



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-68-16-7
November 10, 2016

Central City Village Planning Committee Meeting Date	November 14, 2016
Planning Commission Hearing Date	December 1, 2016
Request From:	R-5 RI CMOD (0.25 acre), R-5 RI HP CMOD (1.04 acres)
Request To:	DTC – Van Buren (0.25 acre), DTC – Van Buren HP (1.04 acres)
Proposed Use	Community arts center
Location	Southwest corner of 9th Avenue and Woodland Avenue
Owner/Applicant	Stateside Presents LLC & Proper-D Invest
Representative	Taylor Earl – Earl, Curley & Lagarde
Staff Recommendation	Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Designation		Mixed Use	
Street Map Classification	9th Avenue	Local	45-foot west half street
	Woodland Avenue	Local	20-foot south half street
<p><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; LOCAL & SMALL BUSINESS; LAND USE PRINCIPLE: Facilitate adaptive reuse of older, underutilized properties to create mechanisms for new local and small businesses to operate, thrive and grow.</i></p> <p>The proposed community arts center is a creative and compatible adaptive reuse for the previously underutilized historic church structure.</p>			
<p><i>CREATE AN EVEN MORE VIBRANT DOWNTOWN CORE VALUE; ARTS, CULTURE & ENTERTAINMENT; LAND USE PRINCIPLE: Create a greater sense of place and draw people downtown by concentrating in areas in downtown with synergetic activities.</i></p> <p>The proposed use of the site will add an arts/cultural venue to the western edge of downtown along Van Buren Street. The use will complement other music venues such as the Crescent Ballroom and the planned event space at 4th Avenue and Van Buren Street. Additionally, other arts venues are in the general area; Comerica Theater at 5th Avenue and Washington Street; and the Orpheum Theater at 2nd Avenue and Adams Street.</p>			

TRANSIT ORIENTED DEVELOPMENT STRATEGIC POLICY FRAMEWORK – MEDIUM URBAN CENTER: *Balanced commercial and residential, retail destination, entertainment destination, some employment.*

The adoption of the Medium Urban Center place type for this station area is an acknowledgement of the work done through the Urban Form Plan that in turn made recommendations for intensity and density in the downtown area. It is meant to respect the existing area. This development is appropriate within approximately 1/4 mile of the planned light rail station at 7th Avenue and Washington Street.

Area Plans

Preserve Historic Phoenix. See items 2 and 3 in the Background/Issues/Analysis section.

Downtown Phoenix Plan (Downtown Urban Form Project). See items 7 and 8 in the Background/Issues/Analysis section.

Transit Oriented Development Strategic Policy Framework. See items 5 and 6 in the Background/Issues/Analysis section.

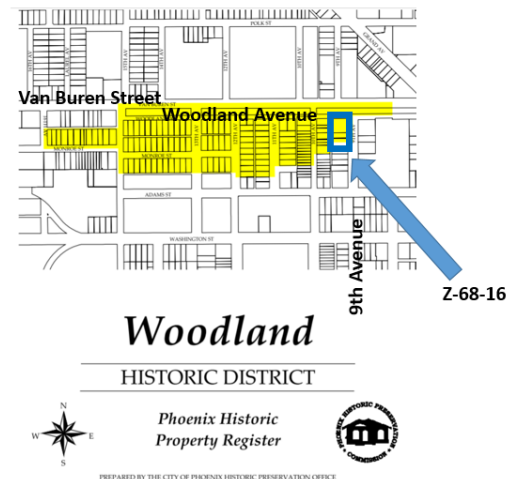
Governmental Mall Redevelopment Plan – the site is designated for mixed use residential/office. See item 9 in the Background/Issues/Analysis section.

Background/Issues/Analysis

1. This request is to rezone a 1.29 acre site, located at the southwest corner of 9th Avenue and Woodland Avenue, from R-5 RI CMOD (Multifamily Residence District, Residential Infill, Capitol Mall Overlay District), and R-5 RI HP CMOD (Multifamily Residence District, Residential Infill, Historic Preservation, Capitol Mall Overlay District) to DTC – Van Buren (Downtown Code – Van Buren Character Area) and DTC – Van Buren HP (Downtown Code – Van Buren Character Area Historic Preservation). Inclusion of the site into the Downtown Code will allow for the preservation of a historic structure through its use as a community arts center. The site is located within 1,200 feet of the planned 7th Avenue and Washington Street light rail station. The site has frontage on both 9th Avenue and Woodland Avenue. The Phase 1 segment of the Capitol/I-10 West Light Rail Extension (from downtown Phoenix to the Capitol area) is anticipated to be complete in 2023.



