

7. Public Hearing for Stonehill Church (H-2023-0041) by Stonehill Church, located at 799 W. Amity Rd.

- A. Request: Development Agreement Modification to the exiting Development Agreement (H-2015-0019, Inst. #2016-007090) to allow for the development of a church on a portion of the property and removal of that property from the original agreement for inclusion in a new agreement.
- B. Request: Rezone of 13.49 acres of land from R-4 to R-8 zoning district.
- C. Request: Conditional Use Permit for a church on 13.21 acres of land in an R-8 zoning district.
- D. Request: Preliminary Plat consisting of 4 building lots on 65.43 acres of land in the R-4 and R-8 zoning district.

Seal: And with that we will open File No. H-2023-0042 for Stonehill Church and we will begin with the staff report.

Allen: Mr. Chair, Members of the Commission, the next application before you is a request for a rezone, preliminary plat, conditional use permit and development agreement modification. The DA modification only requires action from Council, so a recommendation from the Commission is not needed tonight. This site consists of 65.43 acres of land. It's zoned R-4, located at 799 West Amity Road on the south side of Amity midway between Meridian and Linder Roads. This property was part of the area included in the south Meridian annexation area in 2015. A development agreement exists for this property that requires an amendment to the agreement prior to any future development on the site. The Comprehensive Plan future land use map designation is low density residential. The applicant is requesting a modification to the existing development agreement to allow for the development of a church on the northeast portion of the property and removal of that property from the original agreement for inclusion in a new agreement just for the church property. The remainder of the property will continue to be governed by the existing development agreement. A rezone of 13.36 acres of land is proposed from the R-4 to the R-8 zoning district for the development of a church as shown on the exhibit there on the left. Church uses do require conditional use approval in the R-8 zoning district. A preliminary plat is proposed consisting of four building lots on 65.43 acres of land in the R-4 and R-8 zoning districts for Stonehill Crossing Subdivision. The preliminary plat is proposed to develop in one phase. The main reason the property is proposed to be subdivided at this time is to create a lot for the church to develop. The remainder of this site, except for the lot where the existing home is located to the south of their proposed church, is proposed to be resubdivided in the future prior to redevelopment. So, I will just point out here this is -- again, this is the large lot here where the church is proposed. This lot here is for the existing home. There is another existing home proximately in this location right here. Transportation improvements proposed with

this subdivision consist of construction of the collector street from Amity Road to the southern boundary of the site and a roundabout at the Amity collector street intersection in accord with the master street map and the widening of Amity Road. The church is proposed to develop on Lot 1, Block 1. The existing home on the east side of the proposed collector street is proposed to remain on Lot 2, Block 1. Lot 3, Block 1, which is this lot right here, and Lot 1, Block 2, which is all of this area on the west side of the collector street, are proposed as mega lots to be further resubdivided in the future prior to development. As I mentioned, there is an another existing home on the west side of the collector street that's proposed to remain for the time being on Lot 1, Block 2. Access is proposed for Lot 1, Block 1, the church, via two driveway accesses from the collector street and an emergency only access driveway from Amity Road. The existing home on the east side of the collector is proposed to be accessed temporarily through the church property and that is from this access easement that you can see indicated right there. Subsequent access is proposed from a local street at the east boundary via a flag. So, currently this does not show this, but the applicant did submit a concept development plan that shows a flag right here to this future local street and cul-de-sac here. So, that's what the applicant is proposing. The UDC limits access point to collector and arterial streets to improve safety and to ensure that motorists can safely enter all streets unless otherwise waived by City Council. Further, the UDC requires all subdivisions to provide local street access to any use that currently takes direct access from an arterial or a collector street. For this reason staff is recommending a local street is provided between the church and the existing home -- and that would be in this location right here -- to provide access to both uses and the accesses via the collector street should be removed. The applicant requests approval of a waiver from Council for the two proposed accesses from the collector street. A temporary access is proposed via a collector street for the existing home on the west side of the collector street, since no development is proposed on that lot at this time. If that home was retained with the future resubdivision, local street access should be provided at that time. The Calkins Lateral lies on the western portion of this site -- and that's this shaded area right here -- within a 56 foot wide easement and the Bell sub lateral lies along the east boundary of this southern portion of this site and that's the shaded area right here -- within a 50 foot wide easement, 25 on each side from centerline. A 25 foot wide street buffer is required along Amity Road and a 20 foot wide buffer is required along the collector street, landscaped per UDC standards. A ten foot wide detached sidewalk is required within the buffer along Amity Road and a five foot wide detached sidewalk is required within the buffer along the collector street. A ten foot wide multi-use pathway is required along the Calkins Lateral in accord with the pathways master plan. The applicant requests deferral of several improvements typically required with a subdivision until such time as Lot 3, Block 1, and Lot 1, Block 2, are resubdivided in the future as follows: Street buffer landscaping and a ten foot wide sidewalk along Amity Road west of the collector street -- and that's again on this this lot right here that's proposed to be resubdivided in the future. Also the multi-use pathway along the Calkins Lateral. The open space and site amenities for the residential development and piping or improving the laterals that cross this site as a water amenity or linear open space. Staff is amenable to this request. However, if Council does not approve deferral of these items, the applicant does want to request approval of a phasing plan, which would essentially defer these items through future final plats. A

