

## **Ascension Lutheran Church (GPA-20-01) (MI-20-03) (SUP-20-07) (RP-20-01)**

### **Background**

**April 6, 2021**

#### General Plan Amendment (GPA-20-01)

The 2012 General Plan Land Use Map designates the subject 6.3-net acre property as “Public/Quasi Public.” “Public/Quasi Public” is the appropriate designation for the church use. The area surrounding the church property is designated “Low Density Residential.” “Low Density Residential” is the appropriate designation for the R-43 Single-Family Residential District, requiring minimum one-acre lots. The General Plan designation change is necessary since §9-462.01.F of the Arizona Revised Statutes and Section 306 of the Town’s Zoning Ordinance requires amendments to the zoning district boundaries be consistent with and conform to the Land Use Map of the Town’s adopted General Plan. Table 9.4-1 of the Town’s General Plan defines a change in designation from “Public/Quasi Public” to “Low Density Residential” as a Minor General Plan Amendment. A Minor General Plan Amendment pursuant to the Town Code requires Planning Commission recommendation and Town Council approval. Approval is via resolution. No stipulations are allowable as part of the action.

#### Rezoning (MI-20-03)

The subject 6.3-net acre property is currently zoned “Special Use Permit - Religious Facility,” being the appropriate zoning for the church use. The subject area is not designated hillside. The zoning of adjacent properties are “R-43 Single-Family Residential District.”

The request to create a 1.0-net acre single-family residential lot requires the applicant to request a rezoning for this portion of the site from “Special Use Permit - Religious Facility” to “R-43 Single-Family Residential District.” A rezoning pursuant to the Town Code requires a Citizen Review Session (a neighborhood meeting prior to the Planning Commission recommendation), Planning Commission recommendation, and Town Council approval. Section 2-5-2.D.1 of the Town Code provides time limits on rezoning applications when they are initiated by the Town. Being applicant driven, there are no timing requirements for the requested rezoning. Approval is via ordinance.

#### Special Use Permit Amendment (SUP-20-07)

The Town annexed the church property in 1961. The church was constructed in 1963. The Town issued the first Special Use Permit zoning on the property in 1977. Concurrent with the 1977 Special Use Permit, the Town approved the Meadowlark Acres lot split plat map that included the creation of two 1.1-net acre residential R-43 lots (6700 E Meadowlark Lane and 6701 E Hummingbird Lane) from the original 10-gross acre church property. Several amendments to the Special Use Permit occurred over the years. The latest amendment being a replacement monument sign in 2019. Other than the request to sell off 1.0-net acres of the 6.3-net acre church property, the church plans no other changes on the church site (e.g. no new structures, parking, exterior lighting, or other improvements). Except for landscaping described in more detail below, the property is in compliance to past approvals based on available information.

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The reduction of the church site area requires a Minor SUP Amendment, review any potential impact of the site area reduction to the Special Use Permit Guidelines, and to review other impacts like drainage. Section 1102.7.B of the Zoning Ordinance requires the request meet four criteria to be a Minor SUP Amendment. The Planning Commission will need to take two actions during the public hearing (yet to be scheduled). This includes an action to determine the request is a Minor SUP Amendment and the second action to deny or approve the Minor SUP Amendment with any stipulations.

The application request to reduce the church site area meets the Minor SUP Amendment criteria as outlined below:

1. Change or add any uses.

There are no proposed changes or addition of uses than already exist or approved at this church with this application request.

2. Increase the floor area of the project by more than 5000 square feet or constitute an increase of more than 15% upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, whichever is less, with any such increase to be measured cumulatively over a sixty month period.

There are no proposed structures on the remaining church property with this request. The church site has 11,691 square feet of dripline/footprint and 15,823 square feet of total square footage. As such, there is no increase in square footage. However, the reduction in site area increases the lot coverage and floor area percentages. The lot coverage will increase from 4.2% to 5.0%, well within the SUP Guideline of 25.0%. The floor area ratio will increase from 5.7% to 6.8%, with no SUP Guideline on floor area. The reduced lot size for the church site at 5.3 acres exceeds the suggested SUP Guideline minimum lot area of 5.0 acres.

