



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**November 1, 2023**

CASE No.: <b>BOA23-00738</b>	CASE NAME: <b>The Edge on Main Street</b>
------------------------------	---

Owner's Name:	OZ16 QOZB, LLC
Applicant's Name:	Jonathan Kland, Principal Architect, AIA LEED AP, Line 29 Architecture
Location of Request:	Within the 0 to 100 block of South Country Club Drive (east side), 200 to 400 Block of West Main Street (south side), 0 to 100 block of South Morris (both sides) and the 200 Block of West Mahoney Avenue (north side). Located east of Country Club Drive and south of Main Street.
Parcel Nos:	138-54-008A, 138-54-009A, 138-54-010, 138-54-036, 138-54-038, 138-54-039 and 138-54-043
Nature of Request:	Requesting a Variance from the Form-Based Code Building Form, Building Type and Private Frontage Standards, to allow for a mixed-use development in the
Zone District:	Transect 5 Main Street (T5MS) district.
Council District:	4
Site size:	1.7 ± acres
Existing use:	Commercial
Hearing date(s):	<b>November 1, 2023</b>
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **July 14, 1883**, the subject property was incorporated as the City of Mesa as part of a larger 640± acre area annexation (Ordinance. No. 1).

On **August 3, 1987**, the City Council approved an amendment to the zoning code to create new zoning districts with development regulations, a zoning map, and design guidelines for all properties within Mesa's Town Center (Z87-40, Ordinance No. 2254), the subject property was designated with Downtown Core (DC) zoning.

On **November 7, 2011**, the City Council approved the Downtown Events (DE) Overlay district for the 151± acre area, which includes the subject property, from Country Club Drive to Centennial Way/Sirrine between 1<sup>st</sup> Street and 1<sup>st</sup> Avenue (Case No. Z11-017, Ordinance No. 5065).

On **January 23, 2012**, the City Council adopted the Central Main Plan with the goal of creating a more active and viable downtown area for Mesa. The subject property is within the Downtown Transit Node/Urban Gateway Neighborhood Planning area of the Plan (Resolution No. 9980).

On **June 14, 2012**, the City Council approved an amendment to the zoning ordinance adopting the Form Based Code. The subject property was designated with a transect of T5 Main Street (T5MS) and T4 Neighborhood Flex (T4NF) as part of the Regulating Plan of the Form Based Code (FBC). Per the approved Regulating Plan, properties within the FBC areas are required to opt-in to the Regulating Plan prior to developing under standards of the FBC (Ordinance No. 5099).

On **July 10, 2023**, the City Council rezoned the southern .49± acres of the subject property from T4NF to T5MS within the FBC Regulating Plan to allow the property owner the option to redevelop the site consistent with the standards of the T5MS building form and standards in conjunction with the properties to the north and northeast.

## **PROJECT DESCRIPTION**

### **Background:**

The applicant opting-in to the Form Based Code (FBC) and is requesting variances from the Building Form Standards of Section 11-58-10 and the Building Type Standards of Sections 11-59-14 and 11-59-16 of the Mesa Zoning Ordinance (MZO). This will allow for the construction of a new, six-story, mid-rise building (Building 1) with ground floor commercial uses and structured parking, and five floors of residence units and a new eight-story, mid-rise building (Building 2) with ground floor commercial uses and structured park, two floors of residence units and structure parking and five floors of residences units in the T5MS Transect (Proposed Project). Building 1 contains ground floor commercial space, 157 dwelling units and 41 structured parking spaces. Building 2 contains ground floor commercial space, 266 dwelling units and 211 parking spaces. In total, the Proposed Project will include ground floor commercial space, 423 dwelling units, 262 parking stalls (including 10 on-street parking stalls) and 6,900 square feet of ground floor commercial space.

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

The General Plan Character area designation on the property is Downtown with a Transit District overlay of Corridor Station Area. Per the General Plan, the focus of the Downtown character area is the creation of a pedestrian oriented, transit-rich environment with a lot of activity. In addition,

the goal for the character area is to make it a people-friendly area that is alive with options for housing, employment, shopping, entertainment, and events.

