

## Attachment B



### City of Phoenix

#### Staff Report: PHO-1-20—Z-28-14-2

**APPLICATION:** PHO-1-20—Z-28-14-2

**APPLICANT:** Rose Law Group

**REPRESENTATIVE:** Court Rich, Rose Law Group

**OWNER:** Green Thumb Nursery, LLC

**LOCATION:** Northeast corner of 43rd Street and Lone Mountain Road

**REQUEST:** 1) Request to review and approve proposed modifications to a conceptual site plan (building footprint) that does not meet the criteria for administrative review per Section 671.E.3.b.

#### **STAFF RECOMMENDATION**

Staff recommends approval with an additional stipulation, as recommended by the Planning Hearing Officer.

#### **PLANNING HEARING OFFICER RECOMMENDATION**

The Planning Hearing Officer heard this case on November 18, 2020 and recommended approval with an additional stipulation.

#### **VILLAGE PLANNING COMMITTEE RECOMMENDATION**

The Desert View Village Planning Committee heard this case on November 3, 2020 and recommended denial by a vote of 6 to 2.

#### **BACKGROUND/ANALYSIS**

The subject property is located at the northeast corner of 43rd Street and Lone Mountain Road and consists of 5.0 gross acres. The property is zoned Planned Unit Development (PUD) and is currently vacant. The site was the former location of a commercial plant nursery. The Lone Mountain Senior Living PUD was approved to permit a boutique, rental assisted living facility. The development standards in the approved Development Narrative permit a single-story development at a maximum height of 18 feet, containing a maximum of 60 beds, and a maximum lot coverage of 40 percent of the net lot area.

The applicant requested PHO review and approval of a proposed modification to the conceptual site plan, specifically regarding the building footprint, that does not meet the criteria for administrative review per Section 671.E.3.b of the Zoning Ordinance. The applicant stated that the request is intended to facilitate a greater than five percent increase in the building footprint, when compared to the building footprint depicted on the conceptual plan in the current, approved Development Narrative (Page 13, Section B). The conceptual site plan depicts a building footprint of 27,421 square feet and a maximum permitted lot coverage of 40 percent. This 27,421 square feet equates to approximately 14.9 percent lot coverage.

The proposed conceptual site plan in the applicant's request depicts a larger building but does not depict the specific square footage. The conceptual site plan does include the development standard for 40 percent maximum lot coverage, consistent with the current, approved Development Narrative. In their application documents, the applicant stated that their intent is to permit a building developed at the maximum buildable area, per the PUD's existing development standard for 40 percent lot coverage. A building footprint at 40 percent lot coverage would equate to approximately 73,825 square feet.

The applicant stated that their intent is to comply with all other applicable development standards. However, it should be noted that the proposed conceptual site plan contains a standard that states the maximum number of units is 100. The current, approved Development Narrative contains a development standard limiting the maximum number of beds to 60 (Page 25, Section G.1). This PHO application is limited to the review and approval of the proposed modification to the conceptual site plan regarding the building footprint. A future amendment to the PUD would be required to address the development standard regarding the maximum number of beds per Section 671 of the Zoning Ordinance.

## **PREVIOUS HISTORY**

On June 2, 2015, the Desert View Village Planning Committee (VPC) heard the request for PUD zoning. The applicant stated that the PUD option was appropriate because the applicant could propose development standards and design guidelines tailored to the assisted living facility use. During this meeting members of the public expressed concerns regarding open space, parking lot configuration, proposed uses, and future expansion of the facility. Questions were also asked about whether the 40 percent allowable lot coverage would prevent future growth on the site. Staff clarified that the Zoning Ordinance outlines amendment processes if the applicant were to change their conceptual site plan. The applicant also clarified questions about drainage and retention, stating that a preliminary grading and drainage plan will be completed, and noted that the proposed development may mitigate drainage issues experienced by neighbors. The VPC recommended approval with an additional stipulation by a vote of 8-0. The recommended additional stipulation required that changes to the PUD Development Narrative be subject to VPC approval.

On June 9, 2015, the Planning Commission heard the request for PUD zoning. Staff noted that they did not support the additional stipulation from the VPC meeting. Staff stated that the Zoning Ordinance regulates the PUD amendment processes. Staff recommended that the request be approved per the Desert View VPC recommendation with the removal of the additional stipulation. A representative for the Lone Mountain Community Association stated that he was in favor of the project and was looking forward to development to beautify the area. The Planning Commission recommended approval with the removal of the additional stipulation by a vote of 5-0.

On July 1, 2015, the City Council approved the request to rezone the approximately 5.0-gross acre property located at the northeast corner of 43rd Street and Lone Mountain Road from S-1 (Ranch or Farm Residence) to PUD to permit the Lone Mountain Senior Living PUD.

On January 16, 2018, staff approved a minor amendment to the PUD that modified design guidelines to permit screened, roof mounted mechanical equipment to better respect the desert environment and surrounding neighbors. The current, approved PUD Development Narrative reflects this minor amendment.

## **NEIGHBORHOOD CONCERNS**

### **Correspondence**

Eleven letters of opposition were received regarding this request. Concerns included the following:

- Negative impact on property values (one letter)
- Increased traffic on Lone Mountain Road (six letters)
- Concerns regarding the accuracy of the applicant's Traffic Study (one letter)
- Increased noise (five letters)
- Intrusive lighting (two letter)
- Smells from food preparation (one letter)
- Water runoff (one letter)
- The facility would block views of the mountains and sunsets (one letter)
- Concerns regarding the increased number of beds (eight letters)
- Development of a senior living facility does not fit the overall plans for the community (one letter)

## **GENERAL PLAN DESIGNATION**

Residential 0 to 2 dwelling units per acre.

## **CHARACTER OF SURROUNDING LAND USE**

	<b>Zoning</b>	<b>Land Use</b>
On-site:	PUD	Vacant

North:	S-1	Single-Family Residential
South:	R1-6 PCD, PCD (Approved R1-6 PCD)	Single-Family Residential, School
East:	S-1	Single-Family Residential
West:	S-1, R1-18	Vacant, Single-Family Residential, Plant Nursery

### **PLANNING HEARING OFFICER FINDINGS**

The Planning Hearing Officer's recommendation was based on the following findings:

- 1) The applicant's request is to modify the conceptual site plan in the Lone Mountain Senior Living PUD Development Narrative. Section 671.E.3.b of the Zoning Ordinance states that the Planning Hearing Officer may approve modifications to conceptual site plans that do not meet the criteria for Planning and Development Department administrative review. Section 671.E.3.a establishes the criteria for administrative review, which includes Section 671.E.3.a.(6) regarding modifications that result in an "an increase in building footprint less than five percent." Because the applicant's proposed conceptual site plan represents a greater than five percent increase above that shown on the conceptual site plan in the Development Narrative, Planning Hearing Officer approval of the request is required.
- 2) The Lone Mountain Senior Living PUD was approved by the Phoenix City Council on July 1, 2015. The PUD established development standards, design guidelines, permitted land uses, and other related standards associated with the proposed development of a residential assisted living center. The conceptual site and landscape plan in the approved Development Narrative (Section B) depicted an 'L-shaped' building at the southwest corner of the subject site. The proposed building was 27,421 square feet, which constituted approximately 14.9% lot coverage based on the net site area of approximately 4.24 acres. However, the development standard for maximum lot coverage in the approved Development Narrative (Section G.1) was a maximum 40% net lot area. This development standard was also included on the conceptual site and landscape plan.
- 3) The proposed conceptual site plan depicts a rectangular building located at the southwest corner of the site. The specific square footage is not depicted on the plan; however, the applicant narrative indicates that the design is intended to "establish the maximum buildable area as the 40% lot coverage". That standard is depicted on the site plan. The site plan is consistent with the existing development standards in the PUD Development Narrative and does not necessitate a major amendment per Section 671.E.1 of the Zoning Ordinance. The site plan is compatible with the intent of the PUD to establish a residential assisted living center and does not deviate from the proposed land uses, design guidelines, or sustainability guidelines approved by the City Council.

- 4) Approval of the proposed modification to the conceptual site plan is recommended. Consistent with this recommendation of approval, modification of Stipulation 1 is recommended to require the applicant to submit an updated Development Narrative which replaces the conceptual site plan and updates references to building square footage and lot coverage per the modified site plan. Previously stipulated edits to the Development Narrative are recommended for deletion as these were complied with following the City Council's original approval of the PUD. The referenced date stamped date of "October 20, 2020" reflects the current, approved draft of the PUD, per the approval of the January 16, 2018 PUD Minor Amendment.
- 5) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

**PLANNING HEARING OFFICER RECOMMENDED STIPULATIONS**

1.	An updated Development Narrative for the Lone Mountain 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 OCTOBER 20, 2020 <del>May 8, 2015</del> , as modified by the following:	
	a.	PAGE 13, SECTION B, LAND USE PLAN: REPLACE "CONCEPTUAL SITE AND LANDSCAPE PLAN FOR LONE MOUNTAIN SENIOR LIVING" WITH THE "LONE MOUNTAIN ILLUSTRATED SITE PLAN" DATE STAMPED SEPTEMBER 22, 2020.  <del>Page 11, Section B Land Use Plan, The fourth paragraph shall read: "This includes a 25-foot heavily landscaped streetscape tract along Lone Mountain Road, which includes indigenous plant material. Likewise, 43rd Street has a 25-foot right of way and a 28-foot building setback. This building setback includes a 25-foot heavily landscaped streetscape, which includes a generous amount of indigenous plant material."</del>
	b.	UPDATE ALL TEXT REFERENCES TO BUILDING SQUARE FOOTAGE AND LOT COVERAGE PER THE "LONE MOUNTAIN ILLUSTRATED SITE PLAN" DATE STAMPED SEPTEMBER 22, 2020.

		<del>Page 19, Existing Land Summary Table row 4 column 2 General Plan Land Use Classification, in line with South Direction and Desert Willow Elementary School Existing Use shall read: "Public/Quasi-Public".</del>
	e.	<del>Page 19, Existing Land Summary Table row 4 column 3 Existing Zoning, in line with South Direction and Desert Willow Elementary School Existing Use shall read: "R1-6 PCD".</del>
2.	A 10-foot sidewalk easement shall be dedicated along the north side of Lone Mountain Road, as approved by the Planning and Development Department.	
3.	The developer shall construct all streets adjacent to the development 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.	
4.	PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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.	

## **EXHIBITS**

- A – Appeal Documents (2 pages)
- B – Applicant's Narrative (13 pages)
- C – Aerial Map (1 page)
- D – Zoning Map (1 page)
- E – Ordinance G-6044 from Rezoning Case No. Z-28-14-2 (6 pages)
- F – Sketch Map from Rezoning Case No. Z-28-14-2 (1 page)
- G – Proposed Site Plan date stamped September 22, 2020 (1 page)
- H – Site Plan from the PUD Development Narrative for Z-28-14 (1 page)
- I – Desert View Village Planning Minutes from November 3, 2020 (9 pages)
- J – PHO Summary for PHO-1-20—Z-28-14-2 (6 pages)
- K – Correspondence regarding PHO-1-20—Z-28-14-2 (18 pages)

# **EXHIBIT A**

<b>PLANNING HEARING OFFICER APPEAL</b> I HEREBY REQUEST THAT THE PLANNING COMMISSION/CITY COUNCIL HOLD A PUBLIC HEARING ON:			
<b>CASE NUMBER:</b>	PHO-1-20—Z-28-14-2		
<b>LOCATION:</b>	Northeast corner of 43 <sup>rd</sup> Street and Lone Mountain Road		
<b>PHO HEARING DATE:</b>	11/18/2020	<b>RECEIVED:</b>	11/20/2020
<b>APPEALED BY:</b>	<input checked="" type="checkbox"/> Opposition	<input type="checkbox"/> Applicant	
<b>APPEALED TO:</b>	<b>PLANNING COMMISSION</b>	01/07/2021	
		<b>TENTATIVE DATE</b>	
	<b>CITY COUNCIL</b>	02/03/2021	
		<b>TENTATIVE DATE</b>	
<b>APPELLANT NAME AND ADDRESS:</b>		<b>PHONE:</b>	
Norman Neville 4286 East Forest Pleasant Place Cave Creek, AZ 85331		480-861-2180	
<b>RECEIPT NUMBER:</b>			
<b>REASON FOR REQUEST:</b>			
As President of the Lone Mountain Community Association, I am filing an appeal of the Planning Hearing Officer's action on behalf of members of our Association, regarding the increase in size from 27,000 square feet to 71,000 square feet.			
<b>TAKEN BY:</b>	Jazmine Braswell		

c: Alan Stephenson  
 Joshua Bednarek  
 Tricia Gomes  
 Racelle Escobar  
 Danielle Jordan  
 Victoria Cipolla-Murillo  
 Adam Stranieri  
 Julianna Pierre  
 Ben Ernyei - Posting  
 GIS Team





**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**CITY OF PHOENIX**

NOV 20 2020

Planning & Development  
Department

The **PLANNING HEARING OFFICER** agenda for November 18, 2020 is attached.

