



June 11, 2025

City of Mesa  
Planning and Zoning Board  
Council Chambers  
57 E. First Street  
Mesa, AZ 85201

**RE: PZ 25054 - Proposed amendments to Chapters 6, 7, 22, 31, 32, and 86 of Title 11 of the Mesa City Code pertaining to Data Centers and Planned Area Development Overlay Districts**

Members of the City of Mesa Planning and Zoning Board:

On behalf of the Data Center Coalition (DCC), I am writing to express concerns about proposed amendments to Chapters 6, 7, 22, 31, 32, and 86 of Title 11 of the Mesa City Code pertaining to data centers and planned area development overlay districts. DCC is the national membership association for the data center industry. Our members include leading data center owners and operators with investment, facilities, and teams in the city, as well as companies that lease large amounts of data center capacity. We encourage the City of Mesa to pursue a deliberative process that includes engagement with all stakeholders and