



**PLANNING DIVISION**

**STAFF REPORT**

**Board of Adjustment**

**January 15, 2020**

CASE No.: **BOA19-00926**

CASE NAME: **Mesa & Main Redevelopment 105 S Mesa Dr**

Owner's Name:	Land Equity Investors LLC
Applicant's Name:	Dale Gardon Design-David Davis
Location of Request:	105 South Mesa Drive
Parcel Nos:	138-27-033A
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 parcel, 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 subject site is to construct a new home that fits 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 the T4NF transect of the Form Based Code (FBC). The applicant is requesting the following variances from the Form Based Code Building Form Standards and Building Type Standards:

- Increase in the minimum front build-to-line (BTL);
- Elimination of the requirement to define the BTL with a building for the first 30' from the corner;
- 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 21-foot 4-inches to be consistent with the homes to the east that are setback approximately 25 feet from the front property line. In addition, Section 11-58-6(C) requires buildings on corner lots to define the BTL for the first 30 feet from the corner. The purpose of this requirement is to establish a permanent, physical feature to represent the corner of the block, which is something very common in downtown neighborhoods. The proposed building does not meet this requirement. However, 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. The proposed design and the placement of the home away from the corner and at the increased front build to line, provides space between the home and the busy arterial street (Mesa Drive) and maintains the visual corridor to the Temple.

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 12 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 41-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**

<b>MZO Standard</b>	<b>MZO Requirement</b>	<b>Applicant Request</b>	<b>Requested Variance or Deviation</b>
Front Build-to-Line (BTL)	0' min., 15' max.	21'-4" front BTL	6'-4" increase
BTL defined by a building	75% min.	~29'-4" = 45%	40% reduction
On corner lots, the BTL must be defined by a building for the first 30' from the corner		None	100%
Entire ROW shall be defined by a building or a 24" to 42" high hedge, fence or wall		None	100%
Building Height (to eave)	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**

<b>MZO Standard</b>	<b>MZO Requirement</b>	<b>Applicant Request</b>	<b>Requested Variance or Deviation</b>
Lot Width	30' min., 50' max.	63'-10"	13'-10" increase
Building width	36' max.	41'	5' increase