The City Council May Ratify the Recommendation of the Planning Hearing Officer on December 16, 2020 Without Further Hearing Unless:

- **A REQUEST FOR A HEARING BY THE PLANNING COMMISSION** is filed by 5:00 p.m. on November 25, 2020. (There is a **\$630 fee** for hearings requested by the applicant.)

Any member of the public may, within seven (7) days after the Planning Hearing Officer's action, request a hearing by the Planning Commission on any application. If you wish to request a hearing, fill out and sign the form below and return it to the Planning and Development Department by 5:00 p.m. on November 25, 2020.

**APPEAL FORM**

I HEREBY REQUEST THAT THE PLANNING COMMISSION HOLD A PUBLIC HEARING ON:

PHO-1-20-Z-28-14-2  
APPLICATION NO.

Northeast corner of 43rd Street and Lone Mountain Road  
LOCATION OF APPLICATION PROPERTY

NORMAN NEVILLE  
NAME (PLEASE PRINT)

☒ OPPOSITION

☐ APPLICANT

4286 E. FOREST PLEASANT PLACE  
STREET ADDRESS

CAVE CREEK, AZ 85331  
CITY, STATE AND ZIP CODE

480 861 2180  
TELEPHONE NO

BY MY SIGNATURE BELOW, I ACKNOWLEDGE THE SCHEDULED HEARING DATE AS FOLLOWS:

APPEALED FROM November 18, 2020 PHO HEARING TO JAN 7, 2021 PC HEARING  
DATE DATE

SIGNATURE:

Norman H. Neville

DATE:

11/20/2020

REASON FOR APPEAL: AS PRESIDENT OF THE LONE MOUNTAIN COMMUNITY ASSOCIATION, I AM FILING AN APPEAL OF THE PLANNING HEARING OFFICER'S ACTION ON BEHALF OF MEMBERS OF OUR ASSOCIATION REGARDING THE INCREASE IN SIZE FROM 27,000 SQ FT TO 71,000 SQ FT

APPEALS MUST BE FILED IN PERSON AT THE 2ND FLOOR ZONING COUNTER, 200 W. WASHINGTON STREET, 602-262-7131, Option 6

Copies to:

Case File

PHO Planner – Julianna Pierre

PLANNER TAKING APPEAL: \_\_\_\_\_

PHO Secretary – Vikki Cipolla-Murillo

# **EXHIBIT B**

October 8, 2020

Planning Hearing Officer  
City of Phoenix  
Planning & Development Department  
200 West Washington Street, 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

**Re: Request to Increase Building Footprint of More Than 5 Percent**

Dear Planning Hearing Officer,

Rose Law Group represents the owner of the property at 4302 E. Lone Mountain Road (the “Property”), which is an approximately five (5) acre parcel (APN: 211-36-003B). The purpose of this request is to facilitate an increase in the size of the building footprint shown in the conceptual site plan to accommodate the needs and standards of the Senior Living Center industry. An increase in building footprint was contemplated by the City Council at the time of approval; however, it could not have been known at the time that additional footprint would be necessary. Having moved further through the development process, it has become clear that the additional building footprint is indeed necessary for a viable project. It is important to note that **the application still complies with every single development standard** for the area and is not deviating from any development standard, including maintaining the correct open space, setbacks, parking, lot coverage, height, and landscaping. As a result, while the square footage of the building is being defined, the building continues to fit with the standards and the character of the area.

**BACKGROUND**

The Property was rezoned from S-1 to Planned Unit Development (“PUD”) in 2015 as a part of Rezoning Case No. Z-28-14-2. The Desert View Village Planning Committee (“VPC”) voted unanimously (8-0) on June 2, 2015 to recommend approval of the request with an added stipulation that changes to the narrative or increase in livable square footage be approved by the VPC. The request was heard by the Planning Commission on June 9, 2015 which voted unanimously (5-0) to recommend approval with the removal of the stipulation the VPC added regarding their approval of certain changes. Staff was not supportive of this stipulation as the Ordinance requires those changes to be approved by and through the Planning Hearing Officer (“PHO”) process, which is why this request is being made today, per Phoenix Ordinance Sec. 671.E.3.b. The City Council heard the case on July 1, 2015 and voted unanimously (8-0) without discussion to approve the rezoning (Ordinance G-6044) to allow a Senior Assisted Living Center (the “Facility”).

The PUD was subsequently subject to a minor amendment regarding roof-mounted equipment and a clarification of terms “rooms” and “beds” via an Informal Interpretation Letter. The PUD was approved for an approximate 5-acre site located at the northeast corner of Lone Mountain Road and 43<sup>rd</sup> Street.

## **PROPOSAL**

### PHO Action Requested

Section 671.E.b of the Zoning Ordinance states that the Planning Hearing Officer, through the public hearing process, may approve proposed modifications to conceptual site plans and/or elevations that do not meet the criteria for Planning and Development Department administrative review.

Section 671.E.3.a of the Zoning Ordinance establishes the criteria by which the Planning and Development Department may administratively approve modifications to site plans and/or elevations. Criteria 671.E.3.a.(6) identifies modifications that result in an “an increase in building footprint less than five percent.”

Because the change in the building footprint exceeds a five percent increase above that shown on the conceptual site plan depicted on Page 13 of the PUD Development Narrative, a Planning Hearing Officer approval of the request is required.

### Building Area and Lot Coverage

The approved PUD included a conceptual structure of 27,421 square feet. This request is to establish the maximum buildable area as the 40% lot coverage subject to all development standards, design guidelines, and applicable site planning requirements (see Exhibit A, Site Plan). The lot coverage was approved at 40% and is not proposed to change as a part of this request. This request simply clarifies that the conceptual square footage shown in the previous plan was only meant to be conceptual and that the actual maximum buildable area is the lot coverage, as it would be for any parcel. This application has been deemed necessary by the City as the approved lot coverage allows an increase in building footprint over the conceptual structure.

### Justification

The proposed increase in building footprint from the conceptual plan shown in the original PUD approval to the lot coverage proposed is necessary as the conceptual structure shown was not sufficient to meet the industry standards for facility size. Additional beds/units are necessary to make adequate care financially feasible. Due to the restrictions on building height and other development standards, this request to allow the structure to be built to the approved lot coverage will have the least impact of any of the alternative ways of achieving the required bed/unit count, such as increasing height, adding a second story, or spreading operations out into multiple structures.

The PUD currently allows 60 beds/units. A minor amendment has been filed as a separate application to address the number of allowed beds/units. Despite the increase, the proposed building footprint still provides for sufficient parking, grading and drainage and open space. Adequate parking is also still

provided per the City's requirements. The required parking is shown on the site plan at a ratio of 1 space per 2 beds/units, per the Ordinance. Adequate parking is provided but not expected to be fully used as the residents are not able to drive themselves, there will be nowhere near so many visitors, and there will never be more than a few employees on the Property at a time. This increase in building footprint does not significantly increase the number of employees needed to operate the Facility. This change will also not have any impact on the surrounding area as the increase building footprint will not create significantly more traffic (see Exhibit B, Traffic Statement). This request meets the intent of the approved PUD and the Phoenix Zoning Ordinance.

#### No Negative Impact

This request will not have any impact on the adjacent property owners as the closest adjacent home to the east is approximately 150 feet from the property, and the only home to the north is approximately 80 feet from the property line. Further, the existing setbacks on the site add another 35 feet creating a buffer to the east of 185 feet and to the north of 115 feet from building to building.

As you can see in Exhibit C, Neighbor Perspective Rendering, which shows the substantial landscaping to be installed per the site plan and PUD will provide an attractive screen, effectively hiding the building from view off the Site.

Additionally, the required setbacks are maintained in both the original PUD and this request, which ensures the adjacent properties will enjoy the same buffer as they would for any other by-right use in the same zoning district.

#### **SUMMARY**

This request meets the intent of the original PUD and the Phoenix Zoning Ordinance. It will not have any negative impact on the surrounding properties or area or increase traffic. It will provide all necessary parking, will improve the right-of-way along Lone Mountain Road, will increase property values by developing an underdeveloped parcel, and will provide a necessary service to the community. The proposed use will continue to be in keeping with the character of the area and be in conformance with all applicable development standards, requirements, and Codes.

## EXHIBIT A





## EXHIBIT B





June 30, 2017

Ms. Laura May  
Green Thumb Nursery, LLC  
4302 East Lone Mountain Road  
Phoenix, AZ 85331

Re: Lone Mountain Senior Living - NEC Lone Mountain Road and 43<sup>rd</sup> Street  
Traffic Impact Statement Revision

Dear Ms. May:

The purpose of this letter is to address site specific issues for the proposed assisted living and memory care development located on the northeast corner of the intersection of Lone Mountain Road and 43<sup>rd</sup> Street in Phoenix, Arizona. This letter outlines our findings regarding the revised traffic generation of the proposed 100 unit assisted living and memory care development.

The development is proposed to consist of 100 assisted living units uses on approximately 4.23 acres. The site is currently utilized by the Green Thumb Nursery which includes nursery and greenhouse uses. Access to the proposed development will be provided by two driveways. One driveway will access the site from Lone Mountain Road. This driveway is a full access driveway located approximately 255 feet east of 43<sup>rd</sup> Street. The second driveway will access the site from 43<sup>rd</sup> Street. This driveway is a full access driveway located approximately 650 feet north of Lone Mountain Road. A preliminary site plan for the development is attached.

Trip generation rates published by the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 9<sup>th</sup> Edition were used to calculate the trip generation characteristics of the proposed land uses. The revised trip generation calculations for the proposed assisted living use was determined using ITE Code 254 for Assisted Living. Trip generation calculations are summarized in **Table 1**. Trip generation calculations are attached.

**Table 1. Proposed Trip Generation**

Land Use Description	ITE Code	Quantity	Units	Daily Trips	AM			PM		
					In	Out	Total	In	Out	Total
Assisted Living	254	100	Beds	266	9	5	14	10	12	22

The trip generation calculations indicate that on an average weekday the proposed development would be expected to generate 266 daily trips with 14 trips occurring in the AM peak hour and 22 trips occurring in the PM peak hour.

Based on the results of this analysis the proposed development's trip generation would not result in a significant change in traffic conditions or significant change in delay in the area surrounding the project.

If you have any further questions, please feel free to contact me at (602) 906-1333.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Charles R. Wright, P.E.

