



City Council Staff Report

Date: October 2, 2023
To: City Council
Through: Natalie Lewis, Deputy City Manager
Nana Appiah, PhD, AICP, Development Services Director
Mary Kopaskie-Brown, AICP, OPPI, CIP, Planning Director
From: Rachel Nettles, Assistant Planning Director
Subject: Mesa Zoning Ordinance text amendment (**Site Plan Modifications**) - Proposed amendments to Chapter 69 of Title 11 of the Mesa City Code

PURPOSE AND BACKGROUND:

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

The 2020 Amendments also included an administrative review for Minor Modifications to Site Plans when there are no significant and substantive modifications to approved site plan that requires a public hearing process through the Planning and Zoning Board and/or the City Council. Since adoption of the 2020 Amendments, and in various discussions with city staff and the development community, Staff has identified an ambiguity in the Mesa Zoning Ordinance (MZO) that requires clarification in the site plan review process. Specifically, the MZO is unclear that modifications to initial site plans reviewed and approved by the Planning Directors can be approved through the same administrative process, unless the Planning Director determine to refer such approval to the Planning and Zoning Board. Staff has also identified the need to specifically clarify certain changes to approve site plans that could be determined as a minor change and remove any ambiguity to such a process.

The main purpose of this text amendments is to clarify that if an Initial Site Plan was approved administratively by the Planning Director or designee, then any modification to that site plan also be reviewed and approved administratively by the Planning Director or designee. If the modification requires deviations or a rezoning, the Modification would be subject to City Council review and approval. Below is the summary of proposed text amendments and discussions.

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.

Section 11-69-7(A) of the MZO provides a set of criteria for determining if a modification to a site plan is minor. 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 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.

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 include a text 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, however, may still be subject to City Council review and approval, such as Site Plan Modifications associated with another City Council action like a rezone.

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.

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

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

RECOMMENDATION:

Staff recommends adoption of an Ordinance to amend the Mesa Zoning Ordinance as identified in this staff report and Exhibit 1 - Site Plan Modification Text Amendment Ordinance.

PLANNING AND ZONING BOARD RECOMMENDATION:

Planning and Zoning Board recommends adoption (Vote: 5-0).

ATTACHMENTS:

Exhibit 1 – Site Plan Modification Text Amendment Ordinance

Exhibit 2 – Site Plan Modification P&Z Staff Report

Exhibit 3 – P&Z Meeting Minutes