

## ATTACHMENT B



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report: Z-61-23-2**  
**The Villas of Cave Creek Senior Living PUD**  
November 22, 2023

[Desert View Village Planning Committee](#) Meeting Date:

December 5, 2023

[Planning Commission](#) Hearing Date:

January 4, 2024

**Request From:**

[R1-10](#) (Single-Family Residence District) (4.35 acres)

**Request To:**

[PUD](#) (Planned Unit Development) (4.35 acres)

**Proposal:**

PUD to allow senior housing

**Location:**

Northwest corner of 53rd Street and Dynamite Boulevard

**Owner:**

George F Rivera Trust

**Applicant**

Learsi Capital Group, LLC

**Representative:**

Heather Personne, Evolve Ventures, LLC

**Staff Recommendation:**

Approval, subject to stipulations

<a href="#"><u>General Plan Conformity</u></a>			
<a href="#"><u>General Plan Land Use Map Designation</u></a>		Residential 0 to 2 dwelling units per acre	
<a href="#"><u>Street Map Classification</u></a>	52nd Street	Collector	40-foot east half street
	Dynamite Boulevard	Major Arterial (Maricopa County)	40-foot north half street
	53rd Street	Local Street (Maricopa County)	33-foot west half street

### General Plan Conformity

**CONNECT PEOPLE & PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.**

The proposal would develop a vacant property with senior housing with development standards that limit impacts on the surrounding neighborhoods.

**CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: Include a mix of housing types and densities where appropriate within each village that support a broad range of lifestyles.**

The proposal adds an additional type of housing (senior housing) to contribute to the mix of housing in the area.

**BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES & SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.**

The proposed PUD sets forth development standards that require enhanced landscaping and shade, including detached sidewalks and minimum shade requirements for sidewalks and parking areas. This will help to provide shade for pedestrians and bicyclists in and around the community and to mitigate the urban heat island effect by covering hard surfaces, thus cooling the micro-climate around the vicinity.

### **Applicable Plan, Overlays, and Initiatives**

[North Land Use Plan](#) – See Background Item No. 10.

[Housing Phoenix Plan](#) – See Background Item No. 11.

[Complete Streets Guiding Principles](#) – See Background Item No. 12.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 13.

[Tree and Shade Master Plan](#) – See Background Item No. 14.

[Transportation Electrification Action Plan](#) – See Background Item No. 15.

[Zero Waste PHX](#) – See Background Item No. 16.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
<b>On Site</b>	Vacant land	R1-10
<b>North</b>	Single-family residential	R1-10
<b>South (Across Dynamite Boulevard)</b>	Vacant land	RE-35
<b>East (Across 53rd Street)</b>	Single-family residential	RU-43 (Maricopa County)
<b>West (Across 52nd Street)</b>	Single-family residential	R1-18

### Background/Issues/Analysis

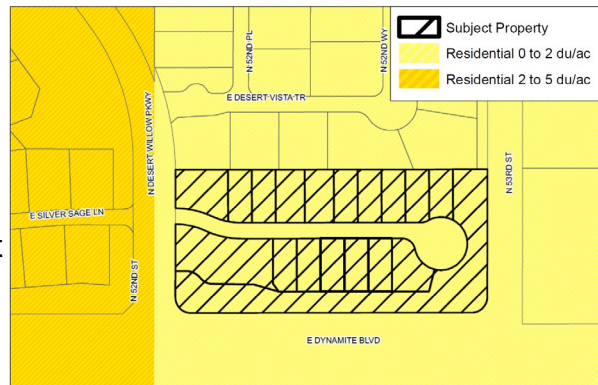
#### SUBJECT SITE

1. This request is to rezone a 4.35-acre site located at the northwest corner of 53rd Street and Dynamite Boulevard from R1-10 (Single-Family Residence District) to PUD (Planned Unit Development) to allow senior housing.

The site was annexed into the City of Phoenix from unincorporated Maricopa County in 2008 with an initial zoning district of S-1 (Ranch or Farm Residence). In 2013, the City Council approved R1-10 zoning on the site (Case No. Z-45-13) to facilitate a single-family residential development with a maximum of 12 units. In 2015, a Planning Hearing Officer case (PHO-1-14--Z-45-13) was approved to modify the stipulations of approval to allow 15 units with stipulations that two lots on the northern property line be limited to one-story and be a minimum of 55 feet in width. The subdivision was platted, and the developer received final site plan approval; however, the development was never built.

#### GENERAL PLAN LAND USE MAP DESIGNATION

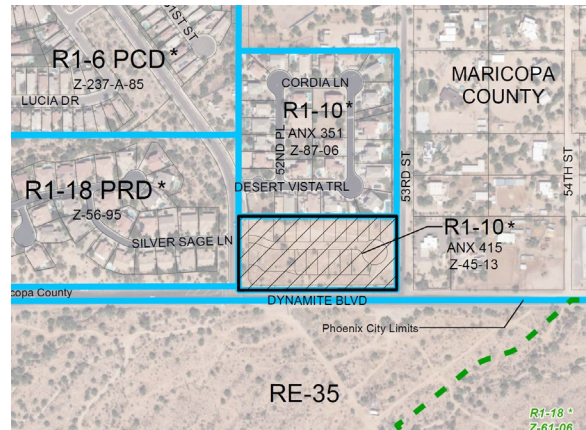
2. The subject site is designated as Residential 0 to 2 dwelling units per acre on the General Plan Land Use Map. The proposal is not consistent with the designation. However, since the site is under 10 acres, a General Plan Amendment is not required. The adjacent properties to the north, east, and south are also designated as Residential 0 to 2 dwelling units per acre on the General Plan Land Use Map. The properties west of the site are designated as Residential 2 to 5 dwelling units per acre.



