



Date: April 3, 2023

To: City Council

Through: Natalie Lewis, Deputy City Manager

From: Nana Appiah, Development Services Department Director
Mary Kopaskie-Brown, Planning Director
Beth Hughes-Ornelas, Deputy Director Development Services

Subject: DA23-00007 – A Resolution approving and authorizing the City Manager to enter into a Development Agreement relating to the development project commonly known as “Legacy Gateway Hotels” that will be located approximately within the 9600 to 9900 blocks of East Williams Field Road.
City Council District 6

PURPOSE AND RECCOMENDATION:

Consider the approval of the Development Agreement related to the Legacy Gateway Hotels project. The Development Agreement is designed primarily to prohibit certain uses/activities on the property.

Staff recommends approval of the resolution to authorize the City Manager to enter into the Development Agreement.

BACKGROUND:

The subject property site is approximately 10.7± acres located on the north side of Williams Field Road west of State Route 24 Gateway Freeway within the 9600 to 9900 blocks of East Williams Field Road and is currently vacant (“Property”).

The owner of the Property applied to annex the Property into Mesa (Case No. ANX22-01007) and also rezone the property to have a Light Industrial (LI) designation through Zoning Case No. ZON22-01010. The owner desires to build the project known as the “Legacy Gateway Hotels” consisting of three (3) hotel buildings and two (2) retail buildings which also requires a Site Plan Review approval for an Initial Site Plan, a Council Use Permit for a hotel within an Airport Overflight Area Two (AOA 2), and a Special Use Permit (SUP) to exceed the permitted height in the Airfield Overflight Area (AOA).

The Development Agreement is being sent forward in conjunction with the approval of the zoning case and is designed to prohibit certain uses/activities on the Property.

DISCUSSION:

The Development Agreement is being entered into to promote the general character of the area and to ensure the Property is used in line with the Legacy Gateway Hotels project as presented to City Council.

PRIMARY TERMS OF DEVELOPMENT AGREEMENT:

1. Prohibition of uses/activities on the Property including: self-storage, automobile vehicle sales and leasing, automobile/vehicle repair, freight/truck terminals and warehouses, marijuana establishments, mini-storage, commercial parking, outdoor storage, and warehousing/wholesale. The uses/activities that are being prohibited are generally defined in the Mesa Zoning Ordinance (Title 11 of the Mesa City Code).
2. The term of the agreement is for fifty (50) years or until terminated by the mutual written agreement by the City and owner, whichever comes first.
3. Any disputes over whether a use or activity would be allowed/prohibited under the Development Agreement are to be determined by the Zoning Administrator, and their decision is appealable under Chapter 77 of the Mesa Zoning Ordinance.

ALTERNATIVES:

Staff recommends approval of the resolution to authorize the City Manager to enter into the Development Agreement as presented to City Council. Other available alternatives are to:

1. Modify the terms to the proposed Development Agreement.
2. Deny the resolution resulting in the City not entering into the agreement.