



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-71-24-7
August 2, 2024

Central City Village Planning Committee Hearing Date: August 12, 2024

Planning Commission Hearing Date: September 5, 2024

Request From: [P-1](#) (Passenger Automobile Parking, Limited) (0.67 acres)
[R-5 RI](#) (Multifamily Residence District, Residential Infill District) (0.20 acres)

Request To: [WU Code T5:3](#) (Walkable Urban Code, Transect 5:3 District) (0.87 acres)

Proposal: Church

Location: Northeast corner of 9th Avenue and Fillmore Street

Owner: Mercy Hill Development, LLC

Applicant: Martha Baker, MoD a+p

Representative: Moazam Khan, MoD a+p

Staff Recommendation: Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Commercial	
<u>Street Map Classification</u>	9th Avenue	Local Street	30-foot east half street
	Fillmore Street	Collector Street	38-foot north half street
<i>CONNECT PEOPLE & PLACES; TRANSIT ORIENTED DEVELOPMENT; LAND USE PRINCIPLE: Support compact, small block, mixed use development in appropriate locations.</i>			
The proposal will be a compact infill development within the existing well connected street grid with a WU Code transect that allows for a mix of uses.			

General Plan Conformity

CREATE AN EVEN MORE VIBRANT DOWNTOWN; SURROUNDING NEIGHBORHOODS; DESIGN PRINCIPLE: Encourage the development of height transition and design standards that support new development while enhancing the integrity and livability of established neighborhoods.

The proposal will redevelop an existing surface parking lot near downtown that will enhance the livability of the neighborhood with pedestrian-oriented design features and an appropriate height.

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

The proposal provides trees and shade on 9th Avenue and Fillmore Street which will reduce the urban heat island effect while also improving thermal comfort to site users and the surrounding neighborhood.

Applicable Plans, Overlays and Initiatives

Transit Oriented Development Strategic Policy Framework – See Background Item No. 3.

Comprehensive Bicycle Master Plan – See Background Item No. 6.

Complete Streets Guiding Principles – See Background Item No. 7.

Tree and Shade Master Plan – See Background Item No. 8.

Transportation Electrification Action Plan – See Background Item No. 9.

Conservation Measures for New Development – See Background Item No. 10.

Zero Waste PHX – See Background Item No. 11.

Surrounding Land Uses/Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Surface parking and single-family residential	P-1 and R-5 RI
North	Single-family and multifamily residential	R-5 RI
South (across Fillmore Street)	Vacant church and land (proposed multifamily residential)	WU Code T5:5
East	Single-family residential	R-5 RI

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
West (across 9th Avenue)	Vacant land and single-family residential	R-5 RI

Walkable Urban Code T5:3		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
Gross Acreage	N/A	0.87
Total Number of Units	No maximum	N/A
Density	No maximum	N/A
Building Height	48-foot maximum	42 feet (Met)
Parking	22 spaces minimum (1 space per 3 seats, 65 seats proposed)	22 spaces (Met)
Bicycle Parking – Per Section 1307.H.6.a	1 space minimum (1 space per 25 vehicle parking spaces)	5 spaces (Met)
<i>Streetscape Standards (Section 1312.B)</i>		
Collector Street (Fillmore Street)	None; Existing to remain per stipulation	Existing to remain (Met)
Local Street (9th Avenue)	None; Existing to remain per stipulation	Existing to remain (Met)
<i>Main Building Setbacks</i>		
9th Avenue (Primary Frontage)	12-foot maximum	12 feet (Met)
Fillmore Street (Secondary Frontage)	10-foot maximum	8 Feet (Met)
Side/rear (North/East)	0-foot minimum	Not specified
<i>Parking Setbacks</i>		
9th Avenue (Primary Frontage)	30-foot minimum or behind building	Behind building (Met)
Fillmore Street (Secondary Frontage)	20-foot minimum, 10-foot landscape setback	20 feet, 10-foot landscape setback (Met)
Side/rear (North/East)	0-foot minimum	Not specified
<i>Lot Requirements</i>		
Lot Coverage	80 percent maximum	37 percent (Met)

Walkable Urban Code T5:3		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
9th Avenue (Primary Frontage)	70 percent minimum	92 percent (Met)
Fillmore Street (Secondary Frontage)	50 percent minimum	61 percent (Met)
<i>Frontage Types Allowed</i>		
9th Avenue (Primary Frontage) and Fillmore Street (Secondary Frontage)	All frontages or alternative frontages per Section 1305.B.1.c	Not specified

Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone a 0.87 acre site located at the northeast corner of 9th Avenue and Fillmore Street from 0.67 acres of P-1 (Passenger Automobile Parking, Limited) and 0.20 acres of R-5 RI (Multifamily Residence District, Residential Infill District) to WU Code T5:3 (Walkable Urban Code, Transect 5:3 District) to allow WU Code uses including a church.