General Plan Land Use Map, Source: Planning and Development Department

### SURROUNDING LAND USES AND ZONING

3. The subject site is vacant land zoned R1-10. Properties to the north, west, and east have single-family residential uses within an R1-18 district (Single-Family Residence District) (west), an R1-10 district (north), and within Maricopa County RU-43 zoning (One Acre Per Dwelling Unit) (east). To the south, across Dynamite Boulevard, is vacant land zoned RE-35 (Single-Family Residence District).



*Zoning Aerial Map, Source: Planning and Development Department*

### PROPOSAL

4. The proposal was developed utilizing the PUD zoning district. The Planned Unit Development (PUD) is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.
5. The PUD proposes development standards to facilitate development of an 80-bed assisted living, memory care center (community residence center) within four one-story buildings and a two-story administrative office building. The PUD contains standards for enhanced landscaping with setback and a height transition to maintain sensitivity to the surrounding single-family context, in addition to providing an enhanced streetscape with trees and shade.
6. **Land Use**  
The proposed development narrative lists the following permitted uses:
- Single-family residential
  - Community residence center
  - Hospice
  - Nursing home
  - Respite care

Permitted accessory uses would include a beauty shop, massage therapy, teaching of fine arts, a restaurant/kitchen, and accessory office space none of which would allow outside access.

7. **Development Standards**

The PUD proposes development standards to facilitate the proposed community residence center. The table below summarizes the key development standards set forth in the narrative and standards required in the R-3 zoning district, which is used for comparison as the most analogous zoning district. The PUD standard for maximum height is lower than the R-3 district, and the PUD requires greater setbacks, open space, bicycle parking, and shade. The PUD requires a minimum of 33 parking spaces for the proposed uses, which is below the Zoning Ordinance standard of 40 parking spaces for an 80-bed community residence center.

<b><u>Development Standards</u></b>		
<b><u>Standard</u></b>	<b><u>PUD Proposed</u></b>	<b><u>R-3 Standard</u></b>
<i>Maximum Building Height</i>	30 feet, 20 feet within 50 feet of north and west property lines	2 stories and 30 feet for first 150 feet; 1 foot in 5 foot increase to 48-foot height, 4-story maximum
<i>Maximum Lot Coverage</i>	50 percent	50 percent (25 percent for community residence center use)
<i>Maximum Number of Beds/Units</i>	80	No maximum
<i>Minimum Building Setbacks</i>	North/West: 25 feet; South/East: 20 feet	North: 15 feet South/East/West: 20 feet
<i>Minimum Open Space</i>	10 percent	5 percent
<i>Parking Minimum</i>	Per Section 702, maximum 33 parking spaces required; minimum 5 percent shall be EV Installed	Per Section 702 (40 spaces required for 80-bed community residence center); no EV parking required
<i>Bicycle Parking</i>	4 spaces, installed per 1307.H	None required
<i>Shade</i>	A minimum of 75 percent of private walkways and public sidewalks shall be shaded at tree maturity	50 percent shade required for sidewalks and walkways

8. **Landscape Standards**

The PUD sets forth standards for perimeter landscape setbacks and landscaping within adjacent rights-of-way. The table below summarizes the key landscape standards and the R-3 district standard for comparison. The PUD requires a

minimum landscape setback on the north property line that exceeds the R-3 requirement. The PUD landscape setbacks adjacent to the streets are below the R-3 requirement. The planting standards for perimeter setbacks, within the right-of-way and within the parking lot all exceed the R-3 standards.

<b><u>Landscape Standards</u></b>		
<b><u>Standard</u></b>	<b><u>PUD Proposed</u></b>	<b><u>R-3 Standard</u></b>
<i>Minimum Landscape Setbacks</i>	10 feet (all sides)	North: 5 feet; West, East, South: 20 feet
<i>Planting Standards (Perimeter Landscape Setbacks)</i>	50 percent 2-inch caliper, 50 percent 3-inch caliper trees, planted 20 feet on center	15-gallon tree every 500 square feet; 5-gallon shrub every 100 square feet
<i>Planting Standards (Right-of-way)</i>	Minimum 2-inch caliper shade trees, planted 20 feet on center, minimum 75 percent shade at maturity	60 percent minimum 2-inch caliper trees; 40 percent minimum 1-inch caliper trees; 50 percent live coverage; 50 percent shade at maturity
<i>Parking Lot Area Landscape</i>	25 percent minimum shade at maturity	Minimum 5 percent surface parking must be landscaped

#### 9. **Design Guidelines**

The PUD proposes design guidelines that enhance the appearance and functionality of the buildings, open space, and amenities on-site. Buildings will use a consistent color palette, incorporate four-sided architecture, and provide a variety of materials with no one material encompassing more than 50 percent of a particular façade. Pedestrian walkways that cross drive aisles will be designed with decorative pavers, stamped or colored concrete, or other pavement treatments to visually contrast parking and drive aisle surfaces.