### **General Plan Character Area Designation and Goals**

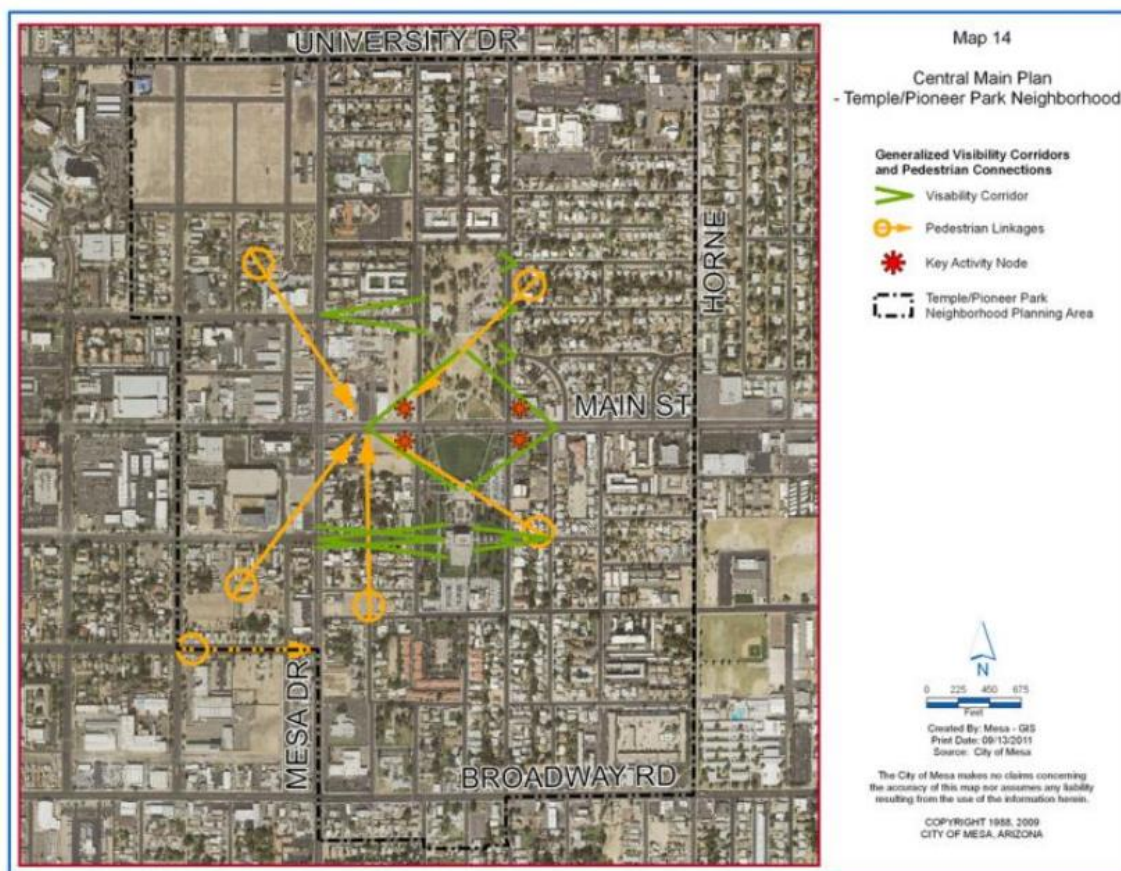
The subject site is located near the core of Downtown and is located within several special planning areas (i.e. Historic Districts, Activity Centers, Sub-Area Plans). Per the City of Mesa 2040 General Plan, the site is designated as Traditional Neighborhood, within the Downtown, Transit Corridor – Station 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 the forms 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 improvement is consistent with the General Plan.

**Site Characteristics:**

The site is located on the east side 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 single-story commercial building and parking lot.

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

<b>Northwest</b> <b>(across 1<sup>st</sup> Ave and Mesa Drive)</b> <b>Downtown Core (DC)</b> <b>Existing Retail Commercial Building</b>	<b>North</b> <b>(across 1<sup>st</sup> Avenue)</b> <b>T4 Neighborhood Flex (T4NF)</b> <b>Single Residential Home</b>	<b>Northeast</b> <b>(across 1<sup>st</sup> Avenue)</b> <b>T4 Neighborhood Flex (T4NF)</b> <b>Single Residential Home</b>
<b>West</b> <b>(across Mesa Drive)</b> <b>Downtown Business (DB-1)</b> <b>Existing Medical Office</b>	<b>Subject Property</b> <b>T4NF</b> <b>Commercial/Retail (to be demolished)</b>	<b>East</b> <b>T4NF</b> <b>Commercial/Retail (to be demolished) (BOA19-00925)</b>
<b>Southwest</b> <b>(across Mesa Drive)</b> <b>Downtown Business (DB-1)</b> <b>Existing Hair Salon</b>	<b>South</b> <b>Downtown Business (DB-1)</b> <b>Existing Residential</b>	<b>Southeast</b> <b>Downtown Business (DB-1)</b> <b>Existing Residential</b>

**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, the existing neighborhood and the corner lot location 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, pre-existed the creation of the FBC and is not created by the Owner. Special circumstances exist such as: (i) the character of the neighborhood, (ii) the goal to preserve the distinctive character and address the threats to preservation, (iii) trying to be consistent with the existing homes in the neighborhood which are slab on grade, so the lower proposed***

***ground floor finish level is consistent with the surrounding homes proposing a ground floor finish level 12 inches above grade, which will require no more than two steps up into the home, and (iv) the surrounding homes in the neighborhood have open front yards and landscaping closer to the structures. Therefore, the requested variances are due to the special circumstances of the existing lot, its location and the surrounding neighborhood.***

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.