The subject site was originally subdivided in 1887 as part of the University Addition and annexed into the City of Phoenix in 1900. It has been zoned P-1 and R-5 since 1961. The site is within the Capitol District Transit-Oriented Communities (TOC) planning area and less than one block from the Downtown Code area.

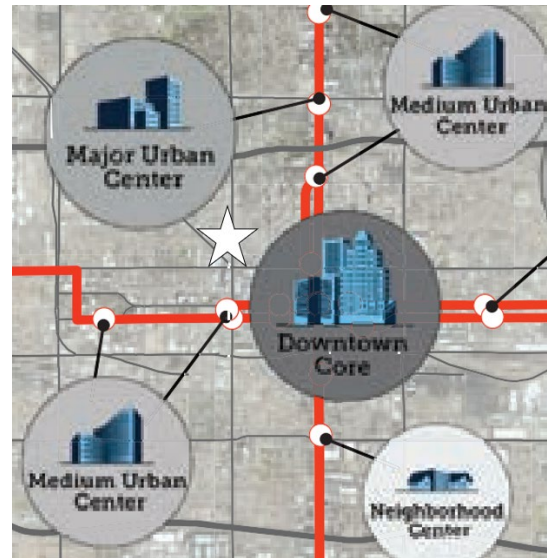
2. The General Plan Land Use Map designation for this site is Commercial, which accommodates office, retail, service, and multifamily development. The proposed Walkable Urban Code mixed-use transect is consistent with the designation. The General Plan Land Use Map designations to the north, east, and south are Commercial. The General Plan Land Use Map designation to the west is Residential 10 to 15 dwelling units per acre.



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

3. [Transit Oriented Development Strategic Policy Framework](#)

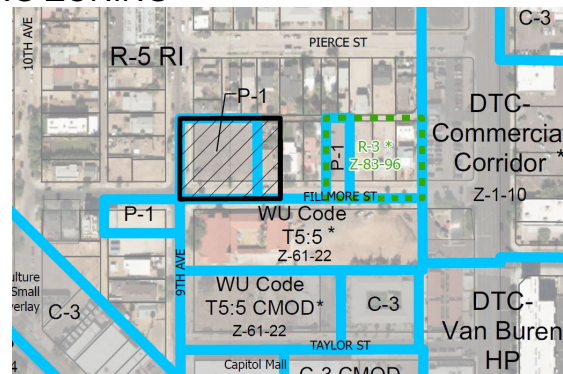
The Transit Oriented Development Strategic Policy Framework is part of the City's General Plan which identified planning typologies to describe urban environments. The subject site is within one half-mile of the planned light rail station at 7th Avenue and Washington Street / Jefferson Street. The identified environment for the station is Medium Urban Center. Medium Urban Center is a place type characterized by medium intensity with building heights typically from three to six stories with incentive heights of up to 10 stories. Land uses may include destination retail and entertainment, mid-rise living, and low-rise office employment. The proposed WU Code Transect allows a mix of uses up to 48 feet in height, and is consistent with this place type.



TOD Strategic Policy Framework Placetypes, Source: Planning and Development Department

EXISTING CONDITIONS AND SURROUNDING ZONING

4. The subject site is zoned P-1 and R-5 RI and contains a surface parking lot and one single-family home. To the west (across 9th Avenue) and east are single-family residences zoned R-5 RI. To the north are single-family and multifamily residences zoned R-5 RI. To the south, across Fillmore Street, is the now-vacant former Mercy Hill Church property zoned WU Code T5:5, which is planned for multifamily residential and was the subject of Rezoning Case Z-61-22-7 approved in 2023.