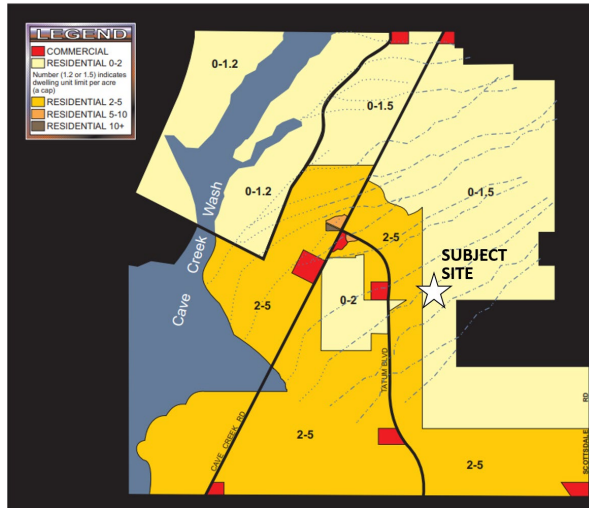
#### AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

#### 10. **North Land Use Plan**

In 1996, the Phoenix City Council adopted the North Land Use Plan, which established recommendations for land use and future development for the area generally bounded by Cave Creek Wash to the west, Scottsdale Road to the east, Carefree Highway to the north, and Pinnacle Peak Road to the south. The plan shifted residential density designations from the previous General Plan Land Use Map with the goals of protecting the desert character, recognizing washes as a development constraint, and maximizing infrastructure efficiency. The subject site is designated as Residential 0 to 1.5 dwelling units per acre in the plan. Community



residence centers are not allowed in single-family zoning districts; therefore, the proposed use is not consistent with the single-family density designated in the plan.



*North Land Use Map, Source: Planning and Development Department*

11. [Housing Phoenix Plan](#)

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by creating additional senior assisted living units, identified in Policy Initiative No. 2 in the plan as a needed housing option, in a residential setting.

12. [Complete Streets Guiding Principles](#)

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To promote safety and connectivity for all users, the PUD proposes standards for bicycle parking and shaded, detached sidewalks along 52nd Street.

13. [Comprehensive Bicycle Master Plan](#)

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its bikeway system and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations.

The PUD narrative incorporates requirements for bicycle parking to encourage multi-modal transportation.

14. **Tree and Shade Master Plan**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. The PUD narrative includes standards for detached sidewalks along 52nd Street and enhanced shading on all public and private walkways.

15. **Transportation Electrification Action Plan**

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. The PUD proposes a standard for electric vehicle parking, charging and infrastructure.

16. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and Section 716 of the Phoenix Zoning Ordinance expand its recycling and other waste diversion programs. The development will provide recycling services for residents and visitors.

**COMMUNITY INPUT SUMMARY**

17. At the time this staff report was written, staff has received three letters in opposition to this case and one letter in support. The opposition letters mention concerns related to traffic, parking, the loss of privacy for neighboring properties, and the loss of natural views.



#### INTERDEPARTMENTAL COMMENTS

18. The Street Transportation Department commented that a total of 70 feet of right-of-way shall be dedicated for the north half of Dynamite Boulevard, street improvements to Dynamite Boulevard and 53rd Street must be approved by Maricopa County, a total of 40 feet of right-of-way shall be dedicated for the east half of 52nd Street, and that the developer shall construct all streets within and adjacent to the development with all required improvements and comply with ADA standards. These are addressed in Stipulation Nos. 2 through 5.
19. The Floodplain Management division of the Office of the City Engineer provided the comment that the subject site is located within Special Flood Hazard Areas and that any proposed improvements or modifications are subject to federal regulations and the City of Phoenix Floodplain Ordinance. The Floodplain Management division must approve a Grading and Drainage Plan demonstrating compliance with the regulations prior to any permit issuance. This comment is addressed in Stipulation No. 6.

#### OTHER

20. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 7.
21. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 8.
22. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

#### **Findings**

1. The proposal is compatible with the character of the surrounding area.
2. The proposal will add to the mix of housing in the area, providing assisted living units, in a residential setting.
3. The proposed PUD sets forth design and development standards that will enhance connectivity in the immediate vicinity by providing shaded detached sidewalks and

bicycle parking.

### **Stipulations**

1. An updated Development Narrative for The Villas of Cave Creek Senior Living PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped November 17, 2023, as modified by the following stipulations:
  - a. Front cover: Revise the submittal date information to add the following: City Council adopted: [Add adoption date].
2. A total of 70 feet of right-of-way shall be dedicated for the north half of Dynamite Boulevard or as approved by Maricopa County.
3. All street improvements to Dynamite Boulevard and 53rd Street are outside of Phoenix City Limits and shall be reviewed and approved by Maricopa County. Documentation of the county review and approval shall be provided prior to Preliminary Site Plan approval.
4. A total of 40 feet of right-of-way shall be dedicated for the east half of 52nd Street.
5. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
6. The site is located within a Special Flood Hazard Area (SFHA) called a Zone AE and Zone AE floodway on panel 1301M of the Flood Insurance Rate Maps (FIRM) revised July 20, 2021. The following requirements shall apply, as approved by the Planning and Development Department:
  - a. The Architect/Engineer is required to show the floodplain boundary limits on the Grading and Drainage plan and ensure that impacts to the proposed facilities have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but is not limited to, provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code.
  - b. A copy of the Grading and Drainage Plan needs to be submitted to the Floodplain Management section of the Office of the City Engineer for review and approval of Floodplain requirements.

