



PLANNING DIVISION

STAFF REPORT

Board of Adjustment

September 2, 2020

CASE No.: BOA20-00497	CASE NAME: ECO Mesa
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Owner's Name:	City of Mesa
Applicant's Name:	Martin Ball, CCBG Architects, Inc.
Location of Request:	Within the 100 to 200 block of West Pepper (south side)
Parcel Nos:	138-35-010A, 138-35-011, 138-35-012, 138-35-053, 138-35-054, and 138-35-056.
Nature of Request:	Requesting a variance for a reduced setback to parking spaces along a main drive aisle connecting directly to a street, and the Form Based Code Building Form Standards, Building Type Standards and Private Frontage Standards, to allow a mixed-use development in the T5 Main Street Flex (T5MSF) Transect Zone.
Zone District:	Downtown Core (DC)
Council District:	4
Site Size:	1.17 ± acres
Proposed Uses:	Mixed-Use
Existing Use:	Public parking lot
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **July 14, 1883**, the subject site was annexed into the City of Mesa.

This site has been utilized for public parking for surrounding Downtown businesses since the **1960's**.

PROJECT DESCRIPTION

Background:

The subject site is located within the Downtown Core of the City of Mesa and is within the original downtown square mile of the city. The site has been used for public parking since the 1960's. The

applicant is proposing to redevelop the site for a mixed-use project including, retail, multi-unit residential uses, and structured parking. A Development Agreement between the City and the Developer is currently being considered by the City Council, which includes a requirement to continue to provide the existing 76 on-site public parking spaces in addition to the parking required for the new development. The applicant is in the process of opting-in to the Form-Based Code to establish T5MSF Transect zoning.

The applicant is requesting variances from Parking Area Design Standards Section 11-32-4(A), Building Form Standards of Section 11-58-9, Parking Design Standards of Section 11-58-12, Building Type Standards of Section 11-59-14, and Private Frontage Standards of Section 11-60-10 of the Mesa Zoning Ordinance (MZO) to allow for the construction of a mixed-use development utilizing the T5MSF transect of the Form Based Code (FBC).

Section 11-32-4(A) of the MZO requires a minimum 50-foot setback to parking spaces along a main drive aisle connecting directly to a street. The proposed parking spaces on the east side of the building would be 30 feet from the front property line. Therefore, the applicant is asking for a variance from this standard. The Transportation Division evaluated the request and supports a 30-foot setback in this location.

Section 11-58-9(D) of the MZO requires a 14-foot minimum clear height to the ceiling for ground floor commercial uses in the T5MSF zone. The definition of ceiling height in Section 11-64-3(M) of the MZO is the height from finished floor to finished ceiling of primary rooms, not including secondary rooms such as bathrooms, closets, utility rooms, and storage spaces. The proposed commercial suites have varied ceiling heights of 9 feet to approximately 18 feet. The 9-foot ceilings are at the rear of the commercial suites; these lower ceiling heights are caused by the height of the 2nd floor of the parking structure above the commercial suites.

Section 11-58-9(D) of the MZO requires that buildings have a minimum depth, from front to back, of 30 feet for commercial uses. The ground floor commercial suites are still being designed but there is the potential that some commercial suites may have a depth as small as 26 feet. The developer is requesting this variance to allow for flexibility during their rapid design phase.

Section 11-58-9(D) of the MZO limits the distances between first floor entries to 50 feet. The proposed commercial suite entries are greater than 50 feet apart. However, the proposed elevations contain additional openings in the façade between the main entries, such as, accordion doors and chair-rail openings for restaurant and similar uses.

Section 11-58-9(F) of the MZO limits the widths of the parking access drives to 20 feet for parking lots greater than 40 spaces. The proposed main access drive and the alley drive are greater than 20 feet in width; they are proposed to remain similar in widths to those at the existing parking lot. The exact widths are still in the design phase because the applicant is working the staff in the Transportation and Planning Divisions to meet various criteria, but will not exceed 30 feet along Pepper Place or 24 feet at the alley.

Per Section 11-58-12(E)(4) of the MZO, on lots with alleys, all drives shall be accessed only from the alley. The proposed development is significantly more intense than the current use on site

and has access drives directly off of the street as well as the alley. The vehicular circulation routes would be busier, but their locations would remain very similar to where they are today.

