



PLANNING DIVISION

STAFF REPORT

Board of Adjustment

October 2, 2019

CASE No.: BOA19-00634	CASE NAME: Mesa & Main Phase 2 West Parcel
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Owner's Name:	Suburban Land Reserve, Inc.
Applicant's Name:	Dale Gardon Design-David Davis
Location of Request:	Within the 0 to 100 block of South Mesa Drive, and within the 0 to 100 block of South Udall.
Parcel Nos:	138-27-079, -080A, -081A, -082A, -087, -088, -089 and -090
Nature of Request:	Requesting a variance from the Form Based Code Building Form Standards, Building Type Standards and Private Frontage Standards to allow a residential development
Zone District:	T4 Neighborhood (T4N) and T4 Neighborhood Flex (T4NF) Transect Zones.
Council District:	4
Site Size:	1.18 ± acres
Proposed Uses:	Attached residence-townhomes
Existing Use:	Vacant (buildings recently demolished)
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **April 2, 2001**, the City Council approved the Historic Preservation District Overlay, Temple Historic District (HP00-001, Ord # 3876).

On **December 18, 2018**, the property owner obtained an opt-in approval to rezone a total of 12 parcels, eight from Downtown Residential (DR-2) to Form Based Code T4 Neighborhood (T4N) transect and four properties from Downtown Business (DB-1) to Form Based Code T4 Neighborhood Flex (T4NF) transect (case# ZON19-00026).

PROJECT DESCRIPTION

Background

The applicant is requesting variances from Sections 11-58-5, 11-59-9 and 11-60-7 of the Mesa Zoning Ordinance (MZO) for the required front setbacks and private frontage standards to allow for the construction of 12 townhome residences south of Main Street on the east side of Mesa Drive and the west side of Udall. A 5-plex of townhouses is proposed facing Mesa Drive, in the T4NF Transect, and a 7-plex of townhouses is proposed facing Udall, in the T4N Transect.

Per Section 11-58-6 of the MZO, the maximum front build-to-line (BTL) for homes in the T4NF zone may not exceed 15 feet in T4NF Transect zone. The applicant is requesting to exceed the maximum front BTL to place two townhome units 16 feet-4 inches from the front property line. Because this is within 10% of the requirement, this deviation can be addressed administratively through the Zoning Clearance process.

The T4N and T4NF Transect Zones specify building form requirements including a minimum ground floor finish level of 18 inches, ground floor ceiling height of 10 foot minimum clear, and upper floor ceiling height of 9 foot minimum clear. The proposed ground floor finish level is six (6) inches above grade. The applicant is requesting a minimum ground floor ceiling height of 9 feet-½ inch for the 7-plex of townhomes facing Udall Street. The ground floor ceiling heights for the townhomes facing Mesa Drive will meet the MZO requirements. The applicant is requesting an upper floor ceiling height of 8 feet-½ inch for the 5-plex of townhomes facing Mesa Drive. The upper floor ceiling heights for the townhomes facing Udall will meet the MZO requirements.

The applicant has selected the Townhouse building type within the form-based code. Per Section 11-59-9(H) of the MZO the Townhouse building type requires private open space to be a minimum of 8' in width, 8' in depth, and a minimum of 100 Square Foot (SF) in area. The proposed 7-plex of townhouses do not have any private open space. However, the applicant proposes that the common open space shown on the site plan within the development is adequate for these townhouse residents.

11-60-7 of the MZO provides standards for the Private Frontage Types. The applicant is proposing "stoops" for the frontages of the townhomes. Per the MZO, the maximum allowable stoop width is eight (8) feet. The applicant is requesting a stoop width of 11 feet-8 inches. Strict adherence to the form-based code would reduce the amount of private frontage area for these residents.

Table 1: 5-plex of Townhouses facing Mesa Drive

Requirement	Requested Variance	Deviation
T4NF Transect Ground floor finish level: 18" min.	6" Ground floor finish level	12" reduction
T4NF Transect Upper floor ceiling: 9' min. clear	8'-1/2" Upper floor ceiling	11" reductions

Table 2: 7-plex of Townhouses facing Udall

Requirement	Requested Variance	Deviation
T4N Transect Ground floor finish level: 18" min.	6" Ground floor finish level	12" reduction
T4N Transect Ground floor ceiling: 10' min. clear	9'-1/2" Ground floor ceiling height	11" reduction
Townhouse Building Type Private Open Space: 8' min. width, 8' min. depth and 100 square feet (SF) in area	No private open space	100% reduction (elimination) of requirement
Stoop Private Frontage Type Stoop width: 5' min.; 8' max.	11'-8" width	3'-11" increase

General Plan Character Area Designation and Goals

The Mesa 2040 General Plan character area designation on the property is Neighborhood. Per chapter seven of the General Plan, the primary focus of the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The site is within the West Mesa Economic Activity Area as defined in chapter five of the General Plan. Per this chapter of the Plan, the primary unifying element of the West Mesa Economic Activity Area is the opportunity for redevelopment and intensification based on expansion of transit services.