- c. FEMA approved CLOMR-F or CLOMR is required prior to issuance of a Grading and Drainage permit.
7. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
8. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

**Writer**

Anthony Grande

November 22, 2023

**Team Leader**

Racelle Escolar

**Exhibits**

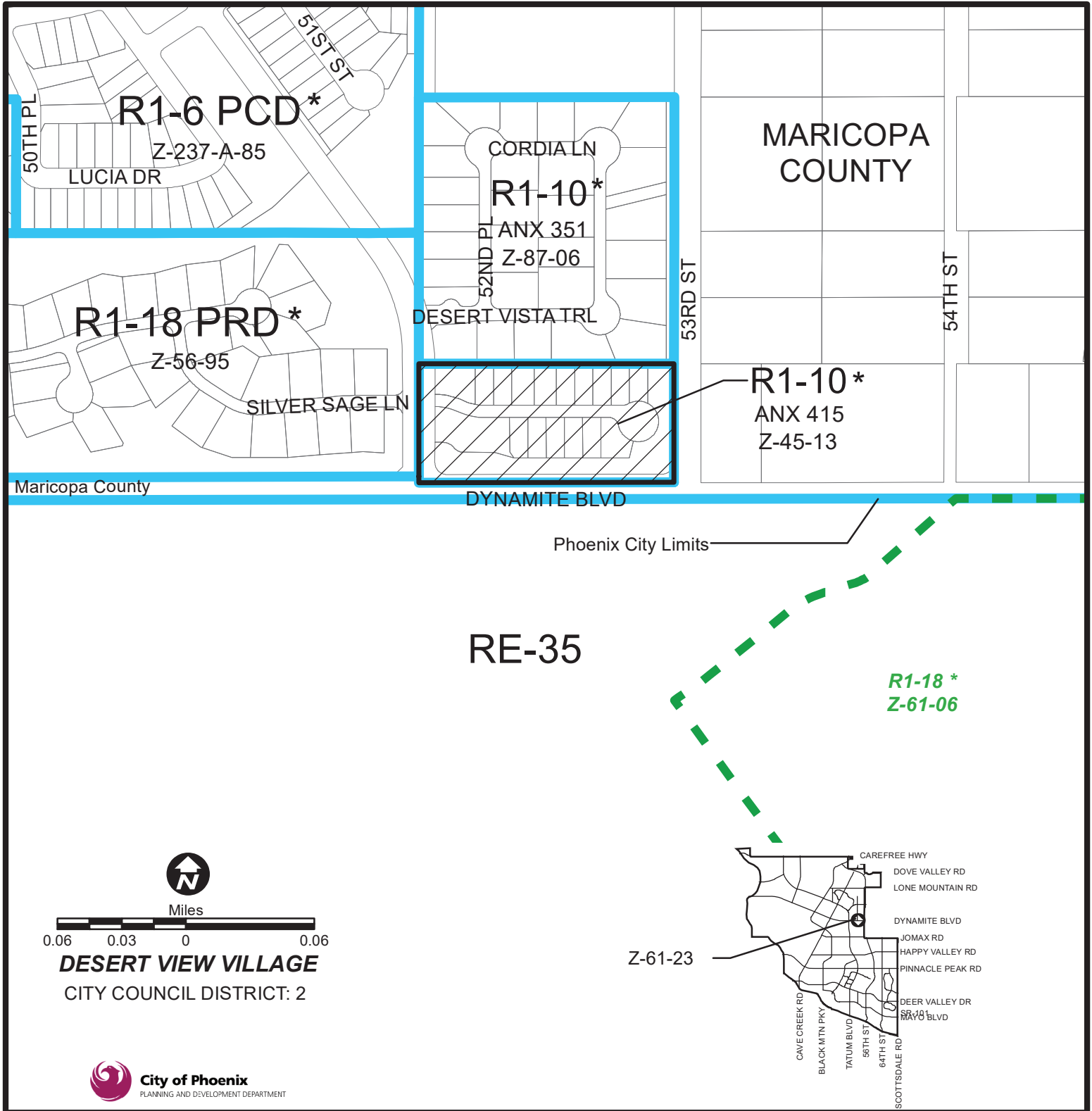
Sketch Map

Aerial Map

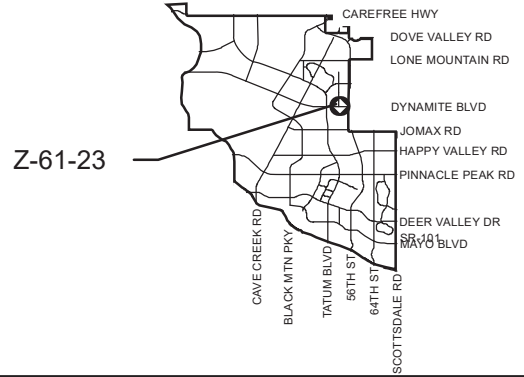
Conceptual Site Plan date stamped November 17, 2023