Attachments: Site plan, Trip Generation

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## EXHIBIT C





# LONE MOUNTAIN SENIOR LIVING

## View From East Neighborhood





# LONE MOUNTAIN SENIOR LIVING

View From North Neighborhood

CITY OF PHOENIX

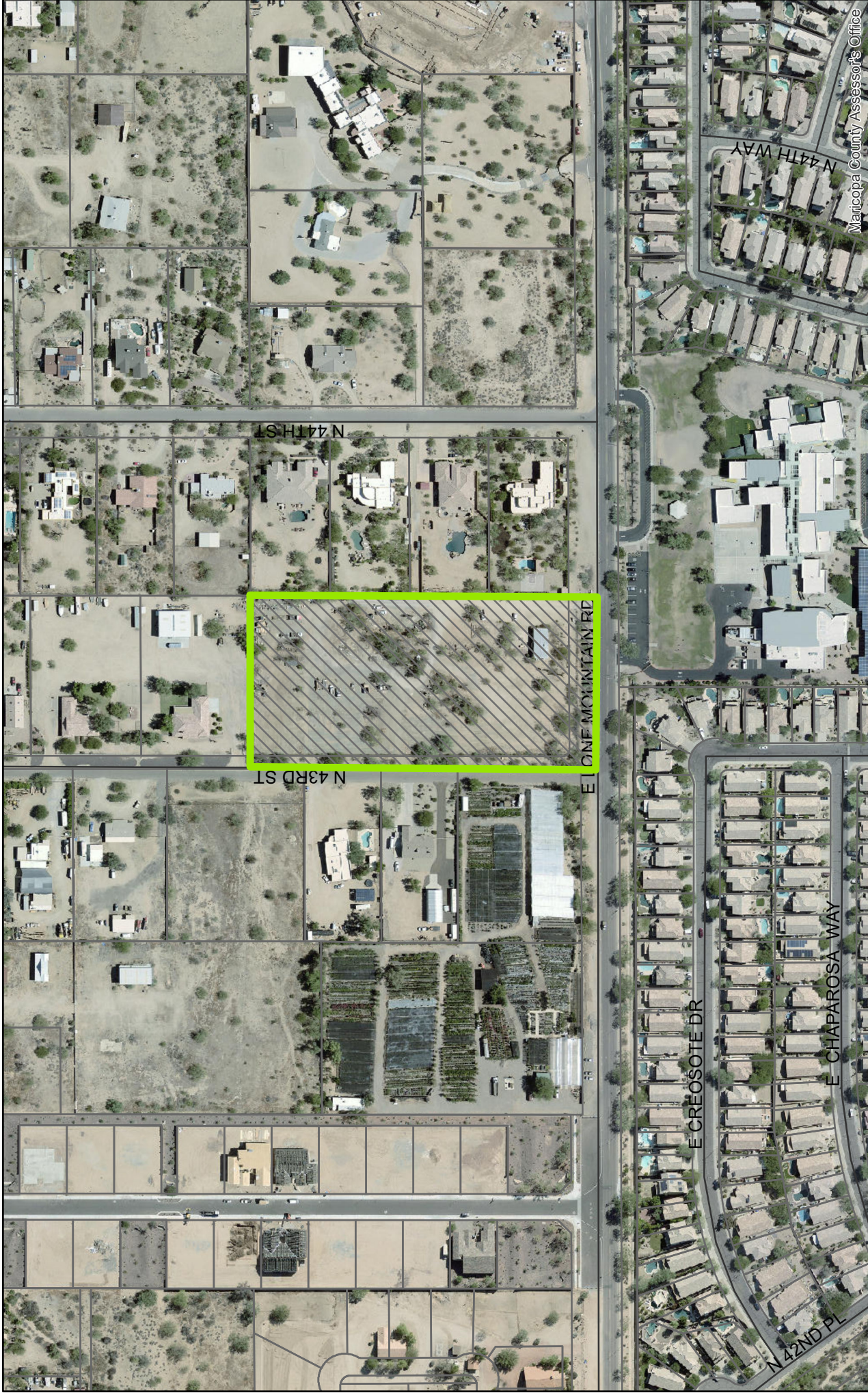
SEP 22 2020

Planning & Development  
Department



# **EXHIBIT C**



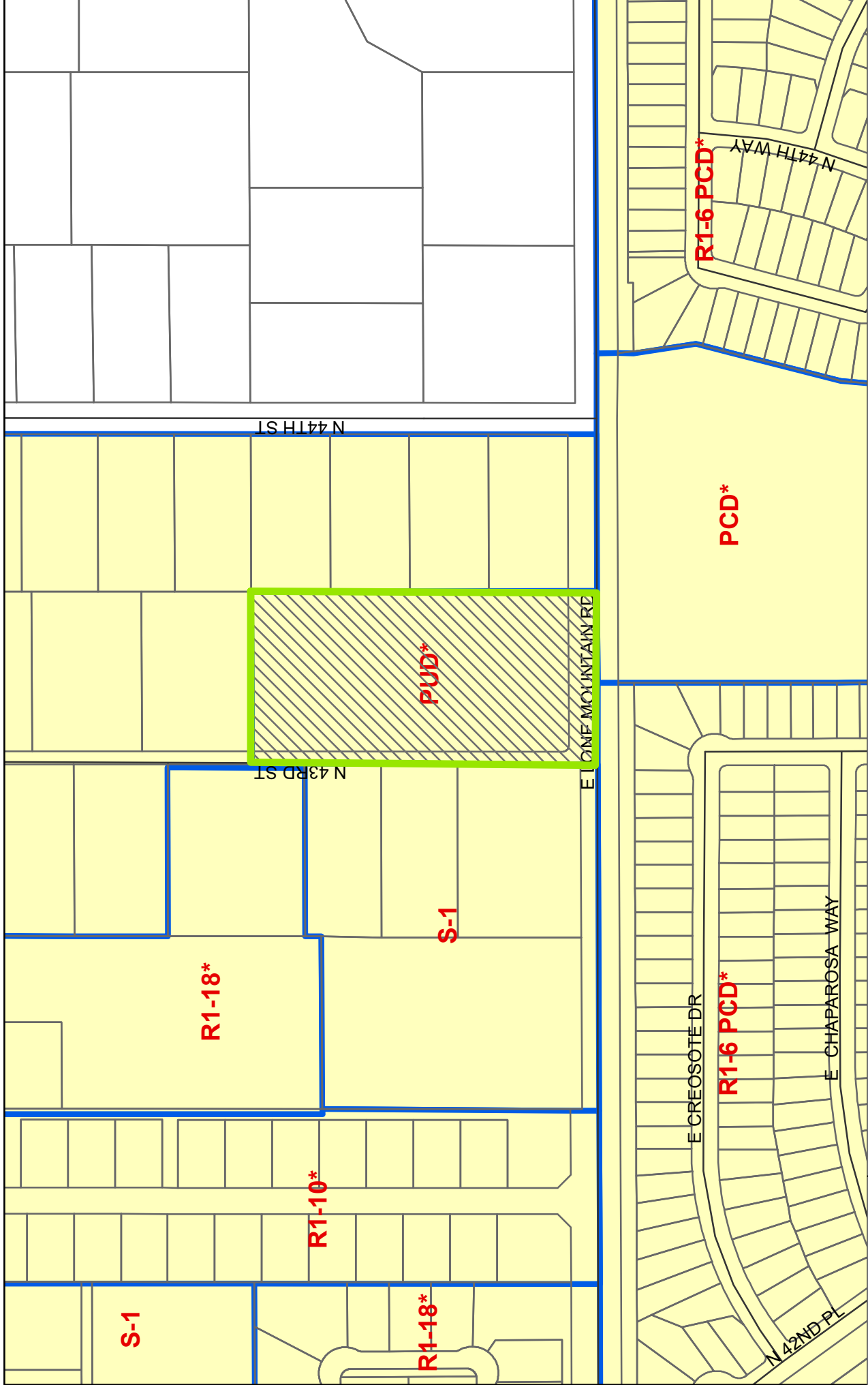


PHO-1-20-Z-28-14-2

Property Location: Northeast corner of 43rd Street and Lone Mountain Road



# **EXHIBIT D**



PHO-1-20-Z-28-14-2

Property Location: Northeast corner of 43rd Street and Lone Mountain Road

# **EXHIBIT E**

ORDINANCE G-6044

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-28-14-2) FROM S-1 (RANCH OR FARM RESIDENCE) TO PUD (PLANNED UNIT DEVELOPMENT).

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WHEREAS, on July 1, 2014, the City of Phoenix Planning and Development Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Green Thumb Nursery, LLC, having authorization to represent the owner, Green Thumb Nursery, LLC of an approximately 5.00 acre property located at the northeast corner of 43rd Street and Lone Mountain Road in a portion of Section 18, Township 5 North, Range 4 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on June 9, 2015, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on July 1, 2015, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: The zoning of an approximately 5.00 acre property located northeast corner of 43rd Street and Lone Mountain Road in a portion of Section 18, Township 5 North, Range 4 East, as described more specifically in Attachment "A", is hereby changed from "S-1" (Ranch or Farm Residence) to "PUD" (Planned Unit Development) and that the Planning and Development Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment "B".

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-28-14-2, on file with the Planning and Development Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD narrative and the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Lone Mountain 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 May 8, 2015, as modified by the following:

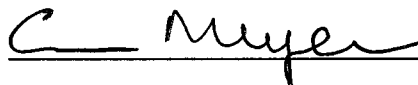
- a. Page 11, Section B Land Use Plan, The fourth paragraph shall read: "This includes a 25-foot heavily landscaped streetscape tract along Lone Mountain Road, which includes indigenous plant material. Likewise, 43rd Street has a 25-foot right of way and a 28-foot building setback. This building setback includes a 25-foot heavily landscaped streetscape, which includes a generous amount of indigenous plant material.
  - b. Page 19, Existing Land Summary Table row 4 column 2 General Plan Land Use Classification, in line with South Direction and Desert Willow Elementary School Existing Use shall read: Public/Quasi-Public.
  - c. Page 19, Existing Land Summary Table row 4 column 3 Existing Zoning, in line with South Direction and Desert Willow Elementary School Existing Use shall read: R1-6 PCD".
2. A 10-foot sidewalk easement shall be dedicated along the north side of Lone Mountain Road, as approved by the Planning and Development Department.
  3. The developer shall construct all streets adjacent to the development 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.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.


PASSED by the Council of the City of Phoenix this 1st day of July, 2015.

  
MAYOR

ATTEST:

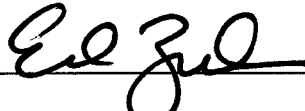
  
City Clerk

APPROVED AS TO FORM:

  
Acting City Attorney *pm*



REVIEWED BY:

  
City Manager

PL:tml:1188762v1: (Civ#77) (Item #145) 7-1-15

Attachments:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)



ATTACHMENT A

LEGAL DESCRIPTION FOR Z-28-14-2

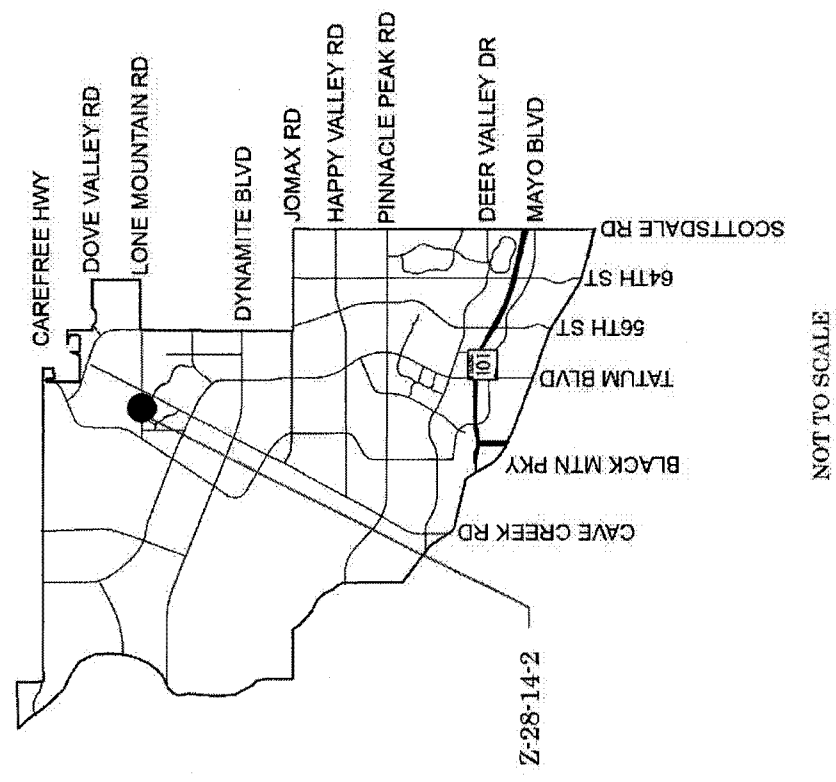
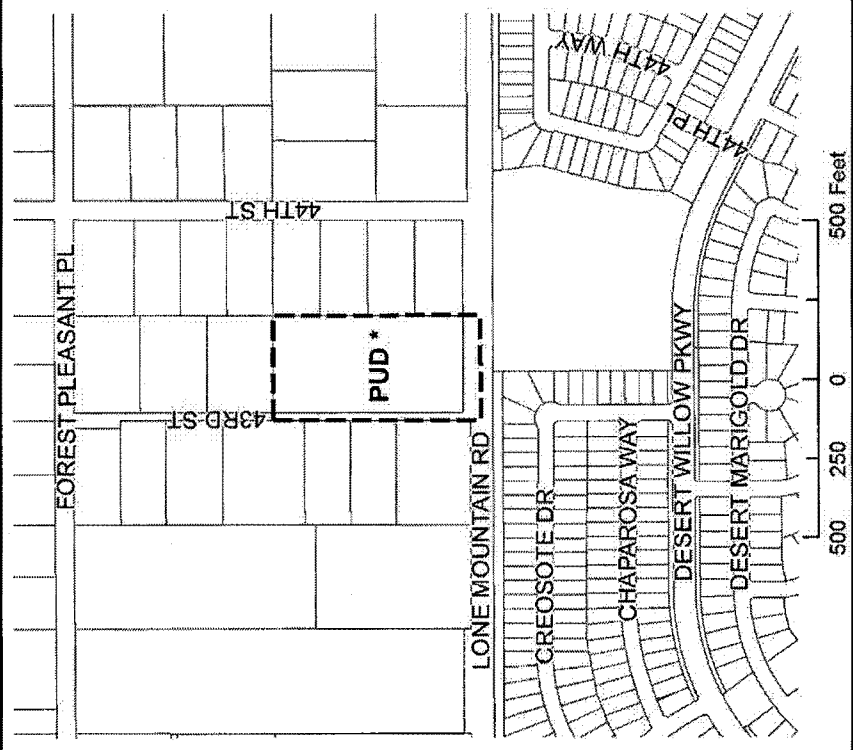
THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 5 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA; EXCEPT THE SOUTH 33 FEET; AND EXCEPT THAT PORTION DESCRIBED IN DOCUMENT NO 96-0583899, MARICOPA COUNTY RECORDER.

