

September 14, 2016

City of Mesa, Planning Division
Board of Adjustment
55 N. Center Street
Mesa, AZ 85201

RE: Special Use Permit and Substantial Conformance Improvement Permit / 5741 E. McKellips Road

To Whom It May Concern:

Our firm represents Urban Jungle Fun Park who proposes to locate within the former Office Max building located at 5741 E. McKellips Road in Mesa (the "Property"). See Aerial Map at **Tab 1**. On behalf of Urban Jungle we submit this application for a Substantial Conformance Improvement Permit (SCIP) to change the building occupancy from Mercantile to Public Assembly. In addition, this application requests a Special Use Permit (SUP) for a reduction in the required parking for the new use.

About Urban Jungle

Urban Jungle Fun Park is an indoor family entertainment center that includes trampolines and play features including climbing walls, obstacle courses, inflatable play, toddler soft play, slides, and much more. It appeals mostly to ages 5 through 12 and a large portion of the business are birthday parties.

After successfully opening its first location in Santee, California two and a half years ago, Urban Jungle plans to open a new location in Mesa, where both demographics and competition show incredible opportunities in the Arizona market. Urban Jungle is a strong community partner in their work with local organizations, churches, schools, and youth groups. Whether through fundraising opportunities for organizations or school incentive programs based on academic achievements (free admission), they are often spotlighted as a community-first business for the many programs they offer.

Project Description

The Property was previously used as retail office supply store (approximately 18,000 square feet) called Office Max. The store closed on December 29, 2012 and the building has been vacant for nearly four years. The building has attracted very little

interest from other retail users since its closure and its vacancy is problematic for the rest of the commercial users in the shopping center.

One of the challenges with the building is its large size which is intended for major anchor tenants in a retail market where very few anchor tenants exist. Its building configuration and entrance make it difficult to subdivide or add demising walls on the inside to attract multi-tenants. As a result, the building is likely to remain vacant for some time, which tends to have a negative effect on the other uses in the shopping center.

Fortunately, Urban Jungle is one of the few tenants that can make optimal use of the existing building, its size, function, and layout. Urban Jungle plans to expand within the southwest United States and the Mesa location will be its first indoor play park in Arizona. They propose to occupy the building and create an indoor play park (with approximately 16,500 square feet of public space) which will revitalize the building and create new retail energy in the shopping center. As part of this effort, a SCIP and SUP application is necessary.

SCIP – Occupancy Change

As with many long-standing vacant anchor stores, buildings like this are often designed with a specific tenant in mind which makes it difficult to re-tenant when the specific tenant goes out of business. Because the building was designed for a specific major anchor retail tenant, finding a new major anchor retail tenant that has the same size and space demands is challenging. The evolution of online shopping and free shipping has further decimated the likelihood of another brick and mortar retail tenant occupying this large space.

Waiting for another retail occupancy type tenant is an uncertain future, especially given the many years of its existing vacancy. Full conformance with the current retail-occupancy would most likely require a demolition of part of the existing building, cessation of an existing conforming use, or the creation of new non-conformities. As such, the applicant has worked diligently to re-tenant the space with a legitimate and committed user who will be an asset to the community and help bring customer traffic back to the shopping center. Since Urban Jungle is a Public Assembly type occupancy designation, a SCIP application is necessary to change the building use.

We believe this proposal meets the purpose and intent of the SCIP process. The intent of the SCIP process is to encourage improvements and reinvestment into existing developed sites without requiring the demolition of buildings. Satisfying the SCIP criteria generally means the proposed improvements reflect the greatest possible degree of compliance for each specific requirement prescribed in the Zoning Ordinance.

In this case, the building and site improvements are existing conditions which will continue to be maintained and comply with City code. Per the Mesa Zoning Ordinance, this change in occupancy type through the SCIP process will not cause or create any of the following conditions:

- 1) The demolition or reconstruction of existing buildings or other significant structures (except signs).

