

## Cassidy Welch

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**From:** Cassidy Welch  
**Sent:** Wednesday, July 20, 2022 12:33 PM  
**To:** Cassidy Welch  
**Subject:** FW: P&Z Cases related to AT Still University

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**From:** Joel Sannes <[jes@udallshumway.com](mailto:jes@udallshumway.com)>  
**Sent:** Monday, July 11, 2022 3:56 PM  
**To:** Nana Appiah <[nana.appiah@mesaaz.gov](mailto:nana.appiah@mesaaz.gov)>  
**Subject:** RE: P&Z Cases related to AT Still University

Mr. Appiah,

My client, AT Still University, opposes Hines' request to the City to re-zone the property near Baseline and Recker roads, zoning case ZON22-00263, from current zoning as PEP/CUP to LI-PAD and PEP-PAD.

My understanding is that AT Still first became aware of the proposed zoning change in May of 2022 when it received notice of a neighborhood meeting that it attended on May 12<sup>th</sup>. AT Still's opposition to the rezoning is based on the neighborhood meeting, but especially the materials provided in advance of the July 12 Design Review Board ("DRB") hearing.

The submittal to DRB included the site plan for the proposed development. There are eight planned buildings. Three of the buildings have 43 truck docking stalls each, four have 19, and one has 15, for a total of 220 truck docking stalls. Each building has two planned "drive-in" truck docks, for a total of 16. Each building has ostensible "office space," but the office space is limited to 10% of under-roof coverage for each building.

We would question whether the proposed design would satisfy the criteria for the requested, revised zoning to LI and PEP. The project is divided into two parts for the rezoning request, with the three buildings proposed on the north portion of the property being light industrial and the five buildings to the south portion being PEP. Except for the sizes of the buildings, the development calls for the same use on both halves of the development. The southern portion does not meet the criteria for PEP, which is "[t]o provide areas where professional and medical office parks, research and development facilities, light manufacturing, and data and information processing centers are integrated in a campus setting with ancillary restaurants, retail and other supportive establishments." Code, 11-7-1(B)(1). Light Industrial is for "limited manufacturing and processing, wholesaling, research, warehousing, and distribution activities." Code, 11-7-1(B)(2). Here, the proposed development appears to be a large-volume distribution facility, not "limited . . . distribution."

Regardless of whether the development would satisfy the requirements for the proposed zoning change, AT Still opposes the rezoning. The area of the proposed development is in a Specialty District for Educational and Medical Campuses, as those terms are defined in the Mesa 2040 General Plan. The City Council and Mesa voters approved the General Plan in 2014. The General Plan specifically references AT Still University as a pioneering higher education provider that located a campus in Mesa. Attracting and supporting higher education institutions was part the City's 2010 "strategic vision." Specialty Districts are designed for "large, single uses" according to the General Plan. Development in Specialty Districts should "maintain a campus feel and connection between buildings." Zoning decisions in Specialty Districts should "maintain and enhance the nature of the particular special district." The property that is the subject of Hines' proposed rezoning is owned by "VHS Acquisitions," which is a subsidiary of Abrazo Health, which presumably also purchased property in the area for the purposes of development consistent with the Specialty District zoning.

The proposed development is inconsistent with the Specialty District designation in the General Plan. The proposed use is neither educational nor medical. The proposed design is not consistent with the design of the area immediate to the east, which includes the AT Still campus and the YMCA. The AT Still campus, including the YMCA, which leases the land from AT Still, have buildings set apart by open space and greenspace. The proposed development has no space between buildings except to accommodate the driveways to access the truck docks. The parking areas are campus-style parking in the existing use, but the proposed development will have parking immediately in front of the buildings. Although there are nearby uses that are not consistent with the Educational and Medical Specialty District, it appears that most, or all, of the developments were built before the General Plan was adopted in 2014. For example, the UPS distribution center to the west appears to have been approved in 2003.