# ATTACHMENT B

## ORDINANCE LOCATION MAP

Zoning Case Number: Z-28-14-2  
 Zoning Overlay: N/A  
 Planning Village: Desert View

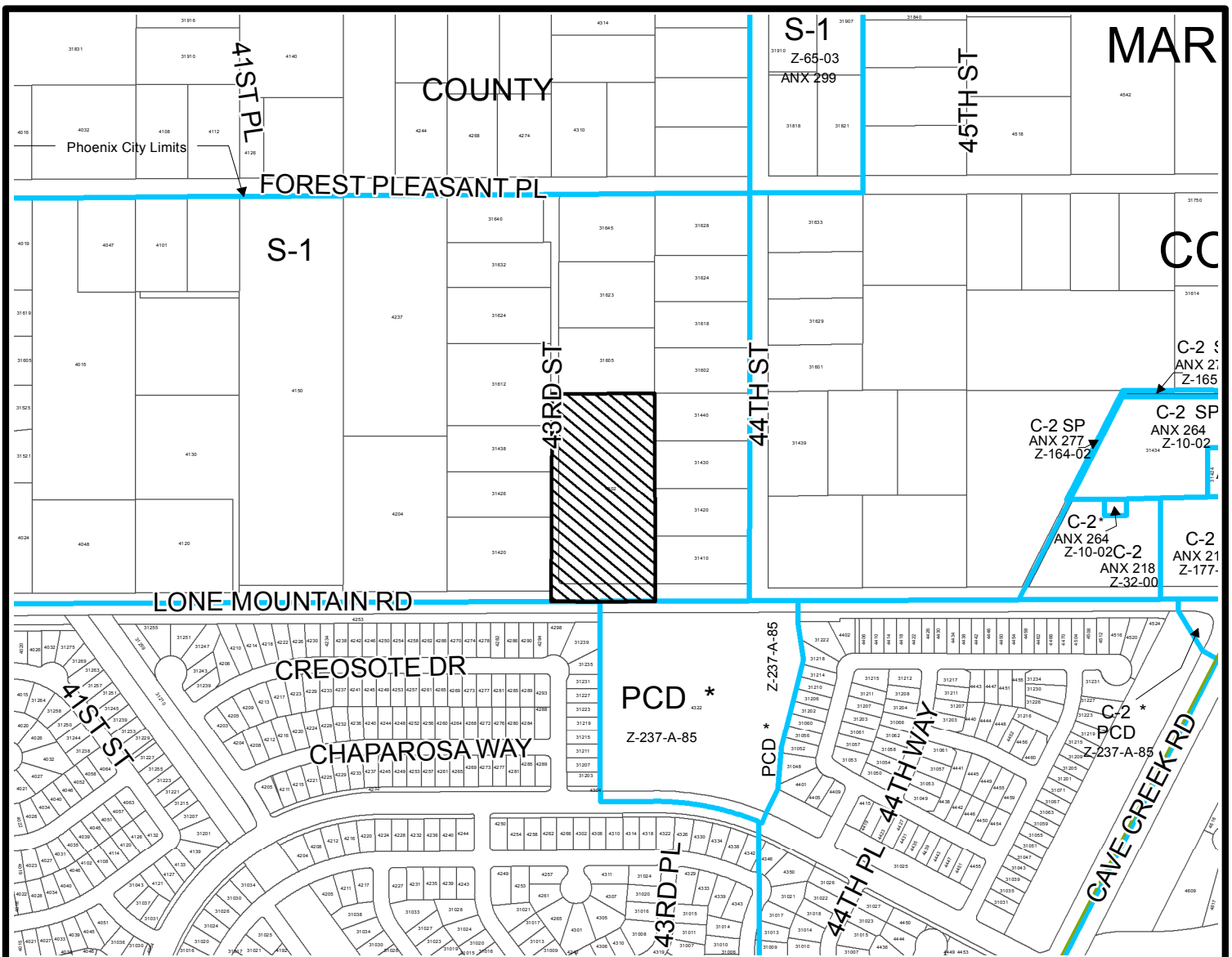
ZONING SUBJECT TO STIPULATIONS: \*  
 SUBJECT AREA: ■■■■■



Drawn Date: 6/8/2015

S:\Department Share\IS Share\PL GIS\US\_Team\Core\_Functions\Zoning\SuppMaps\_OrdMaps\2015 Ord\Format\_July\_1\_2015\Z-28-14-2.mxd

# **EXHIBIT F**

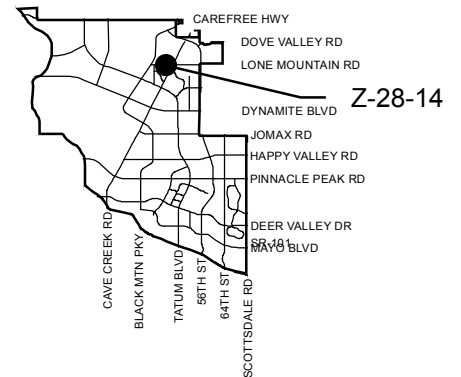


500 250 0 500 Feet

CITY OF PHOENIX PLANNING DEPARTMENT

## DESERT VIEW VILLAGE

CITY COUNCIL DISTRICT: 2



APPLICANT'S NAME:

Green Thumb Nursery LLC

REQUESTED CHANGE:

FROM: S-1, (5.00 a.c.)

TO: PUD, (5.00 a.c.)

APPLICATION NO.

Z-28-14

DATE:

7/7/14

REVISION DATES:

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

5.00 Acres

AERIAL PHOTO &  
QUARTER SEC. NO.

