



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**June 1, 2022**

|                              |                           |
|------------------------------|---------------------------|
| CASE No.: <b>BOA22-00295</b> | CASE NAME: <b>ZENCity</b> |
|------------------------------|---------------------------|

|                       |   |
|-----------------------|---|
| Owner's Name:         | DT MESA HOLDCO LLC  |
| Applicant's Name:     | Trevor Barger, Espiritu Loci  |
| Location of Request:  | Within the 100 block of West Main Street (south side). Located east of Country Club Drive on the south side of Main Street.     |
| Parcel Nos:           | 138-41-024  |
| Nature of Request:    | Requesting Variances from the Form-Based Code, Building Form and Building Type Standards, to allow for a mixed-use development. |
| Zone District:        | Transect 6 Main Street (T6MS)   |
| Council District:     | 4   |
| Site size:            | .47 ± acres   |
| Proposed use:         | Mixed Use   |
| Existing use:         | Vacant  |
| Hearing date(s):      | <b>June 1, 2022 / 5:30 p.m.</b>   |
| Staff Planner:        | Charlotte Bridges   |
| Staff Recommendation: | APPROVAL with Conditions  |

**HISTORY**

On **July 14, 1883**, the original square mile of the City of Mesa was established and included the subject property (Ordinance No. 1).

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

On **September 21, 2011**, the City Council approved the Downtown Events Overlay District along the Main Street corridor, including the subject property (Case No. Z11-017, Ordinance No. 5065).

On **April 13, 2022**, the subject site was rezoned through the opt-in process to the Transect 6 Main Street District (T6MF) (ZON22-00410).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant opted-in to the Form Based Code (FBC) and is requesting variances from the Building Form Standards of Section 11-58-11, the Building Type Standards of Section 11-59-14, and the Private Frontage Standards of Section 11-60-13 of the Mesa Zoning Ordinance (MZO) to allow for the construction of a new, six-story, mixed-use building with ground floor and basement commercial uses, and five floors of multiple residences in the T6MS Transect. The proposed building contains 18 dwelling units per floor for a total of 90 dwelling unit.

The subject site is located within the original downtown square mile of the City of Mesa, specifically within the 100 block of West Main Street, on the south side of Main Street with the current addresses of 29 and 35 West Main Street. The existing above ground, building and covered parking structures on the site will be demolished; however, the existing building foundation will be utilized to facilitate the construction of the proposed building.

Per Section 11-58-11(C) of the MZO, a front build-to-line of zero feet is allowed between the front property line/Main Street right-of-way and the face of the building on the ground floor. The proposed front build-to-line is four-feet, six-inches behind the front property line/Main Street right-of-way. Per the applicant's justification statement, the proposed design keeps the glass line where it has been historically located and expands the arcade to form a similar street edge with the adjacent properties.

Per Section 11-58-11(C) of the MZO, the build-to-line defined by the building front is required to be 100% along the front property line/Main Street right-of-way on the ground floor level. The existing front property line dimension is 131±-feet, three-inches and the proposed build-to-line defined by the building front along the front property line/Main Street right-of-way on the ground floor level is 114-feet, three inches or 87±%. Per the applicant's justification statement, the west 13-feet of the subject site, which is private property, is used for Drew Alley. Any additional building frontage would require closing Drew Alley to vehicular traffic.

Per Section 11-58-11(D) of the MZO, the required ceiling height of floors two through six is nine-feet clear. The proposed ceiling height of floors two through six is seven-feet, eight-inches in the bathroom and interior walkways, and eight-feet, six-inches in the main rooms, with an exception requested for furniture and built-ins. Per the applicant's justification statement, the proposed dwelling units are standardized manufactured modular housing units, which are designed in compliance with International Organization for Standardization (ISO) standards. The housing units will be manufactured in Page, Arizona and shipped to the subject site. The size of a dwelling unit is limited in height, width and length to be able to be shipped via standard routes. The

requested exception is for automated furniture and built-ins, which may take up additional clear height. For example, the bed rises into a coffered ceiling.

Per Section 11-58-11(D) of the MZO, the required footprint depth of the ground-floor space from the front property line/Main Street right-of-way is a minimum of 50-feet. The proposed footprint depth for the ground-floor space from the front property line/Main Street right-of-way is 12-feet, 8-inches to on-site, head-in parking spaces along Drew Alley. Per the applicant's justification statement, there is existing head-in parking off of Drew Alley along the west side of the subject site. Due to the need for on-site parking and limited area available for on-site parking adjacent to the South Main Street Alley because of utilities, seven parking spaces are proposed to remain along Drew Alley frontage.

Per Section 11-58-11(F) of the MZO, the required distance from the front setback at the ground floor, to on-site parking spaces is a minimum of 50-feet. The proposed distance from the front setback at the ground floor, to on-site parking spaces along Drew Alley is 12-feet, 8-inches. As stated above, there is existing head-in parking off of Drew Alley along the west side of the subject site. Due to the need for on-site parking and limited area available for on-site parking adjacent to the South Main Street Alley because of utilities, seven parking spaces are proposed to remain along Drew Alley frontage.

Per Section 11-58-11(F) of the MZO, parking access drive width from the front property line/Main Street right-of-way for greater than 40 parking spaces, is a maximum of 20-feet. In addition, per Table 11-32-2(H)(1) of the MZO, a two-way drive aisle that serves 90-degree parking spaces is required to be 24-feet wide. The proposed width of Drew Street at the front property line/Main Street right-of-way is 22-feet. Per the applicant's justification statement, all the on-site parking and the public parking area to the southwest of the subject site may be accessed via Drew Alley. In addition, seven, 90-degree on-site parking spaces are provided along west side of Drew Alley. At 22-feet wide, Drew Alley will accommodate two-way traffic and the 90-degree parking spaces.

Per Section 11-58-11(F) of the MZO, parking access drive width from a side street/alley is a maximum of 20-feet. The proposed parking access drive width from Drew Alley is 24-feet. Per the justification statement, the south half of the ground floor level is utilized for on-site parking. These 17, head-in parking spaces are accessed from Drew Alley. Per Table 11-32-2(H)(1) of the MZO, a two-way drive aisle that serves 90-degree parking spaces is required to be 24-feet wide.

Per Section 11-59-14(D) of the MZO, the footprint depth for floors one through two is a maximum of 150-feet and the footprint depth for floors three through six is a maximum of 65-feet. The depth of the property is 155-feet. The proposed footprint depth of floors two through six is 174-feet. Per the justification statement, this project is requesting approval of an encroachment permit into the Main Street right-of-way and Main Street Alley by the City of Mesa City Engineer. This pre-existing lot 155-foot lot depth, coupled with the predetermined modular and standardized ISO dimensions of the manufactured residential units, justifies this variance request.

Per Section 11-59-14(D) of the MZO, the floorplate of any floor may not be larger than the floor below. The existing commercial building has a basement that is smaller than the ground floor

and as such already violates this rules. The proposed building's ground floor includes the parking spaces off Drew Alley and surface parking spaces on the south half of the lot. Levels 2 and above create an arcade over the front walkway along Main Street. As a result, the upper residential floorplates are much longer (north to south) than the ground floor floorplate. The podium level (Level 2) with exterior landscape (east side) is the largest floorplate. Even numbered levels have an extra deep common front balcony between the two residential towers. As a result, Levels 2, 4 and 6 have a larger floorplate than Levels 3 and 5. Also, balconies on the residential levels (Levels 2 through 6) overhang the Main Street right-of-way sidewalk and alleys below. Per the justification statement, the predetermined modular and standardized ISO dimensions of the manufactured residential units, justifies this variance request.

Per Section 11-59-14(E) of the MZO, the allowed frontages for the mid-rise building type are storefront, gallery, dooryard and terrace. The proposed building utilizes an arcade frontage. Per the justification statement, the use of an arcade is justified since it is an allowed frontage type in the T6MS Building Form Standards. In addition, the request is justified because both adjacent building to the east and west have gallery frontages and the proposed arcade frontage will keep a similar experience for pedestrians at the ground level while allowing for varied massing and more efficient use of the upper levels.

The site is designated T6MS. West of Drew Alley the area is designated Transect 5 Main Street (T5MS) and to the south, the area is designated as Transect 5 Main Street Flex (T5MSF). Per Section 11-59-16(A) of the MZO, the side and rear setback for floors one through five of a high-rise/mid-rise building in a T6MS Transect abutting Transect 5 (T5) is zero-feet minimum and floors six through eight is 10-feet minimum. Setbacks are measured from the property line when the properties are adjacent. When a right-of-way is between properties, the setback is measured as if the properties were adjacent. Adjacent to Drew Alley, the proposed side setback from the upper floor balconies to the west property line is seven-feet, eight-inches, which meets the FBC. Adjacent to the Main Street Alley, the proposed building will setback one-foot from the rear property line but the five-foot, five-inch deep balconies on the upper levels overhang the Main Street Alley at four-feet, four-inches. The applicant is requesting an exemption for the balconies from the T6MS Transect abutting a T5 rear setback requirement, since a separate encroachment permit is being requested through the City of Mesa City Engineer to accommodate the balconies. Also, the applicant is requesting to eliminate the additional setback for floor six. Per the justification statement, the predetermined modular and standardized ISO dimensions of the manufactured residential units, including a set balcony depth, justifies this variance request.

Per Section 11-60-13(B) of the MZO, the clear depth of an arcade is required to be 12-feet. The proposed arcade clear depth to the elevator at the northeast corner of the building is six-feet, six-inches. Per the justification statement, the predetermined modular and standardized ISO dimensions of the manufactured residential units justifies this variance request since the available locations for elevator are limited and the design maximizes the clear depth of the arcade by aligning the mass of the building with the rest of the street line at the ground floor level.

Per Section 11-60-13(C) of the MZO, arcades must have a consistent depth along the frontage. The proposed building design shows an inconsistent arcade depth along the frontage due to the location of the elevator at the northeast corner of the building. Per the justification statement,

the predetermined modular and standardized ISO dimensions of the manufactured residential units justifies this variance request since the available location for an elevator is limited and the design aligns the arcade and the mass of the building with the rest of the street line at the ground floor level.

Per Section 11-60-13(C) of the MZO, arcades with more than two floor of habitable space above the colonnade may not encroach into the public right-of-way and must be located so it abuts a public public-right-of-way. The proposed building design shows floors two through six over the arcade to have habitable space within the Main Street public right-of-way. Per the justification statement, the predetermined modular and standardized ISO dimensions of the manufactured residential units, including Americans with Disabilities Act (ADA) required balcony depth, justifies this variance request, since it is impossible for the building to step back eight-feet after the first two floors of habitable space. In addition, an encroachment permit is being requested from the City of Mesa City Engineer for the overhangs in the Main Street right-of-way.

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> |
|--|-------------------------|--|-----------------------------|
| Section 11-58-11(C):<br>Build-To Lines Distance from<br>Property Line/ROW)<br><i>Front (Main Street ROW)</i>         | 0 feet                  | <b>4.5 feet</b>  | <b>As Proposed</b>          |
| Section 11-58-11(C):<br>Build-To Lines Defined by a<br>Building Property Line/ROW)<br><i>Front (Main Street ROW)</i> | 100%                    | <b>87±%</b>  | <b>As Proposed</b>          |
| Section 11-58-11(D):<br>Height, Upper Floor(s) Ceiling<br><i>Floors 2-6</i>  | 9-feet<br>minimum clear | <b>7 feet, eight<br/>inches (bathroom<br/>and interior<br/>walkways)<br/>8-feet, six inches<br/>(in main rooms)<br/>Exception for<br/>furniture and<br/>built-ins.</b> | <b>As Proposed</b>          |
| Section 11-58-11(D):<br>Footprint, Depth, Ground-Floor<br>Space  | 50-feet<br>minimum      | <b>12-feet, 8-inches<br/>to on-site, head-<br/>in parking spaces<br/>off of Drew<br/>Street</b>  | <b>As Proposed</b>          |

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| Section 11-58-11(F):<br>Parking, Location (Distance from<br>Property line/ROW<br><i>Front Setback, Ground Floor</i>                                | 50-feet   | <b>12-feet, 8-inches<br/>to on-site, head-<br/>in parking spaces<br/>off of Drew<br/>Street</b>   | <b>As Proposed</b> |
| Section 11-58-11(F):<br>Parking Access Drive Width<br><i>Front, &gt; 40 Spaces</i>   | 20-foot<br>maximum  | <b>22-feet wide<br/>Drew Alley</b>  | <b>As Proposed</b> |
| Table 11-32-2(H)(1), 11-58-11(F):<br>Standard Parking Space and Aisle<br>Dimensions<br><i>90-degree, Angle of Parking,<br/>Two-Way Aisle Width</i> | 24-foot   | <b>22-feet wide<br/>Drew Alley</b>  | <b>As Proposed</b> |
| Section 11-58-11(F):<br>Parking Access Drive Width<br><i>Side Street/Alley</i>   | 20-foot<br>maximum  | <b>24-feet wide to<br/>access 17 parking<br/>spaces on the<br/>south half of the<br/>ground floor<br/>level.</b>  | <b>As Proposed</b> |
| Section 11-59-14(D):<br>Footprint, Floors 1-2<br><i>Depth</i>  | 150-feet<br>maximum   | <b>Floor 2, 174-foot<br/>Depth</b>  | <b>As Proposed</b> |
| Footprint, Floors 3+<br><i>Depth</i>   | 65-feet<br>maximum  | <b>174-foot Depth</b>   | <b>As Proposed</b> |
| Section 11-59-14(D):<br>Footprint  | <i>The floorplate<br/>of any floor<br/>may not be<br/>larger than the<br/>floor below</i> | <b>The existing<br/>basement is<br/>smaller than the<br/>ground floor<br/>level</b><br><br><b>The upper level<br/>floor plates are<br/>larger (north to<br/>South) than the<br/>ground floor.</b> | <b>As Proposed</b> |

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|   |  | <b>Even numbered levels have a larger floorplate than levels beneath them</b>                   |                    |
| Section 11-59-14(E):<br><i>Allowed Frontages</i>  | Shopfront,<br>Gallery,<br>Dooryard, and<br>Terrace   | <b>Arcade</b>   | <b>As Proposed</b> |
| Section 11-59-16(A):<br>T6MS, Side/Rear Setback<br>Abutting T5<br><i>Floors 1-5 ( Main Street Alley)</i><br><br><i>Floors 6-8 (Main Street Alley)</i> | 0-foot<br>minimum<br><br>10-foot<br>minimum  | <b>Exempt balconies from the setback requirements and 0-foot minimum setback for floor six.</b> | <b>As Proposed</b> |
| Section 11-60-13(C):<br>Size<br><i>Depth, Clear</i>   | 12-feet  | <b>6-feet, 6-inches to elevator</b>   | <b>As Proposed</b> |
| Section 11-60-13(C):<br><i>Miscellaneous</i>  | Arcades must have a consistent depth along a frontage  | <b>8-feet to 12-feet, 6-inches</b>  | <b>As Proposed</b> |
| Section 11-60-13(C):<br><i>Miscellaneous</i>  | Arcades with more than two floors of habitable space above the colonnade may not encroach into a public ROW, and must be located so that it abuts a public ROW | <b>Allow all five floors above the arcade to encroach into the Main Street public ROW</b>       | <b>As Proposed</b> |

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

Per the City of Mesa 2040 General Plan, the character area designation on the subject property is Downtown with a Transit Corridor Station Area sub-typ. Per Chapter 7 of the General Plan, the primary focus of the Downtown character type is the creation of a pedestrian-oriented, transit-rich environment with a lot of activity. The area is recognized as the governmental, cultural, financial, and entertainment center of the community. The goal of the Downtown character type is to make it a people-friendly area that is alive with options for housing, employment, shopping, entertainment, and events.

The site also has a Transit Corridor Station Area sub-type, 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 mixed-use with residential over ground floor commercial is listed as a "typical use" for a Station Area.

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

Lastly, the site is located within the Central Main Street Area Plan. The Central Main Street Area Plan identifies the site as within the Downtown Core and having a Modern Downtown Character Type. The intent of this character type is to provide mid- to high-rise development as an integral component of an office, commercial, cultural, and entertainment core. Associated high-density residential living may be accommodated in vertically mixed-use buildings.

The proposed redevelopment of the site and general improvements are consistent with the General Plan, West Mesa Economic Activity Area 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 site is approximately .47± acres in area and is located approximately 250± west of Center Street on the south side of Main Street. The site is currently developed with a vacant building and covered parking canopies, but these structures will be demolished to accommodate the proposed development.

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

|   |   |   |
|---|---|---|
| <b>Northwest</b><br>(across Main Street)<br>Downtown Core with a<br>Downtown Events overly<br>(DC-DE)<br>Commercial | <b>North</b><br>(across Main Street)<br>DC-DE<br><br>Commercial | <b>Northeast</b><br>(across Main Street)<br>DC-DE<br><br>Commercial |
| <b>West</b><br>(across Drew Alley)  | <b>Subject Property</b>   | <b>East</b>   |



|   |  |  |
|---|--|--|
| DC-DE<br>Commercial                                     | T6MS<br>Vacant   | DC-DE<br>Commercial  |
| <b>Southwest</b><br>(across Main Street Alley)<br>DC-DE | <b>South</b><br>(across Main Street Alley)<br>DC-Council Use Permit (CUP)-DE | <b>Southeast</b><br>(across Main Street Alley)<br>DC-Council Use Permit (CUP)-DE |
| Public Parking Area                                     | Public Charter School  | Public Charter School  |

### **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 .47± acre size of the subject site 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 subject site has been in its current configuration for many decades, pre-existed the adoption of the FBC, and was not created by the Owner. Therefore, the requested variances are due to the special circumstances associated with the existing lot, 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 will not grant special privileges to redevelopment of the site that are inconsistent with other similar properties.***

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

**Findings:**

- A. There are special circumstances, including the subject site's size and context within a developed urban area, which pose challenges to the developer to fully conform to all requirements of the FBC.
- B. The subject site has been in its current configuration for many decades, was not created by the applicant, and pre-existed the adoption of the FBC.
- 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 elevations as submitted.
- 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 submittal of a building permit, submit and obtain approval from the City of Mesa for a Zoning Clearance for compliance with the FBC.
- 5. Prior to the approval by the City of Mesa of a Zoning Clearance for compliance with the FBC, obtain approval for the City of Mesa City Engineer to allow the project to encroach into the Main Street and Main Street Alley public rights-of-way.

**Attachments:**

Exhibit 1 – Vicinity Map  
Exhibit 2 – Staff Report  
Exhibit 3 – Justification & Compatibility Statement  
Exhibit 4 – Site Plan  
Exhibit 5 – Elevations  
Exhibit 6 – Floor Plans  
Exhibit 7 – Project Narrative  
Exhibit 8 – Miscellaneous Plans and Details