2. There is a historic church on the site which dates from 1918. The structure visible today was constructed in 1938. The church is a unique example of the Gothic Style in Phoenix. The site was designated with a Historic Preservation overlay (Z-87-88) as part of the greater Woodland Historic District in 1989. The Preserve Historic Phoenix plan, adopted in 2015, outlines benefits of historic preservation:



Economic

- Projects create jobs
- Supports and increases property values
- Attracts visitors
- Supports local businesses

Environmental – adaptive and continued reuse of historic buildings minimizes the carbon footprint associated with obtaining new construction materials; lessens the building material waste sent to the landfill; and conserves embodied energy stored in the city’s existing infrastructure and buildings.

3. Goal 2 from the Preserve Historic Phoenix Plan is to protect historic resources. Inclusion of this site into the DTC – Van Buren Character Area serves to discourage demolition of a historic resource. The property with the historic church has been listed for sale a handful of times in the recent years. At one point an application was made to demolish the building, perhaps with the intent to redevelop the site in another manner or to have the property marketed in an “unencumbered” condition. The one year wait time to stay the demolition for this historic property has expired. The current owner intends to adaptively reuse the historic church and has no plans for its demolition.
4. The General Plan Land Use Map designation for this property is Mixed Use. The proposed use as an arts and cultural venue is consistent with this General Plan Land Use Map designation for the site.

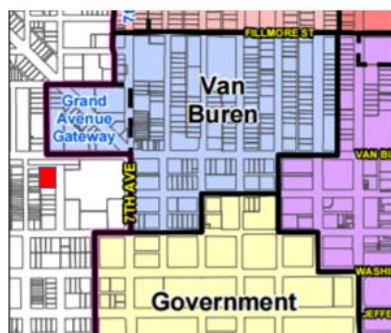
TRANSIT ORIENTED DEVELOPMENT STRATEGIC POLICY FRAMEWORK

5. The Transit Oriented Development Strategic Policy Framework is intended to improve the investment environment around key nodes in the Phoenix transit network and guide sustainable urban development to benefit all residents. The Transit Oriented Development Strategic Policy Framework includes a detailed background regarding the market for development near high capacity transit, the community benefits that can be realized and the sustainability integration that can occur. Further, the policy document notes that proactive planning can ensure that economic growth benefits the community and advances urban sustainability. In keeping with this idea, planning typologies, describing urban environments by related characteristics, were developed for existing and proposed light rail station areas across the system. The typologies and associated policies are designed to shape walkable mixed use environments and focus redevelopment near high capacity transit stations.

6. The 7th Avenue/Washington/Jefferson light rail station area is identified as a Medium Urban Center place type. Medium Urban Center is characterized by a balance of commercial and residential uses and some employment. Housing can be mid-rise, apartments, town houses, row houses or live/work. Development in this place type is of medium intensity in a range of three to six stories and the possibility of up to 10 stories with some incentives. Historic preservation is a key component of the Policy Framework. Policies are designed to minimize the pressure to demolish historic structures, and in fact, the policies support the retention of historic properties.

