

#41

JUN 27 2013

Chandler



MEMORANDUM

Transportation & Development – CC Memo No. 13-068

DATE: JUNE 27, 2013

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: ERIK SWANSON, CITY PLANNER *ES*

SUBJECT: ZUP13-0007 BETTER HORIZONS BEHAVIORAL HEALTH LLC

Request: Use Permit approval to operate a behavioral health group home for up to ten residents

Location: 2184 E. Firestone Drive;
North and east of the northeast corner of Cooper and Riggs roads

Applicant: Clarisse Kamgaing; Owner / Operator

PLANNING COMMISSION RECOMMENDATION

The request is for Use Permit approval to operate a behavioral health group home for up to ten residents within a single-family residential home. Planning Commission, upon finding inconsistency with the General Plan and Planned Area Development (PAD) zoning, recommends denial.

PLANNING STAFF RECOMMENDATION

The request is for Use Permit approval to operate a behavioral health group home for up to ten residents within a single-family residential home. Planning Staff, upon finding consistency with the General Plan and Planned Area Development (PAD) zoning, recommends approval with conditions.

BACKGROUND

The request is for Use Permit approval to operate a behavioral health group home for up to ten residents within a single-family residential home. The subject site is located north and east of

the northeast corner of Cooper and Riggs roads, within the Cooper Commons single-family residential subdivision. Single-family homes surround the subject site.

Behavioral health group homes, along with other residential care homes, are allowed by right within single-family residential subdivisions when the number of residents of the home does not exceed five. Once the number of residents of a group home exceeds five (the number includes live-in caregivers), a Use Permit is required. In no instances can a residential care home exceed ten residents. Better Horizons Behavioral Health LLC received zoning clearance in late 2010 to provide care for up to five residents. Due to licensing requirements of the State and the process for locating residents in the home, the first resident was located in the home June 2012. The home did not become fully operational with five residents until March of this year. The current request is to expand the number of residents up to ten.

Per State requirements, group homes are allowed to have up to four residents per bedroom provided sixty (60) square feet is provided per resident and three (3) feet is provided between beds. Based on the floor plan, the home has the capacity for up to ten residents. As the attached floor plan shows, bedrooms 1 and 2 can accommodate up to four residents each, bedrooms 3 and 4 can accommodate two residents each. The home meets the requirements established for room size.

The behavioral health group home clientele ranges in age, but are all adults; no minors will receive care at the site. Additionally, in conformance with State allowances, residents can be either male or female; residents of the same sex reside in the same room. Residents are placed in the home by regional behavioral health authorities such as Magellan of Arizona, The Gila River Regional Behavioral Health Authority, and the White Mountain Apache Regional Behavioral Health Authority, among others. The home has an adult staff member at the site at all times, with two to three staff members present during peak hours and for scheduled appointments. The home provides a side-entry garage which typically allows for at least three vehicles to park in the driveway; the garage can also be utilized for parking. Additionally, street frontage allows for two additional cars adjacent to the site.

DISCUSSION

When Use Permits for Group Homes are requested, the homes have to meet a number of criteria as outlined in the Zoning Code. The criterion includes items such as: staffing, uses within the home being consistent with the group home, transportation of the residents, exterior upkeep, and calls for service. Planning Staff has reviewed the criterion and finds the home consistent with code requirements. As Planning Staff reviews and visits group homes, Planning Staff tries to ensure that exterior upkeep of the home is consistent with the surrounding neighborhood. In this particular case, minor maintenance was needed (adding additional rock where layering had worn thin), which was done promptly. One exterior window shows moisture penetration, but is a manufacturer defect rather than a maintenance issue; the applicant is working on receiving service quotes. Planning Staff has no significant concerns with the exterior appearance.

Historically, calls for service tend to be a significant concern of adjacent residents. Planning Staff has been working with the Police Department to review the calls for service. The calls for

service have been deemed to be consistent with the number of calls for service to other behavioral health group homes, thus not raising any red flags from a call for service standpoint. Calls for service can be for a wide range of reasons including a resident that has left or is late returning to the house, ill residents needing to be taken to a hospital, suicide attempts whether stated, implied, or attempted, etc. It is important to note that all calls for service were made from the group home, consistent with operational requirements, and not from the surrounding neighborhood.

Planning Staff, Planning Commission, and City Council have received a number of phone calls, emails, and letters opposed to the request. Concerns expressed include exterior upkeep of the premises, privacy concerns, calls for service, business operations in a residential setting, the number of care homes in the vicinity, safety of the neighborhood and others. Emails and letters are attached.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- A neighborhood meeting was held on Monday, April 22, 2013; more than 25 neighbors attended the meeting. Following the neighborhood meeting Planning Staff has received a number of emails in opposition.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

In Favor: 0 Opposed: 7

Over 40 neighbors attended and submitted comment cards opposing the request at the Planning Commission hearing. The neighborhood elected to have five residents speak and address specific concerns. The concerns included: general overview of the request, personal encounters with the group home residents, security and calls for service, land use allowances, and the intent of the zoning code and the law. Additionally, concerns were expressed over the fact that there is an assisted living home (five or fewer residents) three doors to the east of the site, and a recently approved assisted living home (five or fewer residents) located two doors to the west of the site. Ultimately, Planning Commission recommended denial based on concerns that having three homes that provide residential services within such close proximity on one street, creates too much of an impact that normal residential activity does not create.

PLANNING COMMISSION RECOMMENDED ACTION

Planning Commission, upon finding inconsistency with the General Plan, recommends denial of ZUP13-0007 BETTER HORIZONS BEHAVIORAL HEALTH LLC.

RECOMMENDED ACTION

Planning Staff, upon finding consistency with the General Plan, recommends approval of ZUP13-0007 BETTER HORIZONS BEHAVIORAL HEALTH LLC, subject to the following conditions:

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to any other location.
3. The group home shall have no more than ten (10) residents at any time.
4. The Use Permit to operate a behavioral health group home is specific to the existing property owner, and if the property should be sold in the future the Use Permit shall be null and void.
5. This Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require reapplication to and approval by the City of Chandler.
6. The site shall be maintained in a clean and orderly manner.

PROPOSED MOTION

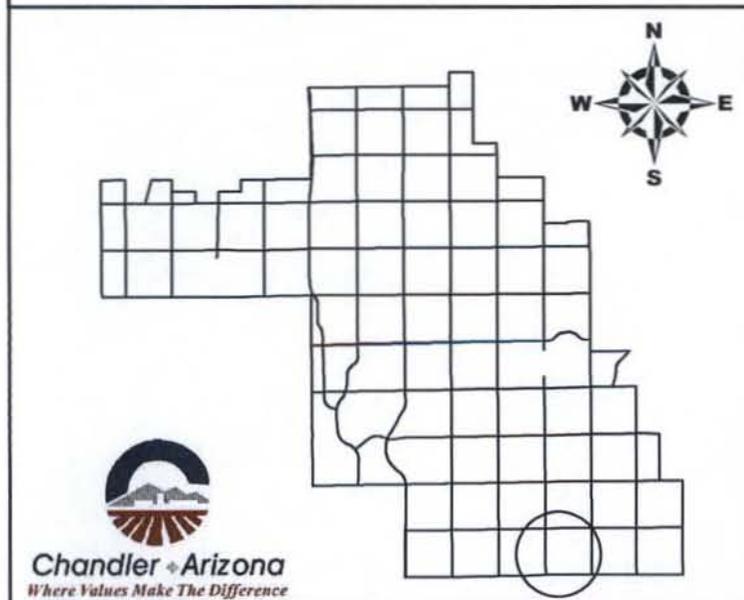
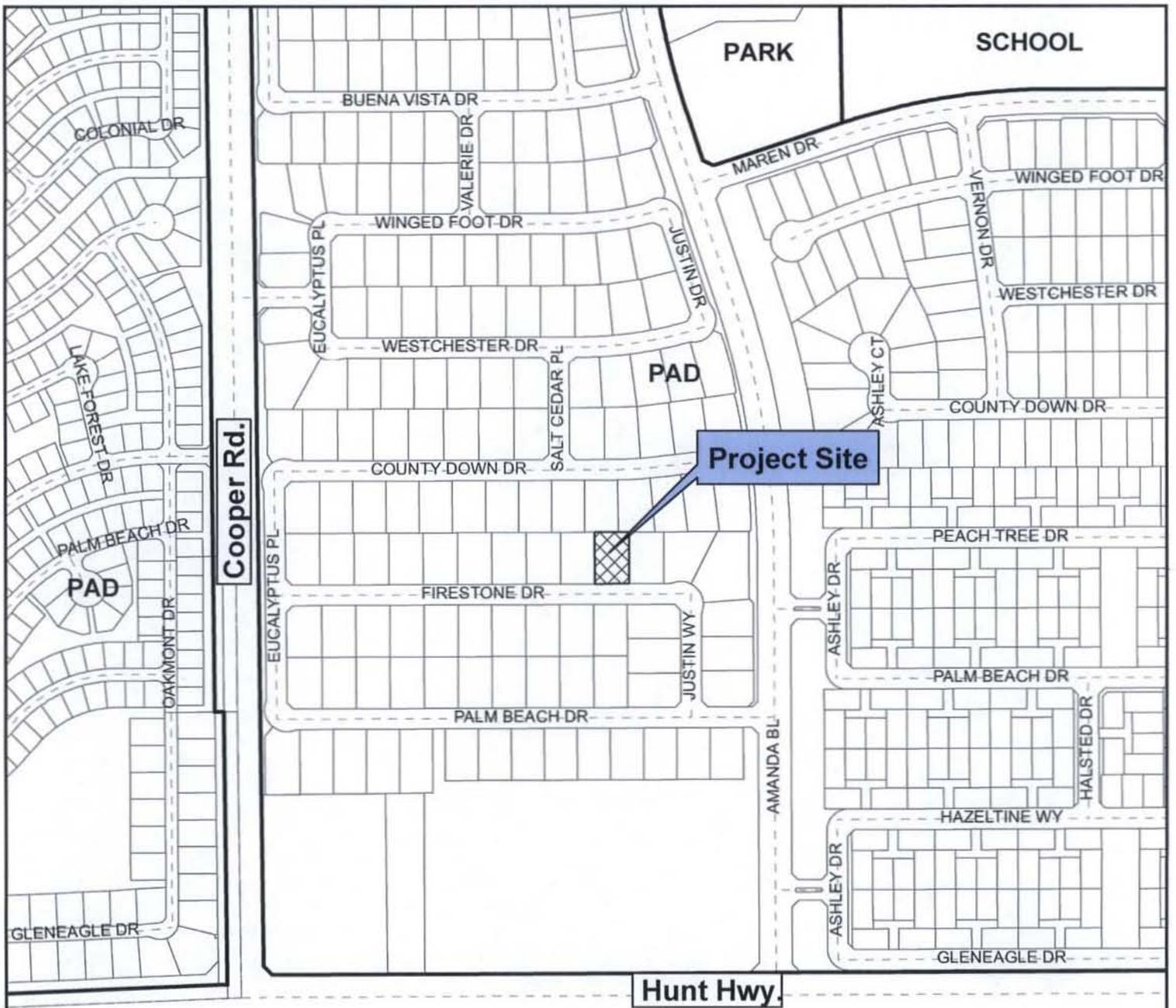
Move to deny ZUP13-0007 BETTER HORIZONS BEHAVIORAL HEALTH LLC, Use Permit for a behavioral health group home for up to ten residents, as recommended by Planning Commission.

PROPOSED MOTION

Move to approve ZUP13-0007 BETTER HORIZONS BEHAVIORAL HEALTH LLC, Use Permit for a behavioral health group home for up to ten residents, subject to the conditions recommended by Planning Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Floor Plan
4. Applicant Narrative
5. Neighborhood Meeting Minutes
6. Opposition Emails