Zoning Aerial Map, Source: Planning and Development Department

PROPOSAL

5. The proposed WU Code T5:3 District is described as a low-intensity urban mixed-use fabric characterized by small main street scale commercial areas, adaptive reuse of single-family homes to retail, office uses, dining establishments, and mixed-use residential developments incorporating a broad mix of frontage types up to 48 feet in height. As shown on the conceptual site plan attached as an exhibit, the proposed development will be a two-story church

with frontages adjacent to the streets and a surface parking lot set back from the street and behind the building. The site will provide vehicular access with two driveways, one on each street frontage and pedestrian access with common entries on each frontage of the building. The site will provide the required 22 parking spaces with 19 spaces on site and three on-street spaces along Fillmore Street. The conceptual building elevations, attached as an exhibit, show a building design with a variety of colors, articulation, and elements that create visual interest.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

6. [Comprehensive Bicycle Master Plan](#)

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The proposed development incorporates bicycle parking, per the WU Code, and additional requirements for any future multifamily residential development, pursuant to Stipulation No. 9.

7. [Complete Streets Guiding Principles](#)

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The proposed WU Code transect requires urban street frontages that enhance the pedestrian environment in the vicinity of the development. The proposal maintains the existing detached sidewalks and landscape areas, which will be replenished per the WU Code landscaping standards to provide shade for the adjacent sidewalks. This is addressed in Stipulation No. 10.

8. [Tree and Shade Master Plan](#)

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. WU Code standards require that all sidewalks be shaded to a minimum of 75 percent, and Stipulation No. 10 requires the existing landscape area between the sidewalk and curb be replenished which will facilitate the required shade coverage.

9. [Transportation Electrification Action Plan](#)

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for

better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. Stipulation No. 1 provides requirements for electric vehicle parking, charging and infrastructure.

10. **Conservation Measures for New Development**

In June 2023, the Phoenix City Council adopted the Conservation Measures for New Development policy as part of a resolution addressing the future water consumption of new development (Resolution 22129). This resolution addresses the future water consumption of new development to support one of the City's Five Core Values in the General Plan which calls for Phoenix to "*Build the Sustainable Desert City*". The Conservation Measures for New Development policy includes direction to develop standards for consideration as stipulations for all rezoning cases that will address best practices related to water usage in nine specific categories. This is addressed in Stipulation Nos. 2 through 8.

11. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The proposed development will incorporate recycling services.

COMMUNITY INPUT SUMMARY

12. At the time this staff report was written, staff has not received any community correspondence on this proposal.

INTERDEPARTMENTAL COMMENTS

13. The Street Transportation Department requested stipulations to require replenishing the existing landscape areas in the right-of-way with landscaping, to limit vehicular access points to one per street, to replace unused driveways with curb, gutter, and sidewalk, and that all streets be constructed with the required improvements and comply with ADA accessibility standards. This is addressed in Stipulation Nos. 10 through 13.

14. The Aviation Department requires that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. This is addressed in Stipulation No. 14.

OTHER

15. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 15.
16. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to final site plan approval. This is addressed in Stipulation No. 16.
17. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Zoning adjustments, abandonments or other formal actions may also be required.

Findings

1. The proposal is consistent with the General Plan Land Use Map designation and the Transit Oriented Development Strategic Policy Framework vision for the site.
2. The proposal will redevelop an underutilized surface parking lot with a neighborhood-scale church that will contribute to the mix of uses in the area.
3. As stipulated, the proposal provides enhanced pedestrian and bicycle amenities consistent with the Transit Oriented Development Strategic Policy Framework, Comprehensive Bicycle Master Plan, Tree and Shade Master Plan, and the Complete Streets Guiding Principles.

Stipulations

1. A minimum of 5% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure, as approved by the Planning and Development Department.

2. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
3. Natural turf shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas located on properties for uses such as parks, schools, and residential common areas, as approved by the Planning and Development Department.
4. Pressure regulating sprinkler heads and/or drip lines shall be utilized in any turf areas to reduce water waste.
5. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
6. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
7. A minimum of one green stormwater infrastructure (GSI) element for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
8. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Business Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.
9. If multifamily residential use is provided, the following additional standards for bicycle parking shall apply, as approved by the Planning and Development Department.
 - a. All required bicycle parking, per Section 1307.H.6.d of the Phoenix Zoning Ordinance, shall be secured parking.

b. Guest bicycle parking shall be provided at a minimum of 0.05 spaces per unit with a maximum of 50 spaces near entrances of buildings and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance.