3. Have any material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated.

The church structure/uses are not changing and will not impact adjacent properties. The new residential lot will be closer to the existing church building. However, the lot owner purchasing the lot will be aware of the adjoining church use. The reduced lot for the church site meets SUP Guidelines in that the nearest church structure will be more than a 100-foot setback from the new residential lot (60' suggested).

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The request to split off a residential lot creates a new shared property line between an SUP-zoned lot and an R-43-zoned lot. SUP Guidelines not met to these new shared lot lines include:

- (a) Ten existing parking spaces of the south parking lot will have an approximate minimum 12-foot setback to the new shared lot line instead of the suggested SUP Guideline for a 60-foot setback for parking lots adjoining residential uses. The new owner of the proposed lot will be aware of this condition before purchasing the lot.
- (b) The SUP Guidelines suggest a 40-foot landscape buffer adjoining residential property. The church site presently complies with a minimum 60-foot wide buffer. The proposed R-43 lot results in a reduced buffer adjoining the existing south parking lot as noted above.
- (c) There is no proposed perimeter wall along the proposed shared lot lines of the R-43 lot. Although, the owner of the new R-43 lot will likely construct a wall along the shared lot line with the church. The Town Zoning Ordinance allows for an 8-foot tall wall along property zoned SUP. The SUP Guidelines suggest parking lots be shielded with a minimum 3-foot tall wall or a landscaped berm providing equivalent screening or a combination of both so that no vehicle lights shine onto adjacent residentially zoned property. The SUP Guidelines have a similar criteria along public streets. The existing parking lot was approved in 2002 without any screening.

There are no specific SUP conditions over the undeveloped area proposed for the single-family lot. In particular, there was a question during the Planning Commission work study if this area may have been used for overflow parking. In reviewing the 2002 approval on the church property, this approval was specifically to address the lack of parking. The 2002 approval increased the then existing number of parking spaces from 114 to 207 parking spaces based on the uses at the church. The number of parking spaces, uses, and structures at the church are the same since 2002, with no further changes proposed as part of the current request. The past Town approvals required no overflow parking areas. There are no known parking issues on this site over the last several years. However, the removal of this area from the Special Use Permit zoning will limit future expansion of church uses.

#### **4. Change the architectural style of the existing Special Use Permit.**

The church structure/uses are not changing and will not impact adjacent properties. The new residential lot will be closer to the existing church site. However, the lot owner purchasing the lot will be aware of the adjoining church use.

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#### Non-Administrative Lot Modification (RP-20-01)

The request to create a minimum one-net acre residential lot requires approval of a Non-Administrative Lot Modification application of the plat map of "Meadowlark Acres," approved by the Town in 1977. Pursuant to Section 6-9-7.D of the Town Code a Non-Administrative Lot Modification application (e.g. Lot Split, Lot Split (Exempt), Lot Line Adjustment, Easement Modification) on property with Special Use Permit zoning shall follow the final plat/map process in accordance with Section 6-2 of the Town Code. The typical final plat/map process requires only Council review and approval, unless the final plat/map does not comply with the stipulations or has substantial differences from the preliminary plat/map. Being that the plat map request is dependent upon the Minor SUP and other noted applications, staff finds that Planning Commission recommendation is necessary, requiring Council action on the Non-Administrative Lot Modification application within 40 calendar days of the Planning Commission recommendation instead of 40 calendar days of the application filing.

#### 1. Right-of-Way/Road Improvements

No additional right-of-way is required. The subject site has street frontage adjoining the north, east, and south. Hummingbird Lane to the north and Meadowlark Lane to the south are designated local streets with a suggested total right-of-way width of 50 feet. Both of these streets have a 66-foot right-of-way width. Mockingbird Lane is to the east. It is a Minor Arterial with a right-of-way width of 80 feet which complies with the appropriate street cross sections of the General Plan.

No adjoining roadway or sidewalks improvements are required. The existing travel lanes, curbing, and sidewalk along Mockingbird Lane complies with the appropriate street cross sections of the Town General Plan.

