



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

January 15, 2020

CASE No.: **BOA19-00925**

CASE NAME: **Mesa & Main Redevelopment 409 E 1st Ave**

Owner's Name:	Land Equity Investors LLC
Applicant's Name:	Dale Gardon Design-David Davis
Location of Request:	409 East 1 st Avenue
Parcel Nos:	138-27-034
Nature of Request:	Requesting variances from the Form Based Code Building Form Standards and Building Type Standards to allow for the construction of a single residence
Zone District:	T4 Neighborhood Flex (T4NF) Transect Zone
Council District:	4
Site Size:	0.19 ± acres
Proposed Uses:	Single Residence
Existing Use:	Commercial/Retail (buildings to be demolished)
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **July 10, 1930**, the subject parcel was created as part of the Mesa, Arizona plat.

On **April 2, 2001**, the City Council approved the 66.5 acre (0.1 square mile) Historic Preservation District Overlay, Temple Historic District (HP00-001, Ord # 3876).

On **December 18, 2019**, the property owner obtained an opt-in approval to rezone two parcels, including the subject site, from Downtown Business (DB-1) to Form Based Code T4Neighborhood Flex (T4NF) Transect (case# ZON19-00963).

PROJECT DESCRIPTION

Background

The subject site is within the Temple Historic District, which contains some of the first residential developments to occur outside of the original downtown square mile. The Temple is undergoing extensive renovation. Many properties located between the Temple site and Mesa Drive have been purchased by the same entity with the intent of redeveloping the entire area with residential and commercial uses. These projects are utilizing the Form-Based Code to create a pedestrian-scale neighborhood. The developer's goal for the subject site is to construct new homes that fit in with the existing Temple Historic District neighborhood.

The applicant is requesting variances from Sections 11-58-6 and 11-59-6 of the Mesa Zoning Ordinance (MZO) to allow for the construction of a single unit house (Cottage) utilizing T4NF transect of the Form Based Code (FBC). The applicant is requesting the following variances from the T4NF Form Based Code Building Form Standards and Building Type Standards:

- Increase in the minimum front build-to-line (BTL) and reduction to BTL defined by a building;
- Elimination of the requirement to define the right-of-way (ROW) by a building, hedge, fence or wall;
- Reduction in the required building height and ground floor finish level; and
- Increase to the required lot width and building width standards.

Per Building Form Standards, Section 11-58-6(C) of the MZO, buildings must be located no more than 15 feet from the front property line to meet the required build-to-line (BTL). The applicant is requesting to increase the front BTL to 16-foot 11-inches to be consistent with the homes to the east that are setback approximately 25 feet from the front property line. One of the key elements that influence the planning of the Temple Neighborhood is developing and maintaining strong visual connections to the open spaces which include the Temple grounds.

In addition, Section 11-58-6(C) requires the entire ROW be defined by a building, hedge, fence or wall 24 to 42 inches in height. The applicant is requesting to eliminate this requirement because it is inconsistent with the surrounding properties, which have open front yards and landscaping closer to the structures.

Section 11-58-6(D) of the MZO, requires a minimum building height of 20 feet and a minimum ground floor finish level of 18 inches. The maximum proposed building height is 17 feet as measured from the ground level to the eave and is consistent with the scale of the existing homes in the area. The applicant is proposing a ground floor finish level twelve inches above grade, which will require no more than two steps up into the home. The existing homes in the neighborhood are slab on grade, so the lower proposed ground floor finish level is consistent with the surrounding homes.

The applicant is requesting variances from Section 11-59-6 of the MZO for the Single-Unit House, Cottage Building Type. Per Section 11-59-6(B) of the MZO, the maximum allowed lot width is 50 feet. The applicant is requesting a variance to keep the lot in its current configuration with a

width of 63 feet 10 inches. This lot width is consistent with the lots in the surrounding area. Per Section 11-59-6(D) of the MZO, and the maximum allowed building width is 36 feet. The applicant is requesting to construct a 42-foot wide building which is consistent with the existing homes in the neighborhood.