QS 55-37

ZONING MAP

Q-10

MULTIPLES PERMITTED

S-1

PUD

CONVENTIONAL OPTION

5

N/A

\* UNITS P.R.D. OPTION

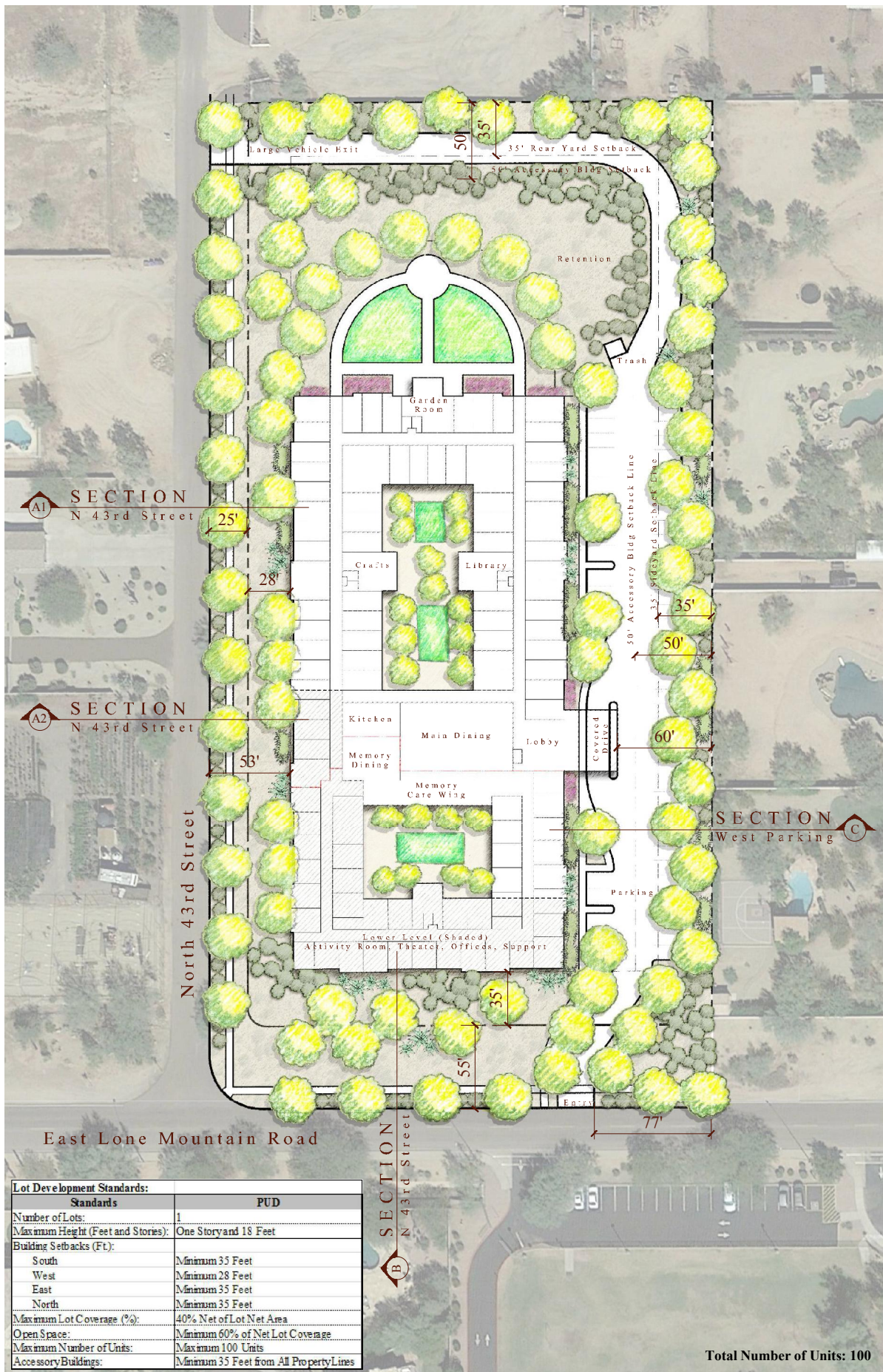
5

N/A

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

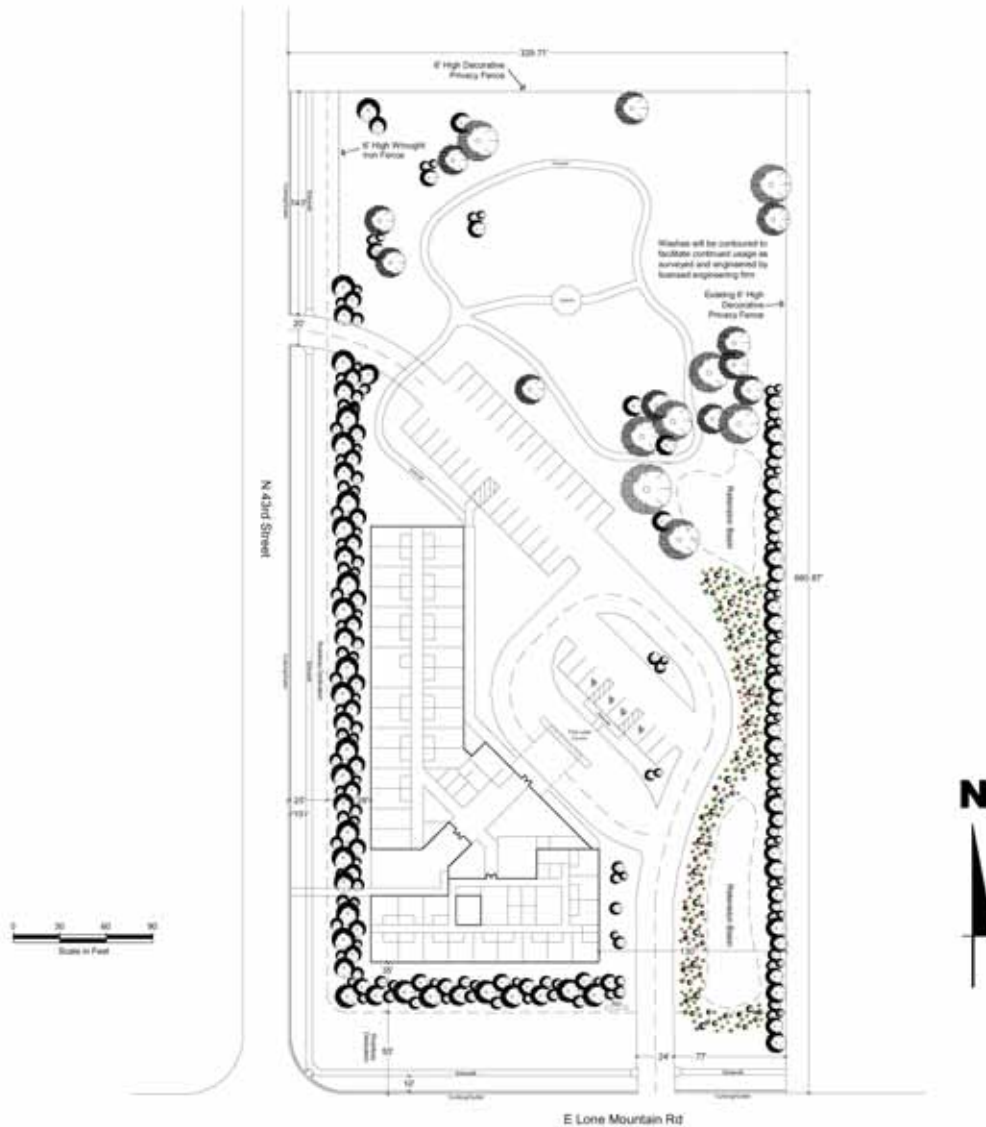
# **EXHIBIT G**





# **EXHIBIT H**

## Conceptual Site and Landscape Plan for Lone Mountain Senior Living



**Owner**  
Greenthumb Nursery LLC  
4302 E. Lone Mountain Road  
Phoenix, AZ 85331

Lot Development Standards (Proposed)

Number of Units	40 Units
Height	18 feet
# of Stories	1 story
Parking	33 standard <u>4 accessible</u> 37 total
Gross Building Area	27,421 square feet
Max Lot Coverage	45 %
Minimum Building Setbacks	
South	35 feet
West	28 feet
East	35 feet
North	35 feet

## Project - See Date

Description	Total
Existing Zoning	S-1
Proposed Zoning	PUD (Planned Unit Development)
General Plans	Large Lot Residential 0-2 DU/AC
Gross Area	5.002 Acres
Net Area	4.237 Acres

Vicinity Map

#### LOCATION MAP

NOT TO SCALE



Sheet No. <b>Site Plan</b>	Revision No. 	Revision 	<b>Lone Mountain Senior Living</b> 4302 E. Lone Mountain Road Phoenix, Arizona 85331	For the Owner: Green Thumb Nursery LLC 4302 E. Lone Mountain Road Phoenix, AZ 85331	Date: 2 Sept 2014
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# EXHIBIT I

## Desert View Village Planning Committee

November 3, 2020

Meeting was held electronically via a video conferencing platform

### MINUTES

#### **MEMBERS PRESENT**

Steven Bowser, Chair  
Louis Lagrave  
Doug Dickson  
Jill Hankins  
Rick Nowell  
Frederick E. (Rick) Powell  
David Kollar  
Jason Israel

#### **MEMBERS ABSENT**

Reginald Younger  
Mark Warren  
Joseph Barto  
Derrick Rochwalik

#### **STAFF PRESENT**

Kristi Trisko

1. Call to Order, Introductions, and Announcements by Chair.
2. Review and approval of the **October 6, 2020** meeting minutes with noted changes from Committee Members Rick Nowell and Jason Israel.

#### **Motion:**

Rick Nowell moved to approve the minutes. Louis Lagrave seconded the motion.

#### **Vote**

**8-0**; motion passed with Committee Members Lagrave, Dickson, Hankins, Israel, Nowell, Powell, Kollar, and Bowser. Committee Members Younger, Barto, Rochwalik and Warren were absent.

3. **PHO-1-20--Z-28-14-2:** Presentation, discussion, and possible recommendation on a request to review and approve proposed modifications to a conceptual site plan (building footprint) that does not meet the criteria for administrative review per Section 671.E.3.b for a property located at the northeast corner of 43rd Street and Lone Mountain Road.

**Ms. Kristi Trisko** explained the site is located at the northeast corner of 43<sup>rd</sup> Street and Lone Mountain Road and is approximately 5 acres in size. The original case was approved in 2014 with a building footprint of 27,421 square feet while the PUD narrative was approved to allow up to a 40 percent lot coverage. The current request is to eliminate the proposed footprint and revert to the original 40 percent lot coverage. This increase in building size is greater than a 5 percent so a Planning Hearing Officer review and the Village Planning Committee meeting is required. The applicant outlined that this change is needed based on changes in industry standards, to allow the project to be financially feasible, and that the restrictions on height and other development standards required that the one story building take more lot area. All other design

standards are met on this site plan. Ms. Trisko then showed the 2014 and current site plan, the first page of the traffic impact statement from Kimley Horn, and several elevations from the applicant.

**Committee Comments:**

**Mr. David Kollar** asked if the design standards for height have changed since the 2014 City approval.

**Ms. Kristi Trisko** stated that the height standards have not changed.

**Applicant Presentation:**

**Mr. Court Rich** introduced himself as an attorney at the Rose Law Group and will be presenting the project. He stated that the use for the site is for assisted living and memory care patients not independent living. Stating that assisted living residents are typically 80-85 years old and are not typically driving so the use will not impact the traffic concerns of the residents along Lone Mountain Road. Mr. Rich then described that the requested changes are a reflection of market needs and flexibility for the site but that no other elements for the site are changing including; number of lots, building height, lot coverage, open space, setbacks, and parking. He then shared the north and east enhanced landscaping elevations showing the one-story building and wall and significant landscaping along those elevations.

Mr. Rich then talked about the traffic impacts pointing out that the site was evaluated by a traffic engineer and determined that the site would experience 14 am peak trips and 22 pm peak trips per day. He further stated that the traffic engineer stated that the use will not result in a significant change in traffic conditions. He followed up with two exhibits showing the subject site and major roadways in an aerial and then showed all surrounding sites that could use another access to and from their property other than Lone Mountain Road.

**Committee Comments:**

**Mr. Rick Powell** asked if the future use for the road is to be four lanes, will the applicant build the necessary lanes.

**Ms. Kristi Trisko** confirmed the project would follow the City's Street Department guidelines for all roadway improvements.

**Mr. Rick Powell** how many people will be living in this facility.

**Mr. Court Rich** stated that they would design the building for 100 beds.

**Mr. Rick Powell** asked if the original PUD list the number of beds.

**Mr. Court Rich** stated that the PUD listed 60 beds but also allowed up to 40 percent lot coverage for the building.

**Mr. Rick Powell** asked if some of these beds would set aside for Medicaid patients.

**Mr. Court Rich** did not know.

**Mr. Louis Lagrave** asked what caliper of tree would be installed and will the area have water.

**Mr. Court Rich** stated that there will be irrigation installed and that the PUD requested 70 percent 2-inch caliper trees and 30 percent 3-inch caliper trees.

**Mr. Rick Nowell** asked what the peak a.m. and peak p.m. hours are as listed in the traffic impact statement.

**Mr. Court Rich** stated the peak a.m. hours are 7:00-8:30 a.m. and 4:30 – 6:30 p.m.

**Mr. Rick Nowell** asked why property owners would not need to use Lone Mountain Road stating the Lone Mountain is about 40 feet in width and Forest Pleasant is only about 20 feet in width.

**Mr. Court Rich** stated that the slide was intended to point out that the majority of the neighbors don't have direct access to Lone Mountain Road and they could use other access points to their properties.

**Mr. Rick Nowell** asked what is the spacing between the trees and what are the east and north views from the adjacent properties.

**Mr. Court Rich** stated that the proposed elevations in the presentation are intended to be the view from the single-family homes surrounding the assisted living site.

**Mr. Jason Israel** asked if there is a memory care wing and dining.

**Mr. Court Rich** stated that that was correct.

**Mr. Jason Israel** asked if they are asking for an increase from 60 to 100 beds.

**Mr. Court Rich** said yes.

**Mr. Jason Israel** asked what the unit mix will be for assisted living and memory care beds.

**Mr. Court Rich** said he did not know.

**Mr. Jason Israel** asked what the minimum square footage is for the intended uses.

**Ms. Kristi Trisko** stated that the rooms would have to meet all federal, state and local standards.

**Mr. Jason Israel** asked if it the Traffic Impact Statement only took into consideration the assisted living.

**Ms. Kristi Trisko** stated that the submitted analysis did take both uses into account as they assess future traffic.

**Mr. Jason Israel** asked if the memory care units were subterranean on the original plan.

**Mr. Court Rich** said yes.

**Mr. Jason Israel** asked then if the current proposed building would be two stories.

**Mr. Court Rich** said no, it will be a one-story building or 18 feet in height as approved in the original PUD.

**Ms. Jill Hankins** asked if the proposed 40 feet of right-of-way for Lone Mountain Road would be preserved as driving lanes and not include parking.

**Mr. Court Rich** stated that the project will follow all City standards set out by the Streets Department.

**Mr. Jill Hankins** recommended that the future roadway improvements be dedicated to additional lane width, not parking.

**Mr. Steve Bowser** added that all roadway improvements will be built out according to the City's approved Street Classification System as this project goes through the site planning process.

**Ms. Jill Hankins** asked if there are any other uses that could be used if the assisted living project were not built.

**Mr. Court Rich** said no, assisted living was the only permitted use. All other uses would require a new zoning entitlement process.

**Mr. Louis Lagrave** asked if the new building square footage is now about 71,000 square feet.



**Mr. Court Rich** said yes.

**Mr. Rick Nowell** asked if the exact building square footage was part of the submitted 2020 site plan.

**Mr. Court Rich** said no, we are asking for 40 percent lot coverage but have not listed the specific square footage to allow for flexibility when designing the building.

**Mr. Rick Nowell** asked why this footprint wasn't expanded on during the City Council approval in 2014 as was talked about in the minutes.

**Mr. Court Rich** stated that the original staff report called out the fact that with a 40 percent lot coverage, the original building could be expanded if needed.

**Mr. Rick Nowell** asked why this expansion was not thought of in 2014 if additional building size was needed.

**Mr. Court Rich** stated that the applicant went through the entitlement process and later got a developer on-board and then determined that the size of the building was not adequate. He also stated that the average size for an assisted living facility is 120 beds.

**Mr. Jason Israel** asked if the specific text located within the building details on the submitted site plan are accurate or any other changes to the site plan.

