



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**September 4, 2019**

CASE No.: **BOA19-00600**

CASE NAME: **Crypt Haunted Attraction at Fiesta Mall**

Owner's Name:	Verde Fiesta I LLC
Applicant's Name:	Natalie Anderson
Location of Request:	1445 South Alma School Road
Parcel Nos:	134-26-411A
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)
Council District:	3
Site size:	14 ± acres
Proposed use:	Commercial Recreation
Existing use:	Regional Shopping Center
Hearing date(s):	<b>September 4, 2019 / 5:30 p.m.</b>
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with 5 Conditions

**HISTORY**

On **August 24, 2010**, the Zoning Administrator approved with conditions (ZA10-28) a Special Use Permit (SUP) to allow a Special Event to exceed the number of events allowed in a calendar year in the C-2 district.

On **August 14, 2012**, the Board of Adjustment approved with conditions (BA12-031) a Special Use Permit (SUP) to allow a Special Event to exceed four days in the LC district.

On **August 13, 2013**, the Board of Adjustment approved with conditions (BA13-034) a Special Use Permit (SUP) to allow the number of Special Events to exceed the maximum allowed in the LC district.

On **August 6, 2014**, the Board of Adjustment approved with conditions (BA14-043) 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 district. The SUP approval authorized a haunted house in the southeast parking lot of Fiesta Mall, which was valid for approximately the same isochronal period each year, and expired November of 2018.

### **PROJECT DESCRIPTION**

This a SUP request to exceed the maximum number of days allowed for a special event (Crypt Haunted Attractions) in the LC 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 a SUP.

A haunted attraction special event has been held at Fiesta Mall since 2010. The proposed special event is located in the southeast corner of Fiesta Mall in a paved overflow parking lot and is entirely contained by a security fence. The applicant is proposing to begin construction of the open air haunted attraction as soon as possible once this SUP application is approved. Opening weekend is scheduled for Friday, September 27<sup>th</sup>, 2019. Additional days of operation are as follows:

- Open every day but Monday and Tuesdays until the last week before Halloween, then the event will be open every day
- Sunday-Thursday hours are 7:00 p.m. to 10:00 p.m.
- Friday and Saturday hours are 7:00 p.m. to 12:00 p.m.

The special event is scheduled to close November 1<sup>st</sup>, 2019. This schedule equates to 26 days over a 6-week period. This is the annual schedule for the event, with minor changes to the dates from year-to-year. It is anticipated that for future events, construction of the attraction will start in mid-August with clean-up completed by November 15<sup>th</sup>.

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 Crypt staff and off-duty Mesa Police.

### **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 attraction (outdoor commercial recreation use) is consistent with the character area designation.

### **Site Characteristics:**

The existing development is a large, regional shopping center (Fiesta Mall) in the LC district and located on ±96 acres with approximately 450,000 square feet of interior space. The development is bounded by Southern Avenue to the north, Alma School Road to the east, the U.S. 60 on the south and Longmore to the west. The proposed haunted attraction is constructed in the southeast parking lot and is visible from Alma School Road. The site of the haunted attraction

also abuts the U.S. 60 Freeway right-of-way along its southern border; however, the visibility of the attraction is very limited from the freeway because it is below grade at this location.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest LC Retail</b>	<b>North LC Commercial Development</b>	<b>Northeast (Across Alma School Road) LC BIZ Commercial Development</b>
<b>West LC Retail</b>	<b>Subject Property LC Retail</b>	<b>East (Across Alma School Road) LC BIZ Commercial Development</b>
<b>Southwest US 60 Freeway</b>	<b>Southwest US 60 Freeway</b>	<b>Southeast US 60 Freeway</b>

**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 26 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 Fiesta Mall. Staff checked with City of Mesa Police and there have been no complaints from surrounding properties regarding the previous operations of the haunted attraction.**

- 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 event comply with all requirements 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 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 Fiesta Mall since 2010. 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 attraction at the Fiesta Mall in the southeast parking (paved) area annually, for 26 days over the course of a 6-week period beginning August 2014 through November 2018.
- B. No complaints were received about the special event over the course of the operation of the haunted attraction during the past four 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 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 The Crypt Operating Plan, 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.