The site is also located within the Central Main Plan that identifies the site as within the character of Neighborhood Preservation. The intent of the Plan is to protect and enhance existing historic neighborhoods. The Temple Historic District represents some of the first residential development to occur outside of the original downtown square mile. This District has several quality examples of 1920's residential homes constructed on smaller lots. Such historic districts recognize the distinctive form and character that exists in Mesa. The goal is to preserve the distinctive character and address the threats to preservation. Per section 11-74-3 of the of the MZO, a Certificate of Appropriateness shall be required for development of the subject property. The proposed redevelopment of the site and general improvement is consistent with the General Plan.

Site Characteristics:

The site is located northwest of the City of Mesa Mormon Temple. The Temple is undergoing extensive renovation. Many properties located between the Temple and Mesa Drive have been purchased by the Mormon Church and razed, and the Mormon Church is working to redevelop the entire area with new residential and commercial uses, using the Form-Based Code to create pedestrian-scale development. The goal is to fit in with the existing Temple Historic District while also offering higher densities of development closer to Main Street. The subject site is located between Mesa Drive and Udall, between the higher-density development under construction to the north, and the existing residential homes to the south.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (across Mesa Drive) Downtown Core (DC) Vacant, and Restaurant: Pete's Fish & Chips	North Downtown Business (DB-1) Norm's Watch Repair, and T5 Main Street Flex (T5MSF) Multi-Unit Residential <i>Currently under construction</i>	Northeast T5 Main Street Flex (T5MSF) Multi-Unit Residential <i>Currently under construction</i>
West (across Mesa Drive) Downtown Core (DC) Vacant, and Commercial Strip	Subject Property T4N & T4NF Vacant	East (across Udall) T4 Neighborhood (T4N) Proposed Residential (BOA19-00633)
Southwest (across Mesa Drive) Downtown Core (DC) Commercial Strip Center	South Downtown Business (DB-1) Residential <i>Currently remodeling</i> and Downtown Residential (DR-2) Existing Residential	Southeast Downtown Residence (DR-2) Existing Residential

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-80-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on variances that:

1. There are special circumstances applicable to the property, including its size, shape, topography, location, or surrounding;

There are several special circumstances surrounding the redevelopment of the site to conform to all the standards of the form-based code. For example, the form-based code requires Private Frontage Stoops to be a maximum of 8 feet in width. The Stoops proposed for the 7-plex of townhouses facing Udall each have 11 feet 8-inch-wide stoops. Following the Form-Based Code would reduce the amount of outdoor space for these residents. Overall, the prescriptive nature of the form-based code creates certain hardships for redevelopment to absolutely conform to the required size, shape and form without a variance.

2. That such special circumstances are pre-existing, and not created by the property owner or applicant;

Per the applicant, within the Temple District, most homes have front yards open to the public and accessory structures that limit any type of usable private open space. Also, the lots and parcels in the downtown neighborhoods are small and compact and have been configured in these sizes for over 50 years. Finally, the applicant anticipates older residents for these homes, and most older residents do not want steps in the homes. The Form-Based Code requires a finished floor grade of 18 inches, which would require at least 2 steps at the front and garage entries.

3. The strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district

The strict application of the requirements of the form-based code will deprive the ability to redevelop the site for such residential use. The residential homes surrounding the site were constructed before the form-based Code and were not subject to such prescriptive requirements. In order to provide a product that meets current needs yet fits into the surrounding area, staff finds the requested deviances from the FBC to be appropriate.

4. Any variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Approval of the variance will not grant special privileges to redevelopment of the site that are inconsistent with limitations of other similar properties. For example, the open space in front of the main body of the house is consistent with the open space layout of the surrounding properties on 1st Avenue and Udall.

Findings

- A. There are special circumstances, including the small and compact nature of the parcels, limiting development of the site to fully conform to all requirements of the form-based code.
- B. The strict application of the MZO will deprive the property of privileges enjoyed by other properties of the same classification in the same zoning district. Surrounding properties to the site have large open space areas in front of the main body of the house which does not conform to requirements of the form-based code.
- C. Approval of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity.

Neighborhood Participation Plan and Public Comments

The applicant sent the required notification letters to all property owners within 500' of the site. As of writing this report, staff has not been contacted by any of the neighbors.

Staff Recommendations:

Based on the application, the criteria for approving a variance outlined in Section 11-80 of the MZO, Staff recommends approval of the request with 4 conditions:

Conditions of Approval:

1. Compliance with the final site plan and elevations as submitted, except as modified by this variance request; and
2. Compliance with all City development codes and regulations; and
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits; and
4. Prior to the submittal of a building permit, obtain Certificates of Appropriateness from the City of Mesa.