**Mr. Court Rich** stated the site plan is meant to be graphical only showing building setbacks, green space, and circulation and that some of these building details are not accurate and they can delete this text. No other changes

**Mr. Jason Israel** what steps have you taken to reach out to the neighborhood.

**Mr. Court Rich** we sent out letters but the PHO process does not require a neighborhood meeting. We have received emails and feedback and can answer any questions this evening.

**Public Comment:**

**Mr. Norm Neville** is the President of the Lone Mountain Community Association. He wanted to strongly express the Association's opposition to the increased size of the proposed building. They objected to the proposal in 2014 but an agreement was reached for a 60-bed facility at that time. They opposed the changes in 2016 and again in 2018. They were told that the footprint needed to expand to be profitable. Since 2014, they have told developers that the 50 -60 beds was all that the neighborhood could tolerate. They are concerned with increases in traffic, lighting, sirens, emergencies, and concerns with conflicts with

the elementary school across the street. He is also concerned with parking and sited the tremendous danger to the elementary school children who exit the back of the school facility. He did not think that the traffic engineer was able to observe the issues at 3 p.m. that occur as there are 30 cars waiting for children to get picked up on the south side of Lone Mountain Road. Most local resident are aware of this issue and avoid Lone Mountain Road during school bell hours.

He stated that there are now 50 homes that use Lone Mountain Road and more than 20 additional homes being constructed across the street from this project. There are many time delays now on all roadways in the area and any additional trips could be a disaster.

He stated that the landscaping and block walls proposed in the elevations do not look attractive to him and that there would be a great deal of traffic on 43<sup>rd</sup> as well. He asked that the Committee continued to object to this request.

He was concerned with how the building could house 100 beds given the footprint and whether the beds would be double occupancy. He and the Association would rather this area be developed as single-family homes.

**Mr. Troy Clarke** stated that he lives directly west of the proposed development and agreed with Mr. Neville. He commented that 43<sup>rd</sup> Street is used by children to play and new homes are being built with more and more traffic in the area. There are conflicts with the school and traffic. Forrest Pleasant is narrow and difficult to make left turns so Lone Mountain is used heavily. Over the years the condition of the site has not been great, as the site has had abandoned vehicles, rodents and in general the owner has not been respectful to the neighborhoods. He is also concerned with the Covid-19 epidemic and allowing seniors which are a known hot spot near a public school and kids in the neighborhood. He has concerns with light pollution and the potential smell from food preparation for 100 seniors as well as the food waste which will create a problem for the neighborhood. 43<sup>rd</sup> Street is also too narrow, and no parking could fit along with driving lanes. He has observed flooding issues and states that 43<sup>rd</sup> is not built for heavy trucks. He anticipates the need for food deliveries and laundry vehicles using the roadways to service this facility.

#### **Committee Comments:**

**Mr. Court Rich** provided the following response to public comments, the site is already approved for this use. The traffic report conclusion stated that the traffic would not significantly change the conditions of the area. As far as the Covid-19 comments, the site will not be built tomorrow, and we hope that the pandemic will be largely dealt with before residents are at the facility and there should not be any interactions between the residents and the children. The traffic situation at the school in the afternoon is almost exclusivity cars heading east bound to the school not coming westbound and we are going to be improving the roadways

surrounding the site and that should help to solve some of these issues. We anticipate most access coming to the site from Cave Creek. 43<sup>rd</sup> Street will not be used for parking for this use but will be improving that roadway width and doing more landscaping. The 40 percent lot coverage was approved in 2014 and always anticipated as possible. This is a minor modification and we hope that you all feel comfortable with the application.

### **Committee Comments:**

**Mr. Louis Lagrave** stated that given his work background, he has observed that the traffic is very light around these types of facilities. He does have a problem with the increase in size from this request and stated that the neighborhood was adamantly opposed during the 2014 submittal, but they worked it out. He further stated that it is not our job to make sure the developer gets rich but that the project fits in the neighborhood and given the existing horse properties around and surrounding large lot single family uses, this building size is totally out of the question.

**Ms. Jill Hankins** asked if the 40 percent lot coverage included the courtyards in the center of the building.

**Mr. Court Rich** stated yes, it is part of the 40 percent of the lot coverage.

### **Motion**

**Rick Nowell** motioned to deny case PHO-1-20--Z-28-14-2 as requested and **Rick Powell** seconded due to increase in size of the building.

### **Vote**

**6-2**; motion passed with Committee Members Lagrave, Dickson, Hankins, Israel, Nowell, and Powell in approval. Committee Members Kollar and Bowser in opposition. Committee Members Younger, Barto, Rochwalik and Warren were absent.

4. **Information Only:** Presentation and discussion regarding the Village Planning Committee (VPC) Handbook and the Village Planning Committee (VPC) “Best Meeting Practices” guide.

**Ms. Kristi Trisko staff**, provided an overview of the Village Planning Handbook and best practices. She showed a presentation outline the Urban Village System as part of the City of Phoenix General Plan. She outlined the Village Planning Committee roles and the day to day operations of the Committee. She outlined the meeting details including open meeting law, meeting minutes, voting, and conflict of interest. She then talked about the role of the village planner with is to collaborate with the Village Chair, provide staff reports and presentation for current plans, policies, and work with residents. She also shared how village planning committees fits in the whole planning process.

**No Discussion:**

5. **INFORMATION ONLY:** Presentation and discussion and regarding the 2020 Desert View Village Annual Report.  
*Presentation by staff.*

**Ms. Kristi Trisko** asked if the Committee members would pick a few photos that would be used for this next year's Annual Report. The Committee members agreed to pictures Nos. 2, 3, 5, and No. 10 without the mobile home park sign. Doug Dickson offered to edit photo number 10.

The Committee then reviewed the village highlighted project; Desert Ridge City North. Ms. Kristi Trisko asked if there were any other changes to text or graphics for this project page. Mr. Rick Nowell asked if we could include some proposed renderings for the page. Ms. Trisko stated that she would find some of the original elevations and include them in the project page.

The Committee then moved onto the To Do list asking for changes to this list for the 2020 Annual Report. Louis Lagrave said that the goal to engage community partners to support community festivals and tourist attractions was about getting a spring training camp into the Village which didn't happen and wondered if we should eliminate that one.

Mr. Steve Bower asked if we should reach out and collaborate with both school districts for better circulation and campus planning as it fits in the neighborhood. Mr. Rick Powell asked if schools have any obligation to talk with the Village on site planning issues. Ms. Trisko explained that the City has limited oversight with schools except as a new site plan is being reviewed or if a site is being expanded and a review is necessary. Parents and residents can get involved in site planning concerns as part of discussions at school board and PTA meetings and we can certainly ask them to talk with us during a village meeting. The group agreed to add this as a priority for next year.

Ms. Jill Hankins asked that we add to our first "To Do" to create a more walkable community by increasing the collaboration of schools, the Street and Parks Department, and developers to create more connectivity throughout the village. The Committee members would like to review all future plans to allow pedestrian connectivity to adjacent roadways, open spaces, and other neighborhoods beyond the project site.

Mr. Rick Nowell stated that we are increasing our employment in the City North area and that we should increase our multi-modal transportation options to these sites including; walking, biking, and mass transit options.

Ms. Kristi Trisko also added that they should include the ongoing trail edits that she is working on the Ms. Jill Hankins as a goal for 2020.

Mr. Louis Lagrave pointed out a typo in the text that will be fixed.

6. Public comments concerning items not on the agenda.  
None.
7. Staff update on cases recently reviewed by the Committee.

Mr. Rick Powell asked if the City North development had any updates. Ms. Kristi Trisko shared that these projects are all in the pre application phase and that most of these sites have just a few corrections or revisions needed to get their final approval before construction but that the financial effects of Covid-19 might also be a factor in this slow down.

8. Committee member announcements, request for future agenda items.

Ms. Jill Hankins pointed out that there is a new billboard on the northwest corner of Cave Creek Road and Lone Mountain Road and wondered if the Village could initiate a stronger billboard ordinance. Mr. Steve Bower pointed out that the billboard is part of Maricopa County and has been there for some time. Ms. Kristi Trisko stated that the Village Planning Committee would have to create an overlay zone to have a stiffer billboard ordinance and that would be a steep climb. As the sign ordinance stands, all billboards are required to have a public hearing with the VPC. Mr. Rick Nowell pointed out that some nice trees were removed, most likely to improve the visibility for the billboard.

9. Adjournment

The meeting was adjourned at 8:22 p.m.



# **EXHIBIT J**

## REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

November 18, 2020

ITEM NO: 1

DISTRICT 2

SUBJECT:

Application #: PHO-1-20--Z-28-14-2  
Zoning: PUD  
Location: Northeast corner of 43rd Street and Lone Mountain Road  
Acreage: 5.0  
Request: 1) Request to review and approve proposed modifications to a conceptual site plan (building footprint) that does not meet the criteria for administrative review per Section 671.E.3.b.  
Applicant: Rose Law Group  
Owner: Green Thumb Nursery, LLC  
Representative: Court Rich, Rose Law Group

### **ACTIONS**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with an additional stipulation.

### Village Planning Committee (VPC) Recommendation:

The Desert View Village Planning Committee heard this request on November 3, 2020 and recommended denial by a vote of 6-2.

### **DISCUSSION**

Tom Galvin, representative with Rose Law Group, explained that the request is to modify the building footprint on the conceptual site plan, while maintaining the development standards of, the Lone Mountain Senior Living Planned Unit Development (PUD). He clarified that even though the building footprint is increasing, all development standards of the PUD, including maximum lot coverage, will remain as previously approved. He added that the proposed development's trip generation would not result in a significant change in traffic conditions. He stated that the assisted living facility will have very low traffic because the tenants do not drive. To address comments received at the November 3, 2020 Desert View Village Planning Committee meeting, he clarified that there will be no on street parking, the facility will comply with Arizona

Department of Health Services requirements, and the proposed building will have minimal impact on the surrounding area.

Norman Neville, president of the Lone Mountain Community Association speaking in opposition to the request, stated that he was speaking on behalf of residents in the adjacent neighborhood. He stated the history of the development began in 2014 and at that time the neighborhood wanted the property owner to develop in a manner consistent with the surrounding single-family homes. He stated that an agreement was reached to support a plan to develop the site into a 60-bed assisted living facility. He added that the original developers and owners promised the neighbors that there would never be an increase in the size of the building. He added that traffic on Lone Mountain Road is already heavy due to the school to the south and the assisted living facility will exacerbate the traffic issues. He expressed concerns about the increase in the proposed number of beds from 60 to 100 and the potential negative impacts from food preparation, such as garbage smells.

Troy Clark, a member of the public speaking in opposition to the request, stated that he lives adjacent to the site. He stated that he is opposed to the proposal to increase the bed count. He expressed concern about the lack of street improvements and parking. He stated that visitors, delivery groups, and emergency personnel will add to traffic congestion in the area, which is already problematic. He also stated that there were concerns about a large group of elderly persons living in close proximity given current COVID-19 issues. He added that there are also concerns regarding the current disrepair of the site such as a lack of dustproofing, drainage problems, and other issues.

Mr. Galvin clarified that today's request is only for the increase in the building footprint on the conceptual site plan in the PUD, regardless of whether that would allow additional rooms or beds. He stated that drainage issues were resolved in a previous hearing and the proposed development was shown to assist with drainage issues. He added that the site is 5.0 gross acres and there would be significant setbacks and landscaping surrounding the property. He stated that maintenance issues such as disrepair or dustproofing will be resolved by developing the property. He stated that the City's parking requirements were being met with one parking spot for every two rooms. He added that the traffic issues are a problem created by the school and that according to the Traffic Impact Statement (TIS), traffic associated with this development would have minimal impact. He suggested an additional stipulation to prohibit employee shift changes and deliveries during the school's morning and afternoon peak hours.

Adam Stranieri asked if the TIS referenced in the applicant's presentation was the same one submitted with Rezoning Case No. Z-28-A-14, a major amendment to the PUD which was ultimately withdrawn. Nick Labadie, representative with Rose Law Group, confirmed that the TIS was the one submitted with the previous application, but a traffic engineer recently reviewed the statement to ensure that

it was still valid and accurate. He added that the traffic engineer was familiar with the use and that assisted living facilities have typically empty parking lots with little impact on traffic. Mr. Stranieri asked if the applicant had recently discussed with the Street Transportation Department if the TIS would need to be updated. Mr. Labadie indicated that they had not initiated the development review process or site plan pre-application process yet because they were uncertain if the site plan would be approved. He added that he had no concerns regarding updating the TIS if that was necessary.