10. The existing landscape areas within the right-of-way along 9th Avenue and Fillmore Street shall be maintained and replenished per the landscape standards of Section 1309 of the Zoning Ordinance, as approved by the Planning and Development Department.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.

11. Vehicular access points to 9th Avenue and Fillmore Streets shall be limited to no more than one vehicular access point per street.
12. Replace unused driveways with sidewalk, curb, and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
13. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
14. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
15. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
16. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

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August 2, 2024

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Writer

Anthony Grande

August 2, 2024

Team Leader

Racelle Escolar

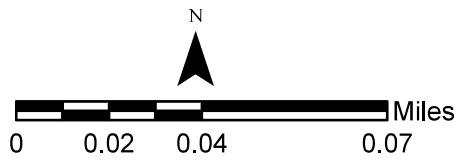
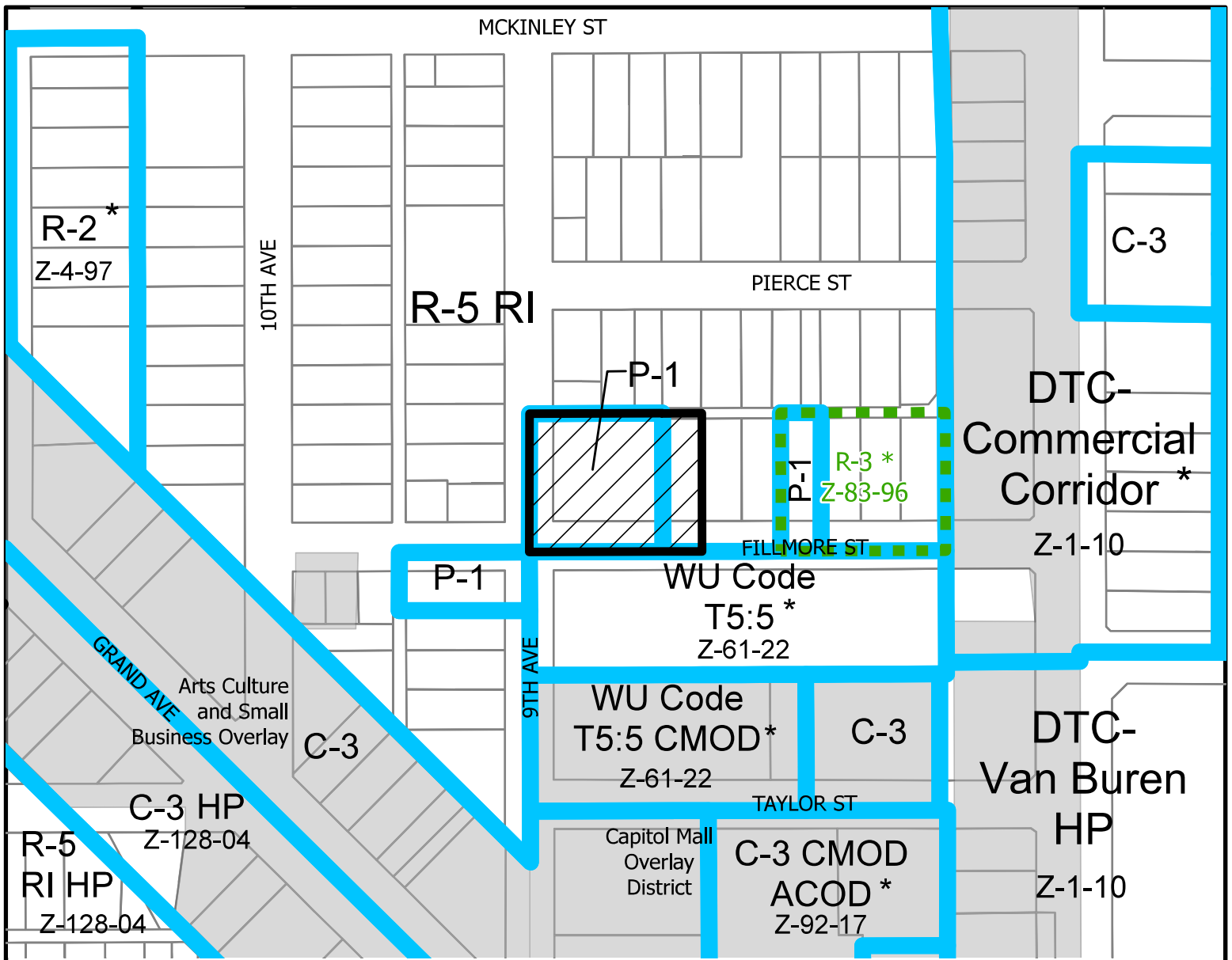
Exhibits