The tables below show the MZO requirements and applicant proposed deviations:

Table 1: Chapter 58: Building Form Standards; T4NF Transect – Variances

MZO Standard	MZO Requirement	Applicant Request	Requested Variance or Deviation
Front Build-to-Line (BTL)	0' min., 15' max.	16'-11" front BTL	1'-11" increase
BTL defined by a building	75% min.	~32' = 50%	33% reduction
Entire ROW shall be defined by a building or a 24" to 42" high hedge, fence or wall	Defined by a building or a 24" to 42" high hedge, fence or wall	None	100%
Building Height	20' min.	17' height	3' reduction
Ground floor finish level	18" min.	12"	6" reduction

Table 2: Chapter 59: Building Type Standards: Single-Unit House, Cottage – Variances

MZO Standard	MZO Requirement	Applicant Request	Requested Variance or Deviation
Lot Width	30' min., 50' max.	63'-10"	13'-10" increase
Building width:	36' max.	42'	6' increase

General Plan Character Area Designation and Goals

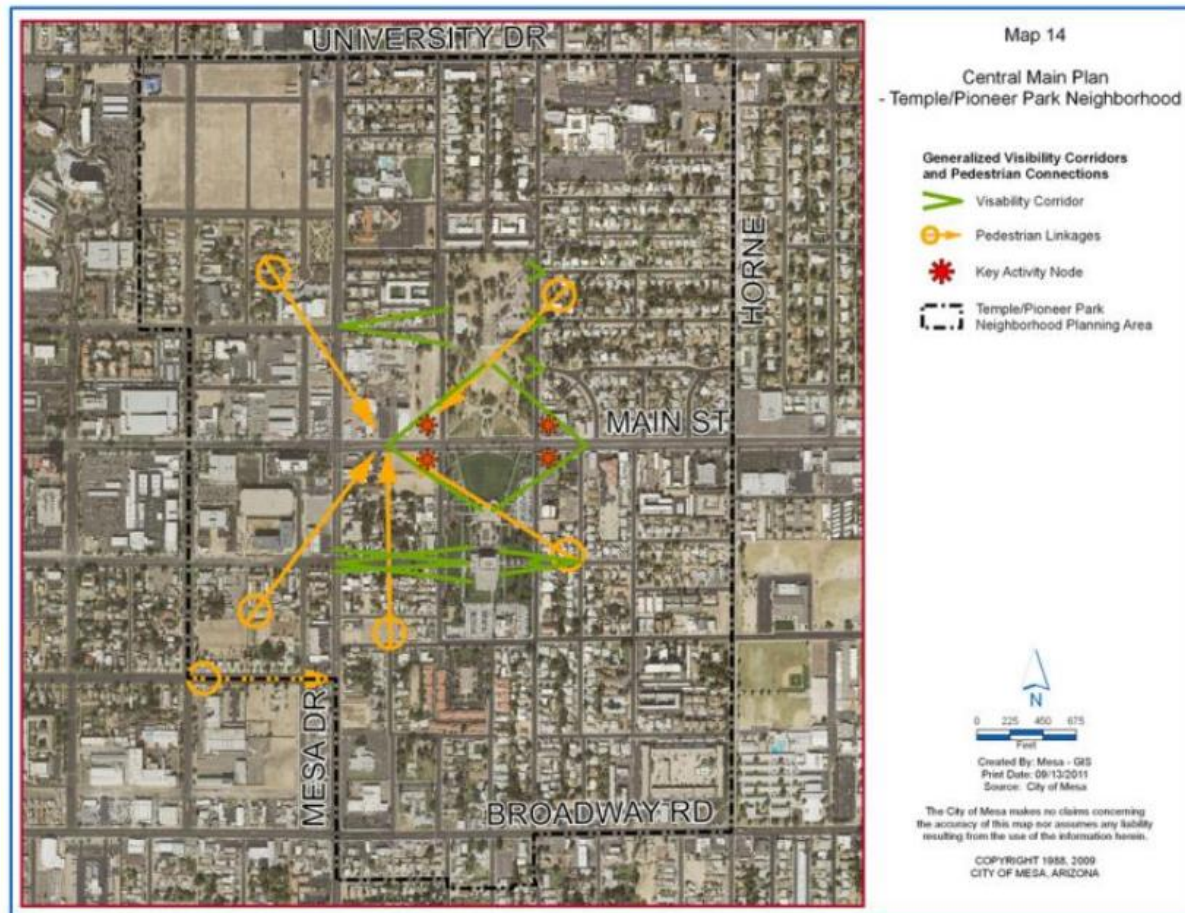
The subject site is located near the core of Downtown and is within several special planning areas (i.e. Historic Districts, Activity Centers, Sub-Area Plans). Per the City of Mesa 2040 General Plan, the site is designated as Traditional Neighborhood, within the Downtown, Transit Corridor – Station Area character types. The Traditional Neighborhood character is single residence in character with a grid street pattern and a high degree of connectivity. 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 subject site is also at the eastern edge of the Downtown character type area, which is recognized as the governmental, cultural, financial, and entertainment center of the community, and can include single residences. The Form and Guidelines listed for the Downtown Character Area indicates that setbacks in residential areas should range between 10-20 feet and be designed to engage the street. The requested increase in the front setback is consistent with form and guidelines of the Downtown Character Area.