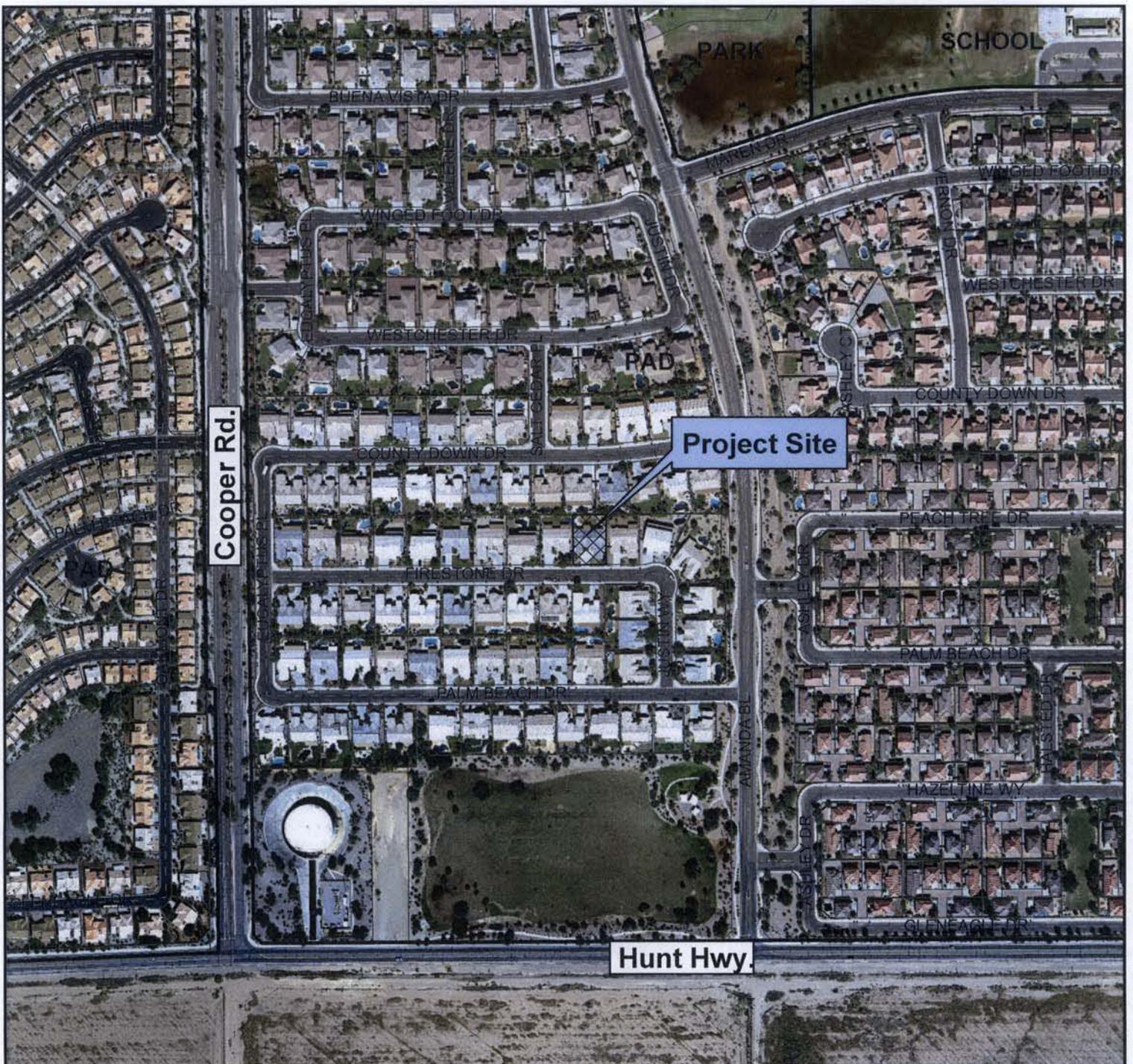


Vicinity Map

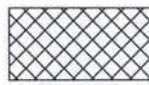


ZUP13-0007

Better Horizons Behavioral Health LLC



Vicinity Map



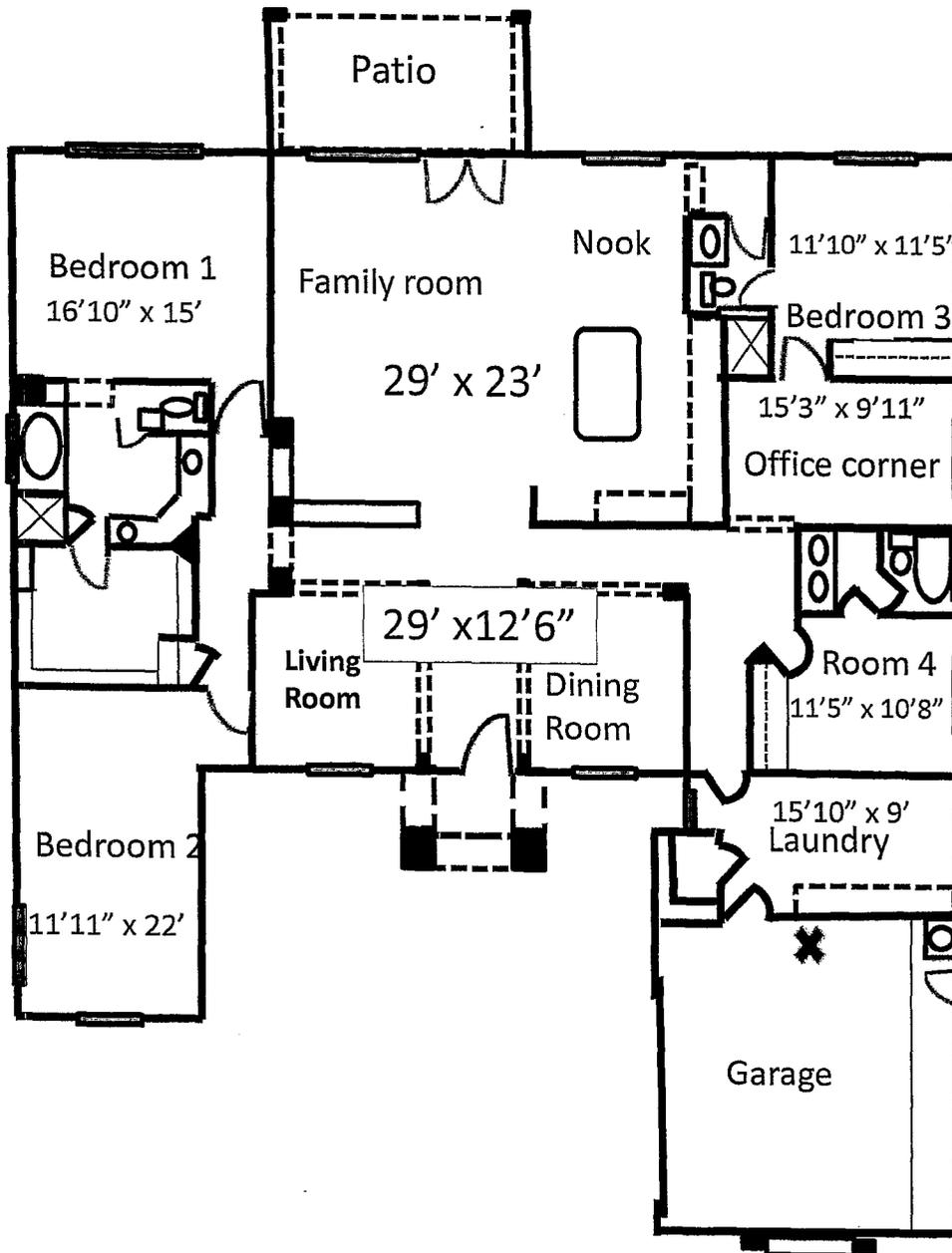
ZUP13-0007

Better Horizons Behavioral Health LLC



Building Floor Plan and individual livable spaces

Better Horizons Behavioral Health



- Measured room areas:
 - Bedroom 1: 262 sq ft
 - Bedroom 2: 280 sq ft
 - Bedroom 3: 142 sq ft
 - Bedroom 4: 126 sq ft
 - Living & dining room: 362 sq ft
 - Family room & kitchen: 667 sq ft
 - Office area: 151 sq ft

**Bedroom areas do not include closets

Updated Project Narrative – Better Horizons Behavioral Health

(3/25/2013)

General description:

Better Horizons Behavioral Health, LLC is a level 2 behavioral health residential agency that provides assistance in self-administration of medication and counseling for adults eighteen (18) years of age and older, both male and female. This agency provides continuous on-site availability of a behavioral health professional and constant treatment of behavioral health issues limiting client's independence. Clients may be limited in functional capabilities for daily life such as self-care, interpersonal relationships, employment, social interactions, and/or recreation. The use permit is being requested for a 10-bed facility at 2184 E Firestone Drive, Chandler, AZ 85249. The facility operation including maximum room and facility occupancy at any time will strictly follow the regulations listed in chapter 20 of the R9 guidelines of the Arizona Department of Health Services / Office of Behavioral Health Licensing. The facility operates 24 hours a day. At any time there will be at least one to two behavioral health technicians on site. Up to 3 personnel might be on site during regular hours of 8:00am-5pm, Monday through Friday. This facility provides on total of 5 on-site parking spots including 2 in an attached garage and 3 on the drive way. The facility is expected to be as quiet as any other house in the neighborhood. There won't be any loud music.

Experience in providing behavioral services:

Better Horizons Behavioral Health was established in 2011 as a 5-bed facility in Chandler AZ. During the last two years, the facility has continuously provided services to clients from different counties across Arizona. Most clients are placed in the facility by major regional behavioral health authorities including Magellan of Arizona, The Gila River Regional Behavioral Health Authority and the White Mountain Apache Regional Behavioral Health Authority. Examples of personal care services that we have provided include preparing meals, assisting the client in taking their medications, and assisting with grooming and personal hygiene tasks. The aim of treatment interventions is threefold: develop adaptive coping skills, develop a sense of competence, and reduce the current degree of reported distress. The current approach involves development of physiological, cognitive, and behavioral strategies to address faulty cognitions and associated harmful emotional and behavioral responses. The program offers individual and group skill building activities that focus on development of skills to be used by clients in their living, learning, social, and working environments. Other interventions include promotion of self-directed engagement in leisure, recreational, community, social activities, and client participation in setting individualized goals and assistance with their own skills and resources related to goal attainment. In summary, the focus of treatment interventions is skill building to facilitate independent living and adaptation, problem solving and coping skills development. In addition, we also offer a nutrition and weight management program. At least eight clients have benefited of our program over a long-term.

Transportation Services:

Because of their mental ability, residents of Better Horizons Behavioral Health are not allowed to drive. The company provides transportation services to carry the clients to their activities and their various appointments. For this purpose, Better Horizons possesses one minivan and a sedan, which are driven by Better Horizons staff. In some cases, transportation to activities and appointments is arranged by the Regional Behavioral Agency that has placed the resident in our facility.

Response to Emergency Situations:

Each staff at Better Horizons has completed training in CPR and is able to handle most general emergency situation. At all time, at least one of the staff on site must be certified in crisis prevention intervention (CPI). Emergency situation can either arise from error in the self-administration of medication or from the emotional behavior of the resident. In case of emergency resulting from the self-administration of the medication, the staff must contact both the hospital and the crisis line of the regional behavioral health authority that placed the resident in our facility. In situations involving a resident's emotional behavior, the staff certified in CPI must try to calm down the client. If the situation is not resolved, the facility must call 911 and maintain the resident under control until an officer from the department of public safety arrives.

Schedule of residents' daily activities and daily routine:

Better Horizons BH has a schedule of weekly activities for all clients. The detailed execution may however vary from one client to the other depending on their interest, off-site activities and appointments. A typical day for the client can be summarized as follows:

7:00 am –7:30 am: breakfast

7:30 am: morning hygiene and fix own bed

8:00 am: – pickup for off-site activity, if none

8:30-9:30am: morning walk for all physically able residents

9:30am-11:30am: choice of activities between games, reading and TV

11:30-12:30pm: lunch

12:30pm-2:00pm: relaxation, TV or reading

2:00 – 4:00pm: external appointments or homework include doing dishes, fixing own room and do laundry

5pm: dinner

6pm-9pm: personal time, choice of gaming, reading or watching TV

9pm: bedtime

Special events:

- Movie nights on Fridays
- Choice of movie or eating out on Sundays

Better Horizons Staffing & Qualification of staff

Better Horizons Behavioral Health employs behavioral health professionals with different levels of qualifications. The psychiatrist is a medical doctor and visits the facility once a month to assess the mental health and progress of the residents. The counselor possesses at least a Masters degree in psychology or counseling and visits the facility on a weekly basis to provide both group and individual counseling to the residents. The registered nurse visits the facility on a weekly basis to assess and report on the general health of the residents. The day to day care of the residents is performed by behavioral health technicians (BHT). All staff at Better Horizons BH must go through a thorough training before they start the job. A minimum of 24 hours of additional training is provided by the clinical director or qualified trainer to all BHTs during the course of the year. Please, refer to the table below for the typical training for all staff. In addition, detailed qualification of all of the key staff including counselor, clinical director and BHTs are listed below.

Qualifications/Skills of the Counselor: Counselors must have a minimum of a Master's Degree in counseling or a related field and maintain current certification by the Arizona Board of Behavioral Health Examiners Office. In addition counselors must have individual, family, and group counseling experience, be knowledgeable of issues specific to adults with behavioral health issues, and possess a valid Arizona driver's license.

