

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00767
STAFF PLANNER: Kim Steadman
LOCATION/ADDRESS: 922 S. Country Club
COUNCIL DISTRICT: District 4
OWNER: CAR CPS AZ MESA LLC
APPLICANT: Desert Wind Harley-Davidson – TC Conrad

REQUEST: *Requesting a Special Use Permit (SUP) to allow the number of special events to exceed the allowed maximum in the GC-PAD District.*

SUMMARY OF APPLICANT'S REQUEST

The request is for a Special Use Permit (SUP) to allow the number of special events to exceed the maximum number allowed, in a calendar year, on property located in the GC-PAD zoning district. The applicant proposes a SUP allowing 30 event days per year, for 2018 through 2022.

STAFF RECOMMENDATION

*Staff recommends **approval** of case BOA18-00767 with the following conditions:*

- 1. Compliance with the site plan, Project Narrative and Operation Plan details except as modified by the conditions below.*
- 2. Apply for and receive a Mesa Special Event License prior to each event.*
- 3. Compliance with all requirements of the Special Event License.*
- 4. Events shall operate, per the Operation Plan, between the hours of 8:00 AM and 10:00 PM.*
- 5. Compliance with Title 6-12 "Offensive, Excessive, and Prohibited Noises" of the Mesa City Code.*
- 6. The Special Use Permit allows up to 25 events per year in which the SUP is in effect.*
- 7. The Special Use Permit allows up to 30 event days per year in which the SUP is in effect.*
- 8. The Special Use Permit allows events to exceed the 4-day-per-event limit.*
- 9. The Special Use Permit shall automatically expire on November 8, 2019 and be of no further force and effect.*
- 10. At the end of the SUP year the applicant will provide a report describing all events hosted during the year. The report will describe the scale and location of the event on the site, the hosting organization (if other than Desert Winds), any complaints from neighbors and how they were resolved, and any Police involvement. Any review of a request to extend the SUP beyond a year will include review of this report.*
- 11. Compliance with all requirements of the Development Services Department in the issuance of building permits.*

SITE CONTEXT

CASE SITE: Existing retail – zoned GC-PAD
NORTH: Existing retail – zoned GC
EAST: (Across Country Club Drive) Existing retail – zoned GC
SOUTH: (Across Emerald Avenue) Existing Retail – zoned LC
WEST: Existing single-residential – zoned RS-6

STAFF ANALYSIS

The request is for a SUP to allow special events to exceed the four events allowed per year. Desert Wind Harley-Davidson proposes events ranging from small indoor events to large outdoor events. Per the Narrative:

- 20% of the events will be Indoor Events held in the showroom.
- 70% of the events will be Patio Events held on the outdoor covered patio (13,00 SF)
- 10% of the events will be Large Events held on the large event pad (60,000 SF)

The current request is for 30 event days per year. The applicant states that most events last 1 day, but that occasional events will last longer than the 4 days allowed by Code. Staff has added a condition to limit the total number of events to 25 per year in keeping with a one-year SUP for 25 that was approved for this site in 2009. The applicant requests approval of the SUP through 2022 but staff has added a condition to limit the SUP to 1 year to establish that the proposed plan of operation results in events that are compatible with the adjacent residential neighborhood. A multiple-year SUP could be considered, based on a review of a year's events and their impact on the surrounding neighborhood. A condition of approval requires the applicant to provide a report of events. Review of this report will be part of any request to extend the SUP beyond a year.

MZO 11-31-27: Special Events

According to MZO Section 11-31-27, special events are permitted in all zoning districts provided the following requirements are met:

REQUIREMENT	FINDINGS
The event is licensed in accordance with the provisions of Title 5 of the Mesa City Code;	A condition of approval requires a Special Event license for each event.
The duration of the event does not exceed the time period specified in the special event license or a maximum of 4 consecutive days, whichever is less;	The SUP allows events to exceed the 4-day limit. The Narrative proposes 30 event days per year, identifying 90% of events as single-day events.
No more than 4 events are conducted on the same premises during the calendar year;	The request is to allow the annual number of events to exceed the 4 allowed events. A condition of approval limits the total number of events to 25 per year.
The site of the event is adequately served by utilities and sanitary facilities; and	Per the Operation Plan each event will provide trash receptacles and restroom facilities. This site is served by utilities.
The event will not present a safety hazard or public disturbance and will not cause substantial adverse impacts on surrounding properties or land uses by creating excessive noise, glare, heat, dust, odors, or pollutants as determined by the Director and Fire Marshal.	Events will provide security officers. Events that include alcohol will comply with licensing and security requirements, including approved ID methods and measures to contain the alcohol within the event. A condition of approval requires compliance with Mesa's noise ordinance.
Special events shall be conducted only on a lot that has an approved dust proof parking surface with permanent driveway access.	The Plan of Operation states that any parking within the unpaved portion of the site will be on a dust proof surface.