Buildings in the character area are to be designed and placed to engage the street and help create an interesting and active street life. Mixed-use developments with residential over ground floor office or retail, when designed to engage the street, are appropriate for the Transit Corridor, especially in Station Areas.

**Central Main Street Area Plan:**

This subject property is also located within the Downtown Transit Node/Urban Gateway Neighborhood Planning Area of the Central Main Street Area Plan. The Downtown Transit Node promotes pedestrian-friendly developments, such as designing buildings to engage the street and including material and construction quality that meets or exceeds the level of quality established by the public investment in the light rail line (Policy PFC 3.5).

The Urban Gateway Planning Area is envisioned to develop in a manner that announces entrance into the Downtown Mesa area and the primary focus for this area will be on commercial/retail and residential development in both mixed-use buildings and stand-alone developments.

The proposed redevelopment of the site and general improvements are consistent with the General Plan and the Central Main Street Area Plan by providing pedestrian-oriented, mixed-use development and adding to the density and vibrancy of the Downtown Core.

**Site Characteristics:**

The Propose Project site is approximately 1.7± acres in area and is located within the original downtown square mile of the City of Mesa and has frontage along the east side of the 0 to 100 block of South Country Club Drive, the south side of the 200 to 400 blocks of West Main, both sides of the 0 to 100 block of South Morris and along the north side of the 200 block of West Mahoney Avenue and is comprised of several individual lots and a portion of Morris right-of-way that will be abandoned to accommodate the development. The individual lots and the abandoned right of way will be combined into one lot to accommodate the proposed development. The Proposed Project site is currently developed with a restaurant building and a multi-tenant commercial building, while two of the individual lots are vacant.

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

<b>Northwest</b> (Across Main Street and Country Club) T5MS Vacant	<b>North</b> (Across Main Street)  DC-DE/T5MS Commercial	<b>Northeast</b> (Across Main Street)  DC-DE/T5MS Commercial
<b>West</b> (Across Country Club Drive and the west side of Morris) DB-1/T4MS and DC-DE/T5MS Commercial	<b>Subject Property</b> DC-DE/T5MS Existing commercial and Vacant	<b>East</b> DC-DE/T5MS and DC-DE/T4NF Commercial and Single Residence
<b>Southwest</b>	<b>South</b>	<b>Southeast</b>

(Across Morris and Mahoney) DC-DE/T4NF Commercial	(Across Mahoney) T4NF and DC-DE/T4NF Multiple Residence	(Across Mahoney) DC/T4NF Commercial and Single Residence
---	---	---

**Mesa Zoning Ordinance Requirements and Regulations:**

Per Section 11-58-10(C) of the MZO, the side street build-to-line of zero feet is allowed between the Morris and Mahoney side street property lines/rights-of-way and the face of the building on the ground floor. The proposed Morris side street build-to-line varies from zero feet to a maximum of 9 feet, 8 inches behind the side street property line/right-of-way. Along Morris, Building 2 is set at the property line, except at the southwest corner where the electric equipment is located and where the realigned Morris right-of-way curves to accommodate a new street cul-de-sac. The proposed Mahoney side street build-to-line is a maximum of 11 feet, 5-3/16 inches behind the Mahoney side street property line/right-of-way. The existing sidewalk along Mahoney is not built to City of Mesa standards, consequently, the ground floor of Building 2 is pulled back from the Mahoney side street property line/right-of-way to allow for a new sidewalk to be placed under the building overhang.

Per Section 11-58-10(C) of the MZO, the build-to-line defined by the building front is required to be a minimum of 60% along the Morris and Mahoney side street property lines/rights-of-way on the ground floor level. The Morris side street build-to-line defined by the building front is approximately 38%. Along Morris, the Building 2 is at the property line, except at the southwest corner where the electric equipment is located and where the Morris right-of-way curves to accommodate a new street cul-de-sac. The Mahoney side street build-to-line defined by the building front is 0%. The existing sidewalk along Mahoney is not built to City of Mesa standards, consequently, the ground floor of Building 2 is pulled back from the Mahoney side street property line/right-of-way to allow for a new sidewalk to be placed under the building overhang.