Sketch Map

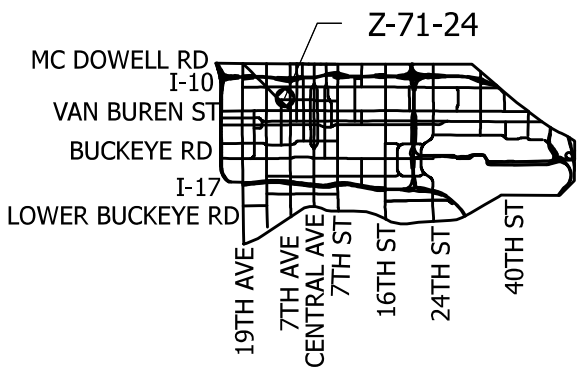
Aerial Map

Conceptual Site Plan Date Stamped May 22, 2024

Conceptual Elevations Date Stamped May 22, 2024

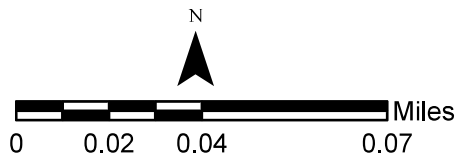
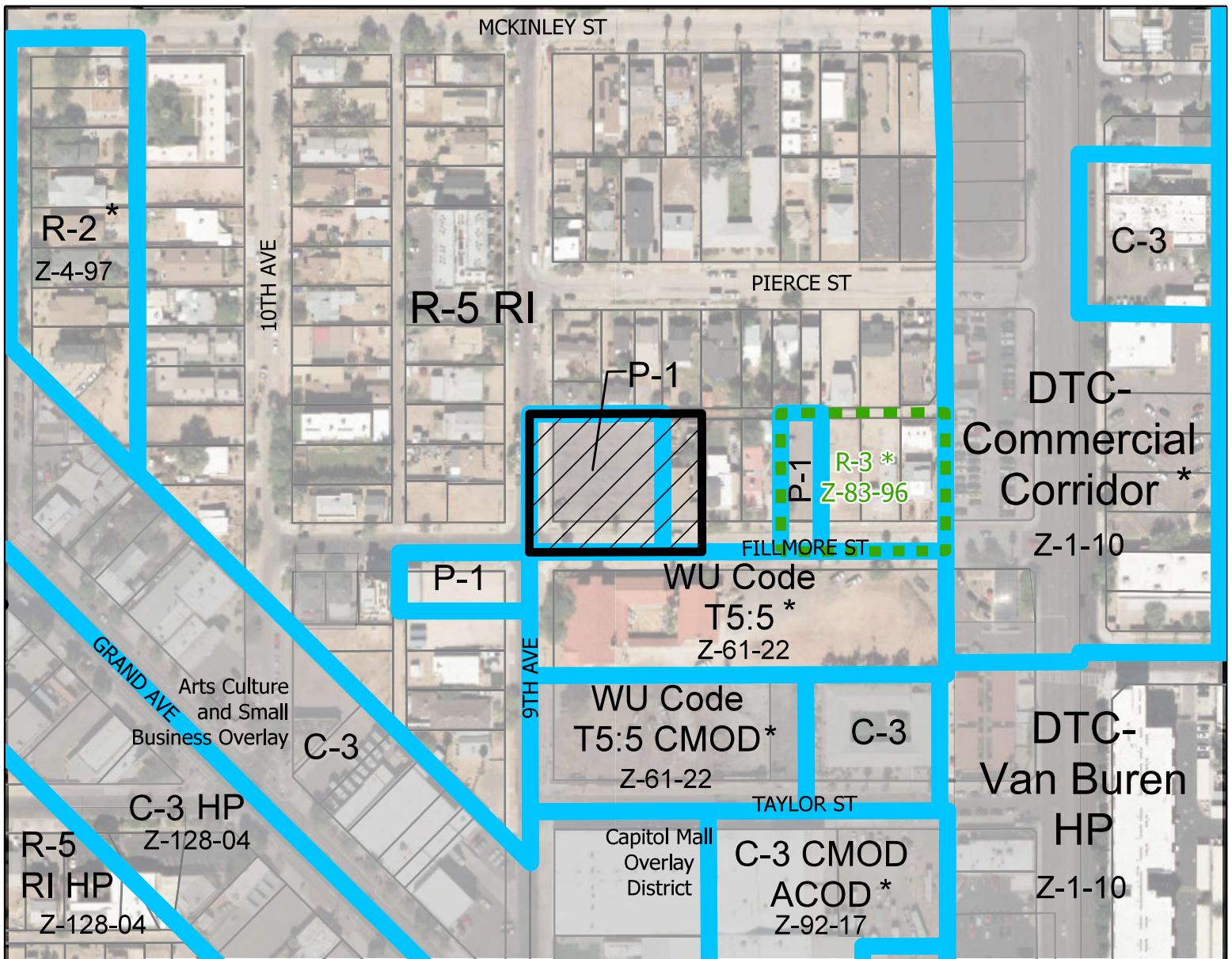


