

RESOLUTION NO. 12188

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING A SITE PLAN AND COUNCIL USE PERMIT FOR CERTAIN PROPERTY DESCRIBED IN ZONING CASE ZON23-00343. WITHIN THE 8200 TO 8400 BLOCKS OF EAST ELLIOT ROAD (NORTH SIDE), WITHIN THE 3400 TO 3500 BLOCKS OF SOUTH HAWES ROAD (WEST SIDE), AND WITHIN THE 3400 TO 3600 BLOCKS OF THE SOUTH 82ND STREET ALIGNMENT (EAST SIDE). LOCATED NORTH OF ELLIOT ROAD AND WEST OF HAWES ROAD. (22± ACRES). THIS REQUEST WILL ALLOW FOR A MIXED-USE DEVELOPMENT.

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;

WHEREAS, the City Zoning Ordinance establishes the process for site plan review, including establishing which site plans the Planning and Zoning Board has the authority to hear and take final action on, and which site plans are subject to recommendation by the Planning and Zoning Board and review and approval by City Council; and

WHEREAS, pursuant to the City Zoning Ordinance, the subject site plan requires recommendation by the Planning and Zoning Board and review and approval by the City Council.

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 and the final site plan for the development of a mixed-use development within the 8200 to 8400 blocks of East Elliot Road (north side), within the 3400 to 3500 blocks of South Hawes Road (west side), and within the 3400 to 3600 blocks of the South 82nd Street alignment (east side) is hereby approved subject to compliance with the following conditions:

1. Compliance with the final site plan submitted.
2. Compliance with the Hawes Crossing Development Agreement No. 3144 (Recorders No. 2020-0381318) and approved master reports.
3. Compliance with all conditions of approval for Case No. ZON17-00606 (Ordinance No. 5566).
4. Compliance with all requirements of Design Review Case No. DRB23-00342.
5. Compliance with the Good Neighbor Policy submitted.
6. Compliance with all City development codes and regulations.
7. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
 - a. 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.
 - b. 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.
- c. Prior to the 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.
 - d. Provide written notice to future property owners that the project is within three miles of Phoenix Mesa Gateway Airport
 - e. 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 Phoenix Mesa Gateway Airport, will experience aircraft overflights, which are expected to generate noise levels that may be of concern to some individuals."
 - f. Sources of electromagnetic interference with aircraft instrumentation, ground-based radar, or navigational aids shall be considered through CFR Title 14 Part 77 (Form 7460) review.
 - g. Any building uses, design, or exhaust features which may obscure a pilot's vision in any way resulting in glare, or flash blindness, should not be permitted.
 - h. Avoid any lighting placement or systems that direct lighting upward or toward the approach paths of aircraft, or that could be confused with airport identification or navigational lighting.

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 6th day of May, 2024.

APPROVED:

Mayor

ATTEST:

City Clerk