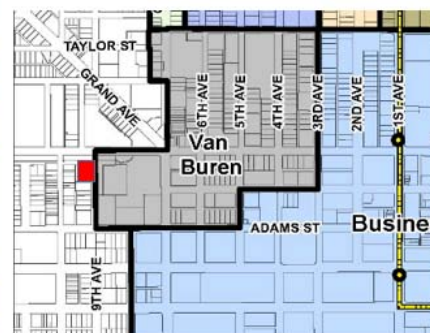
DOWNTOWN PHOENIX PLAN

7. The Downtown Phoenix Plan is the implementation strategy of a community-based vision for the downtown, aimed at transforming the downtown area into an active, pedestrian-oriented and sustainable area. The plan identified an area generally from McDowell Road to Buckeye Road and 7th Street to 7th Avenue. It provided the foundation for the development of and adoption of the Downtown Code.
8. The Downtown Plan includes a conceptual zoning plan which served as the basis for the application of the Downtown Code zoning district. The Downtown Code is a form based code with standards designed for specific character areas, as well as standards applicable to the form of the entire Downtown Code zoning district area. Although the subject site is not identified as part of the Downtown Plan, the effort to subsequently adopt the Downtown Code resulted in the addition of parcels directly to the east within the Van Buren Character Area. As this site is directly contiguous to the Van Buren Character Area, it is appropriate to include it.



Character Areas identified in the 2008 Urban Form Plan.

■ Subject Site



Adopted Character Areas in Chapter 12 – Downtown Code

REDEVELOPMENT PLAN AND OTHER REGULATIONS

9. Adopted in 1987, the purpose of the Governmental Mall Redevelopment Plan is to revitalize and redevelop the area west of the downtown. This is an area of a diverse mixture of uses, including residences, a school, historically significant structures, the location of the State Capitol, as well as the legislative and administrative functions of state government. The plan seeks to produce an attractive, vital area which will be of major benefit to Phoenix.
10. There are two regulatory tools in place for the Governmental Mall Area. One is the Capitol Mall Overlay District (Section 656) in the City of Phoenix Zoning Ordinance. This District acknowledges the varied uses of the area including governmental offices, industrial and commercial businesses and historic residences. Many activities in this area are in close proximity to each other and the compatibility of these activities is critical to their property and orderly function. The overlay district purpose is to prevent a

concentration of certain uses which could then restrict businesses and residences from functioning normally and possibly contributing to the deterioration of the business and living environment. When the Downtown Code was adopted, portions of the CMOD fell within the Code's boundaries and the Code replaced the CMOD. Inclusion of this site within the DTC – Van Buren Character Area will replace the underlying zoning and the CMOD. A comparison of the provisions of the CMOD and the DTC – Van Buren Character Area can be found in Attachment A.

11. The second regulatory tool falls under State purview. The Legislative Governmental Mall Commission was established in 1985 to develop and maintain a comprehensive long-range plan for the development of the Governmental Mall area. The Commission is composed of representatives from State, County and City government as well as from the general public. Legislation was approved that gave the Commission the authority to review and approve proposed development prior to the issuance of building permits. The Commission utilizes the goals, objectives and design guidelines included in the Capitol District Development Guidelines to evaluate the project and make a decision which is forwarded to the City of Phoenix.

SURROUNDING USES & ZONING

12. **North**

The property to the north of the subject site is the City of Phoenix Woodland Parkway which is part of the Woodland Historic District. The parkway was closed to public use years ago as it tended to be a gathering/camping spot for homeless individuals. It is zoned R-5 RI HP CMOD (Multifamily Residence District, Residential Infill, Historic Preservation District, Capitol Mall Overlay District).

West

There is a one story multifamily residence to the west which is zoned R-5 RI HP CMOD (Multifamily Residence District, Residential Infill, Historic Preservation District, Capitol Mall Overlay District).

South

A one story residence zoned R-5 RI CMOD (Multifamily Residence District, Residential Infill, Capitol Mall Overlay District) exists to the south.

East

The property to the east of the subject site is zoned DTC – Van Buren (Downtown Code – Van Buren Character Areas) and is developed with a five level parking structure.

13. The Governmental Mall area is home to a number of services providing support to a large number of the city's population of homeless individuals. The Human Services Campus is located approximately five blocks to the south of the subject site. This campus is comprised of several organizations, including: the Central Arizona Shelter Services (CASS); the Society of St. Vincent de Paul; Maricopa County Healthcare for the Homeless; Lodestar Day Resource Center; and St. Joseph the Worker. CASS provides overnight shelter for over 400 homeless men and women each night. Due to the proximity of these services, there is a high concentration of transient individuals who walk through the greater area to reach the campus.