CENTRAL CITY VILLAGE
COUNCIL DISTRICT: 7

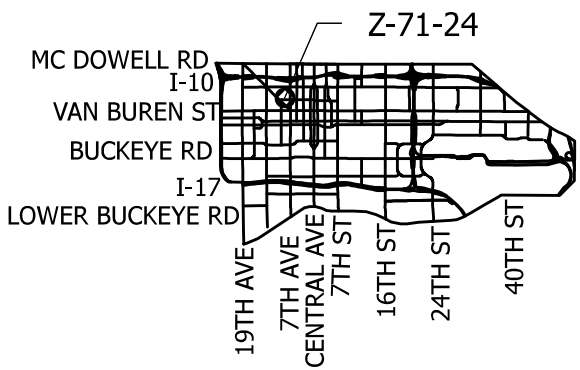


APPLICANT'S NAME: Martha Baker		REQUESTED CHANGE:	
APPLICATION NO: Z-71-24	DATE: 6/14/2024	FROM: R-5 RI (0.20 a.c.) P-1 (0.67 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 0.87 Acres	REVISION DATES:		TO: WU Code T5:3 (0.87 a.c.)
	AERIAL PHOTO & QUARTER SEC. NO. QS 11-26	ZONING MAP F-8	
MULTIPLES PERMITTED R-5 RI , P-1 WU Code T5:3	CONVENTIONAL OPTION 8, N/A No Maximum	* UNITS P.R.D OPTION 10, N/A N/A	

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

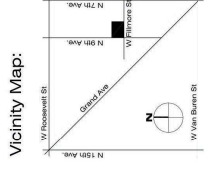


CENTRAL CITY VILLAGE
COUNCIL DISTRICT: 7



APPLICANT'S NAME: Martha Baker		REQUESTED CHANGE:	
APPLICATION NO: Z-71-24	DATE: 6/14/2024	FROM: R-5 RI (0.20 a.c.) P-1 (0.67 a.c.)	
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* Maximum Units Allowed with P.R.D. Bonus