- 2) The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
- 3) The creation of new nonconformities, diminution of the water retention areas to less than the minimum required, constriction in the required vehicular access or fire lanes, or reduction of handicapped accessibility.

SUP – Parking Reduction Waiver

The second function in this application is a SUP to reduce the required parking for the new use. Normally, 16,500 square feet would require 165 parking spaces although only 99 spaces were designated for this building when it was an Office Max retail use. Per the approved site plans, the site data tables indicate 282 spaces are required and 316 spaces were provided, resulting in a surplus of 34 spaces which helps make up the parking deficiency for this assembly use.

The reduction in parking is further offset by the nature of the use and operations at Urban Jungle which creates less parking demand than what is normally required for a traditional public assembly use. Urban Jungle's primary user demographic is children between 7-12 years old who cannot drive. In the case of birthday parties or other special events, parents most often drop off their children rather than staying for the length of the party which frees up available parking spaces. Additionally, while approximately 16,500 square feet is considered public space, much of that floor area is covered by equipment and play structures that reduce the useable public floor area.

For comparative purposes, their existing facility in Santee is 7,892 square feet and has 48 parking spaces (30 on-site and 18 overflow through a lease with the adjacent property owner after 5 p.m.) which ratio is about 1/164 sf. The Mesa location is 1/166 (16500 sf / 99 spaces) which is on par with the Santee location. When you factor in the surplus parking already available on the site plan (34 spaces), the Mesa location ratio improves to 1/124. On a parking per square foot basis, there is more available parking at the Mesa location than the Santee location which solidifies the appropriateness of this request. Furthermore, if extra overflow parking becomes necessary, on-street parking is available along June Street which is directly south of the Property.

Finally, we believe this site would qualify for a shared parking model among the existing tenants based on the time of peak demand use. The peak time of use at Urban Jungle tends to be in the afternoon/evenings as well as weekends. With the exception of Precision Martial Arts who has some afternoon/evening hours, these times are generally considered off-peak for the other existing commercial tenants in the shopping center which mostly end around 5 p.m. Thus, these uses can coexist with the current tenant mix and parking options.

In support of this request, the applicant conducted a 7-day parking review at the shopping center from Friday, August 26th to Thursday, September 1st. The applicant conducted daily site visits in the morning, mid-day and afternoon to count the current parking space occupancy for the commercial shopping center. A site visit confirms there are 316 existing spaces within the overall commercial area as shown on the map at **Tab 2**. The chart at **Tab 3** shows the number of vehicles occupying the parking spaces at each of the three intervals during the 7-day period. The highest amount of

occupied spaces during that period was only 45 vehicles (Friday, September 1st, 9 am) which represents only 14.3% of the overall parking at the center. Even with the addition of Urban Jungle, there will still be more than sufficient parking for the practical function of the site.

For the many listed above reasons, we believe an SUP for a parking reduction is appropriate at this location.

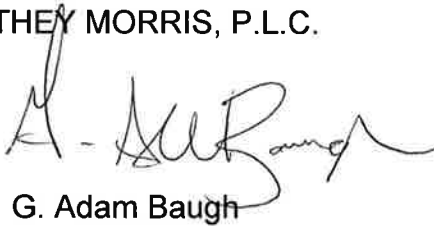
Summary

The SCIP and SUP applications may seem minor yet they are critical to the revitalization of the shopping center and consistent with the purpose and intent of the approved development plan. The proposed use will improve the site and its long standing vacancy. The change will be a positive impact on the development and surrounding area. Furthermore, the improvements fit well within the context of both the existing and surrounding development. The proposed changes are consistent with the previously approved site plan and we respectfully request your approval of this application.

Sincerely yours,

WITHEY MORRIS, P.L.C.

By

A handwritten signature in black ink, appearing to read "G. Adam Baugh", written over a horizontal line.

G. Adam Baugh