



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

October 2, 2019

CASE No.: **BOA19-00671**

CASE NAME: **Vertuccio Farms**

Owner's Name:	Vertuccio Family Limited Partnership
Applicant's Name:	Ralph Pew, Pew & Lake, PLC
Location of Request:	Within the 4000 to 4100 block of South Power Road (east side)
Parcel Nos:	30417003A, 30417003J and 30417003L
Nature of Request:	Requesting a Special Use Permit (SUP) to allow a special event to exceed the maximum number of consecutive days
Zone District:	Limited Commercial (LC) and Light Industrial (LI)
Council District:	6
Site size:	25 ± acres
Existing use:	Agricultural and agriculture-based entertainment uses
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **October 23, 1998**, the subject site was annexed into the City of Mesa (Ord. 3535) with a farm stand and a small retail shop and subsequently zoned R1-43.

On **August 15, 2005**, the City Council approved a City of Mesa initiated rezone from R1-43 to C-2 (western 300 feet of the property) and M-1 (remainder of property) (Z05-066, Ord. 4440) The rezone brought the property's zoning designations into conformance with the Mesa 2025 General Plan.

On **October 2018**, the Board of Adjustment approved a Special Use Permit (SUP) with conditions (**BOA18-00663**) to allow the duration of special events to exceed the maximum number of days allowed in the LC and LI Districts. The scope of the SUP covered the Fall Festival and Holiday special events from October 4, 2018 through January 15, 2019.

PROJECT DESCRIPTION

Background

This Special Use Permit (SUP) request is to allow the 2019 Fall Festival and Holiday Festival events, which operates for a 14 week period, October 3, 2019 through January 11, 2020. Section 11-31-27(A)(2) of the Mesa Zoning Ordinance (MZO), limits the duration of special events to a maximum of four consecutive days. Section 11-31-27(D)(1) of the MZO, allows for an event to exceed this maximum duration with the approval of a Special Use Permit (SUP).

Since its annexation into the City of Mesa, the subject site has been used for several agriculturally based activities such as u-pick crops, a Farmer's Market, seasonal corn maze and Christmas tree sales. Over the years, these agriculture-based uses have expanded, and additional agricultural uses have been added including a year-round Farmers Market, plant and pottery sales and educational field trips.

General Plan Character Area Designation and Goals

The 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 that include typical uses such as retail, restaurants, offices, services, and entertainment. The property is located in Gateway Strategic Development Plan area, specifically within the Inner Loop District. The focus of the Inner Loop District is to create a mixed-use environment that is compatible with Phoenix-Mesa Gateway Airport operations. The Vertuccio Farms' Fall and Holiday Festivals fit the definition of the Mixed-Use Activity District/Employment character type and advances the goals and objectives of the General Plan and the Gateway Strategic Development Plan.

Site Characteristics:

The subject site is located about a third of a mile north of the northeast corner of Power Road and Warner Road on the east side of Power Road. The south property line of the site is along Rembrandt Avenue. There are two entrances to the property from Power Road and one entrance from Rembrandt Avenue. The southern Power Road and Rembrandt Avenue entrances provide access to a large parking area. The northern Power Road entrance provides access to a smaller parking area located east of the pottery sales and farmer's market buildings. A drive-thru coffee shop is centrally located on the site adjacent to Power Road. In addition, there are several pavilions, smaller shade structures, concession booths and playground equipment scattered throughout the interior of the site.

Maps included in the applicant's packet information, illustrate where the various agricultural and agricultural-entertainment uses take place on the site, including the areas primarily used for the Fall Festival and the Winter Holiday Festival.