Qualifications/Skills of the Clinical Director: The Clinical Director will possess, at minimum, a combination of six years of behavioral health education and experience, with a minimum of a master's degree in social work, counseling, or marriage and family therapy. The Clinical Director will demonstrate strong clinical skills in the care and treatment of emotionally disturbed children, adolescents and adults, excellent oral and written communication skills, and the ability to develop, mentor and administer a clinical program. The Clinical Director must be licensed by the Board of Behavioral Health Examiners Office as a Behavioral Health Professional. In addition knowledge of the following will be required:

- Knowledge of the medications commonly prescribed for clients with behavioral health issues treated by the agency;
- Knowledge of the common benefits, side effects, and adverse reactions of those medications;
- Knowledge of the signs, symptoms, or circumstances indicating that a client should not take a medication and of who to contact to review and address the client's situation;
- Knowledge of the differences between assisting in the self-administration of medication and medication administration;
- Skill in assisting in the self-administration of medication;
- Knowledge of the medical terminology used in assisting in the self-administration of medication;
- Knowledge of the signs, symptoms, and indicators of toxicity or overdose and skill in identifying the signs, symptoms, and indicators of toxicity or overdose;
- Skill in responding to a medication error or medical emergency; and
- Skill in documenting assistance in the self-administration of medication;

Qualifications/Skills of the BHT: BHT's will possess, at minimum, a Bachelor's degree in a human service field and one year of human service experience, or a High School Diploma and four years of experience, or an Associate's Degree as a Psychiatric Technician. A BHT must have experience working

with adults that have a behavioral health problem, demonstrate prudent judgment, and be knowledgeable about behavioral health disorders. In addition, a BHT must demonstrate excellent organizational and communication skills as well as responsibility and reliability. In addition, knowledge and skills in the following areas will be required:

- Knowledge of the medications commonly prescribed for clients with behavioral health issues treated by the agency;
- Knowledge of the common benefits, side effects, and adverse reactions of those medications;
- Knowledge of the signs, symptoms, or circumstances indicating that a client should not take a medication and of who to contact to review and address the client's situation;
- Knowledge of the differences between assisting in the self-administration of medication and medication administration;
- Skill in assisting in the self-administration of medication;
- Knowledge of the medical terminology used in assisting in the self-administration of medication;
- Knowledge of the signs, symptoms, and indicators of toxicity or overdose and skill in identifying the signs, symptoms, and indicators of toxicity or overdose;
- Skill in responding to a medication error or medical emergency; and
- Skill in documenting assistance in the self-administration of medication;

Work Shifts:

The facility manager is typically on-site Monday-Friday from 8:00am-5:00pm. The counselor, clinical director, the nurse and the psychiatrist are available on appointment only. Behavioral Health Technicians work on five different shifts as follows:

Shift 1: 6:00 am - 2:00 pm: Monday- Friday

Shift 2: 2:00 pm -10 pm: Monday-Friday

Shift 3: 10:00 pm – 6:00 am: Monday-Friday

Shift 4: 6:00 am - 6:00 pm: Saturday-Sunday

Shift 5: 6:00 pm – 6:00 am: Saturday-Sunday

NEIGHBORHOOD MEETING MINUTES

Minutes: Meet and Greet at Chandler Community Center to review Better Horizons Behavioral Health @ 2184 East Firestone Dr, Chandler AZ 85249

4/22/2013

Discussion with owners, Clarisse Kuissu and Telesphar Kamgaing, residing at 2204 E Firestone Dr, Chandler, AZ 85249.

Numerous neighbors, including some as far away as SunBird were present. Erik Swanson, Chandler City Planner, was present to mediate.

After many upset and contentious comments and discussion, a record of questions and answers were kept as follows:

1. What is the patient population? Adults, 18+

Who is the referral group? Magellen, Mercy, many others stated. Different clients are sent in, along with a health report which is addressed by Clarisse. Patients must have an issue; typically mental health or alcohol abuse. They are screened for acceptance.

2. If patient acceptance is screened by Clarisse, what are the criteria and what would be unacceptable?

Violence, Disease, Sex Offenders, Clarisse' discretion. Discrimination is not allowed.

No alcohol, drugs are allowed on the home grounds.

3. Can the business be sold?

It could be. Erik states that if that happened, the permit process would restart and licensing would begin again.

4. How did you make the home a 5-bedroom home? How can there be 10 people living in it?

Erik notes: ; 5 unrelated people living in a home is considered a 'family'. Due to that definition, it is not necessary to notify anyone about a group home in an area in this type of situation. Nothing is needed - no public hearing. (please note, the question was not answered at this time)

5. Is there a process to notify the grade school, which is less than a mile away, of a group home such as this?

There is no process, nor is there a requirement.

6. Can the permit be disallowed?

City Council CAN disallow the permit of 6-10 people in a group home.

7. How can there be a business in the HOA area - this is not allowed by CCR's?

The state and federal law and rules trump the HOA and this business can exist.

8. There is a law requiring group homes to be no closer than 1250 feet? There is already an elderly care home that is a few houses away - what is the requirement?

For this instance, there is no requirement, since there are no more than 5 patients and it is considered a family. The 1250 doesn't apply.

9. How do you house 10 patients (a re-ask of an unanswered question)?

Requirements are 60 sq feet of space to sleep in. The single car garage was turned into a bedroom. The Master Bedroom, the Garage Bedroom can both house 3 patients. The other two bedrooms can house 2 patients: 3, 3, 2, 2 (=10). There is not a built in closet in the garage br, but there is a closet (Built In not required).

10. Who are the care providers?

The requirements are to have a counselor come 1/month, a psychologist (PhD) come 1/month, and a nurse on staff. The patients see their own MD's.

11. Who will be responsible if someone runs away and harms a child?

Erik said this would be a state issue and it would be addressed by looking at the business and if they were in compliance. There was no direct answer about legal or monetary liability for the city or business.

12. What and why are today's residents there for?

3, no 4 are SMI. 1 is substance abuse. 1 there for 6 months.

"Well, the average time to stay is 3 months or 6 months or a year or 2 years. They stay until they are better."

13. How do the residents arrive at the home? Do they have vehicles?

None of them have a drivers license. They are delivered in the business' van.

14. There is clearly a great deal of neighborhood opposition: would you be willing to NOT expand?

We will assess the comments, and decide later.

At an earlier point, the owners stated they are doing it to help people, not for the money.

15. What agency governs you?

They are licensed in healthcare. Magellen covers their clients fees.

There was a reference to their patients as 'not crazy'. The word crazy was considered by some to be unprofessional in the healthcare field and others thought that pointing this out was only as a response to high tension in the room. It was requested that this note be in the minutes, with both sides noted.

16. Who is on their staff?

There is a staff of 6 "Behavioral Health Technicians" They are on shift, with usually a 5/1 ratio. Someone is there 24/7.

17. How will we all know about a public hearing? It was noted that many of us did NOT receive a letter in the mail.

Erik will send postcards to all neighbors within 600 feet himself, from the city of Chandler. Erik will post a notice in the newspaper. Erik will also place an orange notice in front of the home.

18. Please explain the zoning/approval process.

a. The Planning and Zoning Commission make a recommendation to the City Council. The commission is a group of appointed citizens, so they are protected from huge external input. Erik will attach any findings and neighbor inputs that his department has with the report to the Commission. The Commission typically makes their recommendation to the City Council based on law and regulation. There is the possibility of using Speaker Cards at a meeting of the Commission.

b. The City Council holds meetings in Council Chambers. The recommendation is to write to CC's as often as you wish and the best leverage of those inputs are when the topic is in front of them and on the public docket. Before that, it will be largely overlooked, since it is not on their radar.

INSERT: for those reading these minutes, one of the City Councilors has already been contacted.

19. For the Planning and Zoning Commission - what is the track record of City Council going with the P/Z recommendation?

Erik said that is tough to answer, since it's really case by case. The recommendation is really based on code and City Council looks at the broader community picture. This is where Erik stated that letters and email would be attached to his report.

20. What is the Chandler process?

Erik pointed out several times that Chandler is unique in its permit process. In other cities, the permit for a 6-10 group home would be handled by a City official who would review the request and issue or deny the permit. In Chandler, there is a public hearing process.

21. What is the business structure?

The owners, husband and wife are co-founders and the husband claims to be an investor with Clarisse as the CEO and running day-to-day operations. The business is licensed and is a partnership.

NOT ANSWERED: What is the business license and what is Clarisse' license? Said we would have that in a reply.

22. What is the process to initiate a reform to the classification of 5 unrelated people in a home as a family?

Erik said to come to the City Council and bring this up and bring support!

23. How many such homes are documented in the city of Chandler?

Unknown and largely unanswered.

24. What would Jay do?

Erik explained that Jay is his boss and he can't directly speak for him (a chuckle from the crowd). As a serious answer, Erik said that typically, if a Council member could be financially involved or affected by an issue, they might recuse themselves from involvement in that issue.

25. If the city move forward and it turns out there is harm - is there a financial liability for the city? Is there a financial liability for the city if they ignore the 20 previous police call and approve this permit?

This was, frankly unanswered in my estimation and if anyone thinks there was an answer, I would be happy to put it into the minutes. There was a lot of palaver however.

26. Why did you put this home in our neighborhood? My friend at school thinks there is another house by him also.

It was not price - it was in the neighborhood where they live (the owners are 2houses down from the group home) and it was convenient for Clarisse to walk there.

An observation is that the existence of this home prevents a family with children from living in the neighborhood as playmates.

27. There was an issue of one of the group home residents jumping up on the 7 foot wall (his body was visible above his waist, over the wall) and asking the next door neighbor to 'bum a cigarette'. This is seen as a security and privacy issue within the neighborhood.

There was no response to this from the owners.

28. Is there a copy of the admission criteria?

No answer

29. Are they part of a larger Healthcare organization, or private?

They are privately owned. When asked about the website - started, but never finished.

They are governed by the Arizona Department of Health Services.

30. The issue of very poor landscaping and yard/house maintenance for BOTH of their properties was brought up - can they at least come up to CCR standard for Cooper Commons?

This was noted by several neighbors, including one who likes the owners, but is dissatisfied with the state of their homes/landscape. It was noted that we all have to look at it. There was no direct response from the owners. We noted that we took pictures of the houses and many other houses in the neighborhood, as a contrast and that the owner had trimmed the bushes after that, in response to him seeing us take the pictures.

31. Teles noted that they would welcome a small group to tour the group home. Several attendees were very interested in this possibility.

The meeting concluded. The HOA of Cooper Commons meets on the 4th Wed of the month at the Chandler Airport conference room.

Appendix 1:

ORDINANCE NO. 3421

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE DEFINITION OF "GROUP HOME" IN SECTION 35-200 AND AMENDING SUBSECTION (5) OF SECTION 35-305 OF ARTICLE XVII, CHAPTER 35 (ZONING CODE) OF THE CHANDLER CITY CODE.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and,

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, date and place of public hearing; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on December 4, 2002;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. The definition of "Group Home" in Section 35-200 Article XVII, Chapter 35, Chandler City Code ("Group Home"), is hereby amended to read as follows:

Group Home: A facility which provides a living environment, sleeping rooms, and meals for any number or composition of residents, that does not meet the definition of "family" as set forth in this section. In addition to a place of residence and providing meals, the facility may offer resident support services, counseling, guidance, and varying levels of medical care. This definition shall not include group homes for developmentally disabled, as specifically defined and provided for by the Arizona Revised Statutes.

SECTION II. Subsection (5) of Section 35-305, Article XVII, Chapter 35, Chandler City Code, is hereby amended to read as follows:

(5) Group Home: A Use Permit to operate a group home, as defined in Section 35-200 of this Chapter, shall be required within any residential zoning designation, including Planned Area Development (PAD), pursuant to the provisions of this subsection. Approval of a use permit to operate a group home shall be subject to the following standards, requirements, and procedures:

(a) Application. Application procedures for a use permit to operate a group home shall be the same as the application procedures stated in Section 35-305(1)(a) of this Chapter for general use permits, except that in addition to any other required submittals, an applicant shall also provide:

1. A map identifying the proposed location of the group home, and,
2. A site plan and floor plan for the proposed group home showing: (i) lot dimensions with front, side, and rear setbacks; (ii) house square footage; (iii) number of rooms, including room dimensions and square footage; and (iv) garage, carport, and patio.

(b) Review. Review and approval of an application for a use permit to operate a group home shall consider all relevant land use factors, including those stated in Section 35-305(1)(b) of this Chapter for general use permits, as well as those stated in Section 35-305(3)(d) of this Chapter for

adult care homes. Review and approval for a use permit to operate a group home shall also consider such factors as set forth in Section 35-305(5)(d) of this Chapter.

(c) Approval. An application for a use permit to operate a group home may be granted by the City Council upon the same findings as stated in Section 35-305(1)(c) of this Chapter. The approval of such a use permit application shall not be considered an endorsement or approval of the quality of the care or supervision if any is to be provided by the applicant, or of the licensing and training of the applicant, its agents and employees.

(d) Considerations. The approval of an application for a use permit to operate a group home, and the issuance of the use permit, shall be subject to the following considerations as may be more or less applicable to any particular application:

1. Staffing: the number and hours for any staff members, such as but not limited to counselors, doctors, nurses, caretakers, and any resident staff, and their means of transportation.
2. Exclusive use: all administrative activities, including staffing, counseling, and other visitations, serve only the residents of the group home.
3. Assignment: the manner in which residents are assigned to the home, including emergency referrals and transfers.
4. Transportation: the means by which residents gain transportation to school, work, and other destinations.
5. Maintenance: the program proposed to maintain the dwelling exterior and yards in a manner consistent with the neighborhood.
6. Screening: the means proposed for screening or buffering any outdoor recreation areas from adjoining residences.
7. Service Calls: where a documented history may exist for the proposed use, at either the subject location or another site, the number and type of City service calls, including police calls, received from the subject use in comparison to the number and type of calls received from the neighborhood for a given period of time.

(e) Use Permit Effect. Use Permit approval to operate a group home shall be valid for a period of one (1) year from the date of approval by Council, or such longer period if so approved by Council. However, use permit approval shall be deemed void if the use is not commenced by the applicant within nine (9) months after the date of approval for a one (1) year period, or if not commenced within one (1) year after the date of approval for any period greater than one (1) year.

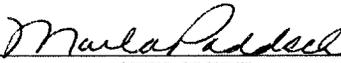
1. The use permit for operation of a group home is applicable only to the applicant and to the site identified in the application for the permit, and is not transferable to any other person or location.
 2. Occupancy and/or operation of a group home prior to approval by Council, and full compliance with all conditions to which the permit is subject, shall be prohibited.
-

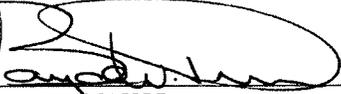
3. A use permit for operating a group home may be renewed by filing an application for renewal and upon approval by Council. An application for renewal shall be filed with the Zoning Administrator not less than sixty (60) days before the expiration of the current use permit. An application for renewal shall be considered following the same standards and procedures as an original application.