conditional use permit is proposed for a 52,000 square foot church on 13.09 acres of land in an R-8 zoning district. Compliance with the specific use standards listed in the UDC for church uses is required. The church is proposed to develop in two phases as shown on the phasing plan. The first phase will consist of approximately 40,000 square feet and the second phase will consist of approximately 12,000 square feet. Access to the church will be determined with the associated preliminary plat by the city and ACHD. Off-street parking is required in excess of -- excuse me -- is required per UDC standards and parking is proposed in excess of UDC standards. A minimum of 104 spaces are required. Approximately 710 spaces are proposed to build out. Conceptual building elevations were submitted for the proposed two story structure as shown. Building materials consist of a mix of stucco, vertical rough sawn Nichiha architectural wall panels and corrugated painted -- painted metal panels and horizontal orientation. These elevations have not been reviewed for compliance with the design standards in the architectural standards manual and are not approved with this application. Review will take place with submittal of a design review application with the certificate of zoning compliance application prior to submittal of a building permit application. Written testimony was received from John Rennison, Rennison Design. That's the applicant's representative. The applicant is in agreement with the staff report, except for Condition No. 2.1G, which requires a local street to be provided between the church property and the existing residence, i.e., between Lots 1 and 2, Block 1. Instead of a local street, the applicant requests a Council waiver for the two accesses from the collector street and a temporary access to the church property for the existing home. Upon resubdivision of Lot 3, Block 1, the temporary access would be removed and local street access would be provided via the future cul-de-sac from a flag at the east boundary of Lot 2, Block 1, that I showed you earlier. Staff is recommending approval with the conditions in the staff report and the applicant is here to present tonight. Thank you.

Seal: Thanks very much. Would the applicant like to come forward. Good evening, sir. I need your name and address for the record, please.

Rennison: John Rennison at 2025 East Riverside Drive in Eagle. So, thanks very much for hearing us. Sonya, thank you. Excellent presentation. Not a whole lot to cover, but there -- we had the one exception that -- that I want to just discuss in a little bit more detail. But, first, just step back in time for just a second. So, really why we are here is in dealing with all these applications is that what happened was the original landowner made a donation to the church for a piece of land and so, really, what happens is there is kind of an illegal split that happened there and so the plat is about cleaning that up and so in this case there isn't a developer in the room here really. It's just the church trying to get a church built and we are assisting them with that from a planning perspective and so forth. So, some of those deferred improvements, right, along Amity and so forth, you can understand they are not -- that we are -- we are going to let the next developer come through who wants to build out the -- the housing development, you know, take care of those improvements. That's really kind of our approach and our ask. So, we want to do -- take care of the minimum amount of things that we can do to address all the other city planning concerns, so we can get the church built. Okay? So, that's -- that's really kind of what's going on here and, then, we needed to do these couple of different applications

here to fulfill all the requirements, including doing a rezone of just this parcel to this, to a zone that would accommodate the church by a CUP. So, that's -- that's how we did that. Sonya has been with us here the whole way guiding us and coaching us along on what to do, so that the city could get us to a point where you can approve us. So, we just had one exception that I wanted to talk about and that's this little exhibit here, that's in the lower right-hand corner. So, there was a request that came to basically build a road between the existing home there, the primary residence on the whole property, and the church and so this is something we do feel pretty strongly about that we are just kind of don't like the road there. That wasn't really our design intent and I think that our idea here is to really address the concerns that came up with this alternative access, so that we can really -- we are not having to build a road between -- right next to the house -- in front of the house that's -- that's that and the church. Really, this is our core -- core ask of you. So, I just wanted to explain that a little bit more. So, Sonya did a great job. I'm just going to repeat it, so make sure you guys understand and if you don't I would love to receive any questions. So, the home is there on the -- on the red sort of rectangle and right now it's access generally leaves to the -- to the northwest quadrant of that red -- red square. So, that just happens to be where the primary -- one of the primary accesses to the church would be. So, what we are planning here is when we build the -- the residential collector road and we build the church, that will take access through the church parking lot onto the church driveway and, then, on to the collector road. So, really, what we are trying to do is minimize or reduce the number of access points to the residential collector road. That's kind of the core concern here. So, that's how we take care of access until the subdivision -- you know, the rest of the property gets developed and it will. We know that. And so at the city's request we did this very conceptual plan here, but it's just a very actionable plan and so the Street K-- again, we are not -- there is not an application here to deal with that subdivision, but in general we -- we are planning for it relative to access to the existing home. So, when Street K would go in, then, they would set this -- set up this lot, because it would basically be a flag lot that will take access off the Street K, when that was -- was platted at the time and so at that point in time the access -- the temporary access out through the church to the collector road would -- would sunset and -- and that -- that home would -- would take access to Street -- Street K. So, that's the thrust of our -- our one exception that we would like to make to it. Any other comments that I can -- I can -- or questions that I can field?

