



Date: November 16, 2020  
 To: City Council  
 From: Rachel Prelog, Senior Planner  
 Through: Kari Kent, Assistant City Manager, Christine Zielonka, Development Services Director, Nana Appiah, Planning Director  
 Subject: Mesa Zoning Ordinance text amendment (**Site Plan Review Text Amendments**)-  
 Proposed amendments to Chapter 67: Common Procedures, Chapter 69: Site Plan Review, Chapter 76: Amendments to Zoning Map, and Chapter 87: Definitions

### **PURPOSE AND RECOMMENDATION:**

The Planning Division, over the past year, has been evaluating the City's land use implementation tools and through this process is recommending text amendments to the City's Zoning Ordinance to allow certain administrative site plan reviews and approval. Specifically, staff is requesting administrative site plan review and approval for proposed uses that are permitted in their respective zoning districts and the request does not include modifications to any of the City's development standards. Overall, the proposed changes are to aid the Planning Division's efforts to streamline the City's development review process, create and facilitate the orderly and timely review of development applications, and ensure a higher level of predictability and efficiency in the City's land use review process.

Details of the proposed text changes are attached to this report as Exhibit 1 (i.e. Site Plan Review Amendments) and Exhibit 2 (i.e. Chapter 69 Repeal and Replace). The specific affected chapters are Chapter 67: Common Procedures, Chapter 69: Site Plan Review, Chapter 76: Amendments to Zoning Map, and Chapter 87: Definitions of the Mesa Zoning Ordinance (MZO). The proposed changes: (1) Create an administrative site plan review process; (2) Specify major and minor site plan review modification criteria; (3) Create administrative site plan review public notification requirements; (4) Refine site plan expiration provisions; and (5) Provide new definitions for the site plan review process.

### **BACKGROUND AND DISCUSSION:**

Site plan review is the process by which land use development plans or proposals are reviewed for compliance with the City's General Plan, Zoning Ordinance, design guidelines, engineering standards, and all other applicable City codes and regulations. The site plan specifically guides the physical development and layout of a property, including the placement of buildings, sidewalks, parking spaces and drive aisles, and landscaping among other elements.

During the site plan review process, development plans are initially reviewed by City Staff to ensure compliance with all applicable local and state regulations. After staff completes their review and all comments are resolved with the applicant, the project is then scheduled for a Planning and Zoning Board hearing and consideration. Occasionally, the City Council also reviews site plans if the development request includes a rezoning of the property or an overlay district such as a Planned Area Development. For site plans that do not include any modifications to the City's development

standards, the Planning and Zoning Board is typically the final approving body. Both the Planning and Zoning Board and the occasional City Council review of the site plan include requirements for public notification, such as, posting signs on the property, mailing letters to property owners within a certain radius of the development proposal, and advertising the hearing in a newspaper of general circulations in the County.

Typically, site plan reviews for development proposals that do not include modifications to the City's land use and zoning regulations are straightforward and rarely generate any discussions during the Planning and Zoning Board hearings. This is because projects are seldom scheduled before the Planning and Zoning Board unless they conform to all requirements in the City's Zoning Ordinance and other applicable development regulations such as engineering, solid waste, and transportation standards.

Over the past year, City staff, the development community, the Planning and Zoning Board, and other stakeholders have discussed ways to improve the City's site plan review processes. Specifically, reducing the review time without compromising the objectives and goals of the site plan review process. With these efforts, City staff researched best practices from various municipalities and found a number of cities in the state and nationwide have administrative site plan reviews which has helped such jurisdictions to streamline their review processes. Specifically, affording such jurisdictions a certain level of consistency and predictability, as well as removed unnecessary bottlenecks in the review process. Administrative site plan reviews has also helped the jurisdictions to substantially reduce their review timelines. These findings form the basis for staffs' recommendation for the City to adopt an administrative site plan review procedure to provide more efficient services and a streamlined land use review process.

## **SUMMARY OF THE AMENDMENTS AND EXPLANATION:**

### ***1) Create an administrative site plan review process:***

Staff is recommending administrative review and approval of certain site plans. To qualify for administrative site plan review, the project must: (1) Comply with all applicable Mesa Zoning Ordinance (MZO) requirements and any adopted sub-area plans; (2) Comply with all conditions of approval or stipulations on the property; (3) The application must not require a Rezone, Planned Area Development Overlay (PAD), Council Use Permit (CUP), Bonus Intensity Overlay Zone (BIZ), Development Incentive Permit (DIP), or Special Use Permit (SUP); (4) The proposed development associated with the site plan must not require a public hearing under this Ordinance or state statute; and (5) The proposed development must not have an adverse impact on adjacent properties.