Human Services
Campus



Subject site



Source: Google Maps

MISCELLANEOUS

14. The Aviation Department requests that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property. Stipulation 1 addresses this request.
15. The Water Services Department has noted that the site is surrounded with existing sewer and water mains that can potentially serve this development. For any given property, water and sewer requirements may vary over time to be less or more restrictive depending on the status of the City's water and sewer infrastructure.
16. The Archaeology Section of the City of Phoenix has commented that there are no known archaeological sites located in this project area. However, if any 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 and allowed time to properly assess the materials. This is addressed in Stipulation 2.
17. It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2205 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.
18. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The development conforms to the General Plan Land Use Map Designation of Mixed Use.
2. The request is consistent with the Medium Urban Center Place Type assignment from the Transit Oriented Development Strategic Policy Framework of the General Plan.
3. The proposal is consistent with and will further the goals of the Preserve Historic Phoenix Plan.

Stipulations

1. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor International 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.
2. 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.
3. The development shall comply with all ADA accessibility standards, as per plans approved by the Planning and Development Department.

Writer

K. Coles
11/7/2016

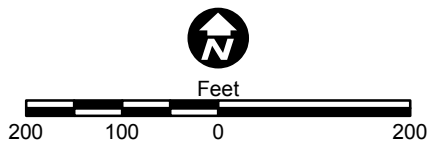
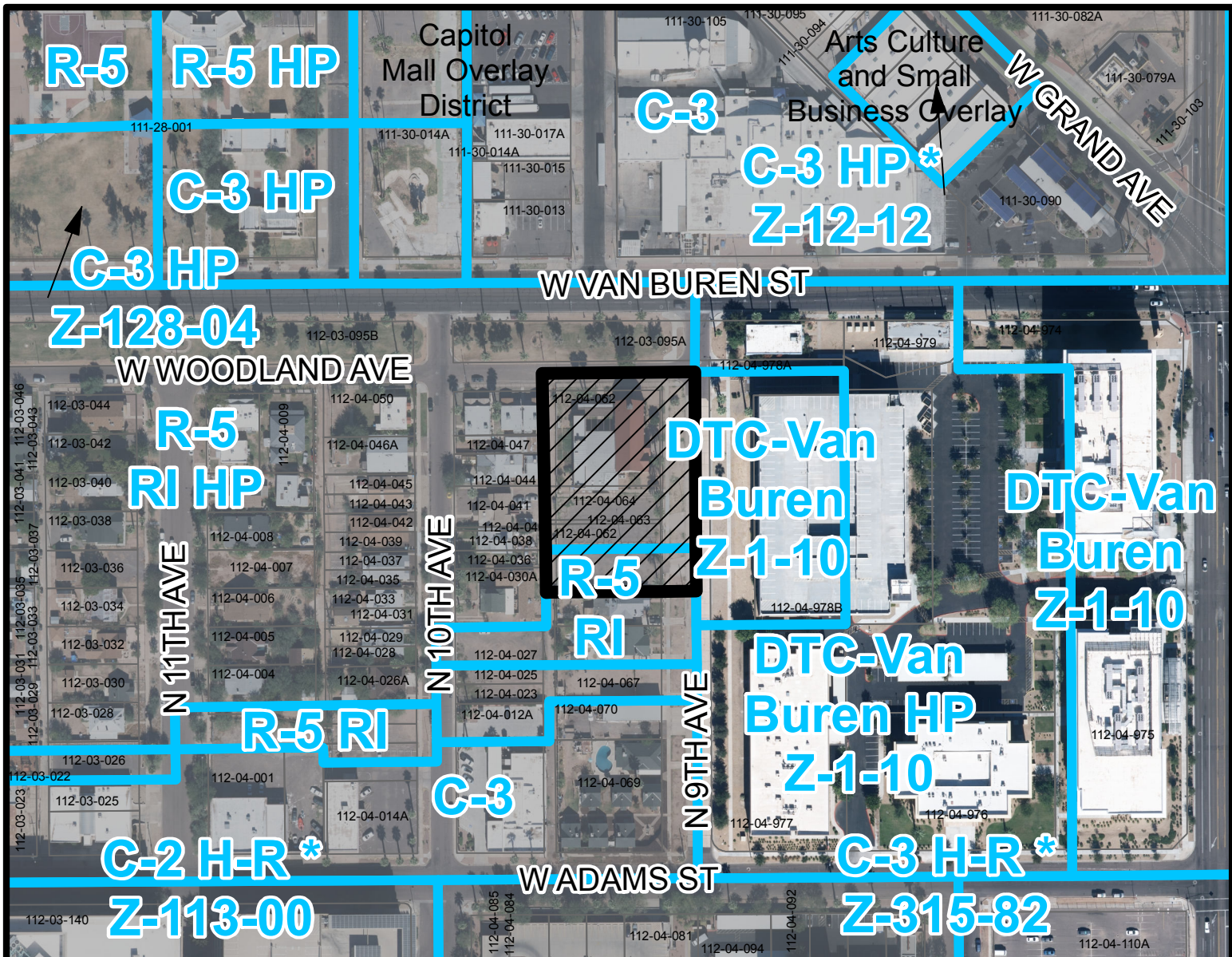
Team Leader