Mid-Rise Building Type Size and Massing Standards of Section 11-59-14(D) of the MZO, limits the building width of the first and second floors to 200 feet. The first and second floors of the proposed development will be 264 feet in width.

Section 11-59-14(D) of the MZO limits the depth of the third floor and above to 65 feet. The proposed development will contain a parking structure on the first, second, and third floors which extends the full depth of the property (135 feet). Multi-residential units will be located on the fourth through seventh floors, which will be 76'-8" in depth. The architect explains that residential units are 33+ feet deep, and the corridor is at least 6 feet wide, causing the building depth to exceed the 65-foot maximum.

Also, per Section 11-59-14(D) of the MZO, the floorplate of any floor may not be larger than the floor below. The proposed development has an open-sided parking structure on the first floor, enclosed parking on the second and third floors, and residential uses, including balconies, on the fourth through seventh floors. The depth and width of the parking garage on floors one through three are the same size and the depth and width of the fourth through seven floor are the same size. Therefore, the floor plat of each ascending floor is not smaller than the floor below.

Per Section 11-60-10(B) of the MZO, Shopfront Private Frontage Standards, the maximum distance between glazing is two feet. As described above, the proposed building is larger than what is typically allowed per the FBC. Therefore, the building contains architectural features that are scaled to reflect its mass. Those features include five-foot wide vertical piers that serve as visual separations between the commercial suites. The glazing in these sections of the building would therefore be separated by five feet.

Per Section 11-60-10(B) of the MZO, the maximum depth for recessed entries is five feet. The proposed residential lobby entrance is recessed 6'-4" and features a vertical green wall design to distinguish it from the three adjacent retail suites.

Section 11-60-10(B) of the MZO, requires the ground floor transparency of a building to be at least 75%. Ground Floor Transparency is defined in Section 11-64-3(M) as the percentage of the area, measured from floor to ceiling, of the ground floor wall along the frontage that is constructed with transparent materials. This includes the transparent glazing of storefronts, windows, transoms, and doors. The ground floor commercial suites are still being designed. While it is not anticipated that the ground floor transparency will be less than 75%, the applicant is requesting a reduction to this requirement as part of their contingency planning to facilitate the rapid design timeline of the project.

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 11-32-4(A): Setback from property line abutting street to parking spaces along main drive aisle connecting directly to street	50 ft. min.	30 ft.	As proposed
Section 11-58-9(D): Ground Floor Ceiling <i>Commercial</i>	14 ft. min. clear	9 ft. min. clear	As proposed
Section 11-58-9(D): Depth, Ground Floor Space <i>Commercial</i>	30 ft. min.	26 ft. min.	As proposed
Section 11-58-9(D): Distance between Entries <i>Ground Floor</i>	50 ft. max.	69 ft. max.	38% increase
Section 11-58-9(F): Parking Access Drive Width <i>Front, >40 spaces</i> <i>Side Street / Alley</i>	20 ft. max. 20 ft. max.	30 ft. 24 ft.	50% increase 20% increase
Section 11-58-12(E)4: Parking Space Design	On lots with alleys, all drives shall be accessed only from the street	Drives accessed from street and alley	Elimination
Section 11-59-14(D): Footprint, Floors 1-2 <i>Width</i> Footprint, Floors 3+ <i>Depth (3rd Floor)</i> <i>Depth (4th-7th Floors)</i>	200 ft. max. 65 ft. max. 65 ft. max.	264 ft. 135 ft. 77 ft.	32% increase 108% increase 18% increase
Section 11-59-14(D): Footprint	The floorplate of any floor may not be larger than the floor below	Floorplates of residential floors exceeds floorplates of floors below.	Elimination
Size <i>Distance Between Glazing</i> <i>Ground Floor Transparency</i> <i>Depth of Recessed Entries</i>	2 ft. max. 75% min. 5 ft. max.	5 ft. 70% 6 ft 4 in.	105% increase 7% decrease 26% increase

General Plan Character Area Designation and Goals:

The subject site is located within the core of Downtown. Per the City of Mesa 2040 General Plan, the character area designation is Downtown and within the Transit Corridor – Station Area character type. 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 in the Station Area.