Community Correspondence (6 pages)

[The Villas of Cave Creek Senior Living PUD](#) development narrative date stamped November 17, 2023



0.06 0.03 0 0.06  
**DESERT VIEW VILLAGE**  
CITY COUNCIL DISTRICT: 2



**APPLICANT'S NAME:** Lears Capital Group, LLC

**REQUESTED CHANGE:**

**FROM:** R1-10 ( 4.35 a.c.)

**TO:** PUD ( 4.35 a.c.)

**APPLICATION NO.:** Z-61-23

**DATE:** 9/14/2023  
**REVISION DATES:** 11/17/2023

**GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.:**

4.35 Acres

**AERIAL PHOTO & QUARTER SEC. NO.:** QS 51-40

**ZONING MAP:** P-11

**MULTIPLES PERMITTED**

R1-10  
PUD

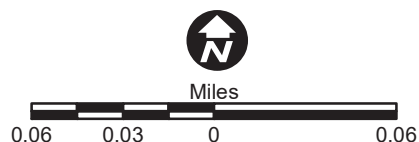
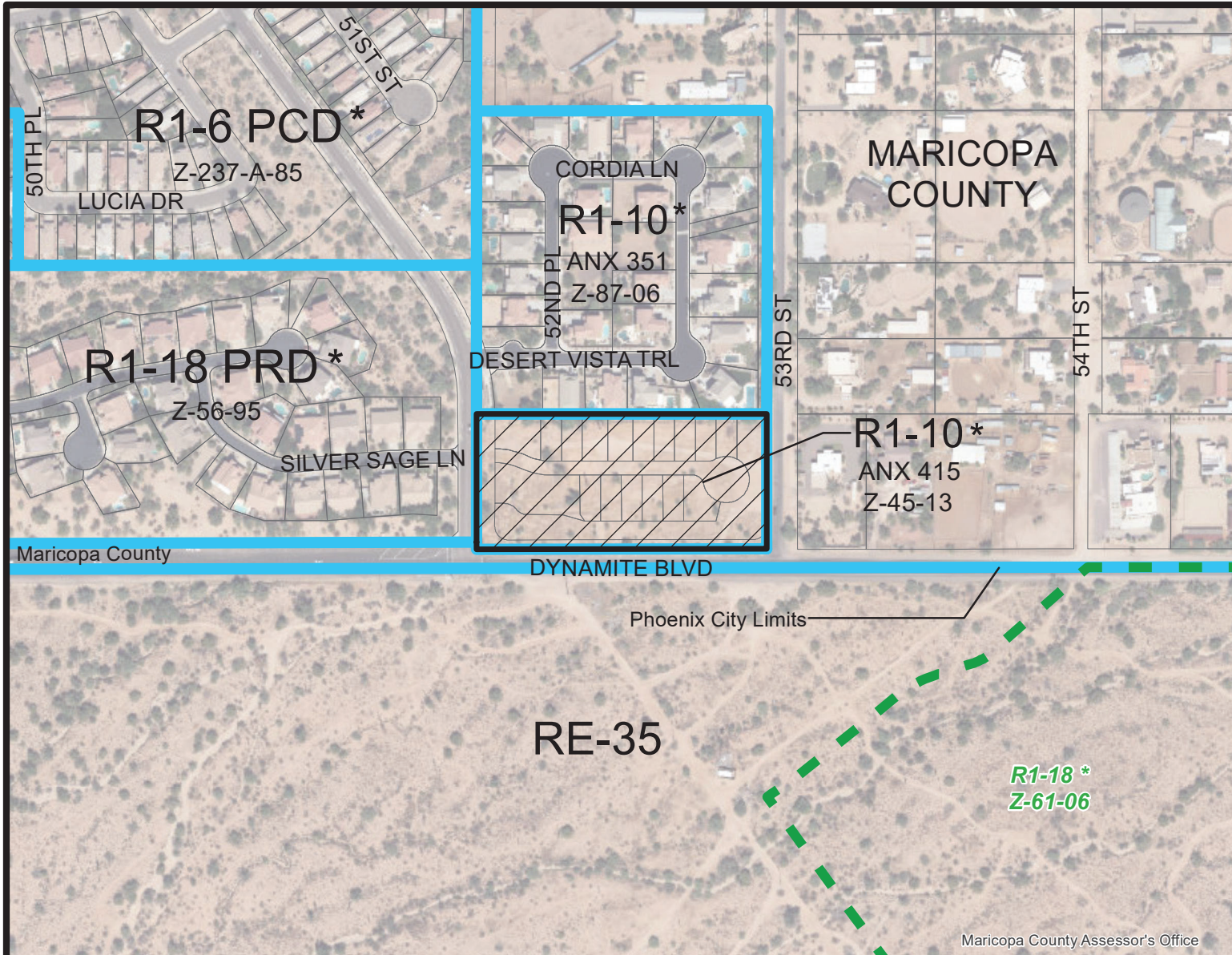
**CONVENTIONAL OPTION**