Seal: Commissioners?

Smith: Mr. Chair?

Seal: Go ahead Commissioner Smith.

Smith: Question for staff. On its surface this looks like a revision. Are there any concerns or is there any preference regarding -- are there any issues that you see with this that are significant?

Allen: Mr. Chair, Commissioner Smith, Commissioners, staff cannot support the proposed access because of the UDC provisions that require access to be taken from a

local street, unless otherwise required by Council. So, that's -- that's the reason for the recommendation of a local street. If Council approves the waiver I think that the access to the single family home that they are proposing is a -- is a good alternative.

Seal: Any other questions? Madam Clerk, do we have anybody signed up to testify?

Lomeli: Thank you, Chairman Seal. We have a Doug Connolly. Not sure if he wants to testify, but --

Seal: Anybody else want to testify on this? I have got to ask, so it looks like we are making a lot of exceptions to put a church in where a subdivision is supposed to go that will support having the church in there and having everything adequately provided for that church to be able to function correctly with the homes that currently exist. So, I guess my concern is in this is, you know, just more timing than -- than anything else. I mean is there any timeline at all on when the rest of it was developed or is that just kind of in the wind?

Rennison: Well, let's -- good -- great question. Appreciate that. You know, one of the -- let me step back just a couple -- couple steps here to make sure you understand what we are doing. Okay? What is being -- what is going to be improved. So, what's Oak Briar Way, that's the north-south collector road, substantial improvement; right? We are -- that's a major improvement. So, it wasn't really planned, but we would be doing that to build the church, but that is what's -- what's required in order to fulfill the city requirements, so -- and, then, the frontage improvements along -- along Amity in front of the church, those all be completed. So, really, from our view, if you pull up to this project, it will look like a completed subdivision. When you go to the other side of the canal -- so, the west side of the canal, that will not be completed. It will look like a project that needs to come forward still. One other note that I would add is that, you know, presently sewer is not quite available there so -- and I'm not -- I'm not really current on -- on the sewer situation there, but that's one of the things that needs to happen over there and that just happens to go to a different sewer shed. So, this project -- the church project will drain to the -- to the east sewer wise and, then, the property on the west side of the canal will drain to the west. So, we have -- we have kind of -- we just happen to be right on the sewer shed. That's been a topic that we have been working on for a couple years trying to figure that out. We finally have our path to the sewer figured out for the church and we are not able to come up with a solution readily for the -- for the west side of the property. So, that's another sort of impediment to it's going to -- to be developed; right? So, that will come is what I would say. That's going to come and I think when that comes that -- that's when you will see the improvements on that frontage. That's really the core piece that we are asking for deferment on, just the frontage improvements on Amity. I mean there is a couple other small things, but they are -- the significant one that I think you would see from the street driving by would simply be the Amity -- Amity Road improvement.

Seal: Okay. Thank you.

Rennison: Does that answer that? What do you think?

Seal: It's an answer.

Rennison: Okay.

Seal: Commissioners, anybody else? Or anybody else in the audience want to testify? No? All right. Thank you very much, sir. Appreciate it. With that, I will take a motion to close the public hearing for File No. H-2023-0042 for Stonehill Church.

Lorcher: So moved.

Smith: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0042. All in favor, please, say aye. Opposed nay? The hearing is closed.

MOTION CARRIED: FOUR AYES. ONE ABSENT.

Seal: I will start. Like I said, the only concern I have here, just because it is a little bit removed from everything, is just -- it -- I just don't know that it's going to be serviced well without the other developing, you know, with it around it, so -- and I just think it's going to kind of monopolize whatever else is going to be able to go in there as well, so -- but that's my concern. I mean we -- you know, a church goes in there, you have the existing home site, there is just a lot of things that need to happen in order to allow that to happen first and, then, the subdivision to come in around it. So, that's my concern with it. Outside of that I mean it's -- you know, I'm sure it's going to be a -- you know, a fine -- a fine place of worship and, you know, it's not just a bunch more houses on there either. So, good and bad. Anyone else?

