

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00408
STAFF PLANNER: Veronica Gonzalez
LOCATION/ADDRESS: 1730 W. Guadalupe Road
COUNCIL DISTRICT: District 3
OWNER: St. Timothy Roman Catholic Parish Mesa
APPLICANT: Jessica Kozlowski, St. Timothy Catholic Church

REQUEST: *Requesting a Special Use Permit (SUP) to allow the number of special events to exceed the allowed maximum in the LC District.*

SUMMARY OF APPLICANT'S REQUEST

The request is for a Special Use Permit (SUP) to allow the number of special events to exceed the maximum number allowed, in a calendar year, on property located in the RS-6-PAD zoning district. The applicant is requesting to host monthly food truck events on a year-round basis in the parking lot of St. Timothy Catholic Church located at 1730 W. Guadalupe Road.

STAFF RECOMMENDATION

*Staff recommends **approval** of case BOA18-00408, with the following conditions:*

- 1. Compliance with the site plan and operation plan as submitted except as modified by the conditions below.*
- 2. Compliance with all requirements of the Development Services Department in the issuance of building permits.*
- 3. Apply for and receive a City of Mesa Special Event License.*
- 4. Compliance with all requirements of the Special Event License.*
- 5. Signage shall comply with Mesa Zoning Ordinance sign requirements.*
- 6. The number of food trucks allowed at each event shall not exceed twelve (12) trucks.*

SITE CONTEXT

CASE SITE: Existing church parking lot – zoned RS-6-PAD
NORTH: (Across Keating Avenue) Existing single residences – zoned RS-6-PAD
EAST: Existing single residences – zoned RS-6-PAD
SOUTH: (Across Guadalupe Road) Dobson High – zoned RS-6-PAD
WEST: (Across Pennington) Existing single residences – zoned RS-6-PAD

STAFF ANALYSIS

St. Timothy Catholic Church has been hosting monthly food truck events in their parking lot for the past two years. Per the requirements of the Mesa Zoning Ordinance (MZO), a Special Use Permit was granted to the church for a limited term, to allow the number of events within a calendar year on the same premises to exceed the maximum of four events per year with case BA16-034. Under their current SUP, the church may hold food truck events every third Friday of the month from September to May. Because the events have been so well received, the church is applying for a SUP to hold the events year-round rather than just during the previously approved nine months of the year. The current SUP would not have a limited term.

As they have for the past two years, the events will continue to take place on the southern portion of the main parking lot of the church. The balance of the parking lot will provide a sufficient amount of parking

spaces for those attending the events. Hours of operation for each event will be 5:30 pm - 8:30 pm. During the summer months, June – August, hours will be adjusted to 6:30 pm - 9:00 pm. In order to maintain a sanitary environment, trash receptacles will be spaced throughout the event area which will be removed and emptied immediately after the event. Also, adequate restroom facilities for those attending the event are available in the main chapel.

MZO 11-31-27: Special Events

According to MZO Section 11-31-27, special events are permitted in all zoning districts provided the following requirements are met:

REQUIREMENT	FINDINGS
The event is licensed in accordance with the provisions of Title 5 of the Mesa City Code;	An application for a Special Event License has been submitted to the Business Services Department Licensing Division. Approval of the license is currently pending.
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;	Each food truck event is a maximum of one day from 5:30 pm – 8:30 pm or 6:30 pm – 9:00 pm.
No more than 4 events are conducted on the same premises during the calendar year;	The number of events planned for the year exceed the maximum allowed. However, per MZO Sec. 11-31-27.D.1, upon approval of this request for a SUP, the maximum number of events may be exceeded.
The site of the event is adequately served by utilities and sanitary facilities; and	The event will have trash receptacles placed throughout the food truck area that will be emptied and removed after each event. Restroom facilities are available on site in the chapel and the site is adequately served by utilities.
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, odors, or pollutants as determined by the Director and Fire Marshal.	St. Timothy Catholic Church has been hosting Food Truck Friday events for two years under a previously approved, limited term SUP and has not proven to cause a public disturbance or substantial adverse impacts. The applicant has not received any complaints from surrounding neighbors and has found the event to promote a sense of community in the neighborhood.

MZO 11-70-5: Special Use Permit

MZO 11-70-5 provides required findings for approval of a SUP. To approve the request, the Board must find the following criteria are met:

REQUIREMENT	FINDINGS
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 General Plan character type for this site is Neighborhood Suburban. Single residence development with supporting uses such as schools, parks and churches are the predominant land uses within this character designation. The food truck events are hosted by St. Timothy Catholic Church on church property and are intended to engage the surrounding neighborhood.
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 with any other applicable City plan or policies;	The proposed location size, design and operation of the food truck events, as defined in the plan and project narrative, comply with required criteria for a special event.

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 food truck events are one-day events scheduled for the third Friday of every month from 5:30 pm – 8:30 pm or 6:30 pm – 9:00 pm during the summer months. Under the previously approved SUP, the applicant has been hosting monthly food truck events on the premises for two years. During that time, there have been no complaints filed against the church. Therefore, staff does not believe the events will be injurious or detrimental to the neighborhood or the City.
Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	Public services, facilities and infrastructure are available for the proposed special event.

Staff supports the applicant's request for a SUP to allow food truck events to be held on the property year-round. Staff does not foresee any detrimental impact to the surrounding neighborhood with the proposed expanded event schedule.

FINDINGS

1. The special event will be located in the southern portion of the main parking lot of St. Timothy Catholic Church with event parking being located on the balance of the lot.
2. The special events will take place the third Friday of every month from 5:30 pm – 8:30 pm. During the summer months, June – August, event hours of operation will be adjusted to 6:30 pm – 9:00 pm.
3. St. Timothy Catholic Church has hosted monthly food truck events for the past two years under a previously approved SUP with no complaints from surrounding neighbors.
4. The food truck event will be located far enough from the neighboring residential uses such that staff does not anticipate any injury or detriment to the neighborhood.
5. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

ORDINANCE REQUIREMENTS

Zoning Ordinance, Sec 11-31-27: Special Events

- A. Special events as defined in Chapter 87 of this Title are permitted in all zoning districts, provided that:
 1. The event is licensed in accordance with the provisions of Title 5 of the Mesa City Code;
 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;
 3. No more than 4 events are conducted on the same premises during the calendar year;
 4. The site of the event is adequately served by utilities and sanitary facilities; and
 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, odors, or pollutants as determined by the Director and Fire Marshal.
- 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.
- C. Facilities, structures, and utilities shall be installed and maintained in conformance with all applicable building, fire, traffic, and zoning regulations.

- D. The time periods specified in A(2) and (3) of this Section may be exceeded:
1. Outside of the Downtown Events Overlay District: Only as authorized by approval of a Special Use Permit in accordance with Article 7 of this Ordinance.
 2. Within the Downtown Events Overlay District, without limit to the number of events that may occur in a calendar year. Events that exceed the maximum of 4 days per event shall require a Special Use Permit in accordance with Article 7 of this Ordinance.

Zoning Ordinance, Sec 11-70-5: Special Use Permit

- E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
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;
 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 with any other applicable City plan or policies;
 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
 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.