

## RESOLUTION NO. 12207

A RESOLUTION OF THE COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH ELLSWORTH LAND LP

WHEREAS, Ellsworth Land LP (“Owner”) desires to construct certain improvements related to approximately 7.5 acres of real property within the 3400 block of South Ellsworth Road (west side), and within the 9000 to 9100 blocks of East Peterson Avenue (south side), generally located north of Elliot Road on the west side of Ellsworth Road, and consisting of APN 304-03-846L (“Property”).

WHEREAS, through zoning case ZON23-00174, Owner requested to modify the current zoning on the Property from Planned Employment Park with two Planned Area Development Overlays (PEP-PAD-PAD) and Limited Commercial with two Planned Area Development overlays (LC-PAD-PAD) to Limited Commercial (LC).

WHEREAS, per the Mesa 2040 General Plan (“Plan”), the Property is located in the Mixed Use Activity District character type with a Community Scale District sub-type. Limited Commercial (LC) is a primary zoning district permitted in the Mixed Use Activity District-Community Scale District sub-type and is consistent with the Plan.

WHEREAS, the Plan contemplates the use of development agreements to restrict permitted land uses on a property or within a proposed development for, among other reasons, compatibility with neighboring development and suitability with the character type and intended character traits; to that end, Owner has agreed, and City is requiring Owner, to, as a condition to the rezoning of the Property, enter into a development agreement with the City (“Development Agreement”) to prohibit or restrict certain uses that are allowed in the proposed Limited Commercial (LC) zoning district to further facilitate compatibility with the Mixed Use Activity District-Community Scale District sub-type and surrounding development.

WHEREAS, it is in the best interest of the City to encourage and promote development because development, in turn, stimulates economic activity throughout the City which improves and enhances the economic welfare of the City’s citizens, generates taxes, and provides other benefits for the City.

WHEREAS, Arizona Revised Statutes (“A.R.S.”) § 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 the permitted uses of such property and certain other 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.

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

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

Section 1: That the City Manager, or his designee, is authorized and directed to enter into the Development Agreement related to the Property, together with all other documents and amendments thereto, necessary to carry out the provisions of such agreement.

Section 2: That the City Manager, or his 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 Development Agreement as it was presented to the City Council.

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

PASSED AND ADOPTED by the Council of the City of Mesa, Maricopa County, Arizona this 20th day of May, 2024.

APPROVED:

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John Giles, Mayor

ATTEST:

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Holly Moseley, City Clerk