15  
80

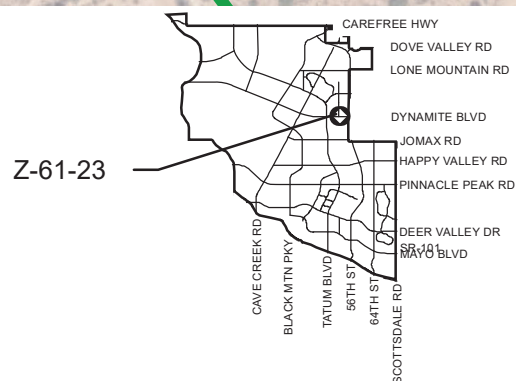
**\* UNITS P.R.D. OPTION**

19  
N/A

\* Maximum Units Allowed with P.R.D. Bonus



**DESERT VIEW VILLAGE**  
CITY COUNCIL DISTRICT: 2



Z-61-23

APPLICANT'S NAME: Lears Capital Group, LLC

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DATE: 9/14/2023  
REVISION DATES:

11/17/2023

GROSS AREA INCLUDING 1/2 STREET  
AND ALLEY DEDICATION IS APPROX.

4.35 Acres

AERIAL PHOTO &  
QUARTER SEC. NO.  
QS 51-40

ZONING MAP  
P-11

MULTIPLES PERMITTED

R1-10  
PUD

CONVENTIONAL OPTION

15  
80

\* UNITS P.R.D. OPTION

19  
N/A

\* Maximum Units Allowed with P.R.D. Bonus





PROJECT NAME AND ADDRESS:  
THE VILLAS OF CAVE CREEK  
28212 N 53RD STREET  
PHOENIX, AZ 85331

OWNER: GREG RIVERA TRUST  
APPLICANT: LEARSI CAPITAL GROUP, LLC

GENERAL ZONING ANALYSIS:  
APN: 211-44-383, 211-44-384, 211-44-385,  
211-44-386, 211-44-387, 211-44-388, 211-44-389,  
211-44-390, 211-44-391, 211-44-392,  
211-44-393, 211-44-394, 211-44-395, 211-44-396, 211-44-397,  
211-44-398, 211-44-399, 211-44-400, 211-44-401  
PARCEL SITE AREA:  
SITE AREA: 157,016 SF

PRELIMINARY  
NOT FOR CONSTRUCTION

# THE VILLAS OF CAVE CREEK

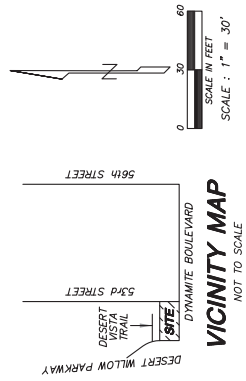
28212 N 53RD STREET, CAVE CREEK, AZ 85331

REVISION/RELEASE DATE:

LRD JOB NO: 449.01

OVERALL  
SITE PLAN

1.0



ZONING:  
EXISTING: R1-10  
PROPOSED: PUD (R-3) W/MODIFICATIONS

BUILDING INFO:  
FIVE SEPARATE BUILDINGS, TWO USES

PROPOSED ADMIN / ACTIVITY CENTER  
2 STORY 30'-0" HEIGHT W/ BASEMENT  
4,128 SF EACH FLOOR  
12,384 SF TOTAL

PROPOSED ASSISTED LIVING / MEMORY CARE  
11,395 SF EACH  
(FOUR BUILDINGS)  
1 STORY  
20'-0" HEIGHT PER PUD

BUILDING SETBACKS:  
REAR (EAST): PROPOSED 20'-0"  
FRONT (WEST): PROPOSED 25'-0"  
SIDE (NORTH): PROPOSED 25'-0"  
SIDE (SOUTH): PROPOSED 20'-0"

TWO STORY BUILDING: PROPOSED 50'-0"  
SETBACKS (NORTH & WEST)