This development would be a trucking and logistics center in the middle of an educational campus, near medical campuses. The development directs truck traffic on local roads that pass through high occupancy residential and other residential areas before getting to Higley or Baseline Roads. The two roads leading to Baseline or Higley, Sunview and Inverness are two-lane roads. The proposed development would extend Sunview from its cul-de-sac termination point on the west boundary of the AT Still campus in front of the YMCA, for truck traffic to pass directly adjacent to the AT Still campus to connect to Baseline. Trucks passing westward through to Higley along Inverness would pass by the San Angelin and Inverness Commons apartments, high-density residential areas.

AT Still made a significant commitment when it located its campus in the area. The City made a commitment in its General Plan to preserve this area long-term for educational and medical campuses. Because the proposed development is inconsistent with the General Plan, and for the other reasons stated, AT Still urges the Planning and Zoning department to recommend denial of the rezoning application.

**Joel Sannes**

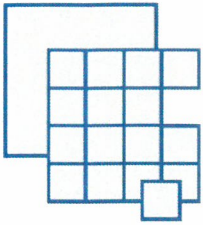


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October 11, 2022

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Dear Cassidy:

We appreciated AT Still agreeing to work with the property owner and developer concerning a compromise for the development of the Baseline Business Park. We have made changes to the site plan as a direct result of the suggestions from AT Still in an effort to work with the adjacent property owner. Below we have outlined the changes we have made at the request of AT Still, as well as explained why some are unreasonable to expect us to accommodate.

1. The current design has five buildings where there is no open space between the buildings except for truck lanes and shipping docks. The buildings should have green space between them to create a more open environment so that the development is not monolithic edge-to-edge concrete. Although it will not be entirely consistent with the ATSU campus and other buildings like the YMCA building, the Steward Emergency Hospital and the Encompass Health Rehabilitation Hospital, separating the buildings with green space between the buildings will be more consistent with existing property uses in the area than the current design.

Response: We appreciate the desire of AT Still to encourage open space and large landscape tracts throughout the development. In reference to "five buildings where there is not open space", we wish to point out that Hines worked extensively with the City of Mesa Planning and Economic Development Staff to design the site with substantial amounts of open space particularly along the roadway frontages and the intersection corners which are most visible. Most of the frontages well exceed the landscaping standards required along street frontages to screen the business park buildings; additionally, our site plan is designed such that the truck courts are strategically placed in the center with the drive aisles screened from public view by landscaping, landscape screen walls, and well designed, architecturally interesting buildings. This has resulted in a plan with over 24% open space. In reference to the plan with "five buildings," this portion of the plan has an even greater amount of open space and recreational business park campus feel with a large common area at the southeast corner which includes a basketball court. Great effort has been made to extensively landscape these areas of open space with enhanced landscaping and theme signage at the main entrance corner to the business park.

2. The proximity of the buildings on the eastern property line creates an imposing line between the development and the ATSU and the YMCA. It should be set considerably farther back from the eastern property line.

Response: We appreciate the concern expressed by AT Still in regard to the eastern property line. In response to this request, Hines has modified the site plan to incorporate a robust 50-foot landscape buffer along this eastern edge adjacent to the YMCA. This landscape buffer will be 5 times wider than the landscape buffer of the existing UPS facility to our immediate west property line and is 150% larger than originally proposed. This landscape area will be densely landscaped with a variety of screening trees and shrubs. We will be able to provide an effective landscape buffer/ screening, ideally with a staggered double row of trees, where each row is 30 feet on center spacing. Effectively doubling the quantity of trees along the eastern property line due to the extent of buffer Hines is adding in response to AT Still's concerns. We are proposing a variety of tree species to break up the large area and to add season color and interest. Many of the trees and shrubs will be taken from the existing landscape palette that exists with the AT Still and YMCA development.

