

RESOLUTION NO. 12459

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING A COUNCIL USE PERMIT FOR CERTAIN PROPERTY DESCRIBED IN ZONING CASE ZON25-00598. APPROXIMATELY 1,300 FEET WEST OF THE NORTHWEST CORNER OF EAST PECOS ROAD AND SOUTH SIGNAL BUTTE ROAD. (71.3± ACRES). THIS REQUEST WILL ALLOW FOR A COUNCIL USE PERMIT TO ALLOW FOR A MAJOR UTILITY TO SUPPORT A PREVIOUSLY APPROVED DATA CENTER.

WHEREAS a Council Use Permit is issued by the City Council after review and recommendation by the Planning and Zoning Board.

WHEREAS, the City Council determines that the project conforms to all of the review criteria for a Council Use Permit in the City Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: The Council Use Permit to allow for the development of a Major Utility within approximately 1,300 feet west of the northwest corner of East Pecos Road and South Signal Butte Road is hereby approved subject to compliance with the following conditions:

1. Compliance with the final site plan submitted.
2. Compliance with all requirements of Design Review Case No. DRB24-00018.
3. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication, whichever comes first.
4. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - i. Owner must execute the City's standard Avigation Easement and Release for Phoenix-Mesa Gateway Airport prior to or concurrently with the recordation of the final subdivision map or the issuance of a building permit, whichever occurs first.
 - ii. Due to the proximity to Phoenix-Mesa Gateway Airport, any proposed permanent, or temporary structure, as required by the FAA, is subject to an FAA filing, for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. A completed form with a response by the FAA must accompany any building permit application for structure(s) on the property.
 - iii. Provide written notice to future property owners that the project is within two miles of Phoenix-Mesa Gateway Airport.
 - iv. Prior to issuance of any building permit, provide documentation by a registered professional engineer or registered professional architect demonstrating compliance with the noise level reductions required in Section 11-19-5 of the Mesa Zoning Ordinance.

- v. All final subdivision plats must include a disclosure notice in accordance with Section 11-19-5(C) of the Zoning Ordinance which must state in part: “This property, due to its proximity to the Phoenix-Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals.”

5. Compliance with all City development codes and regulations.
6. Compliance with all City Drainage requirements, with allowances for modifications as approved by the City and specified in a City approved Grading and Drainage Plan.
7. Prior to issuance of a building permit, obtain approval of and record a final drainage agreement to address the drainage channel.
8. Installation of all off-site improvements and street frontage landscaping during the first phase of construction.
9. Prior to submitting a building permit application, obtain administrative approval for screening of the proposed substation, consistent with the requirements of MZO Section 11-30-9.

Section 2: The various City officers and employees are hereby authorized and directed to perform all acts necessary to give effect to this resolution.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona this 8th day of December, 2025.

APPROVED:

Mayor

ATTEST:

City Clerk