



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

September 4, 2019

CASE No.: **BOA19-00584**

CASE NAME: **Sanctum of Horror at Superstition
Springs Center**

Owner's Name:	The Macerich Company
Applicant's Name:	Shari Kaul, Sanctum of Horror
Location of Request:	6555 East Southern Avenue
Parcel Nos:	141-54-044J
Nature of Request:	Requesting a Special Use Permit (SUP) to exceed the maximum number of days allowed for a special event
Zone District:	Limited Commercial (LC) with a Bonus Intensity Zone (BIZ) overlay
Council District:	6
Site size:	39 ± acres
Proposed use:	Commercial Recreation
Existing use:	Regional Shopping Center
Hearing date(s):	September 4, 2019 / 5:30 p.m.
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with 5 Conditions

HISTORY

On **August 5, 2015**, the Board of Adjustment approved with conditions a Special Use Permit (SUP) to allow a Special Event to exceed the number of special events and days allowed in a calendar year in the LC-BIZ district. The SUP approval authorized a haunted house in the west parking lot of Superstition Spring Center, which was valid for approximately the same isochronal period each year, and expired November of 2018.

PROJECT DESCRIPTION

Background

This a SUP request to exceed the maximum number of days allowed for a special event (Sanctum of Horrors) in the LC-BIZ district. Section 11-31-27(A)(2) of the Mesa Zoning Ordinance (MZO) limits a special event to a maximum of four (4) consecutive days but Section 11-31-27.D.1 specifies this maximum may be exceeded with the approval of SUP.

The Sanctum of Horror is a family owned and operated haunted house that has been operating in Mesa for the past six years. In 2015, the haunted house was moved to the west parking lot of Superstition Spring Center just east of the internal mall loop between the old Sears and JcPenny stores. The haunted house has operated annually at this location since 2015 and is proposing to continue to operate in the same area with this application.

The applicant is proposing to begin construction of the open air haunted house as soon as possible once this SUP application is approved. Opening weekend is planned for Friday, September 27, 2019 and Saturday, September 28. Additional days of operation are as follows: October 4-5; 11-13; 18-20; 24-27; 29-31 and November 1st and 2nd (open 19 days over a 6-week period). The hours of operation vary from 7:00 p.m. to 12:00 a.m. depending on the day. The proposed operating schedule is included in the packet.

Signage and/or banners attached to the exterior of the attraction will be displayed beginning the day of construction and removed the day after closing. Signage will remain within the fenced area throughout the event. Security for the event is provided by licensed, uniformed security guards through Arizona Security Professionals.

General Plan Character Area Designation and Goals

The Mesa 2040 General Plan character area designation for this site is Mixed Use Activity District. Per Chapter 7 of the General Plan, Mixed Use Activity Districts are areas designated for large-scale community and regional activity areas, which include a mix of retail, entertainment and office uses. The proposed Haunted House (outdoor commercial recreation use) is consistent with the character area designation.

Site Characteristics:

The existing development is a large, regional shopping center (Superstition Spring Center) in the LC-BIZ district and located on ±99 acres with approximately 1,297,424 square feet of retail space that was constructed in the early 1990's. The property is irregular in shape with only small portions of the lot fronting on Southern Avenue and Power Road. The proposed haunted house attraction would be constructed in the west parking lot of center, just east of the internal mall loop between the old Sears and JcPennys stores. The attraction is not visible from Southern Avenue or Power Road. The subject property also abuts the US 60 Freeway right-of-way along its southern border; however, the visibility of the attraction is very limited from the freeway because the freeway is below grade at this location.

Surrounding Zoning Designations and Existing Use Activity:

Northwest LC and LC-BIZ Existing Retail	North LC-BIZ Existing Retail	Northeast LC-BIZ Existing Retail
West LI PAD Existing Auto Sales	Subject Property LC-BIZ Existing Retail	East LC-BIZ Existing Retail
Southwest LI PAD Existing Auto Sales	South LC-BIZ Existing Retail	Southeast LC-BIZ Existing Retail

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-31-27(A),(B) and (C) of the Mesa Zoning Ordinance, special events are permitted in all zoning district provided that:

1. The event is licensed in accordance with the provision of Title 5 of the Mesa City Code;

Staff has included a condition of approval stipulating conformance with MZO requirements.

