



Date: September 20, 2023
To: Planning and Zoning Board
From: Mary Kopaskie-Brown, Planning Director
Through: Nana Appiah, Development Services Director
Subject: Mesa Zoning Ordinance text amendment (**Site Plan Modifications**)- Proposed amendments to Chapter 69 of Title 11 of the Mesa City Code

RECOMMENDATION:

Staff recommends that the Planning and Zoning Board provide a recommendation that the City Council adopt the proposed Mesa Zoning Ordinance text amendments.

PURPOSE:

City staff is recommending certain changes to the Mesa Zoning Ordinance (MZO) as they pertain to Site Plan Modifications.

The proposed changes:

- (1) Clarify and clean-up the language regarding the criteria to determine whether a Site Plan Modification is minor;
- (2) Revise the Site Plan Modification procedures to provide that a modification to a site plan that was initially approved administratively by the Planning Director or designee is a minor Site Plan Modification that will (under most circumstances) also be reviewed and approved administratively by the Planning Director or designee; and
- (2) Remove duplicative information and modify language for clarity.

Details of the proposed text changes are attached to this report as Exhibit 1 (Site Plan Modification Text Amendment Ordinance).

BACKGROUND:

On December 1, 2020, City Council adopted amendments to Chapter 69 of the Zoning Ordinance (2020 Amendments) pertaining to the City's Site Plan Review process (Ordinance 5591). The 2020 Amendments authorized the administrative approval by the Planning Director of Initial Site Plans for uses allowed in the zoning districts when no modifications to the City's development standards were proposed. The 2020 Amendments also established criteria and procedures for Major and Minor Site Plan Modifications.

The 2020 Amendments provided an administrative review for Minor Modifications to Site Plans and clarified that more significant and substantive modifications were required to go through a public hearing process through the Planning and Zoning Board and/or the City Council. Since

adoption of the 2020 Amendments, Staff has found that a simpler and more streamlined process for the approval of certain minor Site Plan Modifications is appropriate. Specifically, Staff is recommending that if an Initial Site Plan was approved administratively by the Planning Director or designee, that a modification to that site plan also be reviewed and approved administratively by the Planning Director or designee. The proposed changes would classify these Site Plan Modifications as minor, and they would not be subject to a public hearing and review process unless the Site Plan Modification is associated with a City Council action such as a rezone. In those cases, the Site Plan Modification would still be subject to City Council review and approval.

Staff is recommending amendments so that the Planning Director may approve modifications to Initial Site Plans that were originally approved by the Planning Director.

SUMMARY OF THE AMENDMENTS AND EXPLANATION:

1) Clarify and clean-up the language regarding the criteria to determine whether a Site Plan Modification is minor.

Discussion:

Section 11-69-7(A) of the MZO provides a set of criteria for determining if a modification to a site plan is minor. There is ambiguity in the criteria for Minor Site Plan Modifications. The proposed amendments would reorganize and clarify criteria related to dimensional changes and compliance with City Plans and policies. The substantive criteria would remain the same.

Staff Recommendation:

Staff recommends that the Section clarify that, in order to be minor, the proposed modification 1) must meet at least one of four criteria pertaining to dimensional changes to the site plan; and 2) must adhere to an additional six criteria that address compliance with the General Plan, compliance with conditions of approval, and consistency with original purpose and intent of the approved Site Plan.

2) Revise the Site Plan Modification procedures to provide that a modification to a site plan that was initially approved administratively by the Planning Director or designee is a minor Site Plan Modification that will (under most circumstances) also be reviewed and approved administratively by the Planning Director or designee.

Discussion:

In Section 11-69-7(A) of the MZO, Minor Site Plan Modifications do not require review through the public hearing process and may be administratively reviewed and approved by the Planning Director or designee. The proposed change would specifically provide that the Planning Director or designee could review and approve modifications to a site plan that was administratively approved by the Planning Director or designee. The proposed change would classify such Site Plan Modifications as minor and therefore not subject to a public hearing process under most circumstances. Certain Site Plan Modifications to site plans originally approved by the Planning Director or designee would still be subject to City Council review and approval, such as Site Plan Modifications associated with another City Council action like a rezone.

Staff Recommendation:

Staff recommends additional language to classify a modification to a site plan that was administratively approved by the Planning Director or designee as a “minor” Site Plan Modification.

3) *Remove duplicative information and modify language for clarity.*

Discussion:

Modifications are proposed to Section 11-69-7 (MZO) including editorial changes to remove duplicative information and provide clarity in the regulations.

Staff Recommendation:

Staff recommends additional language to modify Section 11-69-7 (MZO) to clarify the language and remove duplications.

ATTACHMENTS:

Exhibit 1 – Site Plan Modification Text Amendment Ordinance