Mr. Stranieri stated that the request is to address the Zoning Ordinance regulation in Section 671.E.3.b that requires the Planning Hearing Officer to review modifications to conceptual site plans that do not meet the requirement for administrative review – in this case, an increase in the building footprint of greater than five percent. He clarified that he did not have the authority to modify any other requirements or provisions of the existing PUD Development Narrative approved by City Council regarding permitted land uses, development standards, design guidelines, or other requirements. He added that an additional amendment may need to be filed to address other aspects of the proposal, such as the increased bed count, which is a development standard, even if this PHO request was ultimately approved. He noted that he had received twelve pieces of correspondence, many of which addressed concerns regarding parking and traffic. He noted that the PUD does not propose any modifications to the City's parking standards, so the development will have to comply with existing Ordinance requirements.

Mr. Stranieri noted that the PUD narrative does include a section discussing a plan to work with neighbors to the east of the site to improve drainage conditions. He asked the representatives if they knew anything about the nature of this prior agreement. Mr. Labadie stated that the developers are aware of the agreement and intend to coordinate with specified neighbors. He added that these issues are existing and would not be caused by the proposed development and that they are willing to do whatever possible to alleviate flooding and drainage issues.

Mr. Stranieri stated that he had no concerns regarding the proposed change in building footprint on the conceptual site plan because the PUD was written to permit 40% lot coverage. He noted that the conceptual site plan is consistent with all of the existing development standards in the PUD development narrative and did not necessitate a major amendment. He observed that the originally approved maximum 40% lot coverage is lower than what is permitted in conventional commercial and residential zoning districts that would otherwise permit this use. He added that he was not inclined to add the stipulation regarding prohibition of shift changes during peak hours because this issue is unrelated to the topic of this hearing, which is solely the review of the modified conceptual site plan. He urged the applicant to continue working with the community on these concerns if the plan moves forward.

Mr. Stranieri stated that if the PHO request is approved by City Council, a revised development narrative will need to be submitted with updated text references to building square footage, lot coverage, and updated conceptual plans. He recommended that the existing Stipulation 1 be modified, consistent with the recommended approval of the conceptual site plan, to capture these requirements.

Mr. Neville asked for clarification regarding the subterranean level that was included in the 2016 plan. Mr. Labadie stated that the developer did not intend to build a subterranean level at this time.

Mr. Clark asked for clarification about proposed traffic flow. Mr. Labadie stated that Lone Mountain Road is the primary access point. He added that he cannot speak with certainty whether the north exit onto 43rd Street would ultimately be necessary.

## **FINDINGS**

- 1) The applicant's request is to modify the conceptual site plan in the Lone Mountain Senior Living PUD Development Narrative. Section 671.E.3.b of the Zoning Ordinance states that the Planning Hearing Officer may approve modifications to conceptual site plans that do not meet the criteria for Planning and Development Department administrative review. Section 671.E.3.a establishes the criteria for administrative review, which includes Section 671.E.3.a.(6) regarding modifications that result in an "an increase in building footprint less than five percent." Because the applicant's proposed conceptual site plan represents a greater than five percent increase above that shown on the conceptual site plan in the Development Narrative, Planning Hearing Officer approval of the request is required.
- 2) The Lone Mountain Senior Living PUD was approved by the Phoenix City Council on July 1, 2015. The PUD established development standards, design guidelines, permitted land uses, and other related standards associated with the proposed development of a residential assisted living center. The conceptual site and landscape plan in the approved Development Narrative (Section B) depicted an 'L-shaped' building at the southwest corner of the subject site. The proposed building was 27,421 square feet, which constituted approximately 14.9% lot coverage based on the net site area of approximately 4.24 acres. However, the development standard for maximum lot coverage in the approved Development Narrative (Section G.1) was a maximum 40% net lot area. This development standard was also included on the conceptual site and landscape plan.

- 3) The proposed conceptual site plan depicts a rectangular building located at the southwest corner of the site. The specific square footage is not depicted on the plan; however, the applicant narrative indicates that the design is intended to “establish the maximum buildable area as the 40% lot coverage”. That standard is depicted on the site plan. The site plan is consistent with the existing development standards in the PUD Development Narrative and does not necessitate a major amendment per Section 671.E.1 of the Zoning Ordinance. The site plan is compatible with the intent of the PUD to establish a residential assisted living center and does not deviate from the proposed land uses, design guidelines, or sustainability guidelines approved by the City Council.
- 4) Approval of the proposed modification to the conceptual site plan is recommended. Consistent with this recommendation of approval, modification of Stipulation 1 is recommended to require the applicant to submit an updated Development Narrative which replaces the conceptual site plan and updates references to building square footage and lot coverage per the modified site plan. Previously stipulated edits to the Development Narrative are recommended for deletion as these were complied with following the City Council’s original approval of the PUD. The referenced date stamped date of “October 20, 2020” reflects the current, approved draft of the PUD, per the approval of the January 16, 2018 PUD Minor Amendment.
- 5) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

**DECISION:** The Planning Hearing Officer recommended approval with an additional stipulation.

**STIPULATIONS**

1.	An updated Development Narrative for the Lone Mountain 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 OCTOBER 20, 2020 <del>May 8, 2015</del> , as modified by the following:
a.	PAGE 13, SECTION B, LAND USE PLAN: REPLACE “CONCEPTUAL SITE AND LANDSCAPE PLAN FOR LONE MOUNTAIN SENIOR LIVING” WITH THE “LONE MOUNTAIN



		ILLUSTRATED SITE PLAN" DATE STAMPED SEPTEMBER 22, 2020.  <del>Page 11, Section B Land Use Plan, The fourth paragraph shall read: "This includes a 25-foot heavily landscaped streetscape tract along Lone Mountain Road, which includes indigenous plant material. Likewise, 43rd Street has a 25-foot right of way and a 28-foot building setback. This building setback includes a 25-foot heavily landscaped streetscape, which includes a generous amount of indigenous plant material."</del>
	b.	UPDATE ALL TEXT REFERENCES TO BUILDING SQUARE FOOTAGE AND LOT COVERAGE PER THE "LONE MOUNTAIN ILLUSTRATED SITE PLAN" DATE STAMPED SEPTEMBER 22, 2020.  <del>Page 19, Existing Land Summary Table row 4 column 2 General Plan Land Use Classification, in line with South Direction and Desert Willow Elementary School Existing Use shall read: "Public/Quasi Public".</del>
	c.	<del>Page 19, Existing Land Summary Table row 4 column 3 Existing Zoning, in line with South Direction and Desert Willow Elementary School Existing Use shall read: "R1-6 PCD".</del>
2.		A 10-foot sidewalk easement shall be dedicated along the north side of Lone Mountain Road, as approved by the Planning and Development Department.
3.		The developer shall construct all streets adjacent to the development 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.
4.		PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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.

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an

individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact the Planning and Development Department, Tamra Ingersoll at voice number 602-534-6648 or TTY use 7-1-1.

# **EXHIBIT K**

CITY OF PHOENIX

NOV 03 2020

Planning & Development  
Department

October 28, 2020

City Planning and Development Department  
200 W. Washington St., 2<sup>nd</sup> Floor  
Phoenix, Az 85003

Re: Case Number – PHO-1-20-Z-28-14

Dear Sirs and Madams:

Thank you for taking the time to read this letter. The intent of the letter is to voice our very serious concerns regarding the proposed 100 bed hospital/long term care/memory care facility as referenced by the case number above.

This 100-bed facility would literally be located in our back yard. It would devalue our property and the properties of all the families within several blocks of the proposed facility. In past meetings regarding this proposed hospital style facility we have voiced our concerns about the traffic, noise, lighting, and cafeteria smells that would come with such a business. We already have issues with water runoff from the numerous washes that flow from our home and other homes near us through the property. A solution to this issue was never provided in previous meetings. It would also block our western view of the mountains and sunsets, which we dearly treasure.

We are very familiar with this type of facility since we have had parents who needed care in this type of facility in the past. There is significant traffic from care givers, other employees and visitors, along with large delivery trucks and trash trucks. In addition, there would be noise, emergency lights and traffic from all of the emergency vehicles needed for the patients of the facility at all hours of the day and night. This results in a significant amount of noise and lighting which would is not compliant with the low lighting required in Cave Creek. Such a facility does not belong in a neighborhood like ours. Again, this proposed facility would back right up to our back yard. This is not acceptable. This entire community purchased homes in this area because it is quiet, and the large lots provide a lot of privacy for each homeowner. This hospital is not conducive to this quiet rural neighborhood. From the numerous previous meetings with other homeowners in this area, there have not been any homeowners who felt this hospital was a good idea. This includes homeowners to the South in Tatum Ranch. They were very concerned about how they would be impacted by the traffic and noise such a facility would bring to them. We will all lose property value if this hospital is approved, and we cannot afford to lose the value in our homes. It is part of our retirement savings.

We plan to attend the virtual planning meeting on November 3<sup>rd</sup> at 6 PM. Due to the Election being held the same day, it seems very odd that our virtual meeting is being held that day. One could assume many homeowners may have a difficult time attending the meeting because it is on Election day. That is very unfortunate.

We sincerely hope you take all of our concerns, along with our neighbor's concerns into consideration when preparing for and during the planning meeting. I believe you would feel the same way all of us feel if this hospital was being considered in your neighborhood.

Sincerely,

*Randy & Staci Adams*

Randy and Staci Adams  
31430 N. 44<sup>th</sup> Street  
Cave Creek, AZ 85

## Adam Stranieri

---

**From:** Kristi Trisko  
**Sent:** Thursday, November 12, 2020 8:04 AM  
**To:** Adam Stranieri; Julianna Pierre  
**Subject:** FW: PHO-1-20-Z-28-14-2

Additional thoughts from Mr. Clark.

Kristi

Kristi Trisko  
Long Range Planning – Planner 3  
kristi.trisko@phoenix.gov  
Phone (602) 534-9938

-----Original Message-----

From: lightningtroy <lightningtroy@aol.com>  
Sent: Wednesday, November 11, 2020 1:30 PM  
To: Kristi Trisko <kristi.trisko@phoenix.gov>  
Cc: normnevilleaz@gmail.com  
Subject: PHO-1-20-Z-28-14-2

Hello

Please review for use on the "Traffic study" done by applicant. These pictures were taken on the corner of 43Rd Street and Lone mountain during school/student pickup between the hours of 2:40 and 3:45pm. Desert willow school is directly south of the proposed new build, I hope these pictures will help you see a more clear picture of just how bad traffic already is in the neighborhood. I have 129 photos and 4 videos from just a 1 hour period. I am only sending a few but if you would like more I can send more them to you. I counted over 120 different vehicle passing by this location in the 1 hour time frame and feel the current claims are far short of the actual traffic conditions in the area.

White vehicle being run off the road by the black vehicle driving the wrong way !

Another vehicle being run off the road by the Jeep heading eastbound in the westbound lane.

Sent from my iPad

Thank you  
Troy Clark  
Lightningtroy@aol.com  
31426 N 43Rd Street  
Cave creek Az 85331

## Adam Stranieri

---

**From:** Kristi Trisko  
**Sent:** Thursday, November 12, 2020 8:03 AM  
**To:** Adam Stranieri; Julianna Pierre  
**Subject:** FW: PHO-1-20-2-28-14-2

Troy wanted us to have these photos for the PHO hearing.

Kristi

**Kristi Trisko**

Long Range Planning – Planner 3  
kristi.trisko@phoenix.gov  
Phone (602) 534-9938



---

**From:** lightningtroy <lightningtroy@aol.com>  
**Sent:** Wednesday, November 11, 2020 1:28 PM  
**To:** Kristi Trisko <kristi.trisko@phoenix.gov>  
**Cc:** normnevilleaz@gmail.com  
**Subject:** PHO-1-20-2-28-14-2

Hello

Please review for use on the "Traffic study" done by applicant. These pictures were taken on the corner of 43Rd Street and Lone mountain during school/student pickup between the hours of 2:40 and 3:45pm. Desert willow school is directly south of the proposed new build, I hope these pictures will help you see a more clear picture of just how bad traffic already is in the neighborhood. I have 129 photos and 4 videos from just a 1 hour period. I am only sending a few but if you would like more I can send more them to you. I counted over 120 different vehicle passing by this location in the 1 hour time frame and feel the current claims are far short of the actual traffic conditions in the area.