Per Section 11-58-10(F) of the MZO, the required distance from the side street setback at the ground floor to on-site parking spaces is a minimum of 30-feet. The proposed distance from the Country Club, Morris and Mahoney side street setback at the ground floor to on-site parking spaces is zero feet. Due to the need for on-site parking and limited area available for on-site parking, Building 1's ground floor structured parking spaces are located immediately adjacent to Country Club Drive and all of Building 2's structured parking is immediately adjacent to the Morris and Mahoney rights of way. Per the applicant's justification statement, the Proposed Project fronts four streets and is irregularly shaped, which makes it economically unfeasible to provide ground floor commercial uses along all four street frontages. Also, including ground floor commercial uses along Morris and Mahoney would not be consistent with the character of the surrounding properties.

Per Section 11-59-14(B) of the MZO, the width of the lot may not exceed 200 feet. The site plan for the Proposed Project indicates the proposed lot is irregular in shape and has a maximum lot width of 381 feet, 2-inches along the Main Street Frontage. The shape and size of the existing lots and layout of the streets encompassed by the Proposed Project are pre-existing. Because of the shape and size of the existing lots, combining them and incorporating additional area

provided by the abandonment of a portion of the Morris right-of-way into one lot is necessary to facilitate the viability of the Proposed Project.

Per Section 11-59-14(B) of the MZO, the depth of the lot may not exceed 150 feet. The site plan for the Proposed Project indicates the proposed lot is irregular in shape and has a maximum lot depth of 325 feet, 1-5/8-inches. The shape and size of the lots and layout of the streets encompassed by the Proposed Project are pre-existing. Because of the shape and size of the existing lots, combining them and incorporating additional area provided by the abandonment of a portion of the Morris right-of-way into one lot is necessary to facilitate the viability of the Proposed Project.

Per Section 11-59-14(D) of the MZO, the maximum depth of the footprint for floors 1-2 is 150 feet. The site plan indicates the depth of the footprint for floors 1-2 of Building 1 is 188 feet and the depth of the footprint for floors 1-2 of Building 2 is 313 feet, 7-21/32-inches. The shape and size of the lots and layout of the streets encompassed by the Proposed Project are pre-existing. Combining the multiple lots into one lot creates an irregular shaped lot. The depth of the building is derived from the shape of the lot and the additional depth for floors 1-2 of the buildings is needed to support the economic viability of the Proposed Project.

Per Section 11-59-14(D) of the MZO, the maximum depth of the footprint for floors 3+ is 65 feet. The site plan indicates the depth of the footprint for floors 3+ of Building 1 is 188 feet and the depth of the footprint for floors 3+ of Building 2 is 313 feet, 7-21/32-inches. The shape and size of the lots and layout of the streets encompassed by the Proposed Project are pre-existing. Combining the multiple lots into one lot creates an irregular shaped lot. The depth of the building is derived from the shape of the lot and the additional depth for floor 3+ of the buildings is needed to support the economic viability of the Proposed Project.

Per Section 11-59-14(D) of the MZO, the floorplate of any floor may not be larger than the floor below. The floor plans for Building 2 indicate the floorplate of floors two, three and four is larger than the ground floor level. As discussed above, Building 2's ground floor level is setback a maximum of 11 feet, 5-3/16 inches from the Mahoney side street property line/right-of-way. The existing sidewalk along Mahoney is not built to City of Mesa standards, consequently, the ground floor of Building 2 is pulled back from the Mahoney side street property line/right-of-way to allow for a new sidewalk to be placed along Mahoney. The floorplates of levels two, three and four for Building 2 extend out to the Mahoney right-of-way and overhang the sidewalk adjacent to Mahoney. A variance is not required for the floorplates of levels five, six, seven and eight in Building 2 since these levels are above the outdoor common space amenity area located on the floor 4 and are reduced in size to create a large niche in the building around the outdoor common open space area. The configuration of the floorplates of Building 2 allows for a sidewalk to be placed along Mahoney and provides for the economic vitality of the Proposed Project.

