



Date: May 12, 2021
To: Planning and Zoning Board
From: Rachel Prelog, Principal Planner
Through: Nana Appiah, Planning Director
Subject: Mesa Zoning Ordinance text amendment (**Correctional Transitional Housing Facilities and Administrative Use Permit Amendments**)- Proposed amendments to Chapter 31: Standards for Specific Uses and Activities and Chapter 70: Conditional Use Permits

PURPOSE AND BACKGROUND:

In a continued effort to streamline the administration of the City's General Plan and development regulations, the Planning Division staff is recommending certain text amendments to the Mesa Zoning Ordinance relating to correctional transitional housing facilities standards and criteria for approval of administrative use permit. Specifically, the proposed text amendments are: (1) Modification to the spacing requirements for correctional transitional housing facilities; (2) Addition of a City registration and renewal process for correctional transitional housing facilities; and (3) Addition of specific approval criteria for Administrative Use Permits.

SUMMARY OF THE AMENDMENTS AND EXPLANATION:

1) Modification to the spacing requirements for correctional transitional housing facilities (Section 11-31-12)

In conjunction with the proposed community residence text amendments, Section 11-31-12 of the Mesa Zoning Ordinance (MZO) is being amended to include a separation distance requirement of 1,200 feet for correctional transitional housing facilities from any community residence or assisted living facility. The purpose for such a separation requirement is to support the City's interest of protecting the welfare of people residing in community residences and ensuring the location of the facilities will not create a "de facto social service district" that may interfere with the integration of people with disabilities into the surrounding community.

2) Addition of a City registration and renewal process for correctional transitional housing facilities (Section 11-31-12)

The text amendments to this section of the MZO also include a registration requirement for correctional transitional housing facilities. Currently, correctional transitional housing facilities are not required to register with the City. As part of the on-going text amendments to the City's requirements for community residence which includes establishing certain standards for CTHF, the City would be requiring annual registration facilities in conjunction with receiving approval of a Council Use Permit for the use. The registration of these facilities will assist the City in keeping up-to date records of the CFHF facilities, as well as effective administration of compliance to the

required separation standards for such uses. The annual registration will also ensure the City have current information of all locations for CTHF to help in reviewing request for new facilities.

3) Addition of approval criteria for Administrative Use Permits.

Chapter 70 of the MZO, outline the general requirements for granting a Conditional Use Permit. Conditional Use Permits include Administrative Use Permits (AUP), Temporary Use Permits, Special Use Permits, and Council Use Permits.

Conditional Use Permits are applicable to uses that require special consideration to ensure the designed, location, and operation of such uses are in conformance with or not detrimental to surrounding uses. Currently, Section 11-70-3, pertaining to AUPs, do not include specific criteria for approval of such permits. To better evaluate such proposed uses, staff is recommending the inclusion of specific approval criteria for AUPs. This criteria is similar to other Conditional Use Permits criteria as described below.

An AUP will be granted only if the Planning Director determines that the project conforms to all of the following criteria:

- a) The proposed project will advance the goals and objectives of and is consistent with the purposes and policies of the general plan and any other applicable city plan, or policies;
- b) 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;
- c) 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
- d) Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

RECOMMENDATION

Staff is recommending approval of the proposed amendments to the Mesa Zoning Ordinance.