NOTE: ACCESSORY STRUCTURES AND SCREEN WALLS ALLOWED IN BUILDING SETBACK PER PROPOSED PUD

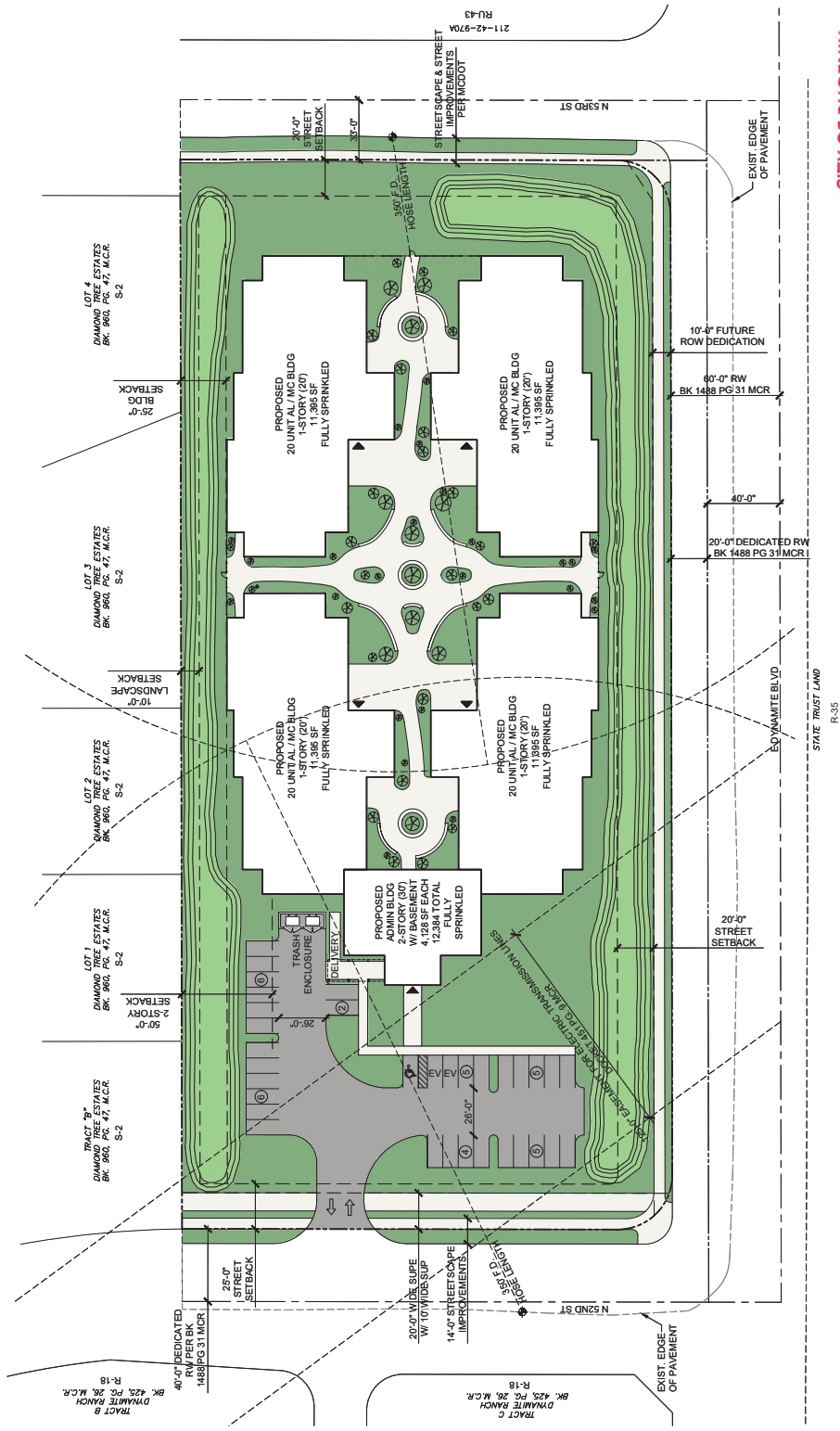
LOT COVERAGE: 50%

PARKING:  
REQUIRED PER ZONING: 40 SPACES  
(ASSISTED LIVING 1:2 RATIO)

PROPOSED PARKING SURFACE: 33 SPACES

PERMITTED PRINCIPAL USES  
- SINGLE-FAMILY RESIDENTIAL USES AND HOME OCCUPANTS PER SECTION 608  
- FOREKNOCKING SERVICE  
- COMMUNITY RESIDENCE CENTER  
- HOSPICE  
- NURSING HOME  
- RESPIRE CARE

LEGEND  
- - - - - PROPERTY LINE  
- - - - - SETBACK  
- - - - - ROAD CENTERLINE  
- - - - - ROAD ALIGNMENT



CITY OF PHOENIX  
NOV 17 2023  
Planning & Development  
Department



**From:** [Kim Brawn](#)  
**To:** [Anthony M. Grande](#)  
**Subject:** Rezoning 28212 N 53rd Street Phoenix, AZ  
**Date:** Friday, November 17, 2023 9:30:11 AM  
**Attachments:** [Neighbor Support Letter.pdf](#)

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Hello Anthony,

Please see my attached letter in support of this project. I have been to a meeting and have had several opportunities to have my questions answered by Jason Israel. It is obvious that he has put in a lot of hard work and has great passion for the project. I feel strongly that our community will benefit from the community being proposed.

Sincerely,  
Kimberly Brawn **REALTOR®**



cell: (602) 369-0844

email: [kimbrawn11@gmail.com](mailto:kimbrawn11@gmail.com)

web: [www.KimBrawn.com](http://www.KimBrawn.com) [[kimbrawn.com](http://kimbrawn.com)]

Mayor and City of Council Members  
City of Phoenix  
200 W. Washington Street  
Phoenix, Arizona 85003

RE: Case No. Z-61-23-2 Desert View Village

Dear Mayor and Council Members:

I am a nearby resident writing to express my **SUPPORT** for the proposed new senior care development, "The Villas at Cave Creek," at the northwest corner of 53<sup>rd</sup> Street and Dynamite Road. After seeing the site plan and learning about the project, I believe it will be a quality development and asset to our neighborhood.

Thank you for your consideration.