Joshua Bednarek

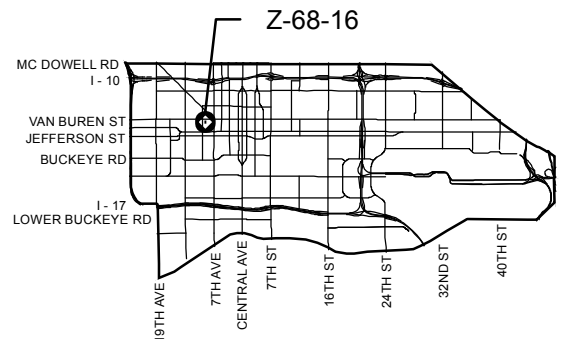
Exhibits

Exhibit A – Comparison Table
Sketch Map
Aerial
Site Plan dated September 21, 2016
Elevations dated September 21, 2016

EXHIBIT A Comparison Table		
Land Use	Capitol Mall Overlay	Van Buren Character Area
Package Liquor Sales	Prohibited	Use Permit
Pawnshops	Prohibited	Use Permit
Blood banks and blood plasma centers, unless contained within a hospital with no direct public access except from within the hospital.	Prohibited	Not Permitted (Hospital allowed)
Unscreened charitable outdoor food serving.	Prohibited	Not Permitted
Day labor hiring and transportation centers.	Special Permit	Not Permitted
Nonhandicapped group facilities, including, but not limited to group homes, boarding or rooming houses. No nonhandicapped group facility shall be located within 1,500 feet of another such facility as measured between the closest property lines of the two facilities; this standard shall not be varied by the procedures of Section 307.	Special Permit	Permitted No use shall be located within 1,320 feet of the same type of use as measured from the exterior walls of the building or portion thereof in which the use is conducted.
Recycling centers	Special Permit	Not Permitted
Charitable dining halls and food serving areas in an enclosed structure or screened outdoor area. Unscreened outdoor charitable food serving shall not be permitted.	Special Permit	Not Permitted
Missions, shelters and dormitories intended to provide temporary shelter.	Special Permit	Permitted (Pocket Shelter accessory to religious assembly only) The use may not be conducted for more than 10 persons. Drug, alcohol, other substance abuse or mental health rehabilitation programs shall not be allowed as part of the shelter services.
Parking structures	Special Permit/Use Permit, depending on the design	Permitted (accessory use only, subject to DTC standards)
Bars and cocktail lounges.	Use Permit	Use Permit



CENTRAL CITY VILLAGE
CITY COUNCIL DISTRICT: 7



APPLICANT'S NAME:

Rush Investments LLC, Janet Rush

APPLICATION NO. Z-68-16

DATE: 10/10/2016
REVISION DATES:

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

1.29 Acres

AERIAL PHOTO &
QUARTER SEC. NO.
QS 10-26

ZONING MAP
F-8

REQUESTED CHANGE:

FROM: R-5 RI CMOD (0.25 a.c.)
R-5 RI HP CMOD (1.04 a.c.)

TO: DTC- Van Buren, (0.25 a.c.)
DTC- Van Buren HP, (1.04 a.c.)