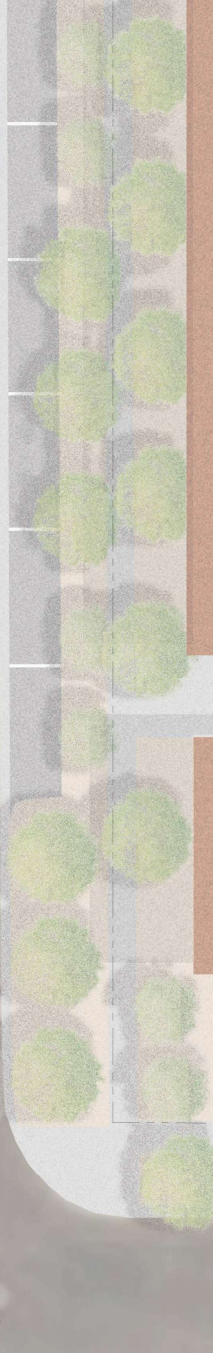
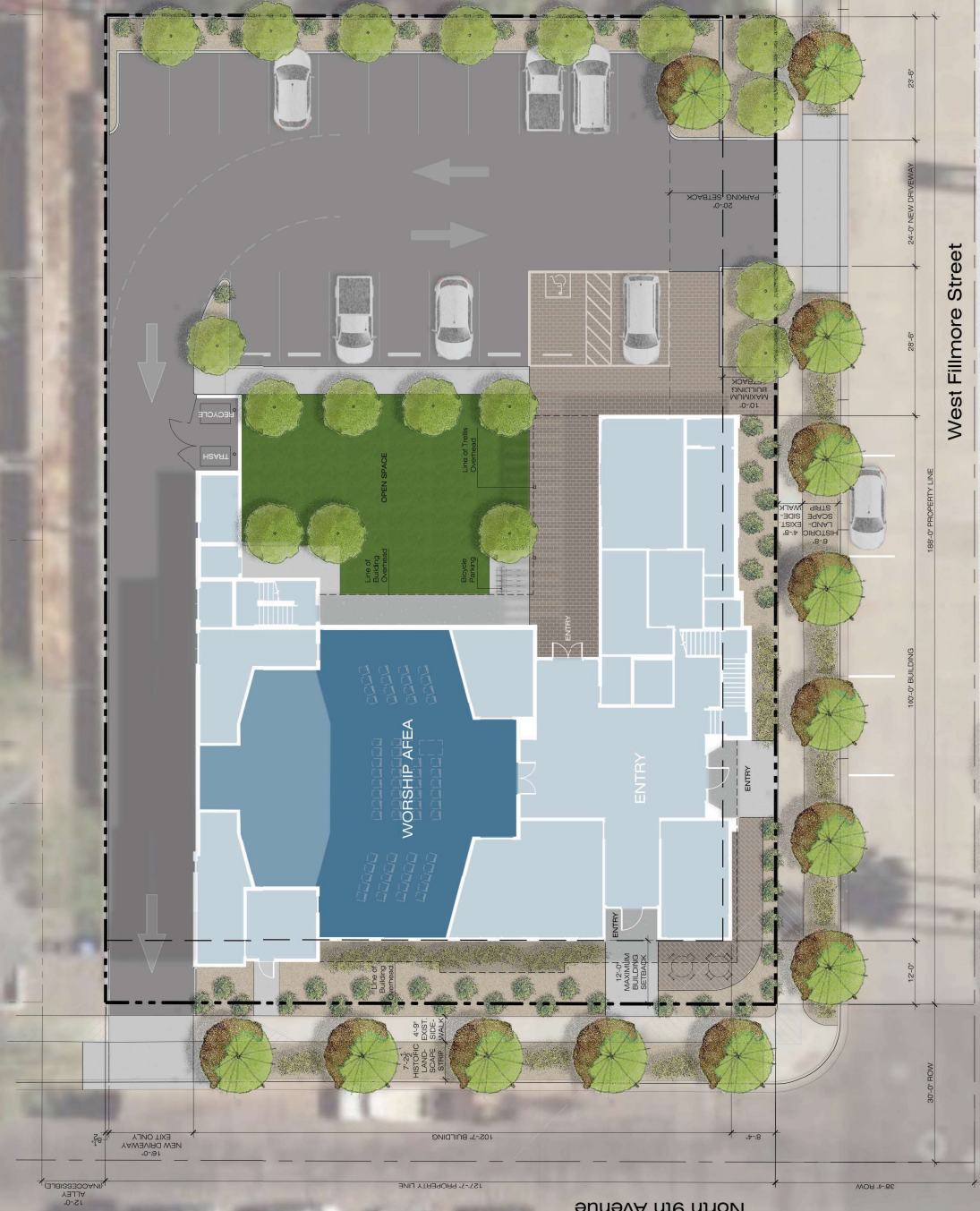
Project Description

The proposed project includes rezoning of the existing mixed zone R-1, PUD R-1.5 RI Tract 6.3. A new church is to be constructed on the site. The existing Mercy Hill Church will be demolished and replaced with a new four-story church with open auditorium, administrative and support spaces. The church will be located on the east side of the site along West Fillmore Street. A landscaped Open Space area will be provided along the street frontage. A landscaped Open Space area will be provided along the street frontage. A landscaped Open Space area will be provided along the street frontage. A landscaped Open Space area will be provided along the street frontage.

