Place was applying for different zoning status. It is presently zoned for R1-35, this is single family residential district zoning. They are attempting to change the property status for a behavioral health residential facility for up to 10 residents on the property.

We are writing this letter to oppose this change in zoning status. This zoning change would be harmful to this neighborhood for multiple reasons. This area located near Cactus Road and Scottsdale Road, is physically the heart of Scottsdale, Arizona, which has international reputation of being a top notch vacation/holiday location. If this area continues to change its zoning status it will not only reduce the value of the existing high end properties around it, but these non-residential zoning changes will permanently change the future positive growth and development of these critical Scottsdale neighborhoods to forever blunt betterment of housing and safety.

We currently, already have loitering and burglary issues in this area due to the lack of proper zoning, zoning changes, and neglect from the city of Scottsdale. We feel that another rezoning for a behavioral health facility is inviting more problems and hazards for the nearby families and school. There are families in this neighborhood with infants and teenage children. We recently, had an incident happen, where a 16 year old girl was nearly abducted by two men in a white truck. She was able to fight them off and run for help. Do we want more of this in our area? Do we have to have an abduction or a murder for the city of Scottsdale to bestow some attention, care and respect for this area?

I personally am already ill at ease when walking for exercise in my own neighborhood. If this rezoning happens, I will only be more uncomfortable in my own home!

This safety issue is not the only problem with rezoning. We as home owners are being disregarded when it comes to our property values. Our homes are a great financial investment. Is the city of Scottsdale asking us to ignore our largest financial investments? How is it possible that the value of our homes do not register with the board when considering these devaluing changes? The only reason this area stands out as a ramshackled mess in Scottsdale/Paradise Valley is exactly this reason. We seem to be where these shady, undeserved zoning changes happen. Our opinion is NO. No more uninvited, distasteful, dangerous changes are welcome in our back yards! We want better for our children and our homes in this area.

We are respectfully asking the Board of Adjustment and the City of Scottsdale Planning and Development Division the REJECT this proposed zoning change. Please consider our families and future when making this decision.

Sincerely,
Sue Bour
tsopm414@aol.com