



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

January 4, 2023

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| CASE No.: BOA22-01226 | CASE NAME: Fun Box Bounce Park |
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| Owner's Name: | East Mesa Mall, LLC. |
| Applicant's Name: | Daniel Palmer, D&D Management Group, LLC |
| Location of Request: | 6421 East Southern Avenue |
| Parcel Nos: | 141-54-044K |
| 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 with a Bonus Intensity Zone overlay (LC-BIZ) |
| Council District: | 6 |
| Site size: | 0.3± acres |
| Existing use: | Parking Lot |
| Hearing date(s): | January 4, 2023 / 5:30 p.m. |
| Staff Planner: | Victoria Chavez, Planner I |
| Staff Recommendation: | APPROVAL with Conditions |

HISTORY

On **August 17, 1988**, the subject property was annexed into the City of Mesa as part of a larger 485 acre annexation and subsequently zoned Limited Commercial (C-2) (Ordinance No. 2358, Case no. Z88-056).

On **December 19, 1988**, City Council approved a rezoning of the property from C-2 to C-2 with a Bonus Intensity Zone overlay (C-2-BIZ) and Site Plan Review for Superstition Springs Mall. (Case Nos. SRP88-010 & BIZ88-6)

On **July 12, 2005**, the Board of Adjustment approved a Special Use Permit (SUP) for special events to exceed the maximum number and duration allowed in the LC-BIZ zoning district, setting an annual allotment of 60 days per year with no event exceeding ten days. (Case No. ZA05-059)

On **October 3, 2019**, the Board of Adjustment approved an SUP to allow a haunted house special event to exceed the maximum number of days allowed in the LC-BIZ district (Case No. BOA19-00584)

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to exceed the maximum number of days allowed for a special event in the LC-BIZ district. Per Section 11-31-27-A-2 of the Mesa Zoning Ordinance (MZO), a special event is limited to a maximum of four consecutive days; however, per Section 11-31-27-D-1 of the MZO, this maximum may be exceeded with the approval of SUP. The specific request is to allow the Fun Box Bounce House to operate for a total of 180 days between January 2023 and February 2024.

Per the site plan submitted, the applicant plans to occupy approximately 45,000 square feet of the west parking lot of Superstition Springs Center east of the internal mall loop between the former Sears and JC Penney buildings. The site plan shows a variety of bounce and climbing activities and a large turf gathering area.

The applicant is proposing to begin construction and set up as soon as possible once this SUP application is approved. Opening weekend is planned for Tuesday, January 10th, 2023, through April 2nd, 2023 (82 days). They will re-open on Thursday, November 22nd, 2023, through February 25th, 2024 (95 days). These days will not conflict with other special events like the Sanctum Horror haunted house, which is currently approved to operate in this location from September through October each year. The hours of operation will vary from 10:30 a.m. to 4:30 p.m. Friday through Sunday and on “Special Holidays” Monday through Sunday.

Signage and/or banners will be placed on the fence surrounding the bounce park. The signage and/or banners will be displayed on the day of construction and will be taken down the day after closing. Signage will remain within the fenced area throughout the event. After-hour security will be provided by the existing mall security making several nightly drives around the event to ensure no abnormal activity is occurring.

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 largescale community and regional activity areas, which include a mix of retail, entertainment and office uses. The proposed Bounce 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 Fun Box Bounce House would be constructed in the west parking lot of center, just east of the internal mall loop road between the former Sears and JCPenney's 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:

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| 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,

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 exceed the maximum number of days allowed for a special event. The proposed special event is open for 180-days from January 2023 to February 2024. Opening weekend is planned for Tuesday, January 10th, 2023, through April 2nd, 2023. They will re-open on Thursday, November 22nd, 2023, through February 29th, 2024.

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, heat, 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 has not received any complaints from surrounding properties regarding the other special events that regularly take place at this location.

- 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 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 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 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 policies of the General Plan.

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 the LC-BIZ district and conforms with Mesa 2040 General Plan.

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

As mentioned above, there have been no previous complaints regarding the proposed use. The proposed special event will not be injurious or detrimental to the surrounding properties.

The proposal meets this criterion.

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.

The proposal meets this criterion.

Findings:

- A. The special event will not overlap or be in conflict with other special events that are held within this area such as the Sanctum of Horror haunted house.
- B. The applicant proposes to operate the special event in the same area for a total of 180 days from January 2023 through February 2024.
- C. 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.
- D. The proposed special event will 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:

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 FunBox operational 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 Department regarding the issuance 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 180-days starting January 10, 2023 and shall expire February 29th, 2024. The Special Use Permit is non-transferable for both location and applicant.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative

Exhibit 4 – Operational Plan

Exhibit 5 – Site Plan