MZO 11-70-5: Special Use Permit

MZO 11-70-5 provides required findings for approval of a SUP. To approve the request, the Board must find the following criteria are met:

REQUIREMENT	FINDINGS
Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;	The General Plan designates this area as the character area "Neighborhoods". The site is located along a commercially developed arterial, adjacent to a residential neighborhood. The conditions of the SUP will ensure the neighborhood and the proposed special events are compatible, in keeping with the General Plan.
The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;	The proposed location, design, operating characteristics and the size of the proposed events, as defined in the Narrative and Operation Plan, are consistent with the General Commercial district.
The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and	The plan of operation, along with the conditions of approval ensure the special events will not be injurious or detrimental to the adjacent neighborhood or the City.
Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	Public services, facilities and infrastructure are available for the proposed special events.

Staff is supportive of the SUP request but has concerns about a multiple-year approval. To ensure the compatibility of the use, staff has added a one-year expiration date for this SUP. At the time of expiration, the applicant would need to reapply for another SUP. A condition of approval requires the applicant to provide a report of events hosted during the year.

FINDINGS

1. The requested SUP would allow special events for up to 30 event days per year for Desert Wind Harley-Davidson.
2. The applicant has submitted an Operation Plan that indicates the hours of operation for each event will be limited to the hours of 8:00 AM to 10:00 PM. If the event includes the sale of alcohol the applicant has indicated the appropriate licenses and security will be in place to ensure the proper ID for sales and to ensure the alcohol does not leave the premises of the special event.
3. The applicant's Good Neighbor Policy indicates written notification will be sent to neighbors within 500 feet for each event. Neighborhood complaints will be directed to the Marketing Director for resolution of any problems.
4. The applicant indicates there is adequate parking on site for most events. If additional parking is required, the applicant proposes 2 methods for providing additional parking: 1) Request a permit for the closure of Emerald Avenue in conjunction with the application for the license for the specific event; and 2) Negotiate additional event parking with surrounding businesses.
5. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

ORDINANCE REQUIREMENTS

Zoning Ordinance, Sec 11-31-27: Special Events

- A. Special events as defined in Chapter 87 of this Title are permitted in all zoning districts, provided that:
 - 1. The event is licensed in accordance with the provisions of Title 5 of the Mesa City Code;
 - 2. The duration of the event does not exceed the time period specified in the special event license or a maximum of 4 consecutive days, whichever is less;
 - 3. No more than 4 events are conducted on the same premises during the calendar year;
 - 4. The site of the event is adequately served by utilities and sanitary facilities; and
 - 5. The event will not present a safety hazard or public disturbance and will not cause substantial adverse impacts on surrounding properties or land uses by creating excessive noise, glare, heat, dust, odors, or pollutants as determined by the Director and Fire Marshal.
- B. Special events shall be conducted only on a lot that has an approved dust proof parking surface with permanent driveway access. Decomposed granite or Aggregate Base Course (ABC) gravel surfacing may be substituted for paving subject to approval by the Director and Fire Marshal.
- C. Facilities, structures, and utilities shall be installed and maintained in conformance with all applicable building, fire, traffic, and zoning regulations.
- D. The time periods specified in A(2) and (3) of this Section may be exceeded:
 - 1. Outside of the Downtown Events Overlay District: Only as authorized by approval of a Special Use Permit in accordance with Article 7 of this Ordinance.
 - 2. Within the Downtown Events Overlay District, without limit to the number of events that may occur in a calendar year. Events that exceed the maximum of 4 days per event shall require a Special Use Permit in accordance with Article 7 of this Ordinance.

Zoning Ordinance, Sec 11-70-5: Special Use Permit

- E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
 - 1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
 - 2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
 - 3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
 - 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.