

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, June 5, 2013 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Veitch called the meeting to order at 5:30 p.m.
2. Pledge of Allegiance led by Commissioner Wastchak.
3. The following Commissioners answered Roll Call:

Chairman Stephen Veitch
Vice Chairman Matthew Pridemore
Commissioner Andrew Baron
Commissioner Katy Cunningham
Commissioner Phil Ryan
Commissioner Bill Donaldson
Commissioner Devan Wastchak

Also present:

Mr. Kevin Mayo, Planning Manager
Mr. Erik Swanson, City Planner
Ms. Susan Fiala, City Planner
Glenn Brockman, Assistant City Attorney
Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by COMMISSIONER CUNNINGHAM to approve the minutes of the May 15, 2013 Planning Commission Hearing. The motion passed unanimously 7-0.
5. ACTION AGENDA ITEMS
CHAIRMAN VEITCH informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. Item E was pulled for action

A. PDP12-0025 ALLIANCE BANK

Approved.

Request Preliminary Development Plan approval for building architecture and site layout for a bank. The subject site is located at the southwest corner of Ray Road and the Loop 101 Price Freeway, within the Park at San Tan development.

1. Development shall be in substantial conformance with the attached exhibits, kept on file in the City of Chandler Planning Division, in File No. PDP12-0025 ALLIANCE BANK, except as modified by condition herein.
2. Compliance with original stipulation adopted by the City Council in Ordinance No. 3622, in case DVR04-0048 SANTAN MIXED USE AMENDED, except as modified by condition herein.
3. Landscaping shall be in compliance with current Commercial Design Standards.
4. The landscaping shall be maintained at a level consistent with or better than at the time of planting.
5. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
6. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.
7. The site shall be maintained in a clean and orderly manner.
8. The drive-thru pneumatic tubes shall be integrated into the design of the drive-thru columns.
9. At the discretion and by written notice of the Zoning Administrator, the applicant shall implement the 'contingency parking plan' as shown in the attached.

B. PDP13-0003 FINISTERRA

Approved.

Request Preliminary Development Plan approval for housing product for a single-family residential subdivision located east of the southeast corner of Lindsay and Ocotillo roads.

1. Development shall be in substantial conformance with the Development Booklets, entitled "FINISTERRA", kept on file in the City of Chandler Planning Division, in File Nos. DVR11-0038 and PDP13-0003, except as modified by condition herein.
2. Compliance with original stipulation adopted by the City Council in Ordinance No. 4352, in case DVR11-0038 FINISTERRA, except as modified by condition herein.
3. All homes built on corner lots within the residential subdivision shall be single-story, or the second-story component shall be a maximum of 75% of the building footprint and oriented to the inside lot line.
4. The same floor plan and elevation shall not be built side-by-side or directly across the street from one another.
5. For lots adjacent to an arterial street, two-story homes are limited to every third lot, with no more than two, two-story homes built side-by-side.
6. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

C. ZUP12-0035 EVA'S MI AMORE

Approved to continue to the June 19, 2013 Planning Commission Hearing.

Request Use Permit extension approval to operate a wedding planning and bridal service office in a converted residence in the SF-8.5 Single-Family Residence zoning district. The property is located at 598 W. Chandler Blvd. (**REQUEST CONTINUANCE TO THE JUNE 19, 2013 PLANNING COMMISSION HEARING.**)

D. ZUP12-0037 TREMAINE RANCH VENUE

Approved to withdraw.

Request Use Permit approval to operate an outdoor event venue area within an Agricultural zoned district located at 253 E. Tremaine Drive, east of the southeast corner of Arizona Avenue and Tremaine Drive. (**APPLICANT REQUESTS WITHDRAWAL.**)

F. ZUP13-0008 WIN BEAUTY SALON

Approved.

Request approval of Use Permit extension for continued operation of a commercial beauty salon in a converted single-family residence in the SF-8.5 zoning district. The property is located at 284 S. Dobson Road, northwest corner of Frye and Dobson Roads.

1. The Use Permit shall be extended for a period of three (3) years, at which time re-application shall be required. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (site plan, floor plan, building elevations, narrative) shall void the Use Permit and require new Use Permit application and approval by the City of Chandler.
3. The Use Permit is non-transferable to any other property.
4. Increases in on-site employment over that represented as equivalent to three (3) full time employees shall require new Use Permit application and approval by the City of Chandler.
5. The property shall be maintained in a clean and orderly manner.

G. ZUP13-0009 HAPPY TAILS PET RESORT

Approved.

Request approval of Use Permit extension for continued operation of overnight dog boarding and an outdoor area together with a doggy daycare and pet grooming business. The subject site is located at 6125 W. Chandler Blvd., Suite 1, southwest corner of Chandler Blvd. and Kyrene Road.

1. The Use Permit is non-transferable to any other property or other suites/tenant spaces on the subject property.
2. 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.
3. The site shall be maintained in a clean and orderly manner.

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER RYAN** to approve the Consent Agenda as read into the record by Staff. The Consent Agenda passed unanimously 7-0.

ACTION:

E. ZUP13-0007 BETTER HORIZONS BEHAVIORAL HEALTH LLC.

Denied.

Request Use Permit approval for a behavioral health group home for up to ten residents. The subject site is located at 2184 E. Firestone Drive, within the Cooper Commons single-family residential subdivision.

MR. ERIK SWANSON, CITY PLANNER, stated this item is Item E, ZUP13-0007 BETTER HORIZONS BEHAVIORAL HEALTH LLC. The request is for Use Permit approval for a Behavioral Health Group Home for up to 10 residents. The subject site is located at 2184 E. Firestone Drive which is north and east of the northeast corner of Cooper and Riggs roads. The request is for the operation and approval for up to 10 residents for a Behavioral Health Group Home within a single-family residential home.

The home has been in operation since late 2010 when it received approval for up to 5 residents. Similar to our process for Assisted Living Homes, once a Group Home or Assisted Living Home exceeds the number of residents between 6 and 10, a Use Permit is required. In this particular case, they opened with 5 or fewer residents and have operated for a couple of years now requesting to expand that up to 10 residents.

The home is within the middle of the subdivision and therefore surrounded by single-family homes. It is important to note that to the east, a couple doors down, there is an Assisted Living Home with 5 or fewer residents and then also to the west, staff recently received a request for an Assisted Living Home for up to 5 residents a couple doors down as well. Again, the request is for up to 10 residents.

When they look at these requests, they have to look at a number of items in comparison with their zoning code and then also State Statutes. The Group Home itself per State Statute is allowed up to 4 residents per bedroom assuming that there is sufficient square footage. Each resident is required to have 60 square feet of livable space within a bedroom, 3 feet of separation between beds with a maximum up to 4 residents. As outlined in the Staff report and shown on the attached floor plan, bedrooms 1 and 2 can accommodate up to 4 residents and then bedrooms 3 and 4 can accommodate 2 residents each. Again, our requirements only allow up to 10 residents. Staff did visit the site and measured the bedrooms and they all meet the dimensions as provided in the staff packet and shown on the floor plan.

For this particular Group Home they do not see very many of these in the city. Within the past couple of years or so, they have had a few come before the Commission and Council. Those

have historically been for Group Homes for minors and more specifically for minor boys. Those particular homes were approved with the Use Permit with resident count of up to 7. This particular case is a little bit different because the request is for adults and the request is for up to 10 residents. Per state allowances, the adults can be a mixture of male and female so long as they are separated in rooms. This will be, as far as he is aware, their first Behavioral Health Group Home that is for adults. Again, as they look at these, they have some criteria outlined in the zoning code that they need to look at and how they match with the surrounding community. Some of the criteria they look at are outlined in the memo but include staffing, the uses within the home to ensure that it is only in compliance with what the proposed use is and no other uses. They look at the transportation of residents, they look at exterior upkeep, parking, and they look at calls for service to make sure that they aren't above and beyond something that they wouldn't see for other Group Homes and for the larger area.

They did have a neighborhood meeting. A number of neighbors, roughly around 25, attended. At that point in time, no support was shown for the request. Following the neighborhood meeting, he received a number of phone calls and e-mails along with Commission and Council with some strong concerns and opposition to the request. Staff is unaware of any support for the proposal. Some of the concerns that the neighbors expressed at that neighborhood meeting and then also as a follow-up via e-mail, were the exterior upkeep, parking and then also the calls for service. He has been working with our police department to address the calls for service concerns. It is something that he couldn't speak directly about but they do have police representation here tonight that will be able to speak to that. They are here for that. They have looked at the criteria and whether or not it meets the criteria outlined in the zoning code. Staff believes that it does meet the allowances. Exterior upkeep is consistent with the surrounding neighborhood. Some minor things needed to be addressed like some landscaping. Additionally, they have recently painted the home as well and replaced some windows that were deteriorating based on manufacture defects. From that standpoint they are comfortable from an exterior upkeep. For parking they have a side entry garage which generally allows for parking in the garage itself and then also the driveway for roughly 3 cars. Additionally, along Firestone they have roughly room for 2 more cars. Parking they think can be accommodated. The neighborhood has sent in some photos which he did not attach as part of the memo based on reproduction concerns showing that some of the homes or some of the vehicles have parked kind of overhanging into the sidewalk. He does have those. He has been working with the applicant and informing them that this is not something that can be done. Please have your clients, the visitors as well as counselors etc. park fully in the driveway or park out on the street, so he knows that is going to be a concern.

Again, regarding police calls he can't necessarily address those but as he has been informed that they aren't anything that raise red flags from a number of calls for service standpoint. With that he said he would be happy to answer any questions.