#### 2. Traffic

Per the Town Engineer, a traffic study is not required. As a new residential lot will be created, this may increase vehicular and pedestrian traffic. However, it is not expected to cause a significant increase in traffic. The Trip Generation Manual by the Institute of Transportation Engineers estimates the typical single-family detached home averages between 8.78 to 10.09 vehicle trip ends per day. There are no proposed changes to the operation of the church, changes to the church driveways, or any new physical improvements that merit a traffic study.

#### 3. Lot Configuration

The proposed plat map meets all area requirements for an R-43 lot, including size, lot width, access to a public street, and setbacks. As noted previously, the reduced lot size for the church site at 5.3 acres exceeds the suggested SUP Guideline minimum lot area of 5.0 acres.

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#### 4. Existing Structures

There are no existing structures on the proposed R-43 lot. Approval of the application requests noted in this staff report will allow for the owner of the residential lot to landscape and construct residential structures in accordance with the R-43 Single-Family Residential District via the Town's building permit process. As described under Special Use Permit (SUP) Amendment above, there are no changes to the existing structures on the church site.

#### 5. Drainage

There are no washes on the subject site. As such, no drainage easements are needed. The new residential lot will require an individual engineering site/grading and drainage plan with the building permit application submittal for a new home (although the applicant provided one for the R-43 lot). On-lot retention will be required with the development of this lot. Based on the grading and drainage plan for the remaining church site, the applicant will be adding three new retention basins in the south part of the site and removal of the existing rocks along Hummingbird Lane that affect stormwater flow.

#### 6. Utilities

Each of the proposed lots will have the required 6 or 8-foot public utility easement along the perimeter of the lots in accordance with Section 6-3-3 of the Town Code. All typical utilities will be provided; such as water, electricity, and natural gas. The new home on Lot 1B will be connected to Paradise Valley sewer as sewer lines exist within Meadowlark Lane (and the other streets adjoining the church).

#### 7. Fire Protection Issues:

The proposed R-43 lot, along with the existing church, meets the standards related to fire protection. Both lots have direct access onto a public roadway and are within 400 feet of an existing fire hydrant. There is an existing fire hydrant along Meadowlark Lane near the monument sign for the church. The nearest fire hydrant to the proposed R-43 lot is 370 feet west along Meadowlark Lane at the southwest corner of 6550 E Meadowlark Lane. The new home that will be constructed as a result of this plat map will have fire sprinklers in accordance with the Town Fire Code.

The applicant has provided water service impact documentation. The site is located within the City of Phoenix service area. The documentation demonstrates that the water system falls short of the required flow rate of 1,500 gpm at the residual zone pressure of 20 psi (tested at 1,087 gpm). As in past instances for low water pressure, the approval will include a stipulation (code requirement) that

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“The property owner(s) or designee(s) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement.”

#### **8. Landscaping**

There is no existing or previously approved landscaping within the area of the proposed R-43 lot or north of this proposed lot with prior Special Use Permit amendments at the church. In 2002, the Town approved the existing parking lots and perimeter landscaping. As noted previously, there are several places the landscaping no longer complies with these plans which the church will correct. The approval also includes additional landscaping on the church property within a 40-foot distance along the north and east property lines of the proposed single-family lot.

There are no specific Town Special Use Permit Guidelines or requirements for the number and type of landscaping for the buffer along residentially-zoned properties. The new lot owner has opportunity to construct an 8-foot tall wall by right with a building permit along the church site beyond the 40-foot front yard setback along Meadowlark Lane. The proposed grading plan shows the elevation along the east property line of the R-43 lot varying from 1321 feet to 1324 and the adjoining church parking lot at 1320 feet and 1319 feet toward Mockingbird Lane. As such, the proposed trees and existing trees will buffer views into the parking lot. Also, the new owner of the single-family lot will be aware of the existing conditions at the church before purchasing the lot.

The other noted concern were several places the landscaping no longer complies with the 2002 landscape plan. This is the circumstance near the area of the ten existing parking spaces adjacent to the proposed R-43 lot and the parking lot median east of this area, groundcover/shrubs in the landscape areas at the northwest corner of Mockingbird Lane/Meadowlark Lane, landscaping along Mockingbird lane between the north entrance and Hummingbird Lane, a couple missing trees east of the Hummingbird entrance, and missing trees along the south parking spaces in the north parking lot.