



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

February 7, 2024

CASE No.: BOA24-00021	CASE NAME: The Yard Off Main
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Owner’s Name:	City of Mesa Right-of-Way
Applicant’s Name:	Anthony Rodriguez, City of Mesa
Location of Request:	Within the 0 block of North MacDonald (both sides).
Parcel Nos:	City of Mesa Right-of-Way
Nature of Request:	Requesting a Special Use Permit (SUP) for a Special Event to exceed a duration of four consecutive days.
Zone District:	City of Mesa Right-of-Way
Council District:	4
Site size:	0.26± acres
Existing use:	Right-of-Way
Hearing date(s):	February 7, 2024 / 5:30 p.m.
Staff Planner:	Emily Johnson, Planner I
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **June 10, 1930**, 551± acres were annexed into the City of Mesa, including the project site (Ord. 157).

On **September 8, 1987**, City Council approved the creation of new zoning districts, development regulations, a new zoning map and new design guidelines for all properties within Mesa’s Town Center (Case No. Z87-040, Ord. 2254).

On **September 21, 2011**, the Mesa City Council approved a rezone of approximately 150± acres, including the project site, to establish a Downtown Events Overlay District. This district allowed special events to be held in a specifically designated portion of Downtown Mesa without limit to the number of events. The length of one individual special event is limited to four consecutive days, unless a Special Use Permit (SUP) is approved (Case No. Z11-017, Ord. 5065).

On **November 13, 2023**, the Zoning Administrator approved a Temporary Use Permit for the events associated with Merry Main Street which closed MacDonald, between Main Street and Pepper Place, from November 20, 2023, until January 13, 2024 (Case No. ADM23-00920).

On **January 8, 2024**, the Zoning Administrator approved a 30-day extension for the Temporary Use Permit, approved per Case No. ADM23-00920, extending the MacDonald closure until February 12, 2024 (Case No. ADM24-00009).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) for a special event to exceed a duration of four consecutive days in the Downtown Events (DE) Overlay District within the block of North MacDonald between West Main Street and West Pepper Place. Per Section 11-24-1 of the Mesa Zoning Ordinance (MZO), the purpose of the Downtown Events Overlay District is to recognize that temporary events of a civic and commercial nature foster and encourage a sense of community.

Per the narrative submitted, The Yard Off Main involves the closure of MacDonald from Main Street to Pepper Place to serve as a pedestrian plaza, a place for pop-up activities, and an event space. The default site layout will consist of benches, bistro tables and chairs, potted plants, and picnic tables on the southern half of the project site. The northern half is identified as a flex space for pop-up activities to occur.

Additional programming is being sought to take place within the project site, including desired activities like yoga, product demonstrations and classes, and art shows. Weekly scheduled activities currently include Food Truck Mondays, Downtown Coffee Break, Picnic at the Yard, and Sunset Sounds.

Per Section 11-24-3(A) of the MZO, the number of special events held within the Downtown Events Overlay District shall not be limited by the number of events during a calendar year. Per Section 11-24-3(B) of the MZO, each individual special event held within the district shall be limited to a maximum of four days unless a Special Use Permit is approved. Per the submitted narrative, the applicant is requesting approval of an SUP to allow a special event for a period to occur within the Downtown Events Overlay District from Tuesday, February 13, 2024, until Tuesday, April 30, 2024, for a total of 78 days.

To accommodate visitors, the applicant has stated that Downtown Mesa has over 5,000 parking spaces, 1,095 of which are within a quarter mile of The Yard Off Main, not including street parking. A parking diagram may be found in the submitted narrative illustrating where these spaces are located. A portable restroom will be in the public parking lot on the corner of MacDonald and Pepper Place and additional facilities and infrastructure will be provided as required depending on specific event needs. These needs will be determined during the Special Event licensing process.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the project site is Downtown with a Transit Corridor overlay and Station Area sub-type. Per Chapter 7 of the General Plan, the primary focus of the Downtown Character Area is the creation of a pedestrian-oriented, transit-rich environment with a lot of activity. The goal is to make it a people-friendly area that is alive with options for housing, employment, shopping, entertainment, and events. The focus of the Transit Corridors with Station Area sub-types is to develop a mixed-use, pedestrian-oriented, urban environment, particularly within walking distance of transit stops, per Chapter 7 of the Mesa 2040 General Plan. The land uses include central public gathering places.

The project site is also located within the boundaries of the Central Main Street Area Plan, specifically, the Historic Downtown and Museum District of Downtown Neighborhood Planning Area. Action Item 2.1 for the Historic Downtown is to develop MacDonald between Main and Pepper Place as a space that can function as a street or pedestrian-only plaza that can be used for events, festivals, and gatherings. Action Item 5.1 for the Museum District is to develop a Museum Plaza that incorporates MacDonald Between Main and 1st Streets through closure or other modifications.