### ***2) Specify major and minor site plan modification criteria:***

Chapter 67 and Chapter 69 of the MZO establish the criteria for minor and major site plan modifications. Currently, Section 11-67-10 and Section 11-69-6 of the MZO allow the Planning Director to administratively approve minor dimensional modifications to approved plans that are consistent with the original findings and conditions of approval of a project. Sections 11-67-10 and 11-69-6 of the MZO also allows the Planning Director to determine if a development request falls outside the parameters of a minor amendment and deem such projects as major amendments, requiring the review and consideration through the original review and approval process.

Staff is recommending revisions to Chapters 67 and 69 to provide specific criteria for minor and major site plan modifications. With the proposed amendment, site plan modification may be considered minor site plan modifications and reviewed and approved by the Planning Director if the proposed modifications meet the following criteria: (1) A change to the design that does not deviate from any applicable design review requirements or adopted design guidelines; (2) A change in landscape area or open space area that is less than 10% of the approved plan and also not greater than 2.5 acres; (3) A change in the total building footprint that is 10% or less of the approved plans, and not exceeding a maximum of 5,000 square feet; and (4) A minimal adjustment to the building footprint, location, or orientation, a pad location, the configuration of a parking lot or drive aisles, project amenities, residential density; or an approved phasing plan.

Site Plan Modifications that do not meet the criteria for minor Site Plan Modifications discussed above, that modify the original conditions of approval of a project, or accompany another land use request that requires a public hearing, such as a Rezone, Planned Area Development Overlay (PAD), Council Use Permit (CUP), etc. are considered major amendments and will require Planning and Zoning Board or City Council review and action.

### ***3) Create administrative site plan review public notification requirements:***

In order to provide transparency and opportunities for citizen participation in the land use review process, Staff is also recommending a requirement for public notification of administrative site plan reviews. The notification process will require applicants to provide written notice to property owners within a 500-foot radius of the property under review. This is similar to the standard notification for land use applications that require a public hearing. In addition, the Planning Division may require an applicant to extend the notification area if the property is isolated from nearby property owners but perceived to impact the larger community outside the immediate and required notification area.

The notification process will require applicants to send the notification within a 15-day time period after the site plan application has been accepted by the Division and deemed as complete. The public will then have 10 days to provide comment to the applicant and/or City Staff. In situations where the City receives substantial opposition or feedback, the Planning Division will then have the authority to refer the case to the Planning and Zoning Board to be reviewed through a public hearing process and consideration.

### ***4) Refine site plan expiration provisions:***

Staff is recommending revisions to Section 11-69-9 of the MZO. Specifically, requirement for the effective date and validity of site plans. Currently, Section 11-69-9 of the MZO, states that all site plans are expired and of no force if not executed within two years of the date of approval. The recommended text amendments specify that the two-year effective period pertains only to Initial Site Plans and major Site Plan Modifications. Approval of a minor Site Plan Modification does not reset the site plan's effective date or extend the approval timeframe. Rather, the effective date for minor Site Plan Modifications follows the two-year time frame from the time the Initial Site Plan was approved.

**5) *Provide new definitions related to the site plan review process:***

The following definitions for “New Application,” “Initial Site Plan Review,” “Site Plan Review,” and “Administrative Site Plan Review” have been added to Chapter 87: Definitions, of the MZO.

**New Application:** A “New Application” or the phrase “subject to a new application” means the proposed development, modification to an approved permit, plan or approval, or other request or approval sought requires the applicant to start the review and approval process from the beginning, in accordance with the applicable processes in this ordinance, and have the request approved by the appropriate decision-making body, as determined by the Planning Director. By way of example, a request to modify an approved variance would require an application for a new variance.

**Initial Site Plan:** A site plan for a property, or a portion thereof, that does not have a previously approved site plan, or the approved site plan has expired.

**Site Plan Review:** The process in which the City reviews a site plan which includes both an initial site plan and a site plan modification. In certain contexts, the term clearly applies only to initial site plan reviews and in other context only to site plan modifications.

**Administrative Site Plan:** A site plan for a property, or a portion thereof, that may be reviewed administratively and approved by the Planning Director.

**RECOMMENDATION**

After thorough evaluation of current processes and research of best practices from other jurisdictions, staff is recommending approval of the proposed amendments to the Mesa Zoning Ordinance.