MULTIPLES PERMITTED

R-5 RI CMOD, R-5 RI CMOD

DTC- Van Buren, DTC- Van Buren HP

CONVENTIONAL OPTION

11, 45

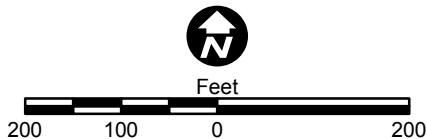
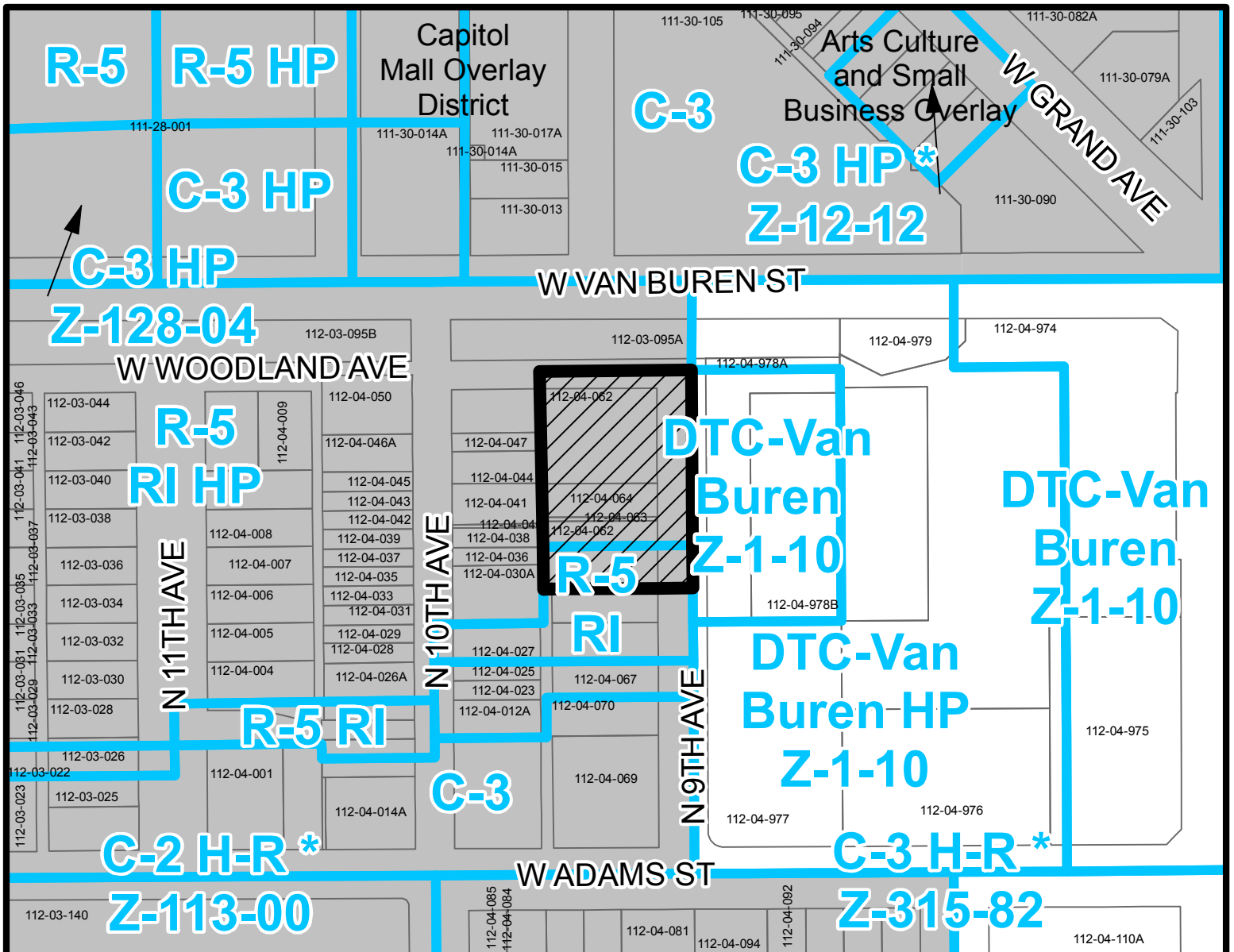
11, 45

