

RESOLUTION NO. 12522

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN WS HOLDINGS I, LLC AND THE CITY OF MESA FOR PROPERTY LOCATED APPROXIMATELY 280 FEET EAST OF THE NORTHEAST CORNER OF SOUTH SIGNAL BUTTE ROAD AND EAST SOUTHERN AVENUE.

Whereas, WS Holdings I, LLC (“Owner”) owns approximately 5.9 +/- acres of property located approximately 280 feet east of the northeast corner of South Signal Butte Road and East Southern Avenue as legally described in Exhibit A to the development agreement (“Property”).

Whereas, the Property is currently zoned Limited Commercial (“LC”), with a previously approved development plan depicting a major tenant or grocery store on the Property. Owner desires to use a portion of the Property as a Minor Automotive/Vehicle Service and Repair facility (as defined in Title 11 of the Mesa City Code (“Zoning Ordinance”), Chapter 86), and has submitted an application in Zoning Case ZON25-00256 for a Major Site Plan Modification; a rezoning action that would amend certain conditions of Ordinance No. 3884, and, if approved, permit the planned Minor Automotive/Vehicle Service and Repair facility.

Whereas, Arizona Revised Statute § 9-500.05 authorizes the City to enter into a development agreement with any person or entity having an interest in real property in Mesa providing for development rights and restrictions thereon so long as the development agreement is consistent with the City’s general plan or specific plan, if any, applicable to the property on the date the development agreement is executed. The City’s adopted General Plan contemplates the use of development agreements in conjunction with rezonings to further ensure consistency with the General Plan.

Whereas, to that end, Owner has agreed, as an element of the above-named rezoning, to limit certain land uses that otherwise may be permitted in the LC zoning district or may be permitted on the Property in the future, to further facilitate high-quality development and compatibility with the General Plan and neighboring development.

Whereas, City and Owner desire to enter into a development agreement for the primary purpose of limiting the land uses and activities permitted on the Property (“Development Agreement”).

Whereas, City Council hereby determines it is appropriate to enter into the Development Agreement as contemplated herein.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA:

Section 1: The Development Agreement is approved and the City Manager, or their designee, is authorized and directed to enter into the Development Agreement, together with all other documents and amendments thereto that are necessary to carry out the provisions of the Development Agreement.

Section 2: The City Manager, or their designee, is authorized to make any modifications and amendments to the terms set forth in the Development Agreement, so long as such modifications do

not materially alter the overall structure of the agreement as it was presented to the City Council.

Section 3: The City Clerk is authorized and directed to attest to the signature of the City Manager, or their designee, on all documents set forth in section 1 and section 2.

Passed and adopted by the City Council of the City of Mesa on May 18, 2026.

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Mark Freeman, Mayor

ATTEST:

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Holly Moseley, City Clerk