

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00919
STAFF PLANNER: Veronica Gonzalez
LOCATION/ADDRESS: 1730 W. Guadalupe Road
COUNCIL DISTRICT: District 3
OWNER: St. Timothy Roman Catholic Parish Mesa
APPLICANT: Chad Turner, St. Timothy Catholic Church

REQUEST: *Requesting a modification to a Special Use Permit (SUP) to allow the number of special events to exceed the allowed maximum in the RS-6-PAD District.*

SUMMARY OF APPLICANT'S REQUEST

St. Timothy Catholic Church is requesting a modification to their Special Use Permit (SUP), which had previously allowed monthly food truck events to occur on the property on a year-round basis. The requested modification, if approved, will allow up to 17 special events per year.

STAFF RECOMMENDATION

*Staff recommends **approval** of case BOA18-00919, with the following conditions:*

- 1. Compliance with the site plans and project narrative/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 for each event.*
- 4. Compliance with all requirements of the Special Event License.*
- 5. The Special Use Permit will allow up to 17 events per year.*
- 6. Written approval from Dobson High School for the use of their campus for overflow parking to be provided with each Special Event License application.*
- 7. Food Truck Friday Events shall comply with all requirements of case BOA18-00408.*

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

On July 11, 2018, St. Timothy Catholic Church received approval of a SUP to allow the number of special events within a calendar year on the same premises to exceed the maximum of four events per year with case BOA18-00408. However, approval of the SUP was specific to monthly Food Truck Friday events. St. Timothy's has made a request to modify their SUP to allow additional special events to take place on the property within the same calendar year. In total, St. Timothy's proposes to host 17 events per year. The breakdown of the events are as follows:

Food Truck Fridays – 12 events/year

The food truck events will continue to take place every third Friday of the month as previously approved with case BOA18-00408. This will result in 12 food truck events per year on the property.

Each Food Truck Friday event will be a one-day event. Hours of operation for these events will be 5:00 pm – 9:00 pm with set up beginning at 3:00 pm and take down beginning at 9:00 pm.

Feast Day Festival – 1 event/year

To celebrate the parish feast day, St. Timothy Catholic Church will host a one-day Feast Day Festival event every January. The festival will include a variety of activities that include inflatables, live music, games, food trucks and a beer garden. Festival hours of operation will be 4:00 pm – 9:00 pm with set up beginning at 7:00 am and take down beginning at 9:00 pm.

The festival will take place within the boundaries of the St. Timothy parking lot. Dobson High School, located across Guadalupe Road to the south, has allowed the church to use their parking lot for this event. Since this event will include a beer garden, two off-duty police officers will patrol the event for security purposes.

Art Walk – 1 event/year

Once per year in the spring, St. Timothy's proposes to hold a one-day art walk fundraiser event. The art walk will include a variety of arts and crafts available for sale. Food trucks will also be on site for guests of the event. Set up for the art walk will begin at 7:00 am so the event can begin at 9:00 am. The art walk will conclude at 3:00 pm. Parking for this event is available in the Dobson High School parking lot upon their agreement.

Carnival – 1 event/year

The carnival, which includes rides and food trucks, will take place once a year in the Fall. The carnival will be a one-day event. Carnival set up will begin at 8:00 am so the event may begin at 3:00 pm. Parking for this event is available at Dobson High School upon their agreement.

Entertainment/Concert – 2 events/year

Outdoor live performances, which may include mass, will be presented to the parish up to two times per year (one performance in the Spring and another in the Fall). Each event will be a one-day event. Performances will be held either in the existing amphitheater located in the southeast corner of the campus or within the northern portion of the church parking lot. Performances will take place between the hours of 7:00 pm and 9:00 pm. To minimize disturbance to the surrounding neighborhood, speakers and amplifiers will be oriented away from the homes to allow maximum dissipation of sound. Parking for these events will be provided on site with overflow parking provided at Dobson High School upon their agreement.

Event Parking

The majority of the proposed events will occupy large portions of the St. Timothy parking lot necessitating additional and overflow parking be provided elsewhere. To minimize potential negative parking impacts on the surrounding neighborhood, St. Timothy proposes attendees of these events park in the Dobson High School parking lot. Staff does not have a concern with special event parking being provided on the Dobson High School campus as each event is identified as a single-day event. Dobson High School will require that St. Timothy submit individual requests to use their parking lot for each special event. As a result, St. Timothy shall provide written documentation of Dobson High School's approval to use their campus for overflow parking with each Special Event License application (see Condition #6).

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;	A condition of approval requires a Special Event license for each event (see Condition #3).
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 event is identified as a single-day event.
No more than 4 events are conducted on the same premises during the calendar year;	The request is to allow the number of events held on the same premises during the calendar year to exceed the four allowed events. A condition of approval will limit the total number of events to 17 per year (see Condition #5).
The site of the event is adequately served by utilities and sanitary facilities; and	The site is served by utilities and, per the project narrative/operation plan, each event will provide trash receptacles and restroom facilities.
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 under a previously approved SUP and has not proven to cause a public disturbance or substantial adverse impacts. Events that will include an alcohol component will have on site security provided in the form of off-duty officers. Events that include outdoor live music or any type of amplified sound will orient sound speakers away from residences and will conclude by 9:00 pm.
Special events shall be conducted only on a lot that has an approved dust proof parking surface with permanent driveway access.	The project narrative/operation plan states that parking will be provided on site within the existing parking lot or within the Dobson High School parking lot by agreement.

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 area 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 proposed 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 special events, as defined in the project narrative/operation plan, comply with required criteria for a special event and are consistent with the purposes of the RS-6-PAD district.
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	Per the project narrative/operation plan, the applicant will employ measures to ensure the special events will not be injurious or detrimental to the adjacent 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 events.

Staff supports the applicant's request to modify their SUP to allow additional special events to be held on the property. Staff does not foresee any detrimental impact to the surrounding neighborhood with the proposed expanded special event schedule.

FINDINGS

1. The modified SUP would allow up to 17 special events for St. Timothy Catholic Church.
2. Each event is identified as a single-day event for a maximum total of 17 event days per year.
3. Per the project narrative/operation plan, no event shall extend past 9:00 pm.
4. Speakers and amplifiers for outdoor performances will be oriented away from the surrounding neighborhood in an effort to control sound and minimize disruption to the neighbors.
5. Adequate parking will be provided either on site or, by agreement, at Dobson High School.
6. St. Timothy Catholic Church has hosted monthly food truck events under a previously approved SUP with no complaints from surrounding neighbors.
7. 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.