* UNITS P.R.D. OPTION

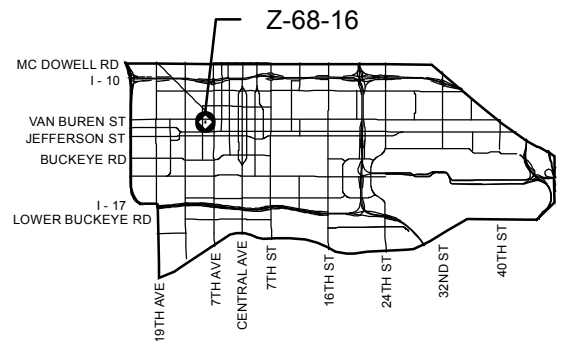
13, 54

13, 54

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



CENTRAL CITY VILLAGE
CITY COUNCIL DISTRICT: 7



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QUARTER SEC. NO.** QS 10-26
ZONING MAP F-8

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TO: DTC- Van Buren, (0.25 a.c.)
DTC- Van Buren HP, (1.04 a.c.)

MULTIPLES PERMITTED

R-5 RI CMOD, R-5 RI CMOD

DTC- Van Buren, DTC- Van Buren HP

CONVENTIONAL OPTION

11, 45

11, 45

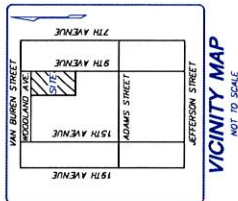
*** UNITS P.R.D. OPTION**

13, 54

13, 54

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

A PORTION OF THE NORTHEAST QUARTER OF SECTION 7,
TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE GILA AND SALT
RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



LOT 1, BLOCK 2, OF NEARLY'S ADDITION TO THE CITY OF PHOENIX, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 2 OF MAPS, PAGE 61; EXCEPT THE SOUTH 44.5 FEET.

THERE ARE NO PLOTTABLE SCHEDULE "B" DOCUMENTS
REFERENCED IN THE TITLE REPORT

(R)	PLAT	PER BOOK	2	PAGE 61,	M.C.R.
(R1)	PLAT	PER BOOK	2	PAGE 27,	M.C.R.
(R2)	R.O.S.	PER BOOK	931,	PAGE 43,	M.C.R.
(R3)	PLAT	PER BOOK	1024,	PAGE 34,	M.C.R.
(R4)	CITY OF PHOENIX RIGHT OF WAY MAP 10-26				

ADDRESS: 911 W. WOODLAND AVENUE, PHOENIX, ARIZONA
A.P.N.: 112-04-062 112-04-063 112-04-064

CITY OF PHOENIX

SEP 21 2016

Planning & Development
Department



MONUMENT TABLE	
①	FIND BRASS CAP IN HANDHOLE
②	FIND STONE IN HANDHOLE
③	SET 1/2" BCDAD W/ DAB 1" S 31/000

1. This survey and the description used are based on a Second Amended Commitment for Title Insurance issued by Thomas Title & Escrow, as issuing agent for First American Title Insurance Company, File Number 153612-33, dated June 21, 2016.

4. The building square footage shown is based on exterior measurements of the building footprint at ground level and is not intended to reflect the interior or leaseable area of any building. The building footprint and dimensions depict the general configuration of the building(s).

that may exist adjacent to or within the boundaries of the subject property. No representation is made to the accuracy or completeness of any third party maps, records or information used to depict the underground utilities. The subject property is shown as it exists, and the location of all utilities that may exist adjacent to or within the boundaries of the subject property. The certification on this survey does not guarantee or provide any warranty to the exact location or presence of any underground utilities that may actually exist adjacent to or within the boundaries of the subject property.

note that no representation or use of this survey by any other party for any other transaction or purpose is unauthorized without written authorization from Alliance Land Surveying, LLC. The use of the word "certify" or "certification" by a person or firm that is registered or certified by the board is an expression of professional opinion regarding facts or findings that are the subject of the certification and does not constitute an express or implied warranty or guarantee (A.R.S. 32-151).

911 West Woodland Property, LLC; DeWayne & Ann-Marie Reeves R/E Holdings, LLC, an Arizona limited liability company; Thomas Title & Escrow, LLC; and First American Title Insurance Company.

