



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

May 5, 2021

CASE No.: **BOA21-00251**

CASE NAME: Mesa Cars & Coffee

Owner's Name:	Superstition Promenade LLC.
Applicant's Name:	Matt Jackson
Location of Request:	6663 East McDowell Road
Parcel Nos:	141-67-616
Nature of Request:	Requesting a Special Use Permit (SUP) to exceed four special events on the same premises during the calendar year in the Limited Commercial (LC) District
Zone District:	Limited Commercial (LC)
Council District:	5
Site size:	505,605 square feet or 11.61± acres
Existing use:	Retail/Commercial shopping center
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **February 19, 1985**, City Council annexed 444± acres, including the subject site, into the City of Mesa and subsequently zoned the 770 acres at the southwest corner of Power and McDowell Roads including the subject site R1-35 (Ord. 1915 and Ord. 1964).

On **May 15, 1989**, City Council approved the rezoning of the subject site from R1-35 to C-2 and O-S for the development of retail and office uses (Z89-011 and Ord. 2437).

On **October 13, 2003**, City Council approved the rezoning to of the western portion of the subject site from O-S to C-2 and a site plan modification for the development of a commercial shopping center (Case No. Z03-037 and Ord. 4118).

On **September 1, 2004**, the Design Review Board approved the Red Mountain Promenade shopping center on the subject site (Case No. DR04-056).

On **May 6, 2007**, the Design Review Board approved three retail buildings on the site including the building for the What's Crackin Café (DR07-068).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to exceed the permitted number of special events in the Limited Commercial (LC) District. Per Section 11-31-27(A)(3) of the Mesa Zoning Ordinance (MZO), special events on the same premises are limited to four events per calendar year. However, Section 11-31-27(D)(1) of the MZO, allows special events to exceed this maximum with the approval of a Special Use Permit (SUP).

Per the submitted narrative, the applicant is requesting approval of an SUP to host a free public car show known as "Mesa Cars & Coffee" in the parking lot of Red Mountain Promenade one morning each month for a maximum of 12 special events per calendar year. The car show is on the third Saturday of each month from 7:00 a.m. to 10:00 a.m.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Mixed Use Activity District. Per Chapter 7 of the General Plan, the goal of the Mixed Use Activity District character type is to create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences.

The existing commercial uses are permitted in the Mixed Use Activity Character Area. The proposed special events advance the goals and objectives of the Mesa 2040 General Plan by contributing to the vitality of the local businesses and providing an opportunity for the community to gather. The car show attracts local car enthusiasts to the shopping center, which benefits the restaurants there.

Site Characteristics:

The subject site is located at the southwest corner of Power and McDowell Roads in the Red Mountain Promenade shopping center parking lot, specifically between the Kneaders Bakery and Café at 6611 East McDowell Road and the What's Crackin Café at 6663 East McDowell Road. The auto show will occupy three drive aisles and the adjacent rows of parking. The perimeter of the area will be marked with safety cones and caution tape during the events.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across McDowell Road) RS-9 Single Residence	North (Across McDowell Road) RS-6 PAD, and LC PAD Single-Residence, and Commercial	Northeast (Across McDowell Road) LC PAD Commercial
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West RS-6 PAD PAD Single Residence	Subject Property LC Commercial	East LC Commercial
Southwest RS-6 PAD PAD Single Residence	South RS-6 PAD PAD Single Residence	Southeast RS-6 PAD PAD Single Residence

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-31-27(A), (B) and (C) of the MZO, 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;

Mesa Cars & Coffee has a consistent history of obtaining special event licenses for their events. The conditions of approval include a requirement to obtain Special Event Licenses for all events through the City of Mesa Tax and License Department.

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 Mesa Cars & Coffee event is a four-hour event one time per month.

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

As stated above, the applicant is requesting a SUP to host a maximum of one special event per month up to 12 special events per year.

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

Trash receptacles are available within the site and restrooms facilities at nearby restaurants are available to the public.

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 Licensing Office maintains a log of all complaints received on events. No complaints have been received on this event. Per the Mesa Police Department Superstition District staff, there have been no calls for police service to the subject address during any of the Mesa Cars & Coffee events.

- B. Special events shall be conducted only on a lot that has an approved dust proof parking surface with permanent driveway access.

Per the site plan, the event is conducted on a paved parking lot that has permanent driveway access from McDowell and Power Roads.

- 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 all special events comply with all requirements of the Development Services Department.

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 requested special events are consistent with the location, size, design, and operating characteristics of the LC District and conform with the Mesa 2040 General Plan by contributing to a healthful, productive, and vibrant city.

The request complies with this criterion.

2. 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

Based on the operational history of special events held on the subject site, staff found no evidence of nuisance complaints, and therefore, does not believe the proposed special events will be injurious or detrimental to the surrounding properties. Based on the operational history, staff is recommending that the Special Use Permit be valid for three years and expire on May 31, 2024.

The request complies with this criterion.

3. 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 request complies with this criterion.

Findings:

- A. The SUP request would allow one special event per month, for a maximum of 12 special events per year, for Mesa Cars & Coffee at 6663 East McDowell Road.
- B. The special event will be held 7:00 a.m. to 10:00 a.m. on the third Saturday of each month.
- C. The proposed special event is consistent with the location, design and operating characteristics of LC District and conforms with Mesa 2040 General Plan.
- D. Staff research indicates no complaints were received for any of the Mesa Cars & Coffee events that have been held at the site since 2019. In addition, there have been no calls for police service during any of the Mesa Cars & Coffee events. Therefore, the proposed special event will not be injurious or detrimental to the surrounding properties.
- E. Based on the operational history, staff is recommending that the Special Use Permit be valid for three years and expire on May 31, 2024.
- F. City of Mesa utilities and public infrastructure are available to serve the special event.

Neighborhood Participation Plan and Public Comments:

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

Staff Recommendations:

Based on the application received and preceding analysis, staff finds the request for a Special Use Permit to exceed the number of special events per calendar year meets the required findings of Section 11-70-5(E) of the MZO; and therefore recommends approval with the following conditions:

Conditions of Approval:

- 1. Compliance with the submitted narrative and site plan.
- 2. Compliance with all requirements of the Development Services Department.
- 3. Prior to operations, the applicant must obtain a Special Event License for each event through the City of Mesa License Department.
- 4. The Special Use Permit shall automatically expire on May 31, 2024 and be of no further force and effect.
- 5. Events shall operate, per the applicant's Operation Plan, between the hours of 7:00 a.m. and 10:00 a.m.
- 6. The Special Use Permit allows a maximum of one special event per month up to 12 events per year in which the SUP is in effect.

Attachments:

Exhibit 1-Vicinity Map
Exhibit 2-Staff Report
Exhibit 3-Project Narrative
Exhibit 4-Site Plan
Exhibit 5-Justification & Compatibility Statement