The Proposed Project site is designated T5MS. Per Section 11-59-16(B) of the MZO, floors 6+ along the front and side streets are required to be setback from the property line/right-of-way a minimum of 10 feet. The floor plans for Building 2 do not comply with this standard. Per the justification statement provided by the applicant, the location of a utility easement along the

west side of Building 2 makes the building too narrow to be economically viable if floors 6+ are setback to meet this standard.

The area to the east of the Proposed Project along Main Street is designated T5MS and the area to the east along Mahoney is designated Transect 4 Neighborhood Flex (T4NF) in the FBC regulating plan. Per Section 11-59-16(B), floors 6-8 of a mid-rise building in the T5MS transect abutting another T5MS transect designated area are required to be setback from a side property line a minimum distance of 10 feet. The site plan indicates where Building 2 abuts the T5MS transect area along the east property line, it is setback a distance ranging from 3 feet, 2-inches to 8 feet, 7/16-inches. Also, per Section 11-59-16(B) floors 1-5 and 6-8 of a mid-rise building in the T5MS transect abutting a T4NF transect designated area are required to be setback from a side property line a minimum distance of 10 feet and 20 feet, respectively. The site plan indicates where Building 2 abuts the T4NF transect area along the east property line, it is setback a distance ranging from 6 feet, 9-9/32 inches to 8 feet, 6-7/8 inches. Per the justification statement provided by the applicant, the abutting transects to Building 2 are not consistent and strict application of the standards noted in these sections would result in levels 6, 7 and 8 abutting the T5MS transect area not having balconies, which would violate the conditions of the development agreement between the property owner and the City of Mesa. In addition, per the justification statement provided by the applicant, strict application of the standards noted in this section to the levels of Building 2 adjacent to the T4NF transect would result in the loss of parking stalls and apartments units making the Proposed Project economically unfeasible.

Table 1 below shows the MZO requirements compared to the applicant's proposed deviations:

**Table 1: MZO Requirements and Requested Variances**

<b>MZO Standard</b>	<b>MZO Requirement</b>	<b>Applicant Request</b>	<b>Staff Recommendation</b>
<i>Section 11-58-10(C) – Build-To Lines Distance from Property Line/ROW, Side Street:</i>			
Morris, Building 2	0 feet	<b>Varies from 0 feet to a maximum of 9 feet, 8 inches 4.5 feet</b>	<b>As Proposed</b>
Mahoney, Building 2	0 feet	<b>Maximum of 11 feet, 5-3/4 inches</b>	
<i>Section 11-58-10(C) -- Build-To Lines Defined by a Building Property Line/ROW). Side Street:</i>			
Morris, Building 2	60%	<b>±38%</b>	<b>As Proposed</b>
Mahoney, Building 2	60%	<b>0%</b>	

<b>MZO Standard</b>	<b>MZO Requirement</b>	<b>Applicant Request</b>	<b>Staff Recommendation</b>
<i>Section 11-58-10 (F) – Parking, Location (Distance from Property Line/ROW), Side Street Setback, Ground Floor:</i>  Country Club Drive  Morris  Mahoney	30 feet  30 feet  30 feet	<b>0 feet</b>  <b>0 feet</b>  <b>0 feet</b>	      <b>As Proposed</b>
<i>Section 11-59-14(B) – Lot, Lot Size:</i>  Width   Depth	100 feet minimum: 200 feet maximum  100 feet minimum: 150 feet maximum	<b>381 feet 2 inches, maximum</b>  <b>325 feet 1-5/8 inches, maximum</b>	     <b>As Proposed</b>
<i>Section 11-59-14(D) – Footprint:</i>  Floors 1-2, Depth: Building 1  Building 2  Floors 3+ Building 1  Building 2	150 feet  150 feet  65 feet  65 feet	<b>188 feet</b>  <b>313 feet, 7-21/32 inched</b>  <b>188 feet</b>  <b>313 feet, 7-21/32 inched</b>	      <b>As Proposed</b>
<i>Section 11-59-14(D) – Footprint:</i>	The floor plate of any floor may not be larger than the floor below.	<b>Building 2: The floorplate of Levels 2, 3 and 4 is larger than the ground floor level.</b>	<b>As Proposed</b>
<i>Section 11-59-16(B) – Mid-rise Buildings in T5MS, Front/Side Street Setback:</i>			