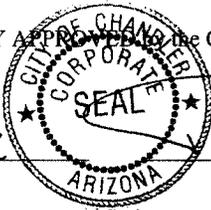
SECTION III. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 9th day of January 2003.

ATTEST:

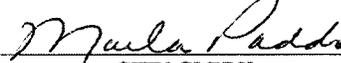

CITY CLERK

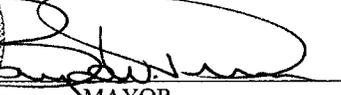

MAYOR



PASSED AND ADOPTED by the City Council this 23rd day of January 2003.

ATTEST:

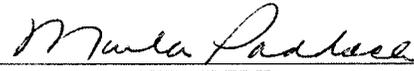

CITY CLERK


MAYOR

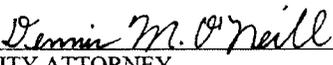


CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3421 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 23rd day of January 2003, and that a quorum was present thereat.


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PUBLISHED:

TRIBUNE REPUBLIC

In closing, it is apparent to us that this expansion only benefits Better Horizons by increasing their revenue stream. However, this "benefit" comes at the cost to the surrounding property owners and community.

Sincerely,

Mark and Allyson Gildersleeve
2201 E. Westchester Dr.
Chandler, AZ. 85249

and hurried inside. I started worrying about our teenage girl's safety...

When we found out afterwards that the residence is a group home for people with serious mental health issues and substance abuse problems it didn't make us feel any more comfortable about the situation. We were aware that something outside of the ordinary had been going on at the house, as there are often 3 or more vehicles parked in the driveway and sometimes a couple more parked in the street - it's not uncommon to come home and see 5 or 6 cars parked outside, sometimes overflowing into the street and in front of our home. But we were unaware of the reason, since no one in the neighborhood had been informed of the presence of the facility.

All of the information we've received, including the information on the high number of police calls to the house, has been due to the efforts of our other neighbors in the area. We didn't even learn of the initial community meeting regarding the proposed expansion until the day before the event (the same day we learned that it was a group home). Like other houses directly surrounding the home, we found out through other neighbors, rather than from the notification letter that was supposed to have been sent to everyone. We all live either next door to or right across the street from the house - it wouldn't have been difficult for the owners to make sure everyone knew about the meeting.

These incidents happened while Better Horizons Behavioral Health Group Home has 5 residents in the home. We don't want to imagine what it will be like if they double the size of their occupancy to 10. Please put yourself in our position when you consider it.

We respectfully plead with you to deny the application for expansion of the number of residents.

Thank you very much,

Jody & Pao Bearden



Better Horizons - 2184 E Firestone Drive, Chandler

Jay.tibshraeny, Jack.sellers, Trinity.Donovan,

hilda bermudez to: Nora.ellen, Kevin.hartke, rick.heumann,
jeff.weninger, Erik.Swanson

05/21/2013 05:22 PM

Cc: Larry Hoffmann

1 attachment



City Council letter.docx

Mayor Tibshraeny, City Council Members, and Planning and Zoning Department.

We have attached a letter in regards to the proposed expansion of the Better Horizons Behavioral Group Home currently operating at the above address. We would appreciate your review of that letter and supporting us with your vote.

Respectfully,

Victor and Hilda Bermudez
2205 E County Down drive, Chandler

To: Mayor Jay Tibshraeny
Vice Mayor Jack Sellers
Council Member Trinity Donovan
Council Member Nora Ellen
Council Member Kevin Hartke
Council Member Rick Heumann
Council Member Jeff Weninger

City Planner Erik Swanson

Planning & Zoning Members:

Bill Donaldson
Stephen Veitch
Matthew Pridemore
Phillip Ryan
Andrew Baron
Kathleen Cunningham
Staff Liaison, Kevin Mayo, Planning Manager

From: Mr. & Mrs. Victor Bermudez

Re: Better Horizons located at 2184 E Firestone Dr, Chandler, AZ - Level 2 Special Use Permit Application

Dear Mayor Tibshraeny, City Council Members & Planning & Zoning Dept.

On behalf of my wife (Hilda) and I, this letter is being written to you about the request for expansion of the Better Horizons group home located in Cooper Commons at 2184 E. Firestone Drive, Chandler. It is my understanding that Better Horizon wants to expand from its current permitted level of five residents to a level of up to ten residents. Our family resides at 2205 E County Down Dr., a street directly north of Firestone Drive and this behavioral group home. We do not support the expansion of the Better Horizons group home and respectfully ask for you to deny this request.

My wife and I recently bought our home and moved our family from Gilbert, where we were residents for 11 years. We moved to Cooper Commons because of the quiet neighborhoods and the family atmosphere. Additionally, we loved the fact that the elementary school and a city park were so close to our new home. What we weren't aware of was the location of a group home a street south of us. It was only through the receipt of a non-descript letter in the mail last month that we became aware of the home's existence and its desire to expand.

While it is my understanding that there is a need for these types of businesses/group homes my concern over the potential growth of this existing group home was the number of calls for service to Chandler Police to 2184 E Firestone Drive, Chandler.

In reviewing the number and types of calls for service provided by the Chandler Police, I saw that there has been an increase in police response to the Better Horizons group home. There were seven calls for service in 2012 and in only the first quarter of 2013 there have already been five. Furthermore, of the calls for service between 2012 and 2013 there were Missing Person report(s), Suicide Attempt(s) and a Mental Health Pick-Up. Based on the experiences of my profession, I am aware of these types of calls and know what their ramifications can be, not only to the group home but the surrounding area/neighborhood. I also am aware that when a Mental Health Pick-Up is ordered it is the result of someone being petitioned into court ordered mental health treatment/evaluation because they are an immediate threat to themselves and others.

As I stated earlier in my letter, one of the reasons I moved to Cooper Commons was the family atmosphere. I want my family to be able to enjoy their neighborhood and its amenities without the fear that an expanded group home and its residents could jeopardize their safety and security.

As a result I am requesting the denial for the expansion request by Better Horizons and hope that you will help keep Cooper Commons the neighborhood I chose to move my family to.

Sincerely,

Victor and Hilda Bermudez
Cooper Commons Residents

Group Home Expansion - Cooper Commons, 2184 E. Firestone Dr.

Ryan, Jacki D

to:

Jay.tibshraeny@chandleraz.gov, Jack.sellers@chandleraz.gov, jeff.weninger@chandleraz.gov, kevin.hartke@chandleraz.gov, Nora.ellen@chandleraz.gov, rick.heumann@chandleraz.gov, Trinity.donovan@chandleraz.gov, bldonaldson@cox.net, Sveitch@VooreesAssociates.com, pridemore.admin@gmail.com, mail@ryanassociatesonline.nett, andy.baron@andersonbaron.com, katyworks4me@gmail.com, kevin.mayo@chandleraz.gov, erik.swanson@chandleraz.gov

05/21/2013 02:55 PM

Cc:

"Ryan, Jacki D"

Show Details

Subject: Group Home Expansion - Cooper Commons, 2184 E. Firestone Dr.

From: Jacki and Jay Ryan, 2041 E. Westchester Drive Chandler, Arizona 85249

To: Mayor Jay Tibshraeny, jay.tibshraeny@chandleraz.gov

CC: Vice Mayor Jack Sellers, jack.sellers@chandleraz.gov
Council Member Trinity Donovan, trinity.donovan@chandleraz.gov
Council Member Nora Ellen, nora.ellen@chandleraz.gov
Council Member Kevin Hartke, kevin.hartke@chandleraz.gov
Council Member Rick Heumann, rick.heumann@chandleraz.gov
Council Member Jeff Weninger, jeff.weninger@chandleraz.gov

Erik Swanson, erik.swanson@chandleraz.gov

Planning & Zoning Members,
Bill Donaldson, bldonaldson@cox.net
Stephen Veitch, Sveitch@VooreesAssociates.com
Matthew Pridemore, pridemore.admin@gmail.com
Phillip Ryan, mail@ryanassociatesonline.nett
Andrew Baron, andy.baron@andersonbaron.com
Kathleen Cunningham, katyworks4me@gmail.com

Staff Liaison, Kevin Mayo, Planning Manager, kevin.mayo@chandleraz.gov

Honorable Mayor Tibshraeny, City Council Members & Planning & Zoning Dept.,

This letter is in reference to the request for expansion of the group home located at 2184 E. Firestone Drive in Cooper Commons from 5 to 6-10 residents. On behalf of our family we are writing to express our concerns and our hope that you will deny this request for expansion.

Our family has lived in Cooper Commons for twelve years. Having two small children at the time of purchasing our home, we selected this neighborhood specifically for its family friendly environment and the proximity to Hull Elementary school. We never imagined that this type of facility would be operating in our neighborhood. Although we can appreciate and understand the need for this type of facility to be in place, we are not pleased with how it is operating in our neighborhood. We are disturbed by the host of issues that we have seen with the facility at its current size and are fearful of what we might see if the size of the facility increases. This is a neighborhood that surrounds an elementary school; our children play outside and walk to and from school. The ratio of 911 calls for this one home far outnumbers the 911 calls of the surrounding neighborhood and the reasons for these emergency calls have included domestic violence, attempted suicide and missing persons. The risk to our neighborhood introduced by this facility growing is unacceptable.

As the officials that we have in place to make our city the best that it can be, we are respectfully asking that you put the safety of our neighborhood and its children in the forefront and help our community maintain property values by denying the request for expansion of this facility.

Sincerely,

Jacki and Jay Ryan
Cooper Commons Residents

Subject: BH Level 11 in Cooper Commons at 2184 E. Firestone Dr

From: Bob & Nancy Kampfe
2481 E Bellerive PL
Chandler, AZ 85249

To: Mayor Jay Tibshraeny, jay.tibshraeny@chandleraz.gov

CC: Vice Mayor Jack Sellers, jack.sellers@chandleraz.gov
Council Member Trinity Donovan, trinity.donovan@chandleraz.gov
Council Member Nora Ellen, nora.ellen@chandleraz.gov
Council Member Kevin Hartke, kevin.hartke@chandleraz.gov
Council Member Rick Heumann, rick.heumann@chandleraz.gov
Council Member Jeff Weninger, jeff.weninger@chandleraz.gov

Erik Swanson, erik.swanson@chandleraz.gov

Planning & Zoning Members,

Bill Donaldson, bldonaldson@cox.net
Stephen Veitch, Sveitch@VooreesAssociates.com
Matthew Pridemore, pridemore.admin@gmail.com
Phillip Ryan, mail@ryanassociatesonline.nett
Andrew Baron, andy.baron@andersonbaron.com
Kathleen Cunningham, katyworks4me@gmail.com

Staff Liaison, Kevin Mayo, Planning Manager, kevin.mayo@chandleraz.gov

Honorable Mayor Tibshraeny, City Council Members & Planning & Zoning Commission and Dept.,

As a homeowner and a HOA Board Director with Cooper Commons, We are opposed to the proposed expansion of the group home at 2184 E. Firestone Dr.

Although we do not live next to the home in question, we do have concern that the allowance and expansion of multiable BH Level 11 homes with in a small given area, such as Cooper Commons.

We are asking that the City Council and Zoning and Planning Commission not approve the home's owner's request to increase the capacity of this home! Going forward I would ask that you look at re-writing the requirements for Group Homes of 5 to have to be reviewed and handled the same way a growth of 6 or more has to be approved. This 5 person home is out of place in our community and the surrounding homeowners were never given an opportunity to oppose it when it opened with 5 residents.

Thank you for time and consideration with this issue,

Bob & Nancy Kampfe
Cooper Commons Board Director
City of Chandler Neighborhood Advisory Committee

Bette Horizons Behavioral Home
Carolee Dunlap

to:

Jay.tibshraeny@chandleraz.gov

05/20/2013 09:44 PM

Cc:

"Trinity.donovan@chandleraz.gov", "rick.heumann@chandleraz.gov", "Nora.ellen@chandleraz.gov",
"kevin.hartke@chandleraz.gov", "jeff.weninger@chandleraz.gov", "Jack.sellers@chandleraz.gov",
"erik.swanson@chandleraz.gov"

Show Details

Subject: Home Usage, Cooper Commons, Chandler, AZ. "Better Horizons Behavioral Home"

From: *Carolee Dunlap Sandrolini, Homeowner, 2183 East Firestone Dr, Chandler, AZ, 85249*

To: Mayor Jay Tibshraeny,

CC:

City Council Members

Vice Mayor Jack Sellers,
Council Member Trinity Donovan,
Council Member Nora Ellen,
Council Member Kevin Hartke,
Council Member Rick Heumann,
Council Member Jeff Weninger

Planning & Zoning Commission / Staff

Erik Swanson, City Planner

Dear Honorable Mayor Tibshraeny, City Council Members & Planning & Zoning Commission,

Good Afternoon, I am writing you today in hopes that what concerns I have will be taken into consideration. I can't begin to explain how very upset I am with this group home **directly** across the street from my home. Even more, the fact that they are up for expansion.

My Husband, and I built this home in 2012 from which we sold a lovely home in east Mesa. We choose this area and this community for several reasons. We wanted a safe neighborhood, with good home values, A+ schools, and many other notable reasons.

We have worked very hard in our short life, made good financial decisions to secure our future. We did our homework and research and made the choice to move to CHANDLER. I grew up here, my parents owned acreage on Alma School and Germann I rode my horse as a child through these fields. I have a young son now, my concern is for his future and the safety of it. I strongly oppose issuing this permit and request you deny all such permits.

I wasn't shocked when I finally learned the truth about this business across from me. I told my husband several times I thought it was a group home. But, I will tell you that when the owners were moving stuff from their home into this one I asked her, if they decided on the smaller home. She said "Yes we did" I was elated because they had two young sons and even though they lived just two doors down I felt it would provide a stronger bond with our son. After all this is one of the reasons we picked this area. We wanted our son (not yet born) to have a strong sense of community relationships. Only to be disrespected at their information meeting on April 20th where she looked right at me as I addressed her and stated she didn't know who I was, Really? Our kids have played together they have been in my home. I felt like I was watching the twilight zone... Furthermore it's were I learned the true intent with the property. My son Reed was in attendance that evening, he even addressed the owners, asking "why my neighborhood?"

realizing that in his young 7 years that a business across the street prevents a "Family" from moving in.

The increased traffic is unbelievable, and my indoor dogs bark all the time. It has created so much stress within my home. The countless times I have watched Chandler Police Department and Fire Department come into this home. The business owners don't care about the up keep of the property. In fact, he so said that he will only do what is required by our HOA. I no longer open my blinds for the sheer fact, I don't want my dogs barking all day long at the in and out traffic, and respectfully I don't care to look at it either. We have even gone as far as to consider moving and this was to be "our forever home" So, if the expansion goes through we will in fact sell our home. We will move out of Chandler, or at least this community.

I was able to tour the home, and though I saw many things I didn't approve of. My biggest concern was finding out that residents could leave anytime. No security, no double key deadbolt lock. How am I suppose to feel safe knowing that my young son can be playing outside and anyone can walk in or out that door. I'm applaud.

I'm also a owner of 2 small businesses in which I do not run out of my home. I disagree with this as well. Businesses do not belong in neighborhoods, "Families" belong in neighborhoods.

I could go on, however our group of homeowners and surrounding neighbors remain updated regularly and I know you have been giving allot of valid information to support the request to deny any further growth of these group homes. I don't need to repeat what information is already before you.

Thank you for your time and consideration, I trust you'll make the best choice for my son.

Carolee Dunlap Sandrolini



Opposition to Level 2 Behavioral Health Facility: 2184 E Firestone Dr. : Better Horizons
Tamara Gerbich

to:

'Erik Swanson', 'Jack Sellers', 'Jay Tibshraeny', 'jeff.weninger', 'Kevin Hartke', 'Nora G. Ellen',
'Rick Heumann', 'Trinity Donovan'

05/20/2013 05:37 PM

Hide Details

From: "Tamara Gerbich" <Tgerbich@cox.net> Sort List...

To: "'Erik Swanson'" <erik.swanson@chandleraz.gov>, "'Jack Sellers'"
<Jack.sellers@chandleraz.gov>, "'Jay Tibshraeny'" <Jay.tibshraeny@chandleraz.gov>,
<'jeff.weninger@chandleraz.gov'>, "'Kevin Hartke'" <kevin.hartke@chandleraz.gov>, "'Nora G.
Ellen'" <Nora.ellen@chandleraz.gov>, "'Rick Heumann'" <rick.heumann@chandleraz.gov>,
'"'Trinity Donovan"' <Trinity.donovan@chandleraz.gov>

1 Attachment



BetterHorizons.pdf

Hello everyone...

Here is my letter explaining our opposition to the expansion request for Better Horizon Level 2: Behavioral Health Facility. If there is anyone else that needs to be copied on this letter, please feel free to forward to them on my behalf.

Thank you in advance.

Best regards,

Tamara Gerbich
6870 S. Justin Way
Chandler, AZ 85249
(602)510-7762 cell
Tgerbich@cox.net

Tamara & Quentin Gerbich
6870 S. Justin Way
Chandler, AZ 85249

May 20, 2013

To: May 20, 2013

To: Mayor Jay Tibshraeny

Vice Mayor Jack Sellers
Councilmember Rick Heumann
Councilmember Trinity Donovan
Councilmember Nora Ellen
Councilmember Kevin Hartke
Councilmember Jeff Weninger

City Planner Erik Swanson

Planning & Zoning Members

Bill Donaldson
Stephen Veitch
Matthew Pridemore
Phillip Ryan
Andrew Baron

Re: Better Horizons Behavioral Health Group Home, 2184 E. Firestone Drive, Chandler
Level 2 Special Use Permit Application

Mayor Tibshraeny, City Council Members, Planning and Zoning Department:

My husband and I are very concerned with the attempt of our neighbors to expand their current residential group home at 2184 E. Firestone Dr. from the current 5 beds to 6-10 beds. We have owned two different homes within Cooper Commons since 1999. We have always loved Chandler and decided to make this our home due to the lovely community as well as the elementary school being within walking distance for our children. With so many young children in the neighborhood, this is very disturbing that such a facility would even be allowed. When we purchased this home, we would have thought that since our HOA specifically calls for "no businesses" to be run from any residence that something like this could never happen. It should be noted, that the owner, Clarissa has not been forthcoming about the type of facility that she has been running. She had told a neighbor friend of mine, that she basically has an after care facility for mentally challenged adults. It is very troubling for me to realize that these patients are actually staying at the home overnight and for long periods of time.

The exterior of both the owners primary residence at 2204 E Firestone and their behavioral group home at 2184 E. Firestone are the two homes within the few blocks of Maracay homes that look the worst. Both homes need, paint, landscaping, window repairs, and they are constantly parking cars in front of the homes. It is my opinion that your home or car is often a direct reflection of how you conduct

yourself professionally as well. A couple weeks ago, I had the opportunity to tour the behavioral health home. I was very curious to see how they could possibly fit 5 beds, let alone, 6-10 in a 2992 square foot home. Please note, this home at 2184 E. Firestone does not have the correct square footage reflected on the tax records. It states that the home is 3359 square feet while it is actually only 2992 with the built in single car garage. I know this to be a fact, because I myself have the same model home without the bonus room (single car garage). My home is 2757 square foot. Mr. Telesphor Kamgaing purchased this home at a trustee sale on October 2010 for \$182,700 when the market was in free fall. While touring this home, I was glad to see that at least the interior of the home was in much better shape than the exterior. However, there were 2 beds in the Master Bedroom, 3 beds in the single care garage (bonus room), and another bed and office on opposite side of the home. It is my understanding that they can have up to 5 beds, however, during my tour, I definitely recalled seeing 6 beds. There were 3 men in the single car garage (bonus room) with no direct access to a bathroom. We were told that they use the bathroom clear across the other side of the home near the kitchen. There were two beds in master bedroom that the women were currently in. Those women had access to the master bathroom. There was another room that was set up as a table area and an office in a secondary bedroom. As I mentioned, I live in the same home. I have 2 kids and 2 dogs. Per their special use permit, it appears they are looking to double the occupancy. Without converting the home to bunk beds to house all of the new residence, I can't possibly understand how they could cram more beds into such a small space. I don't see how 6-10 unrelated persons could live under the same roof without an influx in the amount of crime and noise disturbances. There has already been an influx of police calls to this specific residence which prevents us as home owners from enjoying the benefits of living in South Chandler in an HOA neighborhood. Has Chandler somehow determined that running small prisons out of a residential neighborhood is somehow acceptable? The amount of cars, loud music, and visitors speeding past my home has increased exponentially. Some of the noise disturbances are coming directly from the employees that actually work at the residence. On another note, a few weeks ago I was walking my dog when I noticed that the sprinkler head was broken at the group home and water was flooding down the street. It took them over week to correct this problem. I guess with the large amount of income they are generating from this business, they do not see the urgency of taking care of problems that a residential home owner might consider important from either a financial aspect or conserving our resources.

As other neighbors may have mentioned, Better Horizon use to have a website to promote their facility. Due to the negative comments from a family member of a former patient at the facility. Those records have now been removed (not sure where those negative comments went!). During my tour, I was told by Mr. Telphor that if the patients wanted to leave the facility, then they could not stop them. I also asked Mr. Telphor, if the guests and or residence were searched for illegal substances or weapons before entering the home. The answer was yes, that they were searched. However, after the tour, I was at the home directly across the street and noticed that no search of baggage or persons was made when the resident was re-entering the home.

Some of these patients have also been seen walking the neighborhood. As a mother of elementary aged children, I no longer feel safe that my kids can even walk a block to a friends home as they would have to pass by this residence.

It is my understanding that the Special Use Permit application will be presented at the June 5th Planning and Zoning Meeting and forwarded to the Chandler City Council for a decision on June 27th. I would hope that the opinions of some of the actual residence of this community would convince you to deny this application. I do not believe for a minute that the welfare of these patients is of the highest priority for Better Horizon's. I see this as a money grab for them and a nuisance for homeowners that have to

face an increase in crime, fear and disgust. It is alarming to me that as residences, we were never told when this 5 bed Level 2 Behavioral Health Group Home was being approved. I ask you to put yourself in our position and to deny the increase in patients. If possible, we would like for them to leave all together. It seems our once beloved neighborhood has now become the "hot spot" for this type of activity. We have an elderly care facility two doors to the East of the Behavioral Health Facility and a new either elderly or adult facility trying to get a permit 3 or 4 doors to the West. That would make 3 facilities (non-owner occupied) businesses on the same street. With the number of commercial vacancies in the South Chandler area, there must be a better option than to have this type of facility within a residence neighborhood. As concerned citizens and neighbors, we would like to see actual owners (families) move into homes rather than businesses. I am a realtor and this will definitely affect the value of our homes. We would hope that you would treat this matter as if it were happening in your neighborhood.

Sincerely,

Tamara and Quentin Gerbich



**Opposition Letter regarding application for a Level 2 Special Use Permit at
2184 E. Firestone Dr, Better Horizons Behavioral Health Home**

Mary Ellen Harry to: 'Jack Sellers', 'Jay Tibshraeny', 05/08/2013 09:21 PM
jeff.weninger, Kevin Hartke, 'Nora G. Ellen',
'Rick Heumann', 'Trinity Donovan', 'Andy
'Amy Ocean", "Ben&Tonya", "Bob Kampfe", "Bob Kampfe",
Cc: "Carolee&Steve", "Craig", "Dave&Kathy", "Don&Zina", "Gary&Linda",
"Hilda&Victor", "Howard&Lois(SunBird)", "Jan Ocean", "Jason",

Dear Honorable Mayor Tibshraeny, City Council Members, Planning & Zoning Commission, and Staff,

Please see the attached letter regarding the applicant's request for a Level 2 Special Use Permit within our neighborhood. We are greatly opposed to expansion of residents in this Group Home and detail some of our concerns within this letter.

Thank you for your consideration.

Best Regards,

Mary Ellen Coe-Harry

Representing:

Cooper Commons Neighborhood Preservation Action Committee and those listed in the "Cc" list.



CCNPAC_LetterToCityCouncil_v2.docx



Opposed to expansion permit for Better Horizon Behavioral Home

Mary Ellen Harry to: 'Andy Baron', 'Bill Donaldson', Erik Swanson, 'Kathleen Cunningham', 'Kevin Mayo, Planning Mgr', 'Matthew Pridemore',

05/20/2013 10:37 AM

Dear Planning & Zoning Commission and City Council,
Please see the attached request to deny the permit for a Level 2 Expansion for "Better Horizons Behavioral Home"

Thank you,
Mary Ellen Coe-Harry

Subject: Home Usage, Cooper Commons, Chandler, AZ. "Better Horizons Behavioral Home"

From: *Mary Ellen Coe, Homeowner, 2163 East Firestone Dr, Chandler, AZ, 85249*

To: Mayor Jay Tibshraeny,
CC:

City Council
Members

Vice Mayor
Jack Sellers,

Council
Member
Trinity
Donovan,

Council
Member
Nora Ellen,
Council
Member
Kevin
Hartke,

Council
Member
Rick
Heumann,
Council
Member Jeff
Weninger

Planning & Zoning
Commission / Staff

Bill
Donaldson
Stephen
Veitch
Matthew
Pridemore
Phillip Ryan

Andrew
Baron
Kathleen
Cunningha
m
Kevin

Mayo, Planning
Manager
Erik
Swanson, City
Planner

Subject: Home Usage, Cooper Commons, Chandler, AZ. "Better Horizons Behavioral Home"

From: *Mary Ellen Coe, Homeowner, 2163 East Firestone Dr, Chandler, AZ, 85249*

To: Mayor Jay Tibshraeny,

CC:

City Council Members

Vice Mayor Jack Sellers,
Council Member Trinity Donovan,
Council Member Nora Ellen,
Council Member Kevin Hartke,
Council Member Rick Heumann,
Council Member Jeff Weninger

Planning & Zoning Commission / Staff

Bill Donaldson
Stephen Veitch
Matthew Pridemore
Phillip Ryan
Andrew Baron
Kathleen Cunningham
Kevin Mayo, Planning Manager
Erik Swanson, City Planner

Dear Honorable Mayor Tibshraeny, City Council Members & Planning & Zoning Commission,

I have written to you previously, representing the *Cooper Commons Neighborhood Preservation Action Committee*. Now, I wish to write as a private citizen and homeowner in Chandler. I wish to convey to you, the sense of upset that the neighborhood has with the presence of this Group Home and strong concern with expansion.

My husband, Mother, and I live catty-corner across the street from the Group Home, Better Horizons Behavioral Home, that has requested a permit for expansion from 5 residents to 6-10 residents. I strongly oppose issuing this permit and respectfully request you to deny all such permits.

We live in a wonderful Chandler neighborhood. I commute to Tempe and have a great job in the implanted medical industry. I do volunteer work and have done so throughout my teens and adult life. We wave to our neighbors and know a few of them for some socializing. We help our neighbors if they have needs (vacation coverage, 'hey, your garage door is open', can you come fix my garage? - sure!' (my hubby is a whiz fixer-upper)). In short, we are very middle-American. I have traveled the world by plane, car, bicycle - I have seen great poverty and great wealth. For certain, we are, every of us, enjoying great privilege in our lives.

And, we reside in a very middle-American city with an eclectic cross-section of people that we can band together with to form a community. It is this sense of community that I argue and stand for now. We must embrace all and help those of us who need a 'strap up'. In doing so, we also require that all take some care in understanding and supporting the community needs. If not, why have a community?

With this basis, I submit to you that this Group Home is not run in such a way as to support the community. It is noticeably **less kempt** than the houses surrounding it (exception is the house, 2-doors down, which is inhabited/owned by the same owner of the Group Home). There is a fair amount of **traffic**, causing noise and disruption from the neighborhood dogs due to the traffic at the Group Home, and most of all, a great deal of **security concerns** from the neighbors. One neighbor told me she is concerned about opening her doors for the spring breeze now!

Speaking for another neighbor (I believe she will write to you also), she is out looking for another place to buy and live already. She may or may not move, but once you start looking, there is a good chance of it. This would be sad for us and for our neighborhood, as they are a really neat family with a darling son. In fact, that very son has played with the children of the Group Home owner and they owners did not recognize that son at a Community hearing. To me, this goes to the sense of community as well. We see each other, we wave, we chat, we recognize each other and this leads to caring about each other and about our community. It is part of the way of being human. Of forming community bonds.

In every way, this Group Home, as poorly run as it is, does not hold a stronger sense of community. When they first began their business, we knew they had bought the house and asked several times what they were going to do - move in? Sell the other house? We were being friendly, yet, they would not tell us. If you are proud of what you are doing, you let people know about it, especially when they ask!

We also know of several instances where residents of the Group Home have been observed well above the 6 foot privacy block walls by nearest-neighbors. One of the standards in a community such as Cooper Commons is that privacy will be respected. This has demonstrated disregard for these standards. I am not ashamed to say that when I go in my pool and we are alone, I am not dressed for society! If I thought that someone might possibly look over my privacy wall, I would be more than angry and upset.

Beyond even this, there have been many Chandler PD calls to this Group Home. Our group members have gotten PD reports and we have two versions that show either, a. 20 calls since Oct or b. 12 calls in 2012/13. I apologize that the two different versions do not make sense to me. In the prior letter, I included the pdf of the one version showing 20 calls. In either case, that number of calls seems staggering to me, in a neighborhood for which there are no other reported calls in that same time frame. This goes to the question of security. It is no wonder that one resident is concerned about leaving her doors open (security screens) to get fresh air!

Some good news here, along with a note of concern: Several of us were allowed to tour the Group Home. There are 6 beds in the home and the owner assured us that only 5 were ever occupied at one time. Two residents were in the home at the time, along with one of the Behavioral Technicians. It was noted that other residents were out on visits. We signed in, but did so on a page that was specific for one of the residents (they sign in/out) and there was not a sheet specific for visitors, so our names were not even recorded. In my opinion, this goes to some laxity. The interior was in reasonable shape and if one of us moved in, we'd be doing quite a bit of painting and some work, but it was quite passable.

One thing good has come from this: so many of us are upset (I have an email list with owners representing 30 homes in Cooper Commons - list is longer due to husband / wife emails), that we have met, gotten to know each other and created an even stronger community. We are facing the prospect of another Behavioral Home going in on our block and we recognize there is nothing we can do about it! Sadly, because of the law, some of us will move and leave Chandler. I think you can do something about that and I am asking you to start by denying this permit to expand the residential allowance to (6-10) residents.

Best Regards,

Mary Ellen Coe-Harry



Better Horizons Level 2 Special Use Permit Application , 2184 E. Firestone Drive, Chandler

Leo & Karen Mahoney to: Mayor Jay Tibshraeny, Vice Mayor
Jack Sellers, Council Member Jeff
Weninger, Council Member Kevin

05/20/2013 09:46 AM

From: "Leo & Karen Mahoney" <leokaren@cox.net>
To: "Mayor Jay Tibshraeny" <jay.tibshraeny@chandleraz.gov>, "Vice Mayor Jack Sellers"
<jack.sellers@chandleraz.gov>, "Council Member Jeff Weninger"
<jeff.weninger@chandleraz.gov>, "Council Member Kevin Hartke"

Attached please find our letter and one other attachment pertaining to the Level 2 Special Permit Application from Better Horizons Behavioral Health.

From:

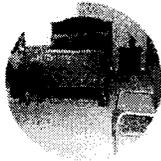
Leo and Karen Mahoney
2123 E. Firestone Drive
Chandler, AZ 85249
480 833-4400



leokaren@cox.net Better Horizons Website.jpeg Letter To Council, May 20, 2013.docx

Sign in

Join Google+ Sign in to Google+ to see reviews from people you know. [Learn more about Google+ Lo](#)

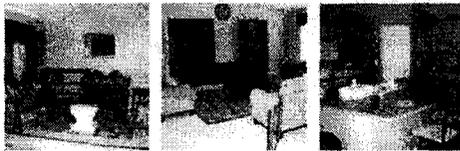


Better Horizons Behavioral Health

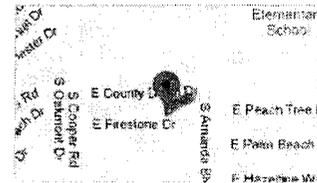
2184 E Firestone Dr Chandler, AZ 85249 (480) 634-4974 betterhorizonscare.com
Counselor

About Photos

Write a review



Upload public photo



Better Horizons Behavioral Health

2184 E Firestone Dr Chandler, AZ 85249
(480) 634-4974 · betterhorizonscare.com

Counselor

Level 2 behavioral health residential facility serving male and female adults. We provide emotional counseling, substance abuse therapy, education on medication, behavioral disorder treatments.

Scoring guide

Directions

Report a problem

IS THIS YOUR BUSINESS?

Manage this page

1 Review from everyone

Most helpful

Settings • Help • Send feedback



Renee Jackson reviewed 5 months ago
Quality Poor to fair

When my brother ran away from the home, I tried speaking to the home owner to get some simple information- What was the name of the facility? How was he able to leave the secured grounds? About what time did he leave? What was her professional and formal title? (What were her credentials?) This woman became irrate accusing me of harrasing her "with too many questions". She was very defensive and unprofessional. This place is shady. And after similar experiences with these kind of residential homes- I do not trust how easy it is to open a place like this and start collecting state money.

Leo and Karen Mahoney
2123 E. Firestone Drive
Chandler, AZ 85249
Phone 480 833-4400
leokaren@cox.net

May 20, 2013

To: Mayor Jay Tibshraeny

Vice Mayor Jack Sellers
Councilmember Rick Heumann
Councilmember Trinity Donovan
Councilmember Nora Ellen
Councilmember Kevin Hartke
Councilmember Jeff Weninger

City Planner Erik Swanson

Planning & Zoning Members

Bill Donaldson
Stephen Veitch
Matthew Pridemore
Phillip Ryan
Andrew Baron

Re: **Better Horizons Behavioral Health Group Home, 2184 E. Firestone Drive, Chandler Level 2 Special Use Permit Application**

Mayor Tibshraeny, City Council Members, Planning & Zoning Department:

We are writing you because we are truly concerned for our own safety and the safety of our friends and neighbors in Cooper Commons. We are especially concerned because **Better Horizons** Level 2 Behavioral Health Group Home at 2184 E. Firestone Drive has now applied for a Special Use Permit to double the number of their residents from 0-5 to 6-10. Their application will reach Planning and Zoning Comm. on June 5 and the City Council on June 27.

Better Horizons Behavioral Health, in their website (which was removed from the internet in April, 2013), advertised that they are a "Level 2 behavioral health residential facility serving male and female **adults**. We provide emotional counseling, substance abuse therapy, education on medication, behavioral disorder treatments". The website received a poor review from the family of one of their former residents who ran away from the home. (Copy of the website attached)

Our neighborhood is in an uproar over this situation. On two instances, residents in **Better Horizons Behavioral Health** at 2184 E. Firestone, have accosted neighbors for free cigarettes. Visitors park on the sidewalk and the street in front of the house. They are slow about picking up spilled garbage on their front lawn. Police reports for **Better Horizons** from October, 2012 through March 2013 show “missing persons” and “mental health pick-up” incidents among other reports. Where are these people? Are they sleeping in my back yard or trying to get into our house?

Better Horizons is located on a street where many children live. There is a teenage girl next door and a seven year-old boy lives across the street. Two more small children live directly across the street from us – just four houses away from **Better Horizons**. Cooper Commons is built around Hull Elementary School, just four blocks away from our home.

The Special Use Permit application will be presented at the June 5 Planning and Zoning Meeting and forwarded to the Chandler City Council for their decision on June 27. We are asking you to **refuse** this home owner’s request to double the number of allowed residents. The residents of the blocks surrounding this home were never notified when **Better Horizons** opened their doors. At least, please honor our request to deny them an increase in the number of residents now.

Where does it end? How many more of these group homes will choose our neighborhood for their location? We are afraid to leave our doors and windows open even for a few minutes. As homeowners, our only recourse is to beg you to deny this Special Use Permit to **Better Horizons**. Then, I hope that you and the other councilmembers will consider ways to limit the number of these group homes on any one street.

Sincerely,

Leo and Karen Mahoney

Group-Home Usage Application in Cooper Commons, 2184 E. Firestone Drive
85249

Gary

to:

jeff.weninger, kevin.hartke, nora.ellen, rick.heumann, trinity.donovan,
jay.tibshraeny, jack.sellers

05/20/2013 08:56 AM

Cc:

erik.swanson, kevin.mayo, andy.baron, bldonaldson, katyworks4me,
pridemore.admin, mail, Sveitch

Please respond to Gary

Show Details

Subject: Home Usage Cooper Commons, 2184 E. Firestone Dr

From: Gary Howard and Dr. Linda Guarascio-Howard 2121 E Desert Inn Drive Chandler,
Arizona 85249

To: Mayor Jay Tibshraeny,

CC: Vice Mayor Jack Sellers,

Council Member Trinity Donovan,

Council Member Nora Ellen,

Council Member Kevin Hartke,

Council Member Rick Heumann

Council Member Jeff Weninger,

Erik Swanson,

Planning & Zoning Members,

Bill Donaldson,

Stephen Veitch,

Matthew Pridemore,

Phillip Ryan,

Andrew Baron,

Kathleen Cunningham

Staff Liaison, Kevin Mayo, Planning Manager,

Honorable Mayor Tibshraeny, City Council Members & Planning & Zoning Dept.,

My letter is in reference to the request for expansion of the group home located in Cooper Commons on Firestone Drive from 5 to 6-10 residents. I have lived in Cooper Commons for twelve years. We purchased our home in this neighborhood due to its family friendly environment and the proximity to Hull Elementary School, which has won an A+ School of Excellence designation from the Arizona Education Foundation.

While I agree there is a need for such homes for individuals to rehabilitate themselves, I have several concerns with the proximity of this group home to the Hull Elementary School and the way the home is currently operated and managed. The elementary school is only a quarter of a mile from this location. As council members and our elected officials, I ask that you put our children and their safety as your top priority when considering to approve this expansion. I ask you to consider if you would feel comfortable allowing your children to walk to and from school knowing such a place exists in your neighborhood. This home has had many calls to the police in the last six months, which leads me to believe there is an issue with how it is currently run and monitored by the owners. An expansion of this facility would undoubtedly lead to a further increase in police calls, and a possible increase in severity of those calls.

Please help the residents of Cooper Commons maintain their property values and keep their children safe. I respectfully ask that the council deny the request for the expansion of this group home.

Regards,

Gary Howard and Dr. Linda Guarascio-Howard



FW: GROUP HOME AT 2184 E. Firestone Drive Chandler, Az. 85249

andy.baron, bldonaldson, erik.swanson,

John Harry to: katyworks4me, kevin.mayo, pridemore.admin,
mail

05/20/2013 06:18 AM

[attachment "Chandler Police Department.jpeg" deleted by Erik Swanson/COC]

I am resending this to planning and zoning as the email was bounced back.

Sorry for any duplication.

John Harry
2163 E. Firestone Drive
Chandler, AZ. 85249
(H) 480-802-9108
(C) 480-200-4861

From: John Harry [mailto:j_harry@cox.net]

Sent: Sunday, May 19, 2013 4:19 PM

To: Jay Tibshraeny (Jay.tibshraeny@chandleraz.gov); Jack Sellers (Jack.sellers@chandleraz.gov);
jeff.weninger@chandleraz.gov; Kevin Hartke (Business Fax); Nora G. Ellen (Nora.ellen@chandleraz.gov);
Rick Heumann (rick.heumann@chandleraz.gov); Trinity Donovan (Trinity.donovan@chandleraz.gov)

Cc: 'erik.swanson@chandleraz.gov'; 'bldonaldson@cox.net'; 'Sveitch@VooreesAssociates.com';
'pridemore.admin@gmail.com'; 'mail@ryanassociatesonline.net'; 'andy.baron@andersonbaron.com';
'katyworks4me@gmail.com'; 'kevin.mayo@chandleraz.gov'; 'kevin.mayo@chandleraz.gov'

Subject: GROUP HOME AT 2184 E. Firestone Drive Chandler, Az. 85249

Subject: Group-Home Usage Application in Cooper Commons, 2184 E. Firestone Drive 85249

From: Jonathan J. Harry
2163 E. Firestone Drive Chandler, Arizona 85249

To:

Honorable Mayor Tibshraeny, City Council Members & Planning & Zoning Department Members

Dear Mayor, Council Members, Planning and Zoning Members,

I am writing to you to discuss my opposition to the application to have 6 to 10 patients in the Group-Home located at 2184 E. Firestone Drive Chandler, AZ. 85249.

I just recently found out about this almost accidentally as we were home when a neighbor knocked on the door and asked if I knew what was going on across the street from my home.

We discussed it briefly and I mentioned that I knew the place was a mess, owned by the couple that lived 2 houses' down from it and that there seems to be a lot of traffic in and out at all hours but other than that I was unaware of the homes status. After some investigation and discussions with neighbors we have formed the "Cooper Commons Neighborhood Preservation Action Committee". The committee is now 40 members strong and growing every day. The committee is strongly against the home getting approval to house more than the 5 that it is already allowed to have due to state and federal laws.

While I am all for having places for people to rehabilitate let me tell you about some of my concerns.

- Neighborhood Safety and Security:
 - There have been breeches of neighbors privacy by patients climbing the 6 foot walls and doing things like asking for a cigarette.
 - This has been documents at least twice in the last few months.

- Obviously they are not being monitored closely enough or this would not happen.
 - There have been 20 plus visits by the police department over the last few months for anything from a simple assistance call to attempted suicides, fights, disorderly conduct, missing persons, domestic violence etc. See attached report from the Chandler Police Department.
 - This makes me believe that it is only a matter of when, not if, someone breaks out into our neighborhood streets where our children play.
 - I would suggest that if we looked up all other police calls to the entire neighborhood that 99% of all calls are to that home.
 - Obviously cramming twice as many people in a home designed for only 2 or 3 adults is only going to make these sort of matters much worse.
 - Also consider that this home is only a 5 minute walk from Hull Elementary School.
 - Increased traffic continuously going to and from this 'business' increases the risks of traffic incidents.
- Property Values
 - The Group-Home and that of the owners two house down are the worst looking homes in the neighborhood. Just recently they have done some minor cleanups after they saw us taking pictures of the messy yards.
 - This violates both the CCR's and the rules of operation for Group-Homes.
 - Makes me believe that they are doing the absolute minimum they have to thus maximizing their profits and that those profits are their real concern above the preservation of their neighborhood and probably the welfare of their patient.
 - This is the second Group-Home within the boundary of 5 homes on the same street. We have spoken with a new home buyer 3 doors down that has informed us that they are opening another Group-Home similar to that at 2184.
 - The other current Group-Home is for elderly care and has not shown any evidence of the issues I have mentioned about the Group-Home at 2184. We are glad to have them as neighbors.
 - I also question if having 3 out of 7 homes on the same street in a small neighborhood being Group-Homes is really within the thoughts and boundaries of thinking of the people who passed the laws making these home legal in neighborhood communities. I think not.
 - Be assured that our committee is going further to the state and federal level to try and get new laws inacted that will limit the density of these homes in neighborhood communities.

I purchased this home over 10 years ago due to its rural setting, value and neighborhood beauty and I had intended on retiring here. I am very concerned with what the future value of homes in this neighborhood will be with issues like this seemingly getting out of control and may have to rethink my retirement plans. I understand that these homes are necessary to help society but they must be kept within reason for the benefit of the majority of voting homeowners.

Do to the issues mentioned I respectfully ask that you refuse the permit for expansion of the Group-Home at 2184 E. Firestone Drive to expand their patient load to 6-10 people.

Respectfully,
John Harry
2163 E. Firestone Drive
Chandler, AZ. 85249
(H) 480-802-9108
(C) 480-200-4861

CHANDLER POLICE DEPARTMENT

Address : 2184 E FIRESTONE DR CHANDLER

Related Records

Type/Number	Date	Description
GO CH 2012-113339	Nov-05-2012	0002 - 0 MISSING AND OVERDUE PARTY
SC CH 2012-14633	Oct-14-2012	Emotionaly Disturbed Person
SC CH 2012-15568	Oct-31-2012	Family Related
SC CH 2012-15752	Nov-01-2012	Welfare Check
SC CH 2013-977	Jan-21-2013	Other
SC CH 2013-1534	Feb-01-2013	Other
SC CH 2013-3104	Mar-01-2013	Other
SC CH 2013-4192	Mar-20-2013	Other Agency - Fire/Medical
SC CH 2013-4648	Mar-28-2013	Other
CP CH 2012-105699	Oct-14-2012	ASSIST TO OUTSIDE AGENCY
CP CH 2012-106120	Oct-16-2012	PHOENIX FIRE DISPATCH
CP CH 2012-109408	Oct-25-2012	SUICIDE ATTEMPT
CP CH 2012-111643	Oct-31-2012	THREATENING
CP CH 2012-112044	Nov-01-2012	SUICIDE ATTEMPT
CP CH 2012-112113	Nov-01-2012	PHOENIX FIRE DISPATCH
CP CH 2012-113339	Nov-05-2012	MISSING PERSON
CP CH 2013-6472	Jan-18-2013	DOMESTIC DISTURBANCE/FIGHT
CP CH 2013-6468	Jan-18-2013	DOMESTIC DISTURBANCE/FIGHT
CP CH 2013-11747	Feb-01-2013	MISSING PERSON
CP CH 2013-22817	Mar-01-2013	MISSING PERSON
CP CH 2013-30432	Mar-20-2013	MENTAL HEALTH PICK UP
CP CH 2013-33542	Mar-28-2013	DISORDERLY CONDUCT
PER-CURRENT ADDRESS	Nov-05-2012	JACKSON Andrew
PER-CURRENT ADDRESS	Jan-21-2013	HARDY Taylor
PER-CURRENT ADDRESS	Mar-21-2013	COOLEY Jessica
PER-CURRENT ADDRESS	Mar-28-2013	JUAN Glen

** END OF HARDCOPY **

To: Mayor Jay Tibshraeny
Vice Mayor Jack Sellers
Council Member Trinity Donovan
Council Member Nora Ellen
Council Member Kevin Hartke
Council Member Rick Heumann
Council Member Jeff Weninger

City Planner Erik Swanson

Planning & Zoning Members:
Bill Donaldson
Stephen Veitch
Matthew Pridemore
Phillip Ryan
Andrew Baron
Kathleen Cunningham
Staff Liaison, Kevin Mayo, Planning Manager

From: Mr. & Mrs. Jan C. Ocean

Re: 2184 E. Firestone Dr, Chandler, AZ - Level 2 Special Use Permit Application

Dear Mayor Tibshraeny, City Council Members & Planning & Zoning Dept.

My husband (Jan) and I (Amy) are writing to you about the request for expansion of the group home located in Cooper Commons at 2184 E. Firestone Dr. from 5 to 6-10 residents. Our home located at 2185 E County Down Dr., is directly behind this behavioral group home. We do not support the expansion of the group home and respectfully ask for you to deny this request.

This behavioral group home has a direct effect on my family's privacy. I was startled one evening earlier this year when I was out on my patio and turned to see a man peering over the privacy wall into my backyard. He was visible from the waist up, as if he was standing on something in the group home backyard. While he did not speak to me, I was scared because I did not expect someone to be watching me in the privacy of my own home's yard. I immediately went inside and told my husband. We have a pool and spa, so I can never be certain when someone is going to peer over the wall. This is a serious concern.

We purchased our home in January 2011 as a family residence. We were drawn to Cooper Commons for the privacy and family atmosphere. We are now concerned about both of these items. We do not consider strangers looking over privacy walls acceptable, nor do we think that the 20+ calls to Chandler police to this one residence to be a family atmosphere. This amount of calls can only be expected to increase if an expansion is allowed at the group home.

While we understand the need for this type of business, we ask you to consider the impact to our neighborhood and the safety and security of its' residents. We also ask you to think about how you might feel if you were in this situation, living directly on the other side of the privacy wall from this facility.

Please help the residents of Cooper Commons maintain their privacy and keep their families safe by denying the expansion request.

Sincerely,

Jan C. Ocean
Amy D. Ocean
Cooper Commons Residents

Subject: Home Usage Cooper Commons, 2184 E. Firestone Dr

From: Dave & Kathy Schlau, 2194 E. Firestone Dr

To: Mayor Jay Tibshraeny, jay.tibshraeny@chandleraz.gov

CC: Vice Mayor Jack Sellers, jack.sellers@chandleraz.gov
Council Member Trinity Donovan, trinity.donovan@chandleraz.gov
Council Member Nora Ellen, nora.ellen@chandleraz.gov
Council Member Kevin Hartke, kevin.hartke@chandleraz.gov
Council Member Rick Heumann, rick.heumann@chandleraz.gov
Council Member Jeff Weninger, jeff.weninger@chandleraz.gov

Erik Swanson, erik.swanson@chandleraz.gov

Planning & Zoning Members,

Bill Donaldson, bldonaldson@cox.net
Stephen Veitch, Sveitch@VooreesAssociates.com
Matthew Pridemore, pridemore.admin@gmail.com
Phillip Ryan, mail@ryanassociatesonline.nett
Andrew Baron, andy.baron@andersonbaron.com
Kathleen Cunningham, katyworks4me@gmail.com

Staff Liaison, Kevin Mayo, Planning Manager, kevin.mayo@chandleraz.gov

Honorable Mayor Tibshraeny, City Council Members & Planning & Zoning Dept.,

My name is Dave Schlau and I live next to the current Group Home at 2184 E. Firestone Drive.

Although there is nothing I can do to affect the current 5 person maximum (considered family residence) I hope that mine and the other surrounding opposition to growth from 5 to a 6-10 bed home will be denied. Multiple issues exist with this home from the outside upkeep (needs paint, updated landscape, window replacement and mal functioning sprinklers) to the number of calls for CPD service to the residence including Domestic Violence, Attempted Suicide and fire calls for assistance. Doubling the size of the home will only increase these issues.

My wife I built a home in Cooper Commons 12 years ago to retire in this community in Chandler because of its peaceful middle class status never expecting to see potentially 3 Group Homes within a 7 home area.

I am asking City Council and Zoning and Planning to REFUSE this home's owners request to increase the population in this home! Going forward I would ask that you look at re-writing the requirements for Group Homes of 5 to have to be reviewed and handled the same way a growth of 6 or more has to be approved. This 5 person home is out of place in our community and the surrounding homeowners were never given an opportunity to oppose it when it opened with 5 residents.

Thank you for listening and reading the attached. I look forward to City Council and Planning and Zoning making the proper decision's regarding the GROWTH of this home.

Regards,

Dave & Kathy Schlau
2194 E. Firestone Dr



Behavioral Health Home on Firestone Dr, Chandler, 85249
Rosemarie Spiher to: Jay.tibshraeny@chandleraz.gov
Please respond to Rosemarie Spiher

05/17/2013 09:02 AM

Good Morning Jay,

I am a parent of two young kids and we live a few doors down from this Behavioral Health Home.

I am very concerned about its plans for expansion.

- 1) There are a lot of kids on the street from toddler to teenagers and safety is my number one concern.
- 2) Increase in traffic on a quiet street.
- 3) Alarmed at the number of callouts to this house by the PD and fear that as the numbers grow, the number of callouts will grow.
- 4) Concerned about its proximity to the school.
- 5) The exterior of the house is not being maintained and this can affect the property value of all houses on the street.
- 6) lack of information about this home. There is no dedicated website to the facility. Is it state run and does the state oversee it? I would like to know about the types of 'behavioral health' issues. Again, as a parent of two young kids, this is super important.
- 5) Responsibility. Who is responsible if something should happen at this house - the state, the owners?

Thank you for your time and understanding in reading my concerns.

I look forward to hearing from you.

Regards,

Rosemarie Spiher

May 17, 2013

To: Mayor Jay Tibshraeny

Vice Mayor Jack Sellers

Council Member Trinity Donovan
Council Member Nora Ellen
Council Member Kevin Hartke
Council Member Rick Heumann
Council Member Jeff Weninger

City Planner Erik Swanson

Planning & Zoning Members

Bill Donaldson
Stephen Veitch
Matthew Pridemore
Phillip Ryan
Andrew Baron
Kathleen Cunningham

Fr: Larry & Jan Hoffmann

Re: Level 2 Special Use Permit Application
2184 E. Firestone Drive

Mayor Tibshraeny, City Council Members, Planning & Zoning Department:

My name is Larry Hoffmann. I am writing on behalf of myself and my wife (Janet Hoffmann). Our primary residence is 2195 E. County Down Drive. The property we own is adjacent to (shares a corner fence line with) the property operating as a Behavioral Group home at 2184 E. Firestone Drive. It is our understanding that those who operate this facility have requested a "Level 2 Use Permit" that in essence would allow for them to double the size of their operation by expanding the number of beds they provide to patients from the current level of 5 to 10. We are writing to let you know that we oppose this request for expansion and ask for you to deny this request.

I have conducted some research to help further my knowledge on these facilities. The web site at this address (http://www.chandleraz.gov/content/lrp_Ordinance3421.pdf) discusses the amendments made to the City of Chandler's definition of a group home and lists some of the requirements relating to the opening of group homes. The amendment lists 7 separate items that the city considers when approving or disapproving an applicant for a use permit. We really have no input on numbers 1-4 as I see it. However, I would like to offer some feedback in specific terms in regards to numbers 5-7 that support our request for denial.

Consideration #5

Consideration #5 speaks to maintenance. It clearly states that the applicant needs to maintain the dwelling's exterior and yards in a manner consistent with the neighborhood standards. Neither the operator's primary address (located at 2204 E. Firestone Drive) nor the property in question has met this requirement. Members of the community have provided photos individually on separate occasions indicating where and how the applicant is failing to meet these standards.

Consideration #6

Consideration #6 speaks to screening. This consideration states that the applicant is responsible for screening or buffering any outdoor recreation areas from adjoining residences. There have been several instances where the residents at the facility have inappropriately made contact with other residents that border the property. While I have not experienced this personally, the fact that these contacts have occurred is of concern to us as a potential threat to our personal safety and the safety of our grandchildren who visit us frequently. We are not alarmists. That said, the reality is that we do not need to invite this potential threat into our neighborhood.

Consideration #7

Consideration #7 speaks to calls for service made to the property. This consideration makes it clear that where a documented history exists for the location regarding city service calls (police calls), there is a responsibility of the applicant to sustain the number of these calls at a level that is consistent with that which existed at the particular property or the neighborhood prior to the opening of the facility. This has just not been the case with those who operate the facility at 2184 E. Firestone Drive.

I was able to obtain history on calls for service from the Chandler Police Department as they relate specifically to 2184 E. Firestone Drive. Prior to its opening as a Behavioral Group Home, the Firestone location received one call for service in 3 years. After opening, the location received (by the city's number) at total of 12 calls from October 2012 thru April 2013. The call types ranged from assist, to suicide, to fire, to missing person, to domestic disturbance, to disorderly conduct. Obviously, that is a considerably higher rate than that which occurred prior to opening. I can assure you that that is 12 more calls than have been made to our home since the time we purchased in 2002.

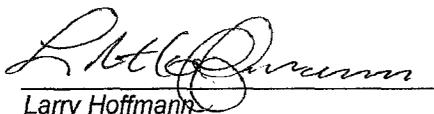
I know that those operating this facility have communicated to us that these calls are normally minor in nature. I would like to emphasize that no other homes in the area surrounding the Firestone location have come close to matching this total. I can bet you that the folks in Cleveland, Ohio don't view behaviorally challenged folks wandering their neighborhoods as a "non-threat".

Jan and I bought our home in our Chandler neighborhood in part to ensure that we could escape the safety issues that plague other areas. We felt that this neighborhood was a good investment as a place to live and enjoy retirement with our children, grandchildren, and friends. We felt that the investment was good from a financial standpoint as well. We cannot control what the economy has done to the value of our home. Anecdotally, we are certain to experience a decrease in value if this Behavioral Group Home is permitted to expand. If you question this statement, simply ask yourselves how likely you would be to purchase my home next to this facility if you could purchase another in a neighborhood where this did not exist.

I understand that there is a need for this type of facility, as a well run facility offers help to those who truly need it. My concern here is that folks who operate them have a responsibility to operate in a manner that serves patients in a responsible manner and preserves the integrity and safety of the neighborhoods in which they operate. Based on what I see as their track record, we should be considering revoking their current right to operate due to their not meeting City of Chandler standards, not considering their request for expansion.

We appreciate your reading this lengthy letter and request that you support us with your vote.

Respectfully,


Larry Hoffmann


Janet Hoffmann

Subject: Home Usage Cooper Commons, 2184 E. Firestone Dr

From: Shannon and Brian Liebrock 2062 E Westchester Drive Chandler, Arizona 85249

To: Mayor Jay Tibshraeny, jay.tibshraeny@chandleraz.gov

CC: Vice Mayor Jack Sellers, jack.sellers@chandleraz.gov
Council Member Trinity Donovan, trinity.donovan@chandleraz.gov
Council Member Nora Ellen, nora.ellen@chandleraz.gov
Council Member Kevin Hartke, kevin.hartke@chandleraz.gov
Council Member Rick Heumann, rick.heumann@chandleraz.gov
Council Member Jeff Weninger, jeff.weninger@chandleraz.gov

Erik Swanson, erik.swanson@chandleraz.gov

Planning & Zoning Members,

Bill Donaldson, bldonaldson@cox.net
Stephen Veitch, Sveitch@VooreesAssociates.com
Matthew Pridemore, pridemore.admin@gmail.com
Phillip Ryan, mail@ryanassociatesonline.nett
Andrew Baron, andy.baron@andersonbaron.com
Kathleen Cunningham, katyworks4me@gmail.com

Staff Liaison, Kevin Mayo, Planning Manager, kevin.mayo@chandleraz.gov

Honorable Mayor Tibshraeny, City Council Members & Planning & Zoning Dept.,

Dear Council Members,

This letter is in reference to the request for expansion of the group home located in Cooper Commons on Firestone from 5 to 6-10 residents. I have lived in Cooper Commons for twelve years. We purchased our home in this neighborhood due to its family friendly environment and the proximity to Hull Elementary school.

While I agree there is a need for such homes for individuals to rehabilitate themselves, I have several concerns with the proximity of this group home to the elementary school and the way the home is currently run. This home has had 20 calls in the last six months which leads me to believe there is an issue with how they are currently monitoring their residents. An expansion of this facility would undoubtedly lead to an increase in calls. By increasing the numbers of individuals in the home it could also lead to an increase in severity of those calls. The elementary school is only a quarter of a mile from this location. As council members and our elected officials, I ask that you put our children and their safety as your top priority when considering whether or not to approve this expansion. I ask you to consider whether or not you would feel comfortable allowing your children to walk to and from school knowing such a place exists in your neighborhood.

Please help the residents of Cooper Commons maintain their property values and keep their children safe. I respectfully ask that the council deny the request for the expansion of this group home.

Sincerely,

Shannon Liebrock
Cooper Commons Resident

Subject: Home Usage, Cooper Commons, Chandler, AZ

From: *Cooper Commons Neighborhood Preservation Action Committee*

To: Mayor Jay Tibshraeny,

CC:

City Council Members

Vice Mayor Jack Sellers,
Council Member Trinity Donovan,
Council Member Nora Ellen,
Council Member Kevin Hartke,
Council Member Rick Heumann,
Council Member Jeff Weninger

Planning & Zoning Commission / Staff

Bill Donaldson
Stephen Veitch
Matthew Pridemore
Phillip Ryan
Andrew Baron
Kathleen Cunningham
Kevin Mayo, Planning Manager
Erik Swanson, City Planner

Dear Honorable Mayor Tibshraeny, City Council Members & Planning & Zoning Commission,

We are homeowners of Cooper Commons to be known as *Cooper Commons Neighborhood Preservation Action Committee*. We are communicating with this letter in regard to the development of Group Homes specifically located on Firestone Dr. & on Justin Way (85249) in Cooper Commons, Chandler. We were first made aware of these homes when the Behavioral Health Home located at 2184 E. Firestone Dr. filed an application for a Level 2 Special Use Permit to increase their residency from 5 to between 6 and 10 beds.

We are greatly opposed to this expansion and we base this on the considerations as listed in The Chandler City Ordinance No. 3421. For your reference, the copy of it is appended to this letter, as obtained from the Chandler City website (Appendix I). The use permit to operate a group home (in this specific case, an adult Behavioral Health home) is subject to several standards and we refer here to the list that is in Appendix I.

The first 4 standards are not at this time under scrutiny, as the owners of the home have answered our questions pertaining to these points; however, so far without proof, but we accept their answers to date.

Consideration #5, regarding Maintenance is one that we do contest as not being met by the owner. The dwelling exterior and yards of the Group Home is not in a manner consistent with the neighborhood. Specifically, the house needs painting, the landscape needs to have weeds removed and be updated with nice looking vegetation, and some windows need to be replaced. The home is not in keeping with the neighborhood nor HOA standards.

Consideration #6, the screening or buffering outdoor recreation from adjoining areas is not working in all cases. There are two instances that this group is aware of (some of the members of this group were directly affected) where one of the Group Home residents appeared over the six foot block wall in the backyard and asked the neighbor in an adjoining backyard if they had a cigarette. This is not consistent with expectations of privacy in one's own backyard within this neighborhood of Cooper Commons. One of the women was very surprised when the resident from next door was clearly standing on something in the backyard of the Group Home and she

could see him above his waist over the 6 foot tall wall. Clearly, her privacy was completely compromised.

Consideration #7, Service Calls is also a great concern for the home dwellers in the neighborhood. There have been 20 calls for Chandler PD from Oct, 2012 to March, 2013 (a 6 month period) at this one specific Group Home, Better Horizons Behavioral Health Home. In that same period, we do not find any other PD calls in the neighborhood. Above all else, this clearly violates the considerations for a permit to apply for expanded residents.

Dear Mayor, Council, Planning and Zoning Committee and Staff, please deny the applicants request for a permit to expand this Group Home to double in size from 5 to (6-10). In addition to the considerations, this home is built for a single family, in an area with all single family style dwellings. Adding this many unrelated people to a Group Home will also further increase the traffic in the area. It has already gotten quite busy since this Group Home was established, with many people coming and going. Additionally, there is another group home (elderly care) just 3 houses down from the Group Home, Better Horizons Behavioral Health Home.

In addition to the considerations listed above, many neighbors are concerned about security and safety of the many children in the area. An increase in residents in any one Group Home could increase security concerns, especially given the very high number of calls to the Home by the Chandler Police Department.

There are many neighbors who are organizing within this group, *Cooper Commons Neighborhood Preservation Action Committee*, and we would welcome discussing any questions or concerns you may have in this regard as well. We also will be happy to come to any hearings that may occur if this applicant proceeds.

Best Regards,

Mary Ellen Coe-Harry

Mary Ellen Coe-Harry,

Spokesperson for

Cooper Commons Neighborhood Preservation Action Committee

Ben&Tonya Naro
Bob&Nancy Kampfe
Carolee&Steve Sandolini
Dave&Kathy Schlau
Gary and Linda Howard
Jason Poston
Jason Mick
Jim Dunlap
Jody& Pao Bearden
John&Mary Ellen Harry
Don&Zina Burns

Joseph Trujillo
Larry&Janet Hoffmann
Leo&Karen Mahoney
Mark&Allyson Gildersleeve
Quint&Tamara Gerbich
Dr. Rob Heen
Steve&Gina Kahns
Theda&Joe Portanova
Wendy Thomson
Hilda&Victor Bermudez
Jan&Amy Ocean



Better Horizons Behavioral Health Homes Topic at CC Meeting on June 27

Mary Ellen Harry to: 'Jack Sellers', 'Jay Tibshraeny', 'Rick Heumann', 'Trinity Donovan', 06/13/2013 05:28 AM
jeff.weninger, Kevin Hartke, 'Nora G. Ellen'

Cc: "'Larry Hoffmann'", "'Carolee Dunlap'", Tgerbich, QGerbich,
amy.ocean, j_harry, "'Leo & Karen Mahoney'"

Dear Mayor and City Council,

Many neighbors in the Cooper Commons area are greatly opposed to any expansion of permit for the Better Horizon Behavioral Health Home. We have spoken at the Planning & Zoning Commissioners Meeting on June 5th. Are we able to address you at the Council Meeting on June 27th? I do apologize, as I am unsure of the protocol. Please advise us on how to go about getting on your docket.

Best Regards,
Mary Ellen Coe-Harry



Cooper Commons BH & Assist Home Density

Robert Kampfe to: erik.swanson@chandleraz.gov Swanson

06/06/2013 06:09 AM

"Jay.Tibshraeny@chandleraz.gov", "jack.sellers@chandleraz.gov",
Cc: "kevin.hartke@chandleraz.gov", "nora.ellen@chandleraz.gov",
"jeff.weiniger@chandleraz.gov", "rick.heumann@chandleraz.gov",

Erik,

Now we move on to city council, if at all possible, I would like the address of all of the existing and pending applications of the BH and Assist Homes in our community (Cooper Commons). As a HOA Board Director, I am deeply concern on the density issue of these types of homes in our community and plan on speaking in front of council in regard to the density issue.

It was evident last night that density is going to be the main focus in front of mayor and council and I know from my out reach to my community as a whole, we have many more of these homes in side Cooper Commons.

Thanks,

Bob Kampfe
Cooper Commons Board Director

2481 E. Bellerive PL
Chandler, AZ 85249
(480) 821 9923



2184 Firestone Drive, Chandler

Rosemarie Spiher

to:

rick.heumann@chandleraz.gov

06/06/2013 12:27 PM

Hide Details

From: Rosemarie Spiher <rspiher@yahoo.com>

To: "rick.heumann@chandleraz.gov" <rick.heumann@chandleraz.gov>

Please respond to Rosemarie Spiher <rspiher@yahoo.com>

Good afternoon Rick,

I wanted to touch base with you following the zoning and planning meeting that I attended last night at the council chambers.

The expansion of the group home at 2184 Firestone Drive was discussed and it is the planners recommendation that it is not permitted to expand.

Several of the board member expressed **great concern** at the density of group homes on Firestone Drive and wondered how this could have happened on one street. There are three homes that are group homes on our street.

As one of them just recently submitted an application (2124 E Firestone Dr), is there any way to have this application revoked? Is there any process where we can lobby to have it reversed?

As I live next door to this home, I can confirm that this home has not yet opened and there has been no activity at the house yet other than routine yard maintenance.

As this is a time sensitive issue, I look forward to hearing from you at your earliest convenience.

Regards,

Rosemarie Spiher

2104 E Firestone Drive.

480-772-8273