3. The number of truck docking stations should be reduced. The applicant and your office have indicated that the development is not designed or intended to be used as a distribution center. If that is the case, there is no need for 220 truck docks and 16 drive-through docks. It is not conceivable that there will be 220 tenants in the facility each with its own dock. It is unlikely there will be 110 tenants or even 55 tenants, especially given that the current proposed design has a total of ten office areas that together are only ten percent of the buildings. If the development is intended to be light industrial with tenants having the ability to receive materials and ship goods as they are fabricated, the number of docking stations should be more equal to each tenant having one shipping and one receiving dock. If the number of docks is not reduced to be consistent with what the applicant has proposed, function will follow form. Whether intended to or not, a development that is designed as a high-volume distribution center will be used as a high-volume distribution center.

Response: Hines is working with the City of Mesa to limit high volume distribution center users on the property through the PAD and a Development Agreement. The docks for the facility are an internal operations and business layout issue and could significantly impact the functionality of potential businesses and manufacturing and spacing layout. The greater the flexibility in the layout translates into a more successful ongoing business park. It is important to note that the number of dock doors has no correlation to or basis on the truck traffic or trips generated as a result of this development.

4. The current design has no amenities or services that can be accessed by neighboring property users. A mixed-use development with light industrial that also has space for restaurants, nightclubs or music venues would be more beneficial to the students and faculty at the University and to the neighboring properties. As we have noted, we fundamentally disagree with the applicant's message that its proposed use of the area is the only viable use. VHS Acquisitions has determined that the uses planned for the special zoning district are no longer its plans for the property, so it has sold and is attempting to sell its properties (including the property that is the subject of the Millenium Springs property, the property where the emergency hospital is located, property just south of the University that A.T. Still purchased from VHS Acquisitions, and, if the rezoning is approved, the subject property). A reasonable compromise would allow for some light industrial use on the 49-acre site that also incorporates uses that are accessible to the neighboring property owners.

Response: We certainly appreciate AT Still's desire to have amenities or services for the university students to attend ie restaurants, nightclubs or music venues, however, Hines has determined that given the limited visibility to the arterial roadway network on Baseline Road,

a mid-block commercial development with no frontage or visibility from an arterial is not viable. Hines is currently working with many tenants who are looking for space in the valley and would like to attract them to this location. Many of these users are medical related and, while may not be a nightclub, they are potential employment opportunities for students and graduates of AT Still. Examples of these tenants include Stryker, Anovo, Concordance, Genoa, MAKstride, Mitsubishi Chemical, and Preferred Homecare. We are hopeful to attract many of these types of tenants and tenants of similar caliber upon the successful development of the proposed plan.

5. The City should require that semi-truck traffic enters and exits the property to and from the west.

Response: Agreed. The site plan has been thoughtfully revised to reflect end to end (i.e., dead end) cul de sacs which will force all truck traffic to the west towards the Higley Road freeway entrance and exit. Access to the freeway will be significantly better accessing the site from the west. The alignment and functionality of Sunview as AT Still and YMCA know and use it today will remain unchanged due to the changes Hines is making in an effort to reasonably accommodate the concerns raised by AT Still.

6. We would also repeat our suggestion that your office request a tailored traffic study. Architects design the number of truck docks for a facility based on deliveries and arrivals. It is fair to conclude that the applicant plans more deliveries and shipments than would be typical for facilities that only manufacture goods to order. The Institute for Traffic Engineers publishes a "Trip Generation Manual" that is updated in regular editions that provides information to correlate traffic usage with delivery and shipment capacity. As we have noted in our meetings, we have requested a traffic study from the applicant, but the applicant has indicated that Mesa does not require a traffic study because the amount of traffic is a presumed number based on the zoning criteria. Respectfully, the applicant's design is not typical of a light industrial use given the extraordinary capacity in the current design for truck docks and so Building Services should request that the applicant give more detail about possible traffic impacts on the neighboring property users.

Response: The developer has worked with the City of Mesa transportation department, and it has been determined by the city that there is sufficient capacity on the public roadway network for this development. In addition, Hines has contracted a private traffic engineer to evaluate this issue further at the direct request of AT Still. This traffic evaluation will be submitted to the city.

Sincerely,



Sean B. Lake  
PEW & LAKE, PLC

Enclosures