The site is also within the Transit Corridor Station Area, which means it is within ¼ mile of a light rail station. Station Areas are intended to have more intense development than the associated corridor and are expected to transition into an urban building form. The proposed single residence is not listed as a 'typical use' for a Station Area but is consistent with the surrounding single residential uses.

The subject site is located within the West Mesa Economic Activity Area and the Downtown Economic Activity District. Redevelopment and intensification are promoted within the West Mesa Economic Activity Area based on expansion of transit services.

The site is also located within the Central Main Plan that identifies the site as within the Neighborhood Preservation Character Type. The intent of this character type is to protect and enhance existing historic neighborhoods. The Central Main Plan identifies a 'Visibility Corridor' along First Avenue east of Mesa Drive. Buildings are recommended to be setback 5-25 feet from the front property line in these areas to allow visibility of the Temple from Mesa Drive. The requested build-to-line is consistent with these guidelines.



Finally, the site is within the Temple Historic District, which contains some of the first residential developments 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. The existing commercial building on the property is not a contributing structure in the District and will be demolished to make way for a single residence. The proposed single residence is designed to fit in with the style and scale of other homes in the area. 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 improvements are consistent with the General Plan.

Site Characteristics:

The site is located just east of Mesa Drive and one block south of Main Street, at the western edge of the Temple Historic District. The lot is 63-feet, 10-inches wide and 128-feet, 2-inches deep, and currently contains a two-story commercial building and parking lot.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (across 1 st Avenue) T4 Neighborhood Flex (T4NF) Single Residential Home	Northwest (across 1 st Avenue) T4 Neighborhood Flex (T4NF) Single Residential Home	Northeast (across 1 st Avenue) Downtown Residence (DR-2) Single Residential Home
West T4 Neighborhood Flex (T4NF) Commercial/Retail (to be demolished) (BOA19-00926)	Subject Property T4NF Commercial/Retail (to be demolished)	East Downtown Residence (DR-2) Single Residential Homes
Southwest Downtown Business (DB-1) Existing residential	South Downtown Business (DB-1) Existing residential	Southeast Downtown Residence (DR-2) Vacant

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 surroundings;

The age of the property and the existing neighborhood and existing lot size create a special circumstance for development of the subject site. 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.

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

The subject site has been in its current configuration for over 50 years. The site pre-existed the creation of the FBC and such prescriptive requirements were not created by the applicant. Building a home on this site using the FBC that fits into the surrounding area and is consistent with the existing neighborhood requires the requested variances.

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 subject site for single-residential use. The applicant is proposing a home that is complementary in form, scale and design to the existing homes in the area. 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 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 other similar properties.

Findings

- A. There are special circumstances, including the existing parcel dimensions and the style and scale of surrounding homes, which pose challenges to the developer to fully conform to all requirements of the Form-Based Code.
- B. The subject lot was not created by the applicant and has been in existence for over 50 years.
- C. 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.
- D. 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 150' 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 received and the preceding analysis, staff finds that the requested variances meet approval criteria outlined in Section 11-80-3 of the MZO, and therefore recommend approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan and elevations as submitted.
2. Compliance with all City development codes and regulations, except as modified by the variance request listed in Table 1 and Table 2 of this report.
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, submit and obtain approval from the City of Mesa for:
 - a. Zoning Clearance for compliance with the Form Based Code; and
 - b. Certificate of Appropriateness for compliance with the Historic District Overlay.