The proposed special event advances the goals and objectives of the Mesa 2040 General Plan and conforms with the Central Main Street Area Plan; it addresses specific action items to create a people-friendly environment for events.

Site Characteristics:

The project site is located within the 100 block of North MacDonald (both sides), specifically the MacDonald right of way from Main Street north to Pepper Place. Bollards will be placed at MacDonald along both Main Street and Pepper Place preventing vehicular traffic within the project site.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across Pepper Place) DC-DE Arizona Museum of Natural History Research Facility, Offices</p>	<p>North North MacDonald Right of Way</p>	<p>Northeast (Across Pepper Place) DC-DE Arizona Museum of Natural History</p>
<p>West DC-DE The Post, Commercial</p>	<p>Subject Property North MacDonald Right of Way</p>	<p>East DC-DE Offices, Parking Lot</p>
<p>Southwest (Across Main Street) DC-DE Commercial</p>	<p>South South MacDonald Right of Way</p>	<p>Southeast (Across Main Street) DC-DE Bank of America</p>

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-31-27(A), (B) and (C) of the Mesa Zoning Ordinance:

A. 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 allow The Yard Off Main to exceed the four-day duration for the period starting Tuesday, February 13, 2024, through Tuesday, April 30, 2024, for a total of 78 days.

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

This subject special is within the Downtown Events Overlay District which allows the project site to have an unlimited number of events in a calendar year.

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

There are adequate public facilities and infrastructure available to serve The Yard Off Main.

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

The project site has been shut down from vehicular traffic in previous years for events such as Merry Main Street. All events within the project site will still be required to apply for a Special Events License and that process will determine any additional requirements including security, public safety, and restrooms. The provided narrative also states that The Yard Off Main will be programmed and maintained in partnership with the Downtown Mesa Association.

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.

The submitted narrative identifies 1,095 parking spaces across multiple garages, public lots, and street parking spaces within a quarter mile of The Yard Off Main as well as over 5,000 parking spaces in Downtown Mesa.

- 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 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 MZO, 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 proposed project aims to advance the goals of the Central Main Street Area Plan, specifically, Historic District Action Item 2.1 which is to “Develop MacDonald between Main and Pepper Streets as a space that can function as a street or a pedestrian-only plaza that can be used for events, festivals, and gatherings”; and Museum District Action Item 5.1, which is to “Develop a Museum Plaza that incorporates MacDonald between Main and 1st Streets through closure or other modification.” The Yard Off Main provides an pedestrian-only area for multiple event programming opportunities.

The proposal meets this criterion.

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 Downtown Events Overlay District as the purpose of the district is to recognize that temporary events of a civic and commercial nature foster and encourage a sense of community. The Yard Off Main provides a space in the downtown area to hold events that benefit the citizens and visitors of Mesa and has already been the location of community events including Merry Main Street.

The proposal meets this criterion.

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

The proposed project will not be injurious or detrimental to the surrounding properties, neighborhood, the Downtown District, or the general welfare of the City. All businesses in the area will be accessible during the street closure. Per the narrative, the planned

activities and events are intended to bring in more people from the public to the surrounding businesses.

The proposal meets this criterion.

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

The location is in the heart of Downtown Mesa and is serviced by adequate public infrastructure, including access to power that will be used for events and activities. A significant amount of public parking is in close proximity and the location is served by enhanced pedestrian and bicycle infrastructure.

The proposal meets this criterion.

Findings:

- A. Creating a pedestrian-only space for this special event is something that has consistently been done at this location for other events held in downtown Mesa, including Merry Main Street.
- B. The applicant proposes to operate different activities and events in The Yard Off Main, within the 0 block of North MacDonald between West Main Street and West Pepper Place, from February 13, 2024, until April 30, 2024, for a total of 78 days.
- C. The proposed special event is consistent with the location, design and operating characteristics of the Downtown Events Overlay District, the Central Main Street Area Plan, and conforms with Mesa 2040 General Plan.
- D. The applicant's narrative addresses that the planned activities and events are intended to bring more people to the surrounding businesses, all of which will be accessible to the public. Therefore, the proposed special event should not be injurious or detrimental to the surrounding properties.
- E. 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 Recommendation:

Based on the application received and preceding analysis, staff finds the request for a Special Use Permit to allow a Special Event to exceed four consecutive days, meets the required findings of Sections 11-70-5(E) of the MZO; therefore, staff recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the boundaries of the as identified on the site plan.

2. Compliance with all requirements of the Development Services Department.
3. Compliance with all requirements of the Business Services Department regarding application for and issuance of a Special Event License.
4. The Special Use Permit shall be valid for 78-days starting February 13, 2024, and shall expire on April 30, 2024. The Special Use Permit is non-transferable for both location and applicant.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Project Narrative

Exhibit 4 – Site Plan