RVA	23-1684
Date	05.22.24
Scale	1" = 10'-0"
Title	

Site Data

Address:	738 West Fillmore Street
Parcel Number:	APN 111-20-133A
zoning:	R-1, PUD R-1.5 RI
Tract:	Tract 6.3
Lot Area:	59,860 SF, 0.85 Acres
Street Site Area:	37,403 SF, 0.86 Acres
Max Building Height Allowed:	3-Storey, 48'
Per WU code 15.3:	3-Storey, 48'
Proposed Building Height:	3-Storey, 48'
Existing Use:	Detached Single Family Residence
Proposed Use:	Place of Worship/Church
Building Area:	7,532 GSF (including balconies and roof deck)
Tot Floor Area:	15,224 GSF
Total Area:	
FAR:	0.40
Lot Coverage/Primary Building Footprint:	86% (19,186 SF)
Proposed Covered Building Area:	37% (6,807 SF)
Primary Building Footprint Required:	70% Minimum (75-17)
Secondary Building Footprint Provided:	92% (102-7)(12-7)(16-0)
Primary Building Footprint Provided:	92% (102-7)(12-7)(16-0)
Secondary Building Footprint Provided:	61% (110-0)(18-0)(24-0)
Parking:	
Total Parking Spaces Required:	1 Space per 5 Seats
Plots of Worship:	10 Plots of Worship
Total Parking Spaces Provided:	19 Spaces on Site
Accessibility Parking Spaces Required:	2 Spaces
Accessibility Parking Spaces Provided:	3 Street Spaces Fillmore
Bicycle Parking Spaces Required:	5 Spaces
Bicycle Parking Spaces Provided:	5 Spaces



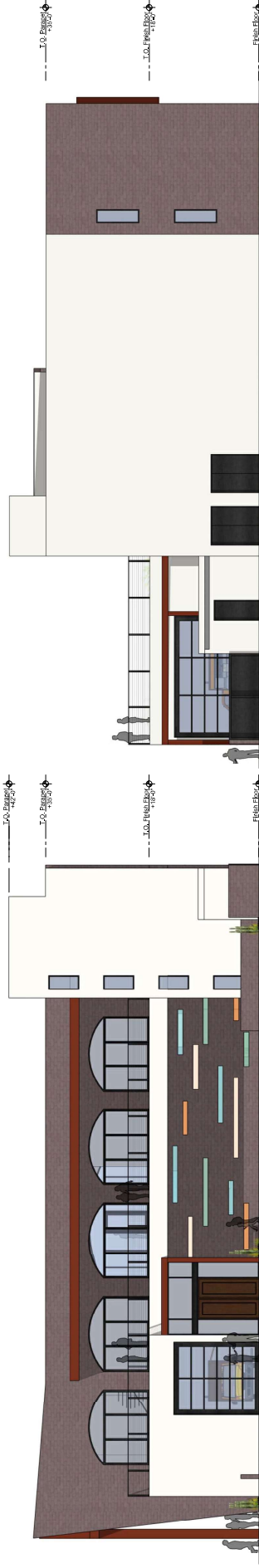
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MH MHC
MERCY HILL CHURCH
 Mercy Hill Development LLC
 Pastor Miod Skorens
 Mercy Hill Church
 733 West Fillmore Street
 Phoenix, AZ USA 85028



01 West Elevation
 Scale: 1/8"=1'-0"

02 South Elevation
 Scale: 1/8"=1'-0"



03 East Elevation
 Scale: 1/8"=1'-0"

04 North Elevation
 Scale: 1/8"=1'-0"

CITY OF PHOENIX
 MAY 22, 2024
 Planning & Development
 Department

RVA	23-1684
DATE	05.22.24
SCALE	1/8" = 1'-0"
TITLE	

Colored Elevations
 Sheet No. **A3.01**