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: On kind of what we are talking about here -- on a lot of things here. There is a little bit of an aspect where it's far out to where I feel like it might not be serviced well, but I also think that -- that gives me a little bit more concern for -- for the applicant and I guess the surrounding community of time to fill in. It's kind of the opposite. You know, when you see kind of larger projects or projects with houses, there is always kind of consideration -- in the back of my head at least -- that is like, okay, is there maybe some room for us to face this little bit for us, but I agree with you, it would be nice to be able to kind of do it all here, but I think at the end of the day, you know, that the timing is right. I think that is something you have to deal with. I don't know. There -- there is a small fear of like when does, you know, this west side get developed. Is there concern of it eventually becoming kind of in-fill when the surrounding area develops. But I think for me I guess on net, that is less of a -- less of a huge concern and more of kind of a -- maybe a pebble in the shoe. I think on the access side of things I -- like I said, the staff -- and in my question is, yeah, I -- assuming Council has -- you know, Council approved it, I have no issue with it. It looks directionally like -- it seems fine. But I'm no traffic engineer. I'm

not an expert on the UDC either, so -- but -- but I tend to really support the -- unless there is a significant issue that I'm missing I guess is what -- where I'm getting at is I think this is generally a good project and, yeah, there is -- there is a little bit of heartburn there, but I -- not just --

Seal: I mean my concerns are just from the experience I have had here where we have something like this happens and it kind of puts conditions on the next -- you know, the remainder of the development that's going to happen. So, that's kind of where I'm coming from. It's just -- it -- sometimes unfairly it does that and, then, you have an applicant in here that says, well, because of this and this, you know, we are kind of -- we are reigned in to having to do these things. So, that sometimes dictates what can go in there, what will go in there. So, that's -- that's where I'm coming from and maybe that's just because I have been up here too long. Bill, did you have something to add?

Parsons: Yeah. Mr. Chair, Members of the Commission, I think it's important to note here, although we use the term deferral, the applicant -- or at least the remaining property that is part of this plat is still subject to the existing DA that was approved in 2015. So, it was always anticipated that this property would further redevelop. So, that DA is still going to remain intact and whoever buys these mega lots will still have to do that regardless of whether or not this project goes forward. So, I just want to make that clear to the Commission. Yes, typically with subdivisions we require a lot of those frontage improvements, but keep in mind the DA is -- the church is asking to remove themselves from that 2015 DA in order to enter into a new DA, which gets us some of these other improvements that the applicant talked about tonight. So, either way the DA is in place and something is going to happen there. So, that's why we wanted to at least share that with your attention, that we do support that, because we know the DA requires something in the future.

Seal: Okay. Thank you. Appreciate the clarification on that. Commissioner Lorcher.

Lorcher: So, for Stonehill it's such a blessing to be able to be given this land, but you are put in a situation where you are in the middle of nowhere and nothing else -- else has been built and -- but where you build they will come. So, I -- you know, I -- the one example that kind of sticks in my head a little bit is Ten Mile Christian when they built their big church over at Ten Mile and Franklin and at the time there was nothing there; right? And now they are surrounded -- not directly, but they are -- they are surrounded by multi-family housing and -- and we deal with in-fill all the time and so whomever chooses to develop this, whomever chooses to buy this, they are fully aware of the situation that they are walking into, otherwise, they just wouldn't buy it. I also, you know, feel for the parishioners of this particular church is that they want to spend their money on the church and not necessarily building up the city and that's the developer's portion of it. So, you know, if you guys are ready to go now and you want to build your -- your church, I would be happy to support recommending it to City Council when -- and, then, they are more of experts who can say whether or not it's a good fit for our city.

Seal: Commissioner Rivera, anything to add?

Rivera: No.

Seal: Okay. Anybody else? Go right ahead.

Smith: I had a question. It was on 2.1G. I was going to ask regarding any changes to that, but it seems like that's contingent upon Council granting a waiver. So, would that just be the recommendation for them -- would the recommendation be to grant them a waiver or would it be to amend that to the applicant's ask of the subject --

Seal: No. I think -- I think that's -- again, it's -- it's a good point that the applicant has requested -- or basically is not in agreement with 2.1G. So, if you wanted to address that you could or just pass it without a modification and let City Council handle that. So, it is in the staff report and, again, the applicant is -- is not in agreement with that one. But, again, we don't necessarily have to act on it unless you want to put that into a motion. Commissioner Lorcher, go right ahead.

Lorcher: Taking the easy way out on this one. After considering all staff, applicant and public testimony, I recommend -- wait a second. Okay. That's right. I recommend approval to City Council of File No. H-2023-0041 as presented in the staff report for the hearing date of February 1st, 2024, with no modification.

Seal: Do I have a second?

Rivera: Second to approve the motion.

Seal: It's been moved and seconded to approve File No. H-2023-0042 for Stonehill Church with no modifications. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much.