July 1, 2016
G. Bryan Goetzlunger
R.L.S. 31020

ALTA / N.S.P.S. LAND TITLE SURVEY
9TH W. WOODLAND AVENUE PHOENIX, ARIZONA

STATEWIDE SERVICE IN ARIZONA
www.alliancelsandsurveying.com

1900 N. 70th Avenue
Suite 104
Denver, CO 80231
TEL (800) 972-2200
FAX (800) 972-1616
E-MAIL info@harsco.com

DATE	NO. NO. 180638
PERCENT	
PERCENT	

Doc No: 180838

Building Elevations



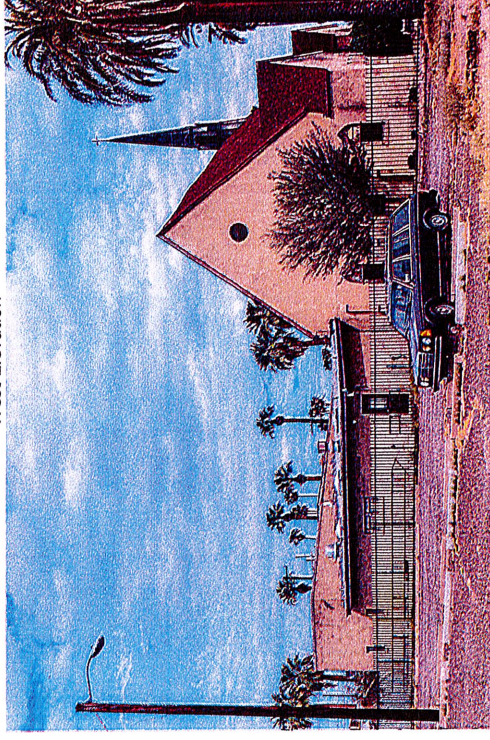
East Elevation



West Elevation



North Elevation



South Elevation



Village Planning Committee Meeting Summary Z-68-16-7

Date of VPC Meeting	November 14, 2016
Request From	R-5 RI CMOD and R-5 RI HP CMOD
Request To	DTC – Van Buren Character Area and DTC – Van Buren Character Area HP
Proposed Use	Community arts venue
Location	Southwest corner of 9th Avenue and Woodland Avenue
VPC Recommendation	Approval
VPC Vote	14-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Bob Graham moved, with a second from **Dominique Medina** to recommend approval of the request.

The applicant stated that he plans to open an art center in the historic church. The sanctuary is intact, the pews will be kept and it will make a very nice performance space. There is a space attached to the sanctuary which will be additional performance space, and there will be a serving counter with alcohol and limited food.

There was a question about the height allowed for the site. The proposed height is in line with the height allowed by the existing zoning.

One member stated that the Capitol Mall Association feels this is a very exciting project and a great use of the site. They had been terrified at the prospect of the church being demolished. They are continuing to encourage engagement with University Park across Van Buren to the northwest.

Committee members thanked the developer for seeing the adaptive reuse of this church as an opportunity.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

No comment.

REPORT OF PLANNING COMMISSION ACTION
January 5, 2017

ITEM NO: 6	
	DISTRICT NO.: 7
SUBJECT:	
Application #:	Z-68-16-7
Location:	Southwest corner of 9th Avenue and Woodland Avenue
Request:	R-5 RI CMOD, R-5 RI HP CMOD To: DTC- Van Buren, DTC- Van Buren HP Acreage: 1.29
Proposal:	Community Arts Center
Applicant:	Stateside Presents LLC & Proper-D Invest
Owner:	Stateside Presents LLC & Proper-D Invest
Representative:	Taylor Earl; Earl, Curley & Lagarde

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Central City 11/14/2016 Approved, per staff stipulations. Vote: 14-0

Planning Commission Recommendation: Approved, as recommended by the Central City Village Planning Committee.

Motion discussion: N/A

Motion details – Commissioner Katsenes made a MOTION to approve Z-68-16-7 as recommended by the Central City Village Planning Committee.

Maker: Katsenes
Second: Heck
Vote: 8-0
Absent: None
Opposition Present: No

Findings:

1. The development conforms to the General Plan Land Use Map Designation of Mixed Use.
2. The request is consistent with the Medium Urban Center Place Type assignment from the Transit Oriented Development Strategic Policy Framework of the General Plan.
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