The site is within the Central Main Street Area Plan (the “Plan”) and is located in the Museum District. The Plan encourages high-density residential development on the surface public parking lots adjacent to Pepper Place, especially development which supports an active pedestrian environment and is oriented towards Pepper Place and includes sufficient parking to accommodate residents and lost public parking. The proposed development is consistent with the Central Main Street Area Plan.

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 Downtown Mesa.

Site Characteristics:

The site is approximately one acre in size and is currently developed as a public parking lot. It is located a block north of Main Street, on the south side of Pepper Place, and is bordered by an existing alley to the south. Surrounding uses include commercial uses to the northeast, south and west, the IDEA museum to the north and the Federal Building to the east.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (across Pepper Place) T4NF IDEA Museum	North (across Pepper Place) T4NF & Downtown Core (DC) IDEA Museum; Commercial Shops	Northeast (across Pepper Place) Downtown Core (DC) Commercial Shops
West Downtown Core (DC) Commercial Shops; Event Venue	Subject Property DC (Opt-In: T5MSF) Purple Parking Lot	East Downtown Core (DC) Historic Landmark (HL) Federal Building
Southwest (across alley) Downtown Core (DC) Commercial Shops	South (across alley) Downtown Core (DC) Commercial Shops	Southeast (across alley) Downtown Core (DC) Commercial Shops

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 proposed development will occupy a 290-foot-wide site consisting of six “by-passed parcels”. Per Chapter 87 of the MZO, by-passed parcels are defined as Any lot or parcel which meets all of the following: 1. Does not exceed 2.5 net acres, and has been in its current configuration for more than 10 years or does not exceed 5 net acres and was created by the assembly of individual, contiguous parcels, each not more than 2.5 acres in area; and 2. Is served by, or has direct access to, existing utility distribution facilities; and 3. Is surrounded by properties within a 1,200-foot radius in which: a. The total developable land area is not more than 25% vacant; and b. Greater than 50% of the total number of lots or parcels have been developed 15 or more years ago.

Section 11-59-14(B) of the FBC allows for maximum lot width (200 ft) and depth (150 ft) permitted for the Mid-Rise Building Type. However, per Note 1 in that Section, by passed parcels may exceed lot width and depth. If the proposed building were limited to 200 feet in width, it would not fully utilize the subject property’s lot width and frame the street with building frontage as intended by the FBC. As a result, a variance is required to deviate from several FBC standards, to accommodate the building massing and ensure that the building would not be disproportionate to the scale of the overall site.

The request meets this criteria.

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

The subject site currently contains 76 public parking spaces and has been used for parking since the 1960’s, well before the creation of the FBC, and the use was not created by the owner or applicant. A Development Agreement between the developer and the City requires that the site continue to provide these public spaces in addition to any new spaces to accommodate the proposed uses. The proposed ECO Mesa development replaces that public parking and provides additional parking for the new uses, all within one 7-story multi-use structures. Therefore, the requested variances are due to the special circumstances of the existing site, its location, and the context of the surrounding area. The existing parking on the site was not created by the applicant and has been in existence for over 50 years.

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 as a single development with adequate space for parking for the site and surrounding uses. In order to provide a mixed-use development that meets current

needs and fits into the surrounding area, staff finds the requested deviations 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 continued provision of public parking for surrounding businesses in addition to the parking required of the development, which pose challenges to the developer to fully conform to all requirements of the Form-Based Code.
- B. The existing parking on the site 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. The approval of the variances 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 Recommendations:

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 recommend approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan and elevations as submitted, except for the following:
 - a. Administrative approval of the design of the ground floor commercial spaces, which will demonstrate superior pedestrian-scale design and comply with the City of Mesa Quality Development Design Standards, prior to final approval of commercial building permits for the building.
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.

5. Prior to the submittal of a building permit, submit and obtain approval from the City of Mesa for a Form Based Code Zoning Opt-In to the T5MSF zone.

Attachments:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Justification & Compatibility Statement

Exhibit 4 – Site Plan

Exhibit 5 – Floor Plans