



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

December 4, 2024

CASE No.: **BOA24-00714**

CASE NAME: **Morris Containers**

Owner's Name:	Phoenix Vintage, LLC
Applicant's Name:	Richard Norris, Norris Architects, Inc.
Location of Request:	143 South Morris
Parcel Nos:	138-53-023
Nature of Request:	Requesting a Variance from the Form Based Code Building Form Standards to allow for a Multiple Residence development.
Zoning District:	Transect 3 Neighborhood (T3N) District
Council District:	4
Site size:	0.2± acres
Proposed use:	Multiple-Residence
Existing use:	Vacant
Hearing date(s):	December 4, 2024 / 5:30 p.m.
Staff Planner:	Kwasi Abebrese, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **July 14, 1883**, the project site was incorporated as part of the original square mile of the City of Mesa (Ordinance No. 1).

On **August 3, 1987**, the City Council approved an amendment to the Mesa Zoning Ordinance to create new zoning districts, a zoning map, and design guidelines for all properties within Mesa's Town Center (Case No. Z87-040, Ordinance No. 2254), the project site was designated with Downtown Business 1 (DB-1) zoning.

On **November 26, 2024**, the project site was rezoned through the opt-in process to the Transect 3 Neighborhood (T3N) district. (Case No. ZON24-00975).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Variance from the Building Form Standards of Section 11-58-4 of the Mesa Zoning Ordinance (MZO) to allow for a multiple residence development in the Transect 3 Neighborhood (T3N) district.

The project site is currently vacant and is located within the original downtown square mile of the city. Specifically, the site is located at 143 South Morris, south of Main Street and east of Country Club Drive and is approximately 450 feet south of the southeast corner of 1st Avenue and Morris. The site was previously developed as a single-family residence until its demolition in 2022. The applicant is proposing to redevelop the site for a multiple residence development.

The proposed project encompasses the development of a two-story nine-unit multiple residence development totaling approximately 6,168 square feet. The first floor of the building is comprised of a 2,524 square foot parking area and a 311 square foot livable area. The requested variances from the Form Based Code Building Form standards would allow for a reduction to the required minimum rear setback for buildings and the minimum front setback for parking spaces as well as an increase in the maximum width of parking access drives required in the T3N district.

General Plan Character Area Designation and Goals:

The General Plan Character area designation on the property is Downtown with a Transit Corridor, Station Area overlay. 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. The proposed multiple residential development conforms to the intent of the General Plan character area.

Central Main Street Area Plan:

The project site is also located within the Neighborhood Evolution area of the Central Main Street Area Plan. The Neighborhood Evolution area encompasses areas of both suburban commercial and residential development located south of 1st Avenue and east of Country Club Drive. This area is in close proximity to the Country Club Drive light rail station and can accommodate higher intensity residential infill and redevelopment. The area is envisioned to evolve over time into a stable neighborhood that can include a mix of single residence, duplex, and small apartment buildings.

The primary focus of the Central Main Street Area Plan is to create a sense of place for the entire area and improve connections to Main Street and Country Club Drive light rail station. The proposed multiple residential development conforms to the intent of the Central Main Street Area Plan.

Site Characteristics:

The project site is approximately 0.2± acres in size and is currently vacant. It is approximately 60 feet wide and 166 feet deep and was previously developed with a single-family residential unit until its demolition in 2022. The site is bordered on the north by an existing office facility, single-family residences to the east and south as well as an existing commercial development to west across South Morris.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Morris) DB-2 Existing Commercial	North DB-1 Existing Office Use	Northeast DR-2 Existing Single-Family Residences
West (Across Morris) DB-2 Existing Commercial	Subject Property DB-1 Vacant	East DR-2 Existing Single-Family Residences
Southwest (Across Morris) DB-2 Existing Commercial	South DB-1 Existing Single-Family Residences	Southeast DR-2 Existing Single-Family Residences

Mesa Zoning Ordinance Requirements and Regulations:

Per the Building Form Standards outlined in Section 11-58-4(C) of the MZO, the required minimum rear setback in the T3N district is 30 feet. The applicant is requesting for a reduction in the rear setback from 30 feet to 20 feet. This variance request is applicable to the east side of the property. Due to the size of the project site, full compliance with this requirement would make it difficult to develop the proposed multiple residential development on the project site.

Moreover, Section 11-58-4(F) of the MZO requires a minimum front setback of 50 feet for parking spaces from the property line and Right-Of-Way (ROW). The applicant is requesting a reduction of the front setback of parking spaces in the T3N District from 50 feet to 23 feet. The parking spaces will be located on the first floor of the proposed building. In order to meet the intent of the Form Based Code (FBC) of having streets defined by buildings, the applicant is proposing a screen wall to reduce the visibility of the parking spaces from South Morris.

Also, Section 11-58-4(F) of the MZO requires a maximum parking access drive width of 12 feet in the T3N District. The applicant is requesting an increase of the maximum width to 24 feet. This request is to allow for a wider access drive to ensure efficient vehicular access to and from the site.

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

Table 1: MZO Requirements and Requested Variances

MZO Standard	MZO Requirement	Applicant Request	Staff Recommendation
Section 11-58-4(C): Minimum Rear Setback <i>Main Building</i>	30 feet	20 feet	As Proposed
Section 11-58-9(F): Parking Spaces <i>Front Setback</i>	50 feet minimum	23 feet minimum	As Proposed
Section 11-58-9(F): Parking Access Drive Width <i>Front</i>	12 feet maximum	24 feet maximum	As Proposed

Per Section 11-80-3 of the MZO, the granting of a variance requires a finding of all the following:

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

The 0.2± acre size as well as the dimensions (60 feet wide by 166 feet deep) of the project site and its context within a developed urban area makes adherence to the FBC extremely difficult for the development of the proposed project without the granting of a variance.

The proposal meets this criterion.

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

The project site has been in its current configuration for decades, pre-existed the creation of the FBC and was not created by the Owner. Therefore, the requested variances are due to the special circumstances of the existing lot, its location, and the context of the surrounding area.

The proposal meets this criterion.

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

project site with a viable project. In order to provide a multiple residence 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 proposal meets this criterion.

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.

The proposal meets this criterion.

Findings:

- A. There are special circumstances, including the existing lot size and dimensions, which pose challenges to the developer to fully conform to all requirements of the Form-Based Code.
- B. The project site has been in its current configuration for many decades, pre-existed the adoption of the FBC and was 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 project site. As of the date of this report, staff has not been contacted by any residents to express support or opposition to the request.

Staff Recommendation:

Based on the application received and 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 landscape plan submitted with this request.
2. Compliance with all City development codes and regulations, except as modified by the variance requests 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 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.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Landscape Plan

Exhibit 6 – Elevations

Exhibit 7 – Floor Plans