White vehicle being run off the road by the black vehicle driving the wrong way !



Another vehicle being run off the road by the Jeep heading eastbound in the westbound lane.











Sent from my iPad

Thank you  
Troy Clark  
[Lightningtroy@aol.com](mailto:Lightningtroy@aol.com)  
31426 N 43Rd Street  
Cave creek Az 85331



City of Phoenix Planning and Development Department  
200 West Washington Street, 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

CITY OF PHOENIX

October 25, 2020

NOV 03 2020

Planning & Development  
Department

Ladies and Gentlemen,

My husband and I reside at 31640 N. 43<sup>rd</sup> Street, in Cave Creek. We purchased our home there in 2012 because the area is a quiet neighborhood, friendly to horse owners like ourselves. We have become acquainted with all of our neighbors, and share the concern that building a senior care center in the midst of our single-family homes will not be conducive to maintaining our quiet lifestyle.

We strongly object to a recent request to build a 100-bed facility on our street. In the midst of a pandemic, this seems like an especially odious infringement on our neighborhood community. We are willing to contest this matter in the most vigorous fashion possible. The threat of the Covid virus restricts us from in person meetings, and we feel the promoters are taking advantage of the citizens of our neighborhood because of the virus situation. We strongly oppose the Stipulation Modification request (case #PHO-1-20-Z-28-14) for the Lone Mountain Senior Care Facility located at 4302 East Lone Mountain Road, Phoenix, AZ 85331.

We trust that you will vote to deny the request for expansion of the size of the senior facility at Lone Mountain Road.

Respectfully,

Pat and Dianne Danehey

31640 N. 43<sup>rd</sup> St.

Cave Creek, AZ 85331

402-984-5136

daneheyfarms@gtmc.net



I'm writing this letter in regards to a letter I received from Jennifer Hall of the Rose Bow Group about case number PHO-1-20-2-14.

I live next to the property where they want to put in a Senior Care Facility. In 2016 we approved a 50 bed facility and I still approve that but not 100 beds, that would be a lot more traffic.

I am elderly and retire early and I think there would be a lot of people coming and going all times of the

day and night. My bedroom is on the side where their exit drive way is. I think there would be a lot of noise.

Thank you,

Barbara Davies

CITY OF PHOENIX

NOV 03 2020

Planning & Development  
Department

CITY OF PHOENIX

NOV 03 2020

Planning & Development  
Department

City of Phoenix Planning and Development Department

200 West Washington Street, 2<sup>nd</sup> Floor

Phoenix, Arizona 85003

My Husband and I reside at 4258 E. Forest Pleasant Place, Cave Creek, Arizona I am writing this to express our opposition to the Stipulation Modification request (case #PHO-1-20-Z-28-14) for the Lone Mountain Senior Care Facility located at 4302 East Lone Mountain Road, Phoenix, 85331

We strongly object to this as we did in 2018.

Thank You

Russell Horne and Virginia Faye Horne

*Russell Horne - Virginia Faye Horne*

October 27, 2020

CITY OF PHOENIX

NOV 03 2020

Planning & Development  
Department

City of Phoenix Planning and Development Department  
200 West Washington Street, 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

Ladies and Gentlemen,

My name is JoAnn Mariscal and I reside at 4290 E. Creosote Drive, Cave Creek, Arizona 85331. I am writing this letter to strongly express my opposition to the Stipulation Modification request (case #PHO-1-20-Z-28-14) for the Lone Mountain Senior Care Facility Located at 4302 East Lone Mountain Road, Phoenix, AZ 85331.

My home is just south of Lone Mountain Road and 43rd Street. We approved the original plan for a 50 bed facility because we felt that it would not impact the traffic and noise. We feel that the enlargement of the facility to 100 beds will increase the traffic and noise. There is an elementary school just south of Lone Mountain where parents and buses park on Lone Mountain to pickup children. If the facility is expanded it will cause congestion in that area, especially during shift changes at the facility.

Please review the past zoning history of this property as we have objected to the creation of a larger facility since 2016.

Respectfully,

JoAnn Mariscal



October 25, 2020

City of Phoenix Planning and Development Department  
200 West Washington Street, 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

Dear Members of the Committee,

I am writing in support of Norman Neville, president of the Lone Mountain Community Association, in his objection to the Stipulation Modification request for the proposed Lone Mountain Senior Care Facility at 4302 East Lone Mountain Rd, Phoenix AZ, 85331 (case #PHO-1-20-Z-28-14).

I, too, strongly object to the proposed increase from 50 to 100 beds at the facility. As Norman outlines, we have worked hard to compromise with the landowners, thought we had reached an equitable solution, and now find we are faced with yet another attempt to steamroll the community's will and degrade the neighborhood's quality of life.

Sincerely,  
Francine McGregor



4274 E Forest Pleasant Pl  
Cave Creek, AZ 85331

CITY OF PHOENIX

NOV 05 2020

Planning & Development  
Department

October 23, 2020

City of Phoenix Planning and Development Department  
200 West Washington Street, 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

Ladies and Gentlemen,

My name is Norman Neville and I reside at 4286 E. Forest Pleasant Place, Cave Creek Arizona. I am the president of the Lone Mountain Community Association and I am writing this letter at the request of the members of this association to strongly express our opposition to the Stipulation Modification request (case #PHO-1-20-Z-28-14) for the Lone Mountain Senior Care Facility Located at 4302 East Lone Mountain Road, Phoenix, AZ 85331.

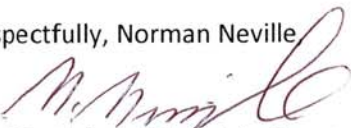
The history of this land development extends as far back as 2014 when our group spent many months and numerous meetings attempting to reach an agreement with the property owners to develop this land in a manner which would be consistent with the surrounding, mostly single-family, large-lot community of which it would become a part. We initially strongly objected to the Senior Living Facility on the grounds that it did not fit the overall plans for the community and instead wanted large-lot homes to be constructed. After months of often contentious meetings and knowing the City's need and desire to have increases in such facilities, an agreement was reached to support a plan to develop the property into a 50-bed Senior Living Facility. We all felt this was a fair resolution and one that would not adversely affect the community too drastically.

Again in 2016, we opposed a plan to increase the size of the facility to 100 beds instead of 50 and subsequently again in 2018. In both cases, we were told by the owners that it was just not profitable enough to run a 50-bed facility and they needed to increase the footprint and the number of units. We strongly objected in both cases stating that the originally approved 50-bed was all the neighborhood could tolerate. In opposing these increases, we cited the increases in traffic, lighting effects, noise from possible sirens, more employees and more shift changes, parking allocations, danger to the Elementary School children directly across Lone Mountain Road and much more. At one point, plans called for the building itself to be increased in height from 18 feet to 30 feet!

We now find ourselves in the same position again, namely strongly objecting to the most recent request to increase again to a 100-bed facility. We now feel that the horrible situation with the covid-19 virus and the fact that most meetings must now be done virtually is in fact placing us in a situation where we cannot oppose as forcibly as before. Make no mistake, we are still united in our opposition and now feel even more strongly than before, especially with two new housing developments having been completed on Lone Mountain Road within a few hundred yards of this property and a third to start soon directly across from the property on 43<sup>rd</sup> street.

Please strongly consider our continuing objections to this increase and imagine you are living in our dark sky community. Place yourselves in our shoes as you consider this outrageous third-time attempt to violate the wishes of the neighbors especially those whose properties adjoins this acreage. Please closely examine the facts, the history of objection and make the right decision to again deny this request. We would sincerely support a new direction, if needed, to develop the property into single-family homes sites instead.

Respectfully, Norman Neville

  
President, Lone Mountain Community Association

**CITY OF PHOENIX**

OCT 28 2020

Planning & Development  
Department



PHOENIX

NOV 03 2020

Planning & Development  
Department

CITY OF PHOENIX

NOV 03 2020

Planning & Development  
Department

Hello,

My name is Betty Pankau and I live at 31645 N. 43rd St. Cave Creek, AZ 85331. I am writing to express my opposition to the Stipulation Modification request (Case # PHO-1-20-2-28-14) for the Lone Mountain ~~Community~~ Senior Care Facility located at 4302 E. Lone Mountain, Phoenix, AZ.

I fully support the position of Norman Neville, President of Lone Mountain Community Association regarding the expansion of the facility. Thank you,  
480-580-7851  
Betty Pankau

Joseph & Julie Alters Snodgrass  
4316 E Forest Pleasant Pl  
Cave Creek, AZ 85331  
[altersjulie@gmail.com](mailto:altersjulie@gmail.com)  
Cell: 609.234.6405

October 25, 2020

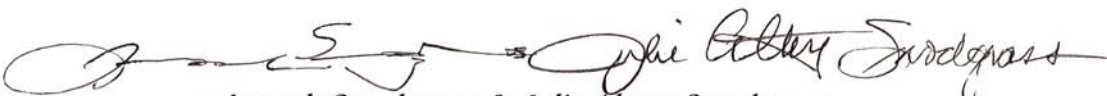
City of Phoenix Planning and Development Department  
200 West Washington Street  
2nd Floor  
Phoenix, Arizona 85003

Re: Case #PHO-1-20-Z-28-14

To Whom It May Concern,

We are writing to let you know that we wholeheartedly support the position of Norm Neville, President of Lone Mountain Community Association regarding the Lone Mountain Community Association's opposition to the expansion requested in case #PHO-1-20-Z-28-14. We hope that you will consider our concerns and vote accordingly. Thank you.

Sincerely yours,



Joseph Snodgrass & Julie Alters Snodgrass

**CITY OF PHOENIX**

OCT 28 2020

Planning & Development  
Department

October 23, 2020

City of Phoenix Planning and Development Department  
200 West Washington Street, 2<sup>nd</sup> Floor  
Phoenix, Arizona 85003

RE: Stipulation Modification request (case #PHO-1-20-Z-28-14)

To whom it may concern,

My name is Jeff M. Sullivan and I reside at 4314 E. Forest Pleasant Place, Cave Creek Arizona.

I am writing this letter to strongly express my opposition to the Stipulation Modification request (case #PHO-1-20-Z-28-14) for the Lone Mountain Senior Care Facility Located at 4302 East Lone Mountain Road, Phoenix, AZ 85331.

This has been an issue going back several years. We have already reached an agreement which everyone thought was of mutual benefit. The major contention is with the size of the facility but we reached an agreement to support a plan to develop the property into a 50-bed Senior Living Facility. This was a fair resolution and one that would not adversely affect the community too drastically.

This repeated in 2016 to increase the size of the facility to 100 beds instead of 50 and again in 2018. In both cases, we were told by the owners that it was just not profitable enough to run a 50-bed facility and they needed to increase the footprint and the number of units. In one of the meetings with the planning department, the lawyer for the owner stated that the income from this property was the owner's retirement income. While this is a worthy endeavor for any property owner, maximizing the income at the expense of the zoning and the neighborhood doesn't sound like any altruistic goal of building a senior care facility.

As before, we stated that the originally approved 50-bed was all the neighborhood could tolerate. In opposing these increases, we cited:

- Increases in traffic
- Lighting effects
- Noise from possible sirens
- More employees and more shift changes
- Parking allocations
- Danger to the Elementary School children directly across Lone Mountain Road

At one point, plans called for the building itself to be increased in height from 18 feet to 30 feet.

Here we are again, arguing the same points on a request to increase again to a 100-bed facility. What has changed to, once again, review this "settled" agreement? All that has happened in the last few years is we now have two new housing developments having been completed on Lone Mountain Road within a few hundred yards of this property and a third to start soon directly across from the property on 43<sup>rd</sup> street. In other words, more residential properties which magnify the reasons cited.

I ask that the facts are closely examined. This is a third-time attempt to change the wishes of the neighbors. This is a settled matter and we have an agreement in place.

Respectfully,



Jeff M. Sullivan

CITY OF PHOENIX

OCT 28 2020

Planning & Development  
Department