MZO Standard	MZO Requirement	Applicant Request	Staff Recommendation
Floors 6+: Main Street	10 feet	0 Feet	As Proposed
Morris, Building 2	10 feet	0 feet	
Mahoney Building 2	10 feet	0 feet	
<i>Section 11-59-16(B) – Mid-rise Buildings in T5MS, Side/Rear Setback:</i>			As Proposed
Abutting T6/T5: Building 2, Floors 6-8	10 feet	3 feet, 2-inches, minimum	
Abutting T4: Building 2, Floors 1-5	10 feet	6 feet, 9-9/32 inches, minimum	
Building 2, Floors 6-8	20 feet	6-feet, 9-9/32 inches, minimum	

### **Mesa Zoning Ordinance Requirements and Regulations:**

Per Section 11-80-3 of the MZO, 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;

***The 1.7± acre size and shape of the Proposed Project and its context within a developed urban area makes adherence to the FBC extremely difficult without the granting of variances.***

***The request meets this criteria.***

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

***The project site is comprised of lots that have been in their current configuration for many decades, pre-existed the adoption of the FBC and were not created by the current property owner. To facilitate the economic viability of the Proposed Project, combining the lots into one lot is necessary, but because of the irregular shape and configuration of the existing lots, the new lot is also irregular in shape and configuration. Therefore,***



***the requested variances are due to the special circumstances associated with size and shape of the project site, its location, and context within the surrounding area.***

***The request meets this criteria.***

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 of the applicant to redevelop the subject site with a viable project. In order to provide a mixed-use development that meets current needs and fits into the context of the surrounding area, staff finds the requested variances from the FBC to be appropriate.***

***The request meets this criteria.***

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 to facilitate the redevelopment of the site will not grant special privileges that are inconsistent with other similar properties.***

***The request meets this criteria.***

Findings:

- A. There are special circumstances, including the subject site's size, shape and context within a developed urban area, which pose challenges to the developer to fully conform to all requirements of the FBC.
- B. The project site is comprised of many lots that have been in their current configuration for many decades, pre-existed the adoption of the FBC and were not created by the current property owner.
- C. The strict application of the MZO deprives 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 500 feet of the subject site. As of the date of this report, staff has not been contacted by any of the neighbors.

**Staff Recommendation:**

Based on the application received and the preceding analysis, staff finds that the requested variances meet the approval criteria outlined in Section 11-80-3 of the MZO, and therefore recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan and final landscape plan.
2. Compliance with all City development codes and regulations, except as modified by the variance request listed in Table 1 of this report.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
4. Prior to the issuance of a building permit, obtain approval and record the abandonment of the Morris right-of-way to accommodate the Proposed Project as depicted in the final site plan.
5. Prior to the issuance of a building permit, obtain approval of and record a lot combination to assemble the project lots and the abandoned Morris right-of-way area into one lot.
6. Prior to the submittal of a building permit, submit and obtain approval from the City of Mesa of a Zoning Clearance for compliance with the FBC.
7. Prior to the issuance of a building permit, submit and obtain approval from the City of Mesa City Engineer to allow the project to encroach into the Main Street, Country Club Drive, Morris and Mahoney public rights-of-way.

**Exhibits:**

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Project Narrative/Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Landscape Plan

Exhibit 6 – Elevations

Exhibit 7 – Floor Plans