



PLANNING DIVISION  
STAFF REPORT

**Board of Adjustment**

**October 2, 2019**

CASE No.: <b>BOA19-00633</b>	CASE NAME: <b>Mesa &amp; Main Phase 2 East Parcel</b>
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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 Udall, and 0 to 100 block of South Lesueur.
Parcel Nos:	138-27-012, 138-27-011, 138-27-010, 138-27-102
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) Transect Zone
Council District:	4
Site Size:	1.07 ± acres
Proposed Uses:	Attached residence-townhouse; detached residence- single-unit house, cottage
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 T4Neighborhood 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, required rear setbacks, required side setbacks, private open space requirements, and private frontage standards to allow for the construction of 16 residential units. The proposed development uses the Form Based Code (FBC) and consist of six (6) single-unit house, cottage residences oriented around a Pocket Park on the east side of Udall, and 10 townhouse residences facing north along a pedestrian 'Via' between Udall and LeSueur.

Per Building Form Standards, Section 11-58-5 of the MZO, buildings within the T4N Transect Zone must be setback at least ten feet and no more than fifteen feet from the front property line. The applicant is requesting a zero-foot setback for the six single-unit house, cottage type residences proposed along the east side of Udall Street. The homes are designed around a Pocket Park Civic Space, similar to a courtyard, with each home fronting directly onto the Pocket Park instead of the street.

Section 11-58-5 of the MZO requires a five-foot rear setback in the T4N Transect Zone. The single unit, cottage building type homes are proposed to be rear-loaded products which gain garage access from a private drive. The applicant is requesting a minimum rear setback of 2'-11".

The MZO requires a five-foot side setback in the T4N Transect Zone. The applicant is requesting a zero-side yard setback along one side of each cottage home. This enables the developer to maximize the usable side yards, indicated on the submitted plans as a minimum of 14' wide, for each home. If approved, a Use-and-Benefit Easement is required to be noted on the plat, to allow property owners to maintain both sides of their home. For the townhouse building type, a zero-foot setback is permitted.

Per Section 11-58-5 of the MZO, the minimum ground floor finish level in the T4N Transect Zone must be 18 inches, the ground floor ceiling must have a 10-foot minimum clearance, and the upper floor ceiling must have a 9-foot minimum clearance. The proposed ground floor finish level is six (6) inches above grade. The proposed first floor ceiling clearance is nine (9) feet-½ inch for all of the residences, and the proposed upper floor ceiling clearance is eight (8) feet-½ inch for the single unit homes.

The applicant is also requesting variances from Section 11-59-9 of the MZO for the Townhouse building type. Per this section of the MZO, the minimum required lot depth is 80 feet. The applicant is requesting to reduce the lot depth 53 feet-5 inches deep, which is roughly one-third less than the required minimum depth.

Section 11-59-9(H) of the MZO requires private open space for the Townhouse buildings to be a minimum of eight (8) feet in width, eight (8) feet in depth, and minimum 100 square feet (SF) in area. The proposed townhouses do not have any private open space. However, the townhouses all front onto a Pocket Park Civic Space referred to as the 'Via', and the applicant proposes that this is adequate open space.

Section 11-60-7 of the MZO provides standards for the Private Frontage Types. The applicant has proposed “stoops” for the frontages of the townhouse and cottage products. Per the MZO, the minimum required stoop depth is five (5) feet. The applicant is requesting a minimum stoop depth of 3 feet 6 inches. Building entries are required to be covered or recessed to provide shelter from the elements. Only two (2) of the 10 townhouses have entries that are covered or recessed. Finally, the MZO specifies that all doors must face the street. Most of the units in this development are not adjacent to a street; rather, they have front doors which face civic space.

**Table 1: Single-Unit House, Cottage Building Type Variances**

Requirement	Requested Variance	Deviation
T4N Transect Front Setback: 10’ min., 15’ max.	0’ front setback	15’ reduction
T4N Transect Rear Setback: 5’ min.	2’-11” rear setback	2’1” reduction
T4N Transect Side Setback: 5’ min.	0’ side setback	5’ reduction
T4N Transect Ground floor finish level: 18” min.	6” Ground floor finish level	12” reduction
T4N Transect Ground floor ceiling: 10’ min. clear Upper floor ceiling: 9’ min. clear	9’-1/2” Ground floor ceiling; 8’-1/2” Upper floor ceiling	11” reductions

**Table 2: Townhouse Building Type Variances**

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	11” reduction
Townhouse Building Type 80’ min. lot depth	53’-5” lot depth	26’-7” 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 depth: 5’ min. Building entries covered/recessed. Doors must face the street.	3’-6” min. stoop depth. 8 of the 10 entries not covered/recessed. Most doors face civic space (not a street).	1’-6” reduction  Mostly uncovered entries  Most doors do not face street

**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 the higher-density development under construction to the north, and the existing residential homes to the south.

**Surrounding Zoning Designations and Existing Use Activity:**

<p style="text-align: center;"><b>Northwest</b>  <b>T5 Main Street Flex (T5MSF)</b>  <b>Multi-Unit Residential</b>  <i>Currently under construction</i></p>	<p style="text-align: center;"><b>North</b>  <b>T5 Main Street Flex (T5MSF)</b>  <b>Multi-Unit Residential</b>  <i>Currently under construction</i></p>	<p style="text-align: center;"><b>Northeast</b>          (across Lesueur)  <b>Downtown Residence (DR-2)</b>          Existing Mormon Temple</p>
<p style="text-align: center;"><b>West</b>          (across Udall)  <b>T4 Neighborhood (T4N)</b>  <b>Proposed Multi-Unit Residential (BOA19-00634)</b></p>	<p style="text-align: center;"><b>Subject Property</b>  <b>T4N</b>          Vacant</p>	<p style="text-align: center;"><b>East</b>          (across Lesueur)  <b>Downtown Residence (DR-2)</b>          Existing Mormon Temple</p>
<p style="text-align: center;"><b>Southwest</b>          (across Udall)  <b>Downtown Residence (DR-2)</b>          Existing residential</p>	<p style="text-align: center;"><b>South</b>          (across 1<sup>st</sup> Ave)  <b>Downtown Residence (DR-2)</b>          Existing residential</p>	<p style="text-align: center;"><b>Southeast</b>  <b>Downtown Residence (DR-2)</b>          Existing Residential</p>

## **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;

***Overall, the prescriptive nature of the FBC provides certain challenges for redevelopment of older neighborhoods, such as the subject, property to absolutely conform to the required lot size, shape, and form without a variance. Parcels in the downtown neighborhoods are small and compact. The infill and redevelopment in this area often requires assembly of numerous parcels in order to overcome site constraints or deviations from FBC standards.***

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

***The lots and parcels in the downtown neighborhoods are small and compact, and have been in their current configuration for over 50 years.***

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 FBC limits the ability to redevelop the northern portion of the subject site for attached multi-residential use. The applicant is trying to create a tight knit place with diverse housing types that fit into the existing urban fabric. The residential homes surrounding the site were constructed before the creation of the FBC 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 deviations 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 (Pocket Park Civic Space) in front of the main body of the proposed homes is consistent with the open space layout of the surrounding properties on 1<sup>st</sup> Avenue and on 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.
- C. Approval of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the form-based code zoned district

### **Neighborhood Participation Plan and Public Comments**

The applicant sent the required notification letters to all property owners within 500 feet of the subject 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 requested variances with the following conditions:

### **Conditions of Approval:**

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