



PLANNING DIVISION

STAFF REPORT

Board of Adjustment

September 1, 2021

CASE No.: **BOA21-00477**

CASE NAME: **Cimarron Apartments**

Owner's Name:	CIMARRON TWO LLC/CIMARRON ONE LLC/EMP INVESTM, and CIMARRON TWO LLC/ETAL
Applicant's Name:	Marlene Imirzian & Associates Architects
Location of Request:	151 E. 1 st Street and 48 N. Hibbert. Located west of Mesa Drive and north of Main Street.
Parcel Nos:	138-38-015A, 138-38-026.
Nature of Request:	Requesting variances from the parking access drive maximum width and the maximum footprint depth for a multiple residence development in the T5 Main Street Flex (T5MSF) Transect Zone.
Zone District:	T5MSF
Council District:	4
Site Size:	1.3± acres
Proposed Uses:	Multiple Residence
Existing Use:	Parking for existing apartments; commercial building
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **February 21, 1984**, the City Council approved rezoning of the site to Multiple Residence-4 (R-4) with Bonus Intensity Zone (BIZ) and High-Rise (HRZ) overlays for the development of a 210-unit apartment complex at a density of 44.2 units per acre (Case No. Z84-012, Ordinance #1798).

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 (Case No. Z87-40, Ordinance #2254), the subject site was designated with Downtown Core (DC) zoning.

On **June 14, 2012**, the City Council approved an amendment to the zoning ordinance adopting the Form Based Code (Ordinance #5099). The subject site was designated with a transect of 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.

On **May 18, 2020**, the City Council approved a rezoning for the 1.3± acre subject site from T4NF to T5MSF within the Form Based Code Regulating Plan (Case No. ZON21-00024, Ordinance #5571).

PROJECT DESCRIPTION

Background:

The applicant is requesting variances from Building Form Standards of Section 11-58-9 and Building Type Standards of Section 11-59-14 of the Mesa Zoning Ordinance (MZO) to allow for the construction of a new multiple residence building and structured parking in the T5MSF transect.

The subject site is located within the original downtown square mile of the City and the owner has recently opted-in the property into the Form Based Code. The site currently contains an office building and covered parking areas for the existing residents of Cimarron Apartments. The applicant would like to redevelop the property and construct a multiple residence building and parking garage.

Per Section 11-58-9(F) of the MZO, a parking access drive providing ingress/egress to parking areas with more than 40 parking spaces in the T5MSF zone may be a maximum 20 feet in width. The proposed access into the parking area is 38 feet wide, which meets required dimensions of Mesa Standard Details M-42 and M-42. 01, Apartment Driveway Detail for Access to Private Gated Community.

Per Section 11-59-14(D) of the MZO, depth of the depth of first and second floors may be a maximum 150 feet, and the third floor and above may be a maximum 65 feet. The proposed building would be 315 feet-8 inches in depth.

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 11-58-9(F): Parking Access Drive Maximum Width <i>Front, >40 spaces</i>	20 feet	38 feet	As Proposed

Section 11-59-14(D): Footprint, Floors 1-2 <i>Maximum Depth</i>	150 feet	315 feet 8 inches	As Proposed
Footprint, Floors 3+ <i>Maximum Depth</i>	65 feet	315 feet 8 inches	

General Plan Character Area Designation and Goals:

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 is also on the edge of a Transit Corridor Station Area sub-type, which means it is approximately ¼ mile from 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 multiple residence is listed as a typical use in the Station Area.

The site is within the Modern Downtown District of the Central Main Street Area Plan. The intent of this District is to provide mid- to high-rise developments including high-density residential. Common building form and development characteristics include urban form with buildings brought to the property line on street sides, minimum building height of four stories, lot coverage typically over 90%, and structured 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 slightly less than one acre in size (42,000 square feet) and currently contains a parking area for the existing residents of Cimarron Apartments, and a vacant office building. It is located a block north of Main Street, on the west side of Hibbert, and is bordered by 1st Street to the north, Cimarron Apartments to the west, and an existing parking structure to the south.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across 1 st Street) DR-2 HD Single Residence	North (Across 1 st Street) T3N Single Residence	Northeast (Across 1 st Street and Hibbert) DR-2 Church
West	Subject Property	East

Downtown Core (DC) Cimarron Apartments	T5MSF Parking, vacant office building	(Across Hibbert) Downtown Core (DC) Church, office buildings, residential
Southwest Downtown Core (DC) Parking Garage	South Downtown Core (DC) Parking garage	Southeast (Across Hibbert and Pepper) Downtown Core (DC) Vacant, and industrial

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 330-foot-deep site that is part of the adjacent Cimarron Apartments. It is rectangular in shape, with the main entrance along the narrow edge along 1st Street. The gated entrance requires a turn-around, which requires a wider driveway than anticipated by the Form Based Code (FBC). The development's long edge is along Hibbert, and per the Central Main Street Area Plan this street is anticipated to be a Downtown Neighborhood Street. These streets will help define the most intensive and urban areas within the Central Main Area. Land uses along this street type would typically consist of mixed-use development with active ground-floor uses.

Section 11-59-14(B) of the FBC allows for maximum building depth for the Mid-Rise Building Type of 150 ft. If the proposed building were limited to 150 feet in depth, it would not fully utilize the subject property's lot depth and frame the street with building frontage as intended by the FBC and Central Main Street Area Plan. As a result, a variance is required to deviate from the lot depth 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 requested variance from the required driveway width is necessitated by the existing shape and size of the site and the engineering standard details for gated apartment developments in the FBC, which require a minimum width for entrance driveways. The requested variance to increase the driveway width was not created by the property owner or applicant.

The subject site is part of the Cimarron Apartments development, which was approved in 1984 at its existing lot depth. The area proposed for the newest apartment building is the entire eastern edge of the development. Therefore, the requested variance from the required lot depth is due to special circumstances created by the site's location, existing configuration, and the context of 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 expand the Cimarron Apartments development to provide high-density housing options in this urban core area of the City. 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.

A similar request for an increased parking access drive width and for an increase to building footprints was approved by the Board of Adjustment on May 6, 2020, for the Opus Downtown Mesa Apartments located a block south on the southwest corner of Hibbert and Main Street (BOA20-00191). Therefore, approval of the variance will not grant special privileges to redevelopment of the site that is inconsistent with similar properties.

The request meets this criteria.

Findings:

- A. There are special circumstances, including the engineering standards for safety, as well as the existing shape and size of the site, which pose challenges to the developer to fully conform to all requirements of the Form-Based Code.
- B. 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.
- C. 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 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 recommend approval with the following conditions:

Conditions of Approval:

1. Compliance with the site plan, and floor plans submitted.
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 conditions of the zoning clearance ADM20-00391.
4. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
5. 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.

Attachments:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Justification & Compatibility Statement

Exhibit 4 – Site Plan and Building Footprint

Exhibit 5 – Engineering Standard Details M-42 and M-42.1