The Fall Festival Special Event begins in early October operates through early November. The special event is opened 9:00 a.m.-to 9:00 p.m., Monday-Thursday, and 9:00 a.m. to 10:00 p.m.,

Friday and Saturday, and 10:00 a.m.-6:00 p.m., on Sunday. The event is staffed by approximately 20 employees. Activities and attractions at the event include:

- Corn maze, wagon ride, barrel train, inflatables, large slide, tube rollers and mini zip-line
- Food Trucks
- Pumpkin and kettle corn sales

The Holiday Festival Special Event begins immediately after Thanksgiving and operates through the New Year. The special event is opened daily from 5:30 p.m.-10:00 p.m. on Sunday. The event is staffed by approximately 6 employees. Activities and attractions at the event include:

- A large, lighted Christmas tree
- A farm-themed walk-through Christmas light display

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Power Road -- Town of Gilbert) Agricultural	North LI PAD and GI PAD Agricultural	Northeast (Across Roosevelt Water Canal District (RWCD) -- Maricopa County) Agricultural
West (Across Power Road -- Town of Gilbert) Single Residence	Subject Property LC and LI Agricultural and Agricultural Entertainment	East (Across Roosevelt Water Canal District (RWCD) -- Maricopa County) Agricultural
Southwest (Across Power Road -- Town of Gilbert) Agricultural	South LI AF and LI AF-CUP General Office/Industrial	Southeast (Across Roosevelt Water Canal District (RWCD) -- Maricopa County) Agricultural

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;

The conditions of approval include a requirement to obtain Special Event License for the Fall Festival and the Holiday Festival through the City of Mesa 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 proposed durations the Fall Festival and the Holiday Festival special events exceed the duration maximum of 4 consecutive days. However, Section 11-31-27(D)(1) of the MZO allows for a special event to exceed the duration maximum with the approval of a SUP.

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

The subject special events are annual occurrence. City of Mesa licensing records indicate that one additional special event (Love Pup Family Festival) was licensed each year at the site in 2018 and 2019. This application does not include a request to exceed the allowed maximum of four special events on the same premises during the calendar year.

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

The event is adequately served by utilities, and trash receptacles and restrooms facilities are provided at the site.

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 Special Use Permit Narrative provided by the applicant states, "Vertuccio Farms has been operating for the past 21 years without complaint or impact to surrounding property owners. Planning staff reviewed 2018 complaint history for the site and found no "nuisance" complaints against the site." Also, Planning staff checked with City of Mesa Police and there were no complaints regarding the special events in 2018.

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

The Special Use Permit Narrative provided by the applicant states that the parking surfaces are dust-controlled with decomposed granite and asphalt millings. In addition, it states that a water truck periodically sprays the unimproved walkways paths and non-dust proof surfaces throughout the site to minimize blowing dust.

- 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 has submitted a rezoning application (ZON19-00507) to bring the site into compliance with current MZO requirements.

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

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

The proposed special events will not be injurious or detrimental to the surrounding properties.

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.

Findings

- A. The 2019 Fall Festival and Holiday Festival special events operate for a 14 week period, October 3, 2019 through January 11, 2020. Between 6-20 employees will be at the site during the special events.
- B. Parking areas are dust controlled with decomposed granite and asphalt millings. Bathrooms and trash receptacles are provided at the site for customer use.
- C. Vertuccio Farms is working through the Planning processes to bring the site into compliance with the Mesa Zoning Ordinance.
- D. 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 and the Gateway Strategic General Plan by promoting a unique agricultural entertainment experience.
- E. Planning staff does not anticipate any injury or detriment to the neighborhood or City of Mesa.
- F. Public services, facilities and infrastructure are available for the proposed 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:

The proposed special events conform 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 SUP outlined in Section 11-70-5 of the MZO; Therefore, staff recommends approval of the request with the following conditions:

Conditions of Approval:

1. Compliance with the event's site plans and operation plans as submitted in the Vertuccio Farms Special Use Permit Narrative dated 8/28/19, except as modified by the conditions below.
2. Compliance with all requirements of the Development Services Department in the issuance of building permits.
3. Prior to operations, the applicant must obtain a Special Event License for the Fall Festival and the Holiday Festival through the City of Mesa License Department.
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 automatically expire on January 12, 2020 and be of no further force and effect.