

## Board of Adjustment

### *Staff Report*

**CASE NUMBER:** BOA18-00663  
**STAFF PLANNER:** Charlotte Bridges, Planner I  
**LOCATION/ADDRESS:** 4000 Block of South Power Road (east side)  
**COUNCIL DISTRICT:** District 6  
**OWNER:** Vertuccio Family Limited Partnership  
**APPLICANT:** Ralph Pew, Pew & Lake, PLC

**REQUEST:** *Request a Special Use Permit (SUP) to allow the number and duration of special events to exceed the allowed maximum in the LC and LI Districts.*

### **SUMMARY OF APPLICANT'S REQUEST**

This request is for a Special Use Permit (SUP) to allow the duration of special events to exceed the maximum number of days allowed in the LC and LI Districts. The applicant is requesting that the Fall Festival and Holiday events be allowed operate from October 4, 2018 through January 15, 2019

### **STAFF RECOMMENDATION**

Staff recommends **approval** of case **BOA18-00663**, with the following conditions:

1. *Compliance with the event layouts and operation plans as submitted in the Special Use Permit Narrative dated 9/6/18, 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 for the Fall Festival and the Holiday Festival.*
4. *Compliance with all requirements of the Special Event License.*
5. *Signage shall comply with Mesa Zoning Ordinance sign requirements.*
6. *The Special Use Permit shall automatically expire on January 16, 2019 and be of no further force and effect.*

### **SITE CONTEXT**

**CASE SITE:** Agricultural and agriculture-based entertainment uses – zoned LC and LI  
**NORTH:** Agricultural uses – zoned LI PAD and GI PAD  
**EAST:** Roosevelt Water Canal District (RWCD) and (Maricopa County east of canal) agricultural uses -- zoned RU-43  
**SOUTH:** General office/industrial development – zoned LI AF and LI AF-CUP  
**WEST:** (Across Power Road, Town of Gilbert) Agricultural – zoned GC

### **STAFF SUMMARY AND ANALYSIS:**

Vertuccio Farms is located about a third of a mile north of the northwest corner of Power Road and Warner Road on the east side of the road. The farm was annexed in to the City of Mesa on October 23, 1998 and is approximately 25 acres. That same year, the Farmer's Market use, seasonal corn maze and Christmas tree sales began at the farm. Over the years, these agriculture-based uses have expanded, and additional

entertainments uses have been added including seasonal u-pick crops, a year-round Farmers Market along with plant and pottery sales and educational field trips. This SUP request is to allow the 2018 Fall Festival and a new Holiday Festival event, which essentially creates a special event that runs October 4, 2018 through January 15, 2019. Currently, MZO 11-31-27.A.2, limits the duration of special events to a maximum of four consecutive days, and MZO 11-31-27.D.1, allows this maximum to be exceeded with the approval of a Special Use Permit.

Descriptions of the activities and amenities for the Fall and Holiday's Festivals are outlined in the narrative provided by the applicant. Also, operation plans for these special events are outlined in the narrative.

### **MZO 11-31-27 Special Events**

According to MZO 11-31-26, special events are permitted in all zoning districts provided the following requirements are met:

<b>REQUIREMENT</b>	<b>FINDINGS</b>
MZO11-31-27.A.1: The event is licensed in accordance with the provisions of Title 5 of the Mesa City Code;	The conditions of approval include a requirement to obtain a Special Event License for the Fall Festival and the Holiday Festival.
MZO11-31-27.A.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 proposed durations of both the Fall Festival and the Holiday Festival special events exceed the maximum of 4 consecutive days. However, MZO 11-31-27.D.1 allows this maximum to be exceeded with the approval of a SUP. (See the SUP analysis below).
MZO11-31-27.A.3: No more than 4 events are conducted on the same premises during the calendar year;	This application does not include a request to exceed the allowed maximum of 4 special events on the same premises during the calendar year.
MZO11-31-27.A.4: The site of the event is adequately served by utilities and sanitary facilities; and	Bathrooms and trash receptacles are provided at the site for customer use.
MZO11-31-27.A.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.	In anticipation of this SUP application, Vertuccio Farms has meet with City of Mesa Building and Fire Officials to identify safety hazard and fix them. On September 25, 2018, City of Mesa Development Services issued a "Certificate of Completion", which signifies that the identified electrical and lighting safety hazards have been fixed. Vertuccio Farms is still working to fix the fire code violations, but they are expected to be fixed by the end of the month. (Planning Staff will update the Board of Adjustment at the hearing on this issue). No other disturbances or adverse impacts to the public or surrounding properties have been identified in relationship to this request.
MZO11-31-27.B: Special events shall be conduction 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 any be substituted for paving subject to approval by the Director and Fire Marshal.	The site has two permanent driveway accesses from Power Road. Also, there are two primary parking areas on the site. Per the project narrative, both parking surfaces are dust-controlled with decomposed granite and asphalt millings. In addition, the narrative states that water trucks periodically spray the unimproved walkways, paths and non-dustproofed surfaces throughout the farm to

	minimize blowing dust.
MZO11-31-27.C: Facilities, structures, and utilities shall be installed and maintained in conformance with all applicable building, fire, traffic and zoning regulations.	Since annexation, the agriculture-based uses and entertainment activities at Vertuccio Farms have expanded, and structures have been added without approval by the proper City of Mesa authorities. The owner is currently working through the Planning processes to bring the site into compliance with current MZO requirements.

#### **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:

<b>REQUIREMENT</b>	<b>FINDINGS</b>
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 adopted Mesa 2040 General Plan designates this site as Mixed Use Activity District/Employment. The Mixed Use Activity Districts are large-scale (over 25 acres) community and regional activity areas and the definition lists typical uses such as retail, restaurants, offices, services, and entertainment. The Employment sub-type encourages employment type land uses such as large manufacturing facilities that are typically 20 acres and allow for supporting commercial uses. The Vertuccio Farms Fall and Holiday Festivals fit the definition of this character type and advances the goals and objectives of the General Plan by promoting a unique agricultural entertainment experience.
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 Vertuccio Farm's Fall and Holiday Festivals, as defined in the project narrative, conforms with the General Plan and policies.
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	Planning staff reviewed the compliant history for the site and found very few "nuisance" complaints filed against the site. Therefore, staff does not believe the proposed special 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 the duration of Fall Festival and Holiday Festival special events to exceed the maximum number of days allowed in the LC and LI Districts. Staff does not foresee any detrimental impact to the surrounding neighborhood with the proposed expanded event schedules.

#### **FINDINGS**

1. The Fall Festival Special Event begins the first part of October and runs for 5 weeks. It is open from 9:00 a.m. to 9:00 p.m., Monday through Thursday; from 9:00 a.m. to 10:00 p.m., Friday through Saturday; and

Sunday from 10:00 a.m. to 6:00 p.m.

2. The Holiday Festival Special Event begins immediately after Thanksgiving and runs until January 15, 2019. It is open daily 5:30 p.m. to 10:00 p.m.
3. Between 6-20 employees will be at the site during the special events.
4. Bathrooms and trash receptacles are provided at the site for customer use.
5. Parking areas are dust controlled with decomposed granite and asphalt millings.
6. On September 25, 2018, City of Mesa Development Services issued a "Certificate of Completion", which signifies that safety hazards have been fixed.
7. Vertuccio Farms is working through the Planning processes to bring the site into compliance with the Mesa Zoning Ordinance.
8. The Vertuccio Farms Fall and Holiday Festivals fit within the definition of 2040 General Plan Employment/Mixed Use Activity character type and advances the goals and objectives of the General Plan by promoting a unique agricultural entertainment experience.
9. Planning staff does not anticipate any injury or detriment to the neighborhood or City of Mesa.
10. Public services, facilities and infrastructure are available for the proposed special event.

#### **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.