Sincerely,

Kimberly Brawn (Signature)

Kimberly Brawn (Print Name)

28428 N 52nd Place  
Cave Creek, AZ 85331 (Address)

Diamond Tree Estates (Community)

**From:** [dpr652](#)  
**To:** [Anthony M Grande](#)  
**Subject:** Zoning project Z-61-23  
**Date:** Sunday, September 24, 2023 1:15:05 PM

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Hello,

I am writing to express my concern for the zoning project Z-61-23 located on the corner of Dynamite and 53rd Street.

I am writing in opposition of the proposed zoning change. I am a resident in the neighborhood just north of the proposed land parcel zoning change.

This area is 100% family homes. There are no other commercial areas bordering these homes. The property should continue to stay zoned as a R1-10. Only single home owner houses should be placed in this lot to match the rest of the surrounding area.

People purchased their houses next to this lot with the disclosure that it was to be used for single family homes in the future. To change the zoning is dishonest and inappropriate.

The lot and location of it is too small to house a 40 space parking lot. The entrance is too close to Dynamite for people turning North onto Desert Willow. There is also a blind curve for traffic going south to Dynamite. There will be accidents of T-bones when people exit the proposed senior living area if a parking lot is put there.

Additionally, it is not right to have a delivery and commercial trash pick up and commercial parking lot lighting next to a neighborhood.

I am in complete opposition of any zoning change for this lot.

Thanks for your time-  
Jennifer Louis  
Diamond Tree Estate Resident

Margaret A. Watt  
5111 E Silver Sage Lane  
Cave Creek, AZ 85331  
October 2, 2023

City of Phoenix Planning and Development Department  
200 W Washington Street, 2<sup>nd</sup> Floor  
Phoenix, AZ 85003  
Subject: Rezoning Case Number Z-61-23

To Whom It May Concern:

My name is Margaret Watt and I am an original (25 years) resident of San Marcos Manor. My location in the community is 5111 E Silver Sage Lane. I am concerned and opposed to an assisted living/memory care complex being built/developed on the NW corner of 53<sup>rd</sup> Street and Dynamite Road, since this location also affects 52<sup>nd</sup> Street/Desert Willow where my street/development intersects and where my house is located. The amount of traffic (both people and vehicles) for such a complex would be extremely detrimental to our properties and our private streets – specifically Silver Sage Lane which is a private street and the residents responsibility to maintain through our HOA.

Additionally, the number of buildings plus access to parking on only a 4.775 acre lot seems excessive, inadequate and unsafe for this residential area. This would be a 24/7 operation with people and vehicles coming and going in and out; plus non-residential type outside lighting, and our development of 60 homes has no street lighting of any type.

The main entrance to this complex will be on 52<sup>nd</sup> Street directly adjacent to my street, Silver Sage Lane. This is already an unsafe street to exit from due to a curve on 52<sup>nd</sup> street which provides difficult visibility for exiting Silver Sage Lane. Also, the 2-story administrative building (30 feet in height) will be facing directly into Silver Sage Lane.

I have filed a formal complaint with my HOA President and Jason Israel of Lears Capital Group, LLC.

Please add my letter as part of the case file #Z-61-23.



Margaret A. Watt

**From:** [board@smmhoa.org](mailto:board@smmhoa.org)  
**To:** [Anthony M. Grande](#)  
**Subject:** Case Number Z-61-23  
**Date:** Monday, October 16, 2023 9:39:34 AM

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Good Morning,

I am the Board President of San Marcos Manor HOA, a community living directly adjacent to the property located at Dynamite and 53rd Street.

We have attended one of the rezoning meetings regarding the building of a senior care facility. Many of the neighbors have raised concerns about the two story building being built next to a residential area. None of the commercial properties north of Dynamite from Tatum west and east have double story buildings. The neighbors that have lived in this community closest to where this building will go have concerns of privacy as they are single stories. A few neighbors raised their concerns about how the height of this building will block their view to the native Arizona desert from their properties. In addition, other neighbors have raised their concerns about the traffic as the senior living facility will have an entrance off of 52nd St. Currently, San Marcos Manor HOA neighbors have concerns about how fast traffic travels from 52nd St to Dynamite. Neighbors leaving Silver Sage Ln have to be extremely careful as there's a curvature of the road that prevents visibility to make either a left or right turn onto 52nd St.

I attended the meeting on Tuesday September 26 and I raised my concerns to Mr. Israel. It felt to no avail as any concerns raised went to deaf ears. Mr. Israel did not consider any of the current issues we have with the structure height. We also suggested to make the entrance to their facility off of 53rd st as to avoid any future traffic jams. Traffic from 52nd st to Dynamite has been the cause of multiple accidents. When the City installed a street light on that intersection, there were a lot more issues as cars had to either raise their speed to make the light or abruptly stop at the light. Neighbors living close to this street light have brought up concerns about how unsafe this intersection is and how it affects their daily enjoyment of their property.

Another concern is how limited parking is for 80 senior living units. The plans show space for 40 vehicles. The neighbors are concerned, especially during holidays how much parking will be full and cause people to park in our San Marcos Manor HOA private streets.

Please inform us who we need to voice our concerns regarding the building of the senior living facility.

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Thank you,

***Karin Martincic***

San Marcos Manor HOA Board of Directors  
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