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,

The applicant is requesting a SUP to exceed the maximum number of days allowed for a special event. The proposed special event is open 19 days over a 6-week period.

3. No more than 4 event are conducted on the same premises during the calendar year;

This subject special event is an annual occurrence.

4. The site of the event is adequately served by utilities and sanitary facilities; and

The event is adequately served by utilities and portable restrooms facilities.

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, hear, dust, odor, or pollutants as determined by the Director and Fire Marshal.

The proposed event is located within the parking lot of Superstition Springs Center. Staff checked with City of Mesa Police and there have been no complaints from surrounding properties regarding the previous operations the haunted house.

- 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 Marshall.

The event is conducted on a paved parking surface.

- C. Facilities, structures, and utilities shall be installed and maintained in conformance with all applicable building, fire, traffic and zoning regulations.

Staff has included a condition of approval that the special events comply with all requirement of the Development Services Department in the issuance of building permits.

Special Use Permit MZO Section 11-70-5

Per Section 11-70-5(E) of the City of Mesa Zoning Ordinance, the Board of Adjustment shall also find the following criteria are met for approval of a SUP:

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;

The site is located in the Mixed Use Activity District character type of the Mesa 2040 General Plan. The proposed special event is a temporary outdoor commercial recreation use that advances the goals and objectives of the Mixed Use Activity District and is consistent with the polies of the General Plan.

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 any other applicable City plan or policies;

The proposed special event is consistent with the location, design and operating characteristics of the LC-BIZ district and conforms with Mesa 2040 General Plan.

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

As mentioned above, there have been no previous complaints regarding the proposed use which has operated at Superstition Spring Center since 2015. The proposed special event will not be injurious or detrimental to the surrounding properties.

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

The City of Mesa utilities and public infrastructure are available to serve the special event.

Findings

- A. The special event was previously granted a SUP to operate a haunted house at the Superstition Spring Center in the west parking (paved) area annually, for 19 days over the course of a 5-week period beginning August 2015 through November 2018.
- B. No complaints were received about the special event over the course of the operation of the haunted house attraction during the past three years.
- C. The applicant proposes to operate the special event, annually, in the same area and over the course of the same time period as was previously approved.
- D. The proposed special event is consistent with the location, design and operating characteristics of the LC-BIZ district and conforms with Mesa 2040 General Plan.
- E. The proposed special event will not be injurious or detrimental to the surrounding properties.
- F. The City of Mesa utilities and public infrastructure are available to serve the special event.

Neighborhood Participation Plan and Public Comments

The applicant sent the required notification letters to all property owners within 500' of the site. As of writing this report, staff has not been contacted by any resident to express support or opposition to the request.

Staff Recommendations:

The proposed special event conforms to the criteria for special events as outlined in Section 11-31-27(A),(B) and (C) of the MZO as well as the review criteria for a Special Use Permit outlined in Section 11-70-5 of the MZO; Therefore, staff recommends approval of the request with 5 conditions:

Conditions of Approval:

- 1. Compliance with the applicant's site plan, project narrative and Sanctum of Horror Fright Team Safety Handbook, except as modified by the conditions below.
- 2. Signage shall be restricted to the boundaries of the Special Event area. Signage visible from outside the boundaries of the site shall not be display prior to nor after the dates of the Special Event (may include construction and break down days), as specified in the Special Event License.
- 3. Compliance with all requirements of the Development Services Division in the issuances of building permits.
- 4. Compliance with all requirements of the Business Services Department regarding application for and issuance of a Special Event License.
- 5. The Special Use Permit shall be valid for approximately the same isochronal period each year and shall expire November 2024. The Special Use Permit is non-transferable for both location and applicant. Each year, the special event shall comply with the provided operational plan details. Minor changes in dates from year-to-year may occur.