CHAIRMAN VEITCH asked if there were any questions for staff.

COMMISSIONER RYAN said to Erik Swanson, City Planner, that he discussed how the residents anticipate living in the bedroom. There are 4 bedrooms. If they go up to 10, are there a couple of bedrooms that will be served by 3 occupants? Mr. Swanson said he has it in the staff packets with the floor plans but bedrooms 1 and 2 can accommodate up to 4 and bedrooms 3 and 4 can accommodate up to 2 residents. Within bedrooms 1 and 2 there is a flexibility to do 3 or 4 and then the other 2 bedrooms would be up to 2. **COMMISSIONER RYAN** asked is that bunk beds? Mr. Swanson said for the Group Homes they are a little bit different than Assisted Living. Assisted Living requires each resident to have 120 square feet for their bed to reside in. A lot of that is based on medical equipment, etc. In this particular case for Group Homes, both Behavioral Health and/or any other Group Homes, the idea behind the square footage is primarily dictated by the state. A lot of it happens to deal with mobility of the residents and they generally don't have those medical conditions to where they are on some medical bed or they have medical equipment. In this case for Group Homes the requirement is only 60 square feet for the bed with some separation between the beds. As they are currently operating in the home, bedrooms 1 and 2 have 2 beds and 3 and 4 have 1 or 2 beds but they are separate enough and the bedrooms are large enough to accommodate obviously more beds. **COMMISSIONER RYAN** asked if there was a lawn in the backyard. Mr. Swanson replied he believes it is just rock and then there is an outdoor patio and then an exterior gathering area.

COMMISSIONER DONALDSON asked if he knew if it is a 5-foot masonry wall or a 7-foot masonry wall. Mr. Swanson replied that historically they have been 6 foot. He didn't measure it but that is the typical standard for a subdivision perimeter wall. **COMMISSIONER DONALDSON** said the drawing that they have looks semi-official; says the existing masonry fence is 5 foot, but then notes from the meeting say 7. If it is 6, he'll take it as 6. Mr. Swanson said that historically they are 6. It depends on whether it is taken at grade.

COMMISSIONER WASTCHAK said that he noticed in their neighborhood meeting there was a question about whether or not they have to be licensed to actually operate the Group Home. Was that ever answered? Mr. Swanson replied that they have to be licensed through the State to operate. The licensing is something that is handled by the State and they are in a sense directed to be hands off with the licensing just because they have their processes. They will say are you licensed, can you provide that, etc. It is something that is licensed. The applicant is obviously here tonight so she can directly answer to that. **COMMISSIONER WASTCHAK** asked if it is licensed, he is assuming through the state. How often do they come by and do inspections especially if there are concerns that have been brought up about the operation of the home. He would like to understand that. Mr. Swanson said he didn't have the specifics about when they come out but historically it has been on an annual basis and if there are issues, those service calls or their visits are surprise visits and aren't necessarily set up. What they do is they have a whole list of items that they have to go through; if there is medical storage, separation, fire extinguishers and things like that which they check on.

COMMISSIONER CUNNINGHAM said because this is a business, do they have to have a City business license to operate this? Mr. Swanson replied that what they do is when they received request for zoning clearance letters, which is a separate process from this, and the

zoning clearance letter is their way of documenting the 5 or fewer. They will get a zoning clearing in the instance of an Assisted Living Home and then ultimately in Group Homes. Once he receives those and reviews them, he then forwards them on to their Tax & Licensing dept. He doesn't know what they do from a taxation standpoint because in a sense it operates as a rental and residential. He does know they provide them with the information but what their follow up is or recourse or licensing is something they stay out of. **COMMISSIONER CUNNINGHAM** said he mentioned the rental so if she as a landlord has a rental in the City of Chandler, she has rental tax to pay so she is presuming they would be assessed a tax on this? Mr. Swanson said he couldn't give her a specific answer to that because he just didn't know.

CHAIRMAN VEITCH asked the applicant to come and speak at the podium.

CLARISSE KAMGAING, 2184 E. FIRESTONE DRIVE, thanked the Commission for giving her the opportunity to come to them about Better Horizons. She said she will do her best to answer their questions but asked them to be patient with her. She said she prepared some remarks to make sure she covers the essential points. She said she will briefly go over what her business is and what is done. She stressed the importance of having the City of Chandler to support their request extension from 5 beds up to 10 beds. The service to the residents is provided by a clinical team with a clinical director, a nurse, a certified counselor and behavior health technicians. They are credentialed and compliant. She is also certified by the Arizona Department of Health Services. They are a limited corporation founded by herself as the majority owner and CEO and her husband, Dr. Kamgaing, is supposed to be joining her here but it was not possible. She oversees the activity of the business but it is her clinical team that is responsible for this treatment. Before she starts answering their questions, she would like to just highlight why Better Horizons, why an extension and why City of Chandler. Better Horizons was really founded to serve the mentally ill and the mentally ill are a minority in this community and deserve the right for protection. They are trying to do what is right by providing the right care to the mentally ill. This facility and over 10 beds, they will figure how to provide health care to even more people. They have lived in Chandler and Cooper Commons for the last 4 years. Chandler is friendly to family and businesses. For that reason any tax revenue from their business can go back to our city. In the future, they would like to continue growing this business in Chandler and hope to get permission along with the City Council. She would like them to think about what happens when the mentally ill do not receive care in the residential areas. They can be all day running in the streets of any neighborhood and hence a danger for them or anyone else. They can either be in the area hospital and the cost would be 10 times more than when they are in the residential setting. She would like to acknowledge that she has seen the letter from the neighbors to all of them and the Mayor. She has heard their anger. She wants to assure them that the business for mentally ill is highly regulated and Better Horizons follows all of the rules. She thinks it is time that they all address mental health. She thanked them for their attention.

COMMISSIONER CUNNINGHAM said Mr. Swanson didn't know if she had a business license through the City of Chandler as well as their State license. Does she? Ms. Kamgaing replied yes she does. **COMMISSIONER CUNNINGHAM** asked if she pays rental tax on the rent that is paid to her company. Ms. Kamgaing said yes she does. **COMMISSIONER**

CUNNINGHAM asked how the home functions. Can she tell them that? For instance if she came to her because she had a problem, how would her day be? Would her rent cover her room and board? Would she be allowed to go out to work? What would it be? Ms. Kamgaing said basically they have a daily activity and the resident does not pay rent to Better Horizon. They are paid by ACCESS. They cannot walk. They are at the facility and the clinical director as well as the counselor will do services in the daily basics. Basically, they don't pay rent and they have daily activities that they do. They have stuff they do every day. Some of the residents will take their GED classes and come back. The transportation is arranged with the clinical team. Usually service will come from different providers. If a client is to do a day activity, it will be arranged by the case manager. **COMMISSIONER CUNNINGHAM** asked so the residents don't have individual cars parking? Ms. Kamgaing said basically the residents do not have individual cars. Better Horizons has a car that is used to transport the client. It is arranged with their case manager or their clinical team. **COMMISSIONER CUNNINGHAM** said in reading their material, she is a neighbor of this home. Is that correct? Ms. Kamgaing said she lives one house down the street. **COMMISSIONER CUNNINGHAM** asked if someone was in the home permanently on staff. Ms. Kamgaing said basically staff is there 24/7. **COMMISSIONER CUNNINGHAM** said so there is a staff person living there. Ms. Kamgaing said no one lives there. They come and go. **COMMISSIONER CUNNINGHAM** said so there is no one living there but there are 5 clients in the home and staff coming 24/7.

CHAIRMAN VEITCH said he has received a large number of speaker cards – 43 if he counted them correctly. He has also received a copy of an e-mail sent to staff today by Ms. Coe-Harry which indicated that 5 would represent the neighborhood and speak on various subjects. He said they very much appreciate that. The other 38 or so will be read into the record after the speakers have concluded.

LARRY HOFFMANN, 2195 E. COUNTY DOWN DR., CHANDLER, said he owns his home with his wife and they share a common quarter of the backyard with the residents on Firestone. He thanked them all for allowing them to speak on this issue. He really appreciates this personally some of the responses they got in regards to the e-mails and letters they sent. It is nice to be heard. It is obviously of great relevance to them. He is here today representing himself and representing his wife and his fellow neighbors who have joined together as Cooper Commons Neighborhood Preservation Action Committee. If there is any doubt in regards to why they are here, he assured them is to oppose the request for the expansion of the facility in question. It is very difficult for them as they have heard about this facility to keep their emotions in check. They can assure them they are all going to try and do that tonight because if they do that, they are better served any credibility to their case and hopefully they will hear what they have to say factually and not through emotion. Please don't construe their lack of emotion for lack of passion because they are very passionate about what they are about to present tonight.

To try and keep things on a factual basis, they based their position on the Chandler Code of Ordinances and he could site the individual areas but they know them better than he does so he won't embarrass himself by getting those wrong. Basically, it gets to the point where they talked about definition and they talked about districts and the land use and zoning. They also to a look

at Ordinance 3421, which was put together, amending the definition for Group Homes and Zoning Code for the City of Chandler. As he said in a letter that he sent to the Commission, 3421 really lists 7 separate items that the City considers when approving or disapproving an applicant for a permit. Consideration no. 6 speaks to screening. This consideration states that the applicant is responsible for screening or buffering any outdoor recreation area from adjoining residences. They have had instances where this is just not the case. Whatever the reason may be, it has not been the case. His fellow neighbor, Amy Ocean will speak to her specific experiences on that after he concludes here. Consideration no. 7 speaks to calls for service. That consideration makes it clear where there is a documented history that exists and that it is the responsibility of the operator to sustain the number of these calls in a level that is consistent with that which existed in that particular property or neighborhood prior to opening the facility. That is not the case. While they may look at these, the document that was submitted today, and say it is comparable to other Behavioral Group Homes they didn't move into a Behavioral Group Home neighborhood. If they look at the areas around there, they will see there is a distinct difference between what is happening now since October or September of 2012. His fellow neighbor, Quentin Gerbich, will speak further to that and be more specific as well. Consideration no. 5 speaks to maintenance and it clearly states the applicant needs to maintain the dwelling's exterior and yards in a manner that is consistent with the neighborhood standards. Again, the facility has failed to meet the standards in this area and his neighbor, Carolee Sandrolini, will speak to specifics regarding not only the upkeep but it's relevance to the CC&R's and its relevance to the land use as well.

Lastly, we should discuss the intent of the law and by that he means what is the definition of family that allows for these types of Group Homes to enter into a neighborhood like ours to begin with. John Harry will provide perspective on that. They realize there are folks in need of homes where they are going to get treatment for the things they need to address. They are not saying that is not the case. What they are saying that a single-family home for 10 patients in a residential neighborhood where children play and they live, may not be the appropriate venue. They also think that the folks who operate them have a responsibility to operate them in a manner that serves the patients but they also need to be responsible for preserving the integrity and the safety of their neighborhood. They feel that this current operator has failed. They have failed in regards to screening and supervision which they will hear more about. They have failed in regards to providing appropriate levels of security for patients and for their neighborhood which they will hear more about. They feel they have failed to adhere to the land use requirements of the neighborhood. Again, they will hear more about that too.

They say that they are doing these things now but he contends and as a group they contend that if they are doing so only to gain access to the ability to expand to a Special Use Permit, then what does that say about them as operators. What does it say about their intentions and their commitment to the neighborhood in which they operate? What does it say about the quality of the care that they are providing to their patients? Their history is clearly a model for the manner in which they operate and they certainly shouldn't reward them with expansion for finally doing what is expected of any neighbor in their neighborhood. This is their neighborhood and they are asking them to help them protect it. They are asking them to help protect their investments.

They are asking them to help protect the safety of their friends and families. They are asking them to help them protect the integrity of their Chandler neighborhood that they have tried to build. They feel like their neighborhood is under siege. One block will soon have 3 facilities and they have heard that talked about earlier this evening. They can take that density issue to Council maybe at another time because this is obviously more relevant today. Until then they ask their support in this matter by denying the requested Use Permit to expand. Their intent has been totally focused on the denial of expansion but he would also ask them to review their past history. In reading through the Chandler Code Ordinances it appears to him that the Zoning Administrator may suspend or revoke upon finding material not in compliance and operations that are operating in such a manner that they cause substantial detrimental impact on neighboring persons or properties. He thinks this operator falls into both of those categories. He thanked them for their attention and thanked them for their attention that they will give his neighbors as they come up and speak further on it. At the very minimum they ask that you support them and deny their wish to expand.

CHAIRMAN VEITCH asked if there were any questions for the speaker.

VICE CHAIRMAN PRIDEMORE asked where he resides relative to this facility. Mr. Hoffmann said his house is a northwest face and his backyard faces south. Their backyard butts up against his backyard by about 25% of his property. Mr. Swanson brought up a map for the overhead. Mr. Hoffmann pointed out where his house is. **VICE CHAIRMAN PRIDEMORE** said he is only one of 4 houses that directly abuts the property in question. At what point did he realize there was a Behavioral Health Facility in your neighborhood. Mr. Hoffmann said that was an interesting question. They have been told it has been here for 2 years. It may have been permitted 2 years ago but he doesn't think it started having any patients after October of 2012. The reason he says that is they had a water leak over there and it sprang into his yard and he let it go for a couple of hours thinking that somebody would catch it because somebody lived there, they didn't. He knocked on the door and nobody answered. He went over that evening and knocked on the door and nobody answered. Finally, he went to his neighbor directly behind him who knows them. He directed him to the place where the operator lives and they went down and shut down the water. It wasn't operating with patients at that point. He and his wife sitting back on their patio, have heard some interesting laughter going on over there so the area has been louder but he has not been approached by any patients. When he knew for sure that it was a Behavioral Group Home is when he got the letter. **VICE CHAIRMAN PRIDEMORE** said so there have been no other incidents from his point of view and it wasn't until the notice to expand came out that he realized who your neighbor was. Mr. Hoffman replied he didn't realize until then that he realized what it was. What he did realize was that it was different than a single-family home.

AMY OCEAN, 2185 E. COUNTY DOWN DRIVE, stated she and her husband were there. Their residence is right next to Larry and Jan Hoffmann. Three quarters of their back yard is on the other side of the privacy wall from Better Horizons. She and her husband moved there in January of 2011 with their son. Honestly, they had scouted out Chandler because they love Chandler. They were drawn to Cooper Commons specifically because of the privacy and the

family atmosphere that the neighborhood appeared to have to them. Everything seemed o.k. until one evening earlier this year when she was out back on her patio and was startled and quite scared that someone was watching her. She turned to see a man who was standing on something. She could see him from the waist up and he was watching me. He did not say anything to me but she was pretty scared. She went inside the house and told her husband. She didn't know who those new neighbors were but that is really scary. She didn't know why he was watching or what he was doing. He did not speak to her. She does have a personal account that she will be speaking to from Jody and Pao Bearden who live right next door to the facility where they were confronted verbally. She will speak to that in a few moments.

Again, she quickly went inside and talked to her husband and this is a serious issue. This is a serious concern for her because of privacy. She has a pool with a spa and they are out there quite often. She doesn't know when someone is going to peer over the wall at her and watch her and that scared her. She feels like you can never be sure about her privacy. They moved there because of the privacy and the family atmosphere and quite frankly she feels the privacy is gone. As Larry spoke to the 20 + police calls in a 6 month period to one residence in their neighborhood, to her it does not feel like a family atmosphere. She understands from reading the notes that it might be in line with other Behavioral Group Home Facilities. They might receive that same amount of police calls but in her neighborhood she doesn't know any of her neighbors who have had 20 + police calls to their home. Again, strangers looking over the privacy wall is not a private setting.

On behalf of Jody and Pao Bearden who could not be here tonight, they live at 2164 E. Firestone Drive which is right next to the Better Horizon facility. Pao explained to their group that her mother-in-law visits frequently and likes to enjoy quiet evenings on the patio. She was startled one time when she heard someone messing around in the backyard like they were moving something large around and the next thing she knows someone peeks over the fence and asked if they could borrow a cigarette. She heard them dragging whatever this piece of furniture was or something they stand on in that yard. They have done it more than once to the mother-in-law. She no longer will stay outside when she hears them dragging the item over to the fence; she knows what is going to happen. It happened to Pao as well, who is the wife and co-owner of the home with her husband Jody that she was doing some yard work in the backyard and someone came over the fence and asked if she had a cigarette. On these occasions she said they were also visible from the waist up which again violates the privacy of the privacy wall. Additionally, she stated it is not uncommon to see 5 or 6 cars parked with the overhang into the sidewalk area or park in front of her home so people visiting her have to park somewhere else on the street. The overflow of parking as her being a direct neighbor is a concern as well.

Something in the paperwork indicated that the residents have a 9 p.m. bedtime. She told them that she and her husband use their spa past 9 p.m. They like to enjoy a quiet evening in the spa and she knows there have been people outside with loud cackling laughter past 9 p.m. and smoking. She can smell the smoke. She is not a smoker and she can smell it past 9 p.m. She doesn't know what is happening there and she couldn't speak to what that is but she knows it is happening. Again, as Larry stated, they understand the needs of this type of business and to

serve this type of individual in the community. However, if it is allowed to increase up to 6 to 10 residents, she can only imagine that the problems would increase to; the privacy issues, the lack of a family atmosphere in her neighborhood, police calls. It is only common sense that it would increase so that is really concerning to them. Her privacy is the biggest issue. So for these reasons, she and her husband Jan and Jody and Pao Bearden are opposed to the expansion of the Better Horizons. Much like Larry and Jan, she would encourage them to also consider because of these violations, revoking their ability to run a group home in their neighborhood.

VICE CHAIRMAN PRIDEMORE asked when the incident she described occurred. Ms. Ocean said that was earlier this year in 2013. **VICE CHAIRMAN PRIDEMORE** said he was trying to get a handle on the number of incidents and when they occurred and he will also have a question for the applicant when she steps back up in terms of how long has this facility been working. He is actually not clear on that. He is trying to get an understanding on how long the facility has been active with patients or with clients and when these incidents are occurring to try to get an understanding of the density of incidents within a period of time. He asked if her incident was this year. Ms. Ocean replied that yes, it was earlier this year. To answer even further she doesn't remember prior to October 2012 there being residents in that home. She and her husband take their dogs out on the north end in the back yard in the evening and did not notice anyone over there prior to maybe 4th quarter 2012.

COMMISSIONER DONALDSON said she was also mentioning the other person/neighbor. Did she know when that incident occurred? Ms. Ocean said she was looking at Jody and Pao's notes. She said it happened on multiple occasions and she couldn't speak to an exact date.

COMMISSIONER BARON said he was curious on some of these incidents. He asked if anybody had actually filed a formal complaint with the police. She said she couldn't personally answer that. She just knows that she has not filed a formal complaint. She didn't know what was going on behind her, she just thought someone was looking over the wall at her one time and no she did not call the police.

VICE CHAIRMAN VEITCH said he just wanted to note for the record that the question before this Commission this evening is whether or not to recommend approval of a Use Permit for the expanded Group Home use. Any discussion of enforcement concerning the use in its existing form really isn't on their agenda and is really beyond the purview of this Commission. Obviously, some of the things that are being said might be of interest in that regard but that is not their responsibility. He asked Staff if they could speak further to the call statistics and what it is they are comparing those to in order to make the finding that the experience is essentially normal. He said he could put those words in their mouth but he is not sure they are the right ones.

MR. SWANSON, CITY PLANNER, said he couldn't speak directly to what the call was made for but the representative from the Police Dept. can explain what that particular issue was or issues were. Historically, the way these operate is any time something happens out of the ordinary or not in accordance with the schedule the call has to be made. Historically, they have only dealt with minors and so they were in school and things like that. In the instance where

somebody was supposed to be home at 3:00 p.m. and it is now 3:05 p.m. and they aren't there, the operator by requirement has to make a phone call and report that resident is not there. Similarly, if they just take off or go for a walk without notifying somebody, they then also have to contact the police. A number of calls are in relation to that. There are, he believes, some other medical calls but he would prefer to defer those comments to the Police Department so they can specifically address those. Regarding the calls for service, he did actually request that the Police Dept. look at these in comparison to the other homes and again they are in a sense consistent with those other homes. Granted, anything more than 1 or 2 calls a year is probably going to be substantial compared to the typical operations of a home but again there are some circumstances where they actually have to make the phone call. It is not necessarily a life safety situation.

CHAIRMAN VEITCH asked the Commission if they would like to hear from the Police Dept. at this point or after they have worked their way through the speaker cards. Commission wanted to go through the speaker cards.

QUENTIN GERBICH, 6870 S. JUSTIN WAY, said he would like speak to some of the safety issues and maybe he can clear up some of the police calls for service as well. He said his house is right on the corner and showed where on the map. He showed an area they refer to as a circle as it goes around the neighborhood. There is one way in here and another in here. Anybody who lives in a residential neighborhood knows everybody always goes the easiest way so everybody comes in right here (he showed on the map) including the folks from the Group Home. He said he took notes from everything being said especially a couple of comments that were made tonight by the applicant and the Commissioner. They asked if the business is paying taxes in the residential neighborhood. Does it get any clearer than that? They are a business and they are residents. She said she feels safer knowing where these people are? That is why they have a Group Home. What about them? Know they are with us and their children. He has 2 small kids and the people across from him have 4 small kids and the people next to them have 2 small kids. There are a multitude of kids just in that little bitty area where they drive from entering into the circle to the Group Home. How safe is it for them now?

The goal of Zoning and Planning regardless whether it is residential or business is to make their decisions which are based best on the community as a whole. When you are zoning for a business, you want to know what other businesses are in the area, how is it going to affect the flow of traffic, how is it going to affect the other businesses in the area so they don't have a bunch of other businesses shutting down and creating vacancies and creating crime. In this particular case by expanding this Group Home they are not doing what is best for the area. They were told in the meeting that these people do have substance abuse issues, drug treatment issue, alcohol issues and things like that. With those issues brings crime. That is just a fact. Ask any cop on the street and they will tell you that crime revolves around drug addiction, alcohol addiction and things of that nature.

They are bringing in more crime to a residential neighborhood; everything from things as small as the traffic where if they do the expansion, they have more cars flowing through the area that

don't know the area whether it be guests or relatives of the patients. As those cars come in, they don't know the kids playing in the area. Houses today don't have big yards. He and his son play catch football all the time in the street. They know everybody who comes around that corner is going to slow down because they know the area. That is not going to be the case when they are introducing a bunch more traffic to people who aren't familiar with the area. They are also introducing a bunch more people who aren't vested in the neighborhood; they are not interested in the neighborhood. If they throw a piece of trash out the window, what do they care? If they are driving quickly through the street, what do they care? It is the broken window effect; the worse it gets, the small things create bigger things which make it worse. They are all educated people so you all know the broken window affect where if they have a broken window and you don't fix it, it can lead to another broken window, which can lead to a broken bottle, which can lead to vandalism, which can lead to burglary. It just grows and grows and grows. That is what they are trying to stop here tonight – the broken window effect. If you let it expand, it is just going to create more people drawn to an area. They are now going to have 3 Group Homes in one area bringing in more and more issues. The greatest example ever was in Chicago where they had an area that was a very, very nice area. They decided to put up huge buildings and make it low income housing and let a bunch of people who had criminal backgrounds live in that area. It got so violent and so bad it had to get bulldozed. Now it is back to a park, it is back to some of the most expensive real estate in Chicago. Why, because they took the bad element out of it. If they create too much in one area, it creates an issue.

Regarding the calls for service – he can reference those. There were 20 calls for service in the circle since October. Out of those 20 calls for service none of them were at any other residence than the Group Home - all 20 calls since October. They range from anything from a missing person who comes back and it gets changed to another, to missing persons, to domestic violence, to threats, and suicide attempts. These are pretty significant calls if they think about it – even for a missing person. If his 13 year old son goes missing and he calls the police, is that a threatening issue, no. But when somebody who has a substance abuse problem goes missing, he understands they are required to call, but they need to think of it on a big scale. If they are calling because that person is missing, where are they? Are they breaking into my house, are they breaking into the neighbor's house, where are they? What are they doing? Are they getting high? It creates an issue - 20 calls for service since October. He believes Erik said that there is no other adult Group Homes in Chandler. This is the first one. They can't weigh the calls for service to this house compared to calls for service to a juvenile facility. He thinks they are a big difference.

With the 3 houses in a row it is going to create more and more traffic. He lives right on the corner and it's going to create so much traffic that you are not going to be able to back out of your driveway at some point. He is obviously exaggerating a little bit but it is more and more traffic. They are talking about double the amount of people and visitors coming into that facility plus you have the 2 other Group Homes and you have people coming in and out of the area for them.

The other thing that concerns him greatly is when they spoke to them they said that their patients had substance abuse problems and mental health issues. They had the right to pick what patients

they had. Who can stop it? He can't. If it gets approved to where they can expand, what is to say they are going to expand the type of people they take because now they need to fill more beds. Is it going to turn into a situation where he can't even let his kids go outside because there is a sex offender living in there? Nobody wants to get that fire on their door. His son gets on the bus at 8:45 a.m. each morning when they take their morning walk. They get to take a morning walk. What kind of a situation are we putting people in? Has there been something happen yet? Not that he is aware of but the potential is there. You raise the amount of people, you raise the frustration level of people living in a close knit home where they aren't allowed to do things and free to exercise their own will. They take their frustration out on something else. The bus doesn't come into the circle; it goes around the outside. Why, because of traffic congestion. If they are out for a walk just like the other day and it was witnessed by his wife, one of the people from the Group Home was walking down the street and the applicant was trying to get the person into the car. What would happen if she couldn't? What would happen if the person from the Group Home decided they didn't want to get back into the car and decided to just take off running or whatever the case may be. What is going to happen at that point? They mentioned how many people have actually called the police. They have been called on for the parking issues and he would guess to say that the issues like his wife saw the other day; she didn't call because technically there is not a crime going on for her to call the police. At what point do they start calling the police? That is the big thing. At what point does this have to get to an issue or to a level to where they do have to feel like they have to call the police every time they turn around and worry about everything every time they turn around. By at least keeping it small it helps instead of expanding it to the point where they have multiple people living in a small area getting more frustrated and more crime happening.

They claim that they search each person when they come in. When they had their first meeting to meet them, they invited some representatives from the neighborhood. They didn't want everybody obviously walking through the house. They invited some representatives from the neighborhood to walk through the house and see what it was like. His wife and another neighbor was one of those individuals. During that time one of their residents came home and they didn't see them get searched. How well are they keeping up their facility? All these things that Erik spoke about, the paint, the bushes, the windows getting fixed, is all recent since they submitted the application. The 2 worse looking homes in the entire circle are those 2 homes; theirs and the Group Home. They have only started keeping them up since they put in for the application. They only started pulling their weeds, replacing screens and things of that nature since they submitted the application. If it passes, who is to stop them from going back to their old way of doing business? There are currently 3 houses for sale on that street and their neighbor just put their house up for sale? Do they want to make this a Group Home neighborhood or a residential neighborhood?

COMMISSIONER CUNNINGHAM asked if they had an HOA. Mr. Gerbich replied they do. They were told that state law overrides HOA and there was nothing they could do about the Group Home. They were also told through scare tactics that if they told them to fix their houses, they were picking on the minority. They couldn't single them out. They had to go back and start enforcing HOA's broadly. **COMMISSIONER CUNNINGHAM** said HOA's are there to

enforce the weeds, the upkeep of the home, etc. for any resident no matter what color or what operation goes on in that home. She didn't understand where that information came from. Mr. Gerbich replied that is part of the issue they are working on now – the HOA. **COMMISSIONER CUNNINGHAM** asked if the information came from the property manager. That they couldn't enforce the HOA requirement on those 2 residences but everybody else could be. Mr. Gerbich said they were told that if they started enforcing the HOA on those 2 properties, they are singling those properties out. **COMMISSIONER CUNNINGHAM** asked if the HOA is not enforcing on the other property. Mr. Gerbich said he couldn't answer that question because he is not on the board.

VICE CHAIRMAN PRIDEMORE asked Mr. Gerbich at what point did he realize that there was a Group Facility in their neighborhood? Mr. Gerbich said to be honest he did not know that it was a Group Home until they got the flyer. He only thought it was a poorly run household. He thought they were just people who couldn't control their household and that is why the people were going there and why others were responding there. He did not know it was a Group Home until they got the flyer. Obviously because he doesn't associate with the people in the home and they aren't like a normal neighbor where he would go over and talk to them and whatnot. Therefore, he was not made aware of it until he actually got the flyer.

COMMISSIONER WASTCHAK said he had talked about traffic and they live on the corner, is he saying that he actually has seen increased traffic and if he has, have there been any issues where they had close calls. You said they are out in the street and they are playing. What would be different in the last year or so compared to prior to that? Mr. Gerbich replied that traffic has increased over the last year however he has not personally had any close calls; only because he is a paranoid driver because he lives on a corner and he is very slow to back out. Traffic has increased over the last year so therefore by increasing the amount of people in the home they are going to increase the amount of traffic as well again. It has increased over the last year from what he has seen.

CAROLEE SANDROLINI, 2183 E. FIRESTONE DR. said she actually lives directly across from this house. She has the pleasure of witnessing this house every single day when she opens her 2 front windows. She is here today to speak to them in regards to land use. Her neighbors have pretty much covered just about everything she intended to talk about so she said she will personally speak to them about her experiences. She and her husband are one of the few original owners when they built this house in 2002. Over the course of the past 11 years her street has been very quiet. This is one of the few reasons they chose Cooper Commons. Until Better Horizons moved into this home, she still hasn't received a viable explanation why Planning and Zoning deemed it suitable to move what she considers a halfway house into a neighborhood where children are being raised and where a K through 6 school is within walking distance of seriously mentally ill residents.

Currently her CC&R's states that there shall be no business ran in this community. She is a small business owner; she has 2 small businesses that she cannot run out of her home because CC&R's prevent her, but this home is allowed to do that. That is really not her point and she

will pursue that legality later. She is here today to speak to them about the land uses. The increased traffic is unmanageable. She can't express how many times she has tried backing out of her personal driveway to be held up due to someone parked in front of her driveway or backing out only to realize that a car is rapidly pulling in and trying to unload or load passengers. This home houses a 2 car garage which doesn't get used. There are up to 4 more vehicles parked in the driveway at all times and most times spilling on to the sidewalks and into the streets. Yes they block the sidewalk, they do block the street. She showed a picture of it on Sunday when they were on the sidewalk. There is no regard to what is being asked of them. She has approached the owners and asked them not to park in or near her driveway or on her driveway. On one occasion an employee yelled at me for approaching someone who was parked there for telling them not to park in front of her home. She has pulled out and hit a car that was parked across the street. It has caused so much stress within her home that she no longer opens her front 2 windows because the dogs she has bark every single day, every time somebody pulls in and out of that house. It is constant throughout the day and night. She either has to kennel her dogs or keep those blinds closed. It's made her want to sell her home. It has also made her consider finding a new home for her dogs. This wasn't part of her long term plan. This was her forever home, forever family and these are her forever dogs. She has a 7 year old son. She fears for his safety. He is only 7 and it is a huge safety concern to allow him to play outside. She doesn't like him to ride his bike or his scooter because she fears that he will be struck by a car coming into this home. There is a huge lack of regard for safety. Obviously, if you bring 5 seriously mentally ill residents into a community where there are children, you show a lack of regard and the well-being to the surrounding neighbors and children. I also don't want him approached by the residents which he has.

She believes this expansion to 10 beds will only double and increase the problem that isn't under control nor will be under control. The owners do not care about the conditions of the home. It's only been recently that they have done the upkeep. She has met Clarisse before. She lives in the two-story (showed on map). She lived there before they owned this home. The people that lived there before lost their home and went into foreclosure. She saw Clarisse one day carrying furniture down the street with her 2 children and she asked her if she was moving into the home. She told her yes. She was under the impression that they were moving from the two-story into this single-story home across the street only to later find out at her information meeting when she addressed Clarisse about living in that home and told her she lied to her, Clarisse said she didn't know who she was. Her kids have played together and her kids have been in her home. She finds that very offensive that they are hiding what they are doing. It seems sneaky to her. It is very concerning. She has to protect her son, her family and her investment. This is unbelievable that this is happening – the third on their street. She is asking to deny this expansion not just for the residents but for their children.

VICE CHAIRMAN PRIDEMORE asked Ms. Sandrolini when she first became aware that the house directly across from her was a Behavioral Health facility. She replied that it was the latter part of last year because she told her husband right around September of October. If she knew she needed to be keeping track, she would have. She did tell her husband that something wasn't

right. Her neighbors weren't moving in, somebody else was moving in. **VICE CHAIRMAN PRIDEMORE** said they will just say late 2012. Ms. Sandrolini said she will say October 2012.

COMMISSIONER WASTCHAK said in one of the letters somebody talked about another Group Home for elderly care. Is that on this street as well? He asked her to point to the house where that is. Mr. Swanson, City Planner, said they are actually the blue homes shown on the map. The 2nd home is the one that just recently came in. Ms. Sandrolini said so she has 3 on her street. **COMMISSIONER WASTCHAK** asked if they were elderly care. Ms. Sandrolini said yes they were elderly care. They have had very similar problems with parking which she addressed. They parked in front of her mailbox where her mailman can't get in. They were very polite when they went up to them. It went on for several months. She finally went up there and asked if it was a Group Home. She said yes. She asked her if she was a licensed Group Home and she said yes. She asked her to be mindful of the neighbors in the community. They have young children and the parking is unbelievable and the traffic is out of control. It is only going to increase.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, asked Mr. Swanson if he could tell him if those 2 Adult Care Homes have more than 5 residents in them. Mr. Swanson replied no, they do not. The subject site is the one highlighted in green. The one west of it has submitted a request for a claims letter 3 weeks ago. The one to the east has a zoning clearance letter. He can't recall when he issued that one but they are both 5 or fewer.

JOHN HARRY, 2163 E. FIRESTONE DRIVE, said he is diagonally across the street from the Group Home. He wanted to briefly talk about the zoning and what maybe is the difference between the word of the law versus the intent of the law; the letter of the law versus the intent. He said he wanted to ask everyone what is a neighborhood and why do we humans tend to congregate in them. What is it that makes us do that? He went to good old Wikipedia and got this. A neighborhood is a geographically localized community within a larger city, town, suburb or rural area. Neighborhoods are often social communities with considerable face to face interaction among members. They are basically spatial units in which face-to-face social interactions occur and where the personal settings and situations of the area seek to realize common values, socialized views and maintain effective social control. One might ponder as you consider this what would you be thinking about if you had 3 out of 7 homes that were Group Homes right next to yours. Keep that in the back of your mind. Think about what is happening to this neighborhood.

He said our speakers have covered many aspects of what they consider good quality with the neighborhood this evening; security, privacy, growth, communication, caring for each other, and watching for each other's properties when they are gone. What is the overall ambience of that community? All of them he is sure are living in middle to upper middle class neighborhoods and that is very important to you and where you live. It is important to the value of the property. It is important to the safety of their children, all of the things they have talked about. It is not that they are insensitive to the needs of society and the services should be provided for different

members of our society and that laws are written to protect those people. They also all know that our laws are very complicated and they rarely satisfy everyone's needs.

In our case they believe the disparity in the letter of the law versus the intent of the law is not providing protection for the vast majority of the interest in their neighborhood. They feel Chandler needs new or modified zoning regulations, which enacts limits on the density of Group Homes established in neighborhoods to help protect the sanctity and the value of the associated families in those properties. What is going on in their neighborhood is hurting far more people than are being helped. They know that legally up to 5 unrelated people can be considered a family and thus allow these Group Homes to be established. Why did they come up with 5 people? Where did those laws come from? Was it for Group Homes? Probably not. It was probably allowed so that 5 people that couldn't afford a good home to live together; so their roommates could live together without having legal problems. This is falling under that law and it allows it to happen right in the middle of your neighborhood because it is coming. They think having 3 out of 7 homes and on that street 20, 25 homes – 12% of them are Group Homes is beyond what is acceptable and practical in a community. It is far beyond the intent of the authors of the laws which are governing the existence of these Group Homes.

Again, consider how you would feel if 10% to 20% of the homes in your neighborhood were Group Homes. What would you be doing? He could tell them for a fact that there are people putting their homes up for sale and getting out of Dodge because of this. He said he would like to read a couple of Chandler's Code of Ordinances.

One of them states that 'in addition to any other penalties or remedies provided by this zoning code only an Administrator may suspend or revoke the Use Permit upon a founding of 1) material non-compliance with the conditions prescribed upon issuance of the use of the permit with the representations made by the holder.' He thinks they have shown that those have been violated. Also 'operations of the permitted use in such a manner as to cause a substantial detrimental impact on neighboring persons or property.' I also think they have proved their point there.

Considering all of the issues that they have brought up and if they had more time to prepare, he unfortunately has a very busy schedule and would have loved to have prepared more. He doesn't want to bore them anymore but they vehemently oppose the expansion for all of the reasons that have been brought up. You have asked pretty consistently how long have they known it was there. They were trying to buy that home. There were some other neighbors that were trying to buy that home. Somehow they could never get the realtors interest to get back to them. Suddenly the home was sold at auction. He knows for a fact that there was no one in that home for a considerable time after it was purchased. There was one point where he and his wife discussed that maybe it is a cultural thing where the husband and wife live separately but the family unit is close together. They didn't really understand what was going on there but for quite a while there was nobody living there. All of these instances starting with October including the fact that when they pulled the police reports from October to six months later are when the

instances occurred. They weren't there before. They weren't running they were preparing for it. All of the traffic issues, all of the parking issues, all of that has started since about October.

CHAIRMAN VEITCH said he thinks he is obligated to read the remaining speaker cards and will do so in the order in which they were handed to him.

ROBERT KAMPFE, 2481 E. BELLERIVE PL. CHANDLER

Opposed to any expansion and concerned about the density of these kinds of uses within the city.

MARY ELLEN COE-HARRY, 2163 E. FIRESTONE DR., CHANDLER

Greatly opposed and have sent in 2 e-mails stating mine and the action committee stance.

ROSEMARIE SPIHER, 2104 E. FIRESTONE DR., CHANDLER

Submitted a letter with her concerns.

MICHAEL SPIHER, 2104 E. FIRESTONE DR., CHANDLER

Is opposed – no comment.

JAN OCEAN, 2185 E. COUNTY DOWN DR., CHANDLER

Privacy and family atmosphere is invaded upon.

JANET HOFFMANN, 2195 E. COUNTY DOWN DR., CHANDLER

Is opposed – no comment.

MARK/ALLYSON GILDERSLEEVE, 2201 E. WESTCHESTER DR., CHANDLER

Strongly oppose this zoning request based upon the discussed points outlined in my e-mail of 5/23 to the City Council.

JACKI RYAN, 2041 E. WESTCHESTER DR., CHANDLER

I do not want this expansion approved.

STEVE SANDROLINI, 2183 E. FIRESTONE DR., CHANDLER

Is opposed – no comment.

CATHY EDDS, 2166 E. BUENA VISTA DR., CHANDLER

Does not belong in a family neighborhood.

ROBERT JUONSEK, 2021 E. PALM BEACH DR., CHANDLER

No business in our residences.

KAREN MAHONEY, 2123 E. FIRESTONE DR., CHANDLER

We are not done! This will not end here.

DOLORES WINCHELL, 2042 E. PALM BEACH DR., CHANDLER

Is opposed – no comment.

CAROL PEARSON, 2021 E. PALM BEACH DR., CHANDLER

Is opposed – no comment.

BILL WINCHELL, 2042 E. PALM BEACH DR., CHANDLER

Is opposed – no comment.

DAVE SCHLAU, 2194 E. FIRESTONE DR., CHANDLER

Business operating in a residential area.

LEO MAHONEY, 2123 E. FIRESTONE DR., CHANDLER

We are not done! This will not end here!

HILDA BERMUDEZ, 2205 E. COUNTY DOWN DR., CHANDLER

Neighborhoods should be for families not businesses.

VICTOR BERMUDEZ, 2205 E. COUNTY DOWN DR., CHANDLER

Neighborhoods should be for families not businesses.

SHIRLEY SWAIM, 2225 E. BUENA VISTA DR., CHANDLER

We do not need this kind of housing so close to a school or where children play!

STEVE LACHANCE, 6860 S. JUSTIN WAY, CHANDLER

Is opposed – no comment.

GARY HOWARD, 2121 E. DESERT INN, CHANDLER

Too many in a small are - three on one street.

ERIK THOMSON, 2241 E. PALM BEACH DR., CHANDLER

Is opposed – no comment.

TRACI LAYTON, 2086 E. COUNTY DOWN DR., CHANDLER

Is opposed – no comment.

KEN LAYTON, 2086 E. COUNTY DOWN DR., CHANDLER

Is opposed – no comment.

JAMES DUNLAP, 2105 E. COUNTY DOWN DR., CHANDLER

Is opposed – no comment.

JENINA MOPERA, 2083 E. FIRESTONE DR., CHANDLER

Is opposed – no comment.

JOE TRUJILLO, 6850 S. JUSTIN WAY, CHANDLER

Concerned about the individuals staying on the premises.

TAMARA GERBICH, 6870 S. JUSTIN WAY, CHANDLER

Opposed to expansion.

STEVE LOMBARDO, 2063 E. FIRESTONE DR., CHANDLER

Is opposed – no comment.

LEON JOHNSON, 2181 E. PALM BEACH DR., CHANDLER

Is opposed – no comment.

BEATRICE BEUTHER, 2064 E. FIRESTONE DR., CHANDLER

Is opposed – no comment.

NICOLETTE BEUTHER, 2064 E. FIRESTONE DR., CHANDLER

Is opposed – no comment.

JOE BEUTHER, 2064 E. FIRESTONE DR., CHANDLER

Is opposed – no comment.

ED HERRERA, 2146 E. COUNTY DOWN DR., CHANDLER

Is opposed – no comment.

ROCELLE HERRERA, 2146 E. COUNTY DOWN DR., CHANDLER

Is opposed – no comment.

DORIS JOHNSON, 2181 E. PALM BEACH DR., CHANDLER

Is opposed – no comment.

WESLEY FARLEY, 2043 E. FIRESTONE DR., CHANDLER

Dangerous to the community. Value of neighborhood decline. I bought my home on May 23. I am shocked and appalled.

CHAIRMAN VEITCH asked if there is anybody on the list who now wishes to speak. There was.

TAMARA GERBICH, 6870 S. JUSTIN WAY, CHANDLER, said she had one question which frustrates her because she is a realtor. She is just trying to figure out who went and measured this house for the square footage. She asked Erik Swanson if he could answer that in regards to the square footage because it is inaccurate on the assessor's website. She lives in the same home so she knows the square footage. She built the home with Maracay and it was 2757.

With that bonus room, that only adds an extra 220 square feet. The square footage on the assessor's is showing 3241. It is not 3241. She did the group tour and toured the home and knows the square footage is incorrect. She wonders if there is any account for them in consideration of expansion based on the square footage being 300 square feet smaller than what is being projected. The new Group Home Adult facility that is going in (the blue one) at 2124 is the same home. That square footage on the MLS is 2992. Her problem is with the square footage and if anyone has taken an accurate account of how many people in the size of the home. **MR. SWANSON** replied historically when they look at these they don't go out and verify the square footages of the entire home. Their primary concern is making sure the rooms are the appropriate size and meet our standards. They then also walk the remainder of the home to make sure there is a kitchen area, living areas, areas for them to congregate. They will inspect the back yard to make sure they have a patio and things of that nature. In that particular case he walked the house a couple of times. The rooms are accurate from a measurement standpoint, reflected on the floor plan specifically for the bedrooms. Again, they don't necessarily go and do the square footage of the entire home itself because there aren't any standards to apply for a living room or a kitchen that that has to be a specific square footage. In a sense, all they are really concerned with are the bedrooms and what they can accommodate.

WESLEY FARLEY, 2043 E. FIRESTONE DR., CHANDLER, said he just moved in on May 23. There was no mention of any of these houses when he moved in. If he had known this, he wouldn't have bought this house. He sees nothing but trouble coming down the road. They are creating danger for children. He sees teenagers out there. They are creating danger for them. He just doesn't understand it. All he hears is they have square footage, etc. They have families. This is wrong and if he could move, he would move.

MARY ELLEN COE-HARRY, 6870 S. JUSTIN WAY, CHANDLER, said she lives with her husband Jon catty-corner. She said she would like to answer 2 questions first. She asked if she could say something that will go on the record. The Assistant City Attorney said no. She said there is a reason Jody and Pao aren't here tonight. She can't state that reason because it will be on the record. You could guess what it is. They have been talking to Jody and Pao a fair amount. When Jody's mother first saw it she was actually here visiting. She doesn't live in the country and it was in the December timeframe when that first section happened. She knows somebody asked that question. She wanted to answer. Jody can't be here to answer it herself. It's hearsay but that is what she is telling them. It was later that that happened to Jody. She wants to say somewhat recently but it was a few months ago but it was in 2013.

The other thing she would like to say is that they ride around all the time on their bikes and they take the dogs out and she is sure their neighbors are annoyed at their barking because they love to ride in a cart. We wave all the time to everybody they see including Clarisse and Tellis, her husband, who is a scientist. They ask what is going on. Are they getting renters? They are glad somebody bought it and again, she just would not tell us. She was evasive. They definitely wondered what was going on. When you asked the question when did they know, they did not know for certain what was going on at that Group Home and that it was a Group Home for Behavioral Health until somebody got a note and said there is a community meeting. She

showed where they live and said they never got a notice about the initial community meeting. Erik kindly has agreed to take over and make sure that people do get the notices. They asked but they did not know. She actually didn't know how they should have known except they knew something was different.

CLARISSE KAMGAING said basically she heard her neighbors complaining about a resident that went out for a walk. Actually, one of their activities every morning is that either herself or a facility member, manager or a behavioral health technician, has to take the client for a walk. They are mentally ill; there is nothing wrong with them. They are a minority; they need to be taken care of. They are in the facility to get help. They are there to get education and counseling and even since the opening at last 8 of the residents have left the program and have moved to live independently in the community. She doesn't really understand what the scare is about. They are not supposed to live in fear. She has little kids. Her children play. They go for a walk every day. Since she has sent the meeting notice out, even when she says hi to her neighbor, they don't want to say hi to me. She is not doing anything illegal. She is helping people. They mentioned the rate of crime would increase. When they are moving into Better Horizons, they are coming from the hospital. They have to be clean. They don't do drugs. There are no drugs are no crime or no alcohol going on there. Therapists are there 4 days a week for resident counseling. The Office of Behavioral Health only allows 1 hour of counseling per week. The reason why the increased traffic is there is because the clinical teams are actually coming there on a daily basis to help those residents.

LARRY WHEELAN, CLINICAL DIRECTOR OF BETTER HORIZONS, said he would be happy to answer any questions. There are some uncertainties about when it started and different things of that nature. There were some questions that were rhetorical from the very impassioned community and he is glad to hear they are getting together – that is good to see. He thinks there is not enough information for them to know what is really going on in Clarisse's facility. It is a very safe and very secure facility. He would be happy to answer questions or make a couple of comments to the questions that were rhetorically asked.

CHAIRMAN VEITCH said he thinks there were a couple of questions that people intended to ask of the applicant.

VICE CHAIRMAN PRIDEMORE asked when did the facility begin operation. He said he would define that two ways. When did people start coming to the house for care and when did they actually start spending the night at the house. Mr. Wheelan responded that the first client would have been spending the night. It is a sleep-in facility with 24/7 supervision. That was June of 2012 and it just increased to more clients after that. It actually was pretty amazing. It was licensed and he was meeting with Clarisse that there would be a waiting period of probably 6 months but she has such a wonderful facility, case managers come and look at it and look at the inside and she is sure some of these people have looked at it. He supervises other facilities too. It is a very, very nicely furnished and taken care of facility. She started getting referrals quickly because of how good a facility it is. That is a testament to her doing more than she needs to for

these people that have needs which he is sure they are aware are pretty high needs. They are functioning normal people and they just need some support in life.

COMMISSIONER DONALDSON said in reading the materials, he would have a ratio of staff to patients. Mr. Wheelan replied yes. **COMMISSIONER DONALDSON** asked what is their staff level for 5 patients and what will it be for 10 patients. Mr. Wheelan replied that the ratio that is suggested for staff to clients will be met for sure. It will be 2 staff per 10 at all times. Right now it is just 1 for 5 at all times. There is a lot of other staff that come in. There are counselors and he comes in and makes sure things are safe and secure and the files are good. Medical personnel come in and any case managers that might come in. Case managers love to visit the Group Home because it is refreshing to see a Group Home that does a really over and above job. Any of them would be welcome to come and look at the facility if that would help make their decision unless they have to make it right tonight. If they want to wait and look at the facility, they will see. One thing he wants to address on taking care of the facility, when Clarisse heard that people were not happy with the way that the place looked, someone said what it shows you is that she took care of it for this meeting. Well no, she took care of it because she is considerate and she got it painted and took care of the issues because she is considerate to this neighborhood; she lives in the neighborhood. She is a fine, upstanding person that is doing the right thing. **COMMISSIONER DONALDSON** said related to the increased staff level and the increased visits, it sounds like it would be increasing the amount of parking that would take place on the street, at the home. How does he anticipate remedying the issues that are being raised associated with parking? Mr. Wheelan said first of all they are being told there is a parking issue. He doesn't think there is a parking issue. Every time he goes there yes, there are a lot of cars but people are parked legally and if someone has a party at their homes and since we all live in residences, sometimes there are 20 cars on the street. They can all be legally parked. There could be many staff there and it could be very legal. If they have to walk ½ a block to get to the house because there are cars there, so be it. Just because of this discussion today, he is in charge of doing the training of the staff. He will do training on that on being considerate to the neighborhood, parking correctly, making sure they don't park up on the curb. He didn't see the picture that the person showed them. It wasn't put on the overhead. That kind of thing is not o.k. and they will deal with it. He said he had one question. One of the people said they backed up their car and they hit another car. He was wondering if that was ever reported and he was wondering whose car got it. It was concerning to him that something happened on a street that is illegal and then it was not reported to anyone. He doesn't know if any of Clarisse's staff have an extra dent in their car that they don't know about. He didn't think that was too kind. **COMMISSIONER DONALDSON** asked if it was reported to him about the issues of the clients looking over the fence. Mr. Wheelan did not know about the over the fence issue. He doesn't even know if Clarisse was aware of that. Certainly again, that will be addressed in the area of supervision. They are not allowed to do that and it would be like if one of their kids did something wrong at their house and they were playing ball and threw it in the neighbor's yard and Mr. Jones didn't like that, the parent would address it. That would be the same kind of action that will be taken with these people to address these rightful concerns of these people that live in the community. They will make sure to try and make it a safer and better environment for them. **COMMISSIONER DONALDSON** asked if he or the owner have been notified of a

violation or cited for anything from the HOA. Clarisse Kamgaing replied they sent a letter and her husband is not here today and he actually asked her to mention it during this meeting. After they sent out the letter to expand the business, the HOA has been sending them a lot of letters. He doesn't know why they are sending them letters because their yards are well maintained. **COMMISSIONER DONALDSON** asked her if she knew what the nature of the letters are. Clarisse replied no, not exactly. Like she says, she tries to wave to her neighbors. Her neighbors just look at her as if she is coming from a different planet. She is even concerned about her own security because some of them were calling her, harassing her on a personal home phone saying she is going to be here with a bunch of white people and she will be the only black person and so on. Some people in the audience seemed upset about that statement.

CHAIRMAN VEITCH said for them to confine this to questions and answers between the Commission and the applicant and then they will move on.

MR. WHEELAN said one question that was asked or stated is what you will get if you have a bunch of drug addicts is obviously crime. He said he has been doing this for 30 years and he is a professor at Grand Canyon University in their drug addiction program. If you have drug treatment going on, you don't get crime at all. What you get is sobriety. What he would like these people to know is that drug treatment brings sobriety not crime. It brings well standing citizens that can become independent in the community.

COMMISSIONER WASTCHAK said he thought he read in the literature that when residents are out or leave the home, they all required to be supervised. Is there somebody with them? Mr. Wheelan replied yes. **COMMISSIONER WASTCHAK** said also with his experience is there a difference between managing a home with adults versus this type of home. It is his understanding that this is the only type of home in Chandler that services these types of residents. Mr. Wheelan replied that Erik might know the other 2 homes that he works with in Chandler. One of them is a kids Group Home. It is on Yellow Hair Drive. That Group Home has kids in it – boys. It is tougher to manage young folk. There is not even a question about it. So the adults that are in Clarisse's Group Home and the future adults are going to be much easier to manage because they are adults. They have developed skills with conscience and they can make the decisions. Even though they have some issues, they have a lot of things going for them that are good. Young men that are 15, 16 and 17 will be more of a challenge without any doubt. This is probably a safer decision to make. **COMMISSIONER WASTCHAK** asked if they have any homes like this that have 10 residents. Mr. Wheelan said yes in Phoenix. He manages it up there. It is with Kraft Behavioral Health Group homes. He works up there as a counselor. It works very well and they have mixed residents as well. A lot of the adult Group Homes have mixed residents where there are women. **COMMISSIONER WASTCHAK** asked if they see any difference in the operation as far as in the influence of that to the neighborhood setting going from 5 to 10. Mr. Wheelan replied he has not seen that, no. There are a little bit more people in there so there might be some more stuff inside the home that they have to manage but it is nothing that can't be managed. It works very well for that Group Home and for the other Group Homes he has been in.

CHAIRMAN VEITCH thanked them and said a while ago they put off asking any questions of the Police Department. They could open that back up for questions of Staff which could include the Police Department if anybody would like to hear it.

COMMISSIONER RYAN said to Erik he is relatively young to the Staff so he may have to go to Kevin on it but originally when they looked at these types of facilities 15 or 20 years ago, they originally had every one of them go through as a Use Permit. Then they got to the point there were so many applications that they decided to leave it up to Staff to bring these into neighborhoods at a limitation of 5 people. He thinks that is how it came about. Is he right? Mr. Kevin Mayo, Planning Manager said that to a point, yes. There were a ton of factors that played into the evolution of Code and the evolution of the definition of family. Chandler does not operate in a vacuum. They weren't just kind of going about this by themselves. It is a Federal, it is a State evolution, it is a Phoenix valley evolution of what becomes the definition of family. There is case law that goes into municipalities trying to regulate the definition of family, the numbers, attempts at making the number 3 and a case law where it got challenged and directed to those various municipalities that that number is too restrictive. Across the board cities have just gravitated to this number of 5. From a protection standpoint from Federal Law, from the Fair Housing Act and in these types of Behavioral Health, Assisted Living Group Homes and things like that, there are a bunch of things that guides the City of Chandler and has guided the evolution of how the process occurs from what requires Use Permit, what doesn't, what is the definition of family, what isn't. Then they get into the Assisted Living Facilities and the Group Homes. A lot of what they see in our requirements mirror and come straight out of what the state requires. So it isn't just Chandler operating the vacuum. There are so many things that have played into that evolution over the years. **COMMISSIONER RYAN** said he is starting to recall that now and he does appreciate him regurgitating that. He thinks it is important for not only the people out here but all of Commission to understand how this evolution all took place. He was on that Commission back then and he was trying to recall everything and he was wondering how they got 3 homes on this one street here. This is what bothers him. Set aside this application. He thinks the fact that they have 3 houses in the neighborhood probably ought to be the sole means of rejection of additional members in this one house. The big concern that the Commission and the City Council had at that time was to make sure that they were going to disburse these throughout the city. When he sees 3 of them on 1 street, he can see why there are 50 residents in our chambers here. In his mind this is the real issue and he thinks they have to look at this, just not this one house. He knows this issue is about 1 house here. But really when you look at the big picture from a Planning and Zoning standpoint, they are looking at the residential development and keeping the integrity of this single-family neighborhood. He is seeing 3 houses here so he is seeing an automatic no. That is his feeling. There was applause from the audience.

CHAIRMAN VEITCH asked if they could refrain from applause. **COMMISSIONER RYAN** said he didn't mean to get that but he just thinks it is important that they look at the big picture here not just this one neighborhood. He is sure the applicant is doing the best job they can and maybe their house is the flagship house of this type of operation. He doesn't know. What he does know is that they have 2 other homes that are not single-family homes here operating quasi-

businesses. That is the big concern he has and he would think the other Commissioners would feel the same.

CHAIRMAN VEITCH asked if there were any calls for service statistics that have not been adequately answered that they can ask their police department representative to address. He said Commissioner Cunningham would like to do that.

EDWARD UPSHAW, COMMANDER, CHANDLER POLICE DEPARTMENT, said he is the Chandler Heights Precinct Commander and that is his district. **COMMISSIONER CUNNINGHAM** said she would like to know the nature of the 20 calls. Commander Upshaw said basically they ran the data from October 1 through May 7 and they ran the data for that period of time and they did not come up with 20 calls for service. When they ran the data for all the Group Homes, there are 12 comparable Group Homes in the City of Chandler; they also did not come up with 20 calls for service. They do not have 20 calls for service at that location. **COMMISSIONER CUNNINGHAM** asked how many calls do they have. He responded 13. **COMMISSIONER CUNNINGHAM** asked what was the nature of those calls. He said most of them are an assist, dispatch for ambulance, public assist, suicidal subject. They got one call from a subject that was sitting in the living room and thought about hurting himself and they called the police. They did have a domestic disturbance fight which is also related to the Behavioral Health issue within the facility. **COMMISSIONER CUNNINGHAM** asked how many domestic disturbances? The Commander replied one – no violence.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY asked Commander Upshaw if the source of the calls were all from that residence. The officer replied 100% of the calls for service to this house were from within. Mr. Brockman said no neighbors? The Commander said he can't speak for neighborhood services or parking type of violations but for police and fire, 100% came from the house. Mr. Brockman asked how that compares to a normal residence with a large number of teenagers for example, say more than 5 residents in a house. The Commander said he did run the particular grid for the year of 2012 and this wasn't even the highest calls for service in that grid. Mr. Brockman said so he is saying that there is a residence not involving a Group Home that would have a higher number of calls than this facility would. Commander Upshaw replied that is what his data is showing.

MR. HOFFMAN said he asked to speak because he and the Commander did speak and he referenced that conversation. His department was very helpful giving them information in regards to calls for service not only for this facility but for Life facilities in the City of Chandler. They have 2 different reports. One report they have shows 20 calls. The report he provided us shows 13. He was really interested in seeing how much. He remembered the Commander saying very specifically they know pretty quickly when a house like this goes into a neighborhood where the house is because calls start coming immediately. Some of these calls are not as serious as what they might be. His opinion is that a threatening call is a serious call. He hasn't had any at this house. Threatening suicide is a serious call. A missing person is a serious call in his mind. It plays right into Vice Chairman Pridemore's question to him earlier. How long did he know about this being a Group Home? He didn't. The question of the matter is

how long did the people in Cleveland know that the neighbor right next door to them was doing what he was doing with those girls. He is not saying that the potential is the same but he is saying that ignorance is not necessarily a reason to allow people to move forward. They have to understand that they are inviting an element into their neighborhood. They have a track record in a short 6 month period that is very atypical of what they have experienced in their neighborhood and he thinks as responsible citizens they need to do something about it.

JOHN HARRY, 2163 E. FIRESTONE DRIVE, said he called the Chandler Police Department and they advised him to write a letter to find out this information. He thinks this officer was probably involved with it because there was quite a bit of traffic in e-mails going back and forth. There were 20 calls to that home. He has the documentation and he said he will e-mail it to all of them tonight.

CHAIRMAN VEITCH closed the floor and said they would continue the discussion with the members of the Commission.

COMMISSIONER CUNNINGHAM thanked them for coming tonight. She said she appreciated the concerns of the neighbors and she also appreciated the applicant's concern for the people she is working with. She commended her for her concern for the well-being of those people. She thanked them also for the e-mails that were sent. She apologized for not answering each of them individually. She did try but she also has a business that she runs and ran out of time. She did read each and every one of them and began researching a bit herself as to what was happening in their neighborhood. She also found that it was disturbing that there are 3 Group Homes not just within the subdivision but on the same street. She has had Group Homes in neighborhoods that she has lived in that were for elderly care and found them to be very benign and very quiet. They weren't likely to have calls for anything except an ambulance. Not a lot of domestic violence coming out of the elderly homes. On the other hand one domestic violence call does not constitute a war. She understands the need for facilities within a home like setting. However, she understands the need to keep your homes in a home like setting and not in a business setting. I do not feel that the business owner has treated this business as a home for these people as much as it has been treated as a business or the weeds would not have been an issue, there would not have been letters from the HOA. She is looking at a variety of people in the neighborhood and she doesn't see any one nationality, one race, one color. She sees a mixture of ethnicity. She sees a very united group of people that are united not by color but by their concern for their neighborhood. She will not be supporting this proposal. She thinks that until the owner is able to maintain and control this facility as a home in a neighborhood and it appears as a home in the neighborhood and not a facility, that many people will come to visit because it is so outstanding in its field. It may be outstanding in its field for behavioral health but as a neighbor it has failed the neighborhood. She does not approve adding to that failure and increasing the problems for the neighborhood so she will be against this.

COMMISSIONER DONALDSON said in going back to the business in a residential neighborhood, in Chandler it is very difficult to run a business out of your home. It is very difficult to get that approved in most cases. He thinks it has to be handled very carefully when it

is approved. This business is approved and allowed by state law by up to 5 residents or patients being in the home. He thinks and agrees with Commissioner Cunningham that the neighbors are indicating that this business is not being run appropriately or well in a residential neighborhood. The CC&R's or HOA is powerless when HOA residents are thinking that they are in an HOA that doesn't allow businesses and they find out that this business is allowed and the CC&R's and the HOA can't keep it from operating. The density issue, they can't even as a body or as a city currently control the density so 3 homes of this nature wind up on one street. He thinks that their responsibility is that they can control the size of these facilities and these businesses and he thinks from the information that he has gotten this evening and through all of the e-mails from the applicant, he would not be able to support the expansion of this facility for additional clients. Therefore he will do what he can to level the density that currently exists and not increase it. He will not be able to support this increase.

VICE CHAIRMAN PRIDEMORE stated he has not heard a compelling argument tonight on why they should allow the increase in numbers. In regards to the business aspect of it, personally he does not have an issue with a business being in a residential neighborhood as long as it meets certain criteria. They have other cases before them while he has been on the Commission and he said something similar in that if you are going to run a business out of a neighborhood, the overt appearance of the house should be that of a house. There may be some more cars but again it's where they are parking, how are they parking and how are they integrating in the neighborhood. Obviously he asked the same question several times tonight. When did they know it was there? It sounds like a lot of the residents that aren't directly adjacent or don't have a very front window view of it, there was some questions and some stuff going on but no specifics. Obviously, the people who experienced unknown people staring over the wall, that is getting into a whole another level of problem and that to him is more telling. He said he doesn't have an issue with the business but you should never know that is there. Obviously, the other 2, one approved and the other one operating, they haven't heard anything, which is good. You as neighbors in an ideal world should never know that it is anything else than a house. He agrees with Commissioner Cunningham on the regard that in this case that has failed. He thanked them for coming out. It is difficult to step up to a podium and he does appreciate the effort that has been put forward. He understands the passion and he appreciate that they held themselves in check for the most part. There have been a few outbursts and for him personally, he is going to tune you out. That doesn't help make your argument. To him it is more telling if you can put your name on a yellow piece of paper and state your opinion. If you come up to that podium and you state your name and address for the record he can respect that so he applauds those that did that. He hasn't heard a compelling argument and he thinks things can improve over time. He would hope after this that you as neighbors see an improvement and maybe they could see this down the line. Right now he would say to maintain it where it is and see if they can't do better before he would recommend approval for increasing the number. He said he would make a motion.

MOVED BY VICE CHAIRMAN PRIDEMORE, seconded by **COMMISSIONER CUNNINGHAM** to recommend Denial of Use Permit ZUP13-0007 BETTER HORIZONS BEHAVIORAL HEALTH LLC.

CHAIRMAN VEITCH said he lives in a neighborhood that does have an HOA and he understands there is an elderly care Group Home down the street and around the corner and apparently it operates in a manner that they would all like to see them operate. He couldn't tell you which house it is but he is pretty sure it is there. In contrast to that he has concerns about the operational track record of this facility as it has been described to them. He has the same concerns that many of his colleagues have about the accidental concentration of 5 residents and under Group Home facilities in this one block. Perhaps that is a subject that could be given some study and some legal analysis but that is not on their agenda tonight. The only thing that this Commission can do is decide whether or not to recommend granting of the Use Permit that would allow this particular facility to get bigger in terms of its resident population.

The item was unanimously denied 7-0.

CHAIRMAN VEITCH said this will be at the City Council on June 27, 2013.

6. DIRECTOR'S REPORT

Mr. Kevin Mayo, Planning Manager, said there was nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS

CHAIRMAN VEITCH said the next regular meeting is June 19, 2013 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT

The meeting was adjourned at 7:46 p.m.

Stephen Veitch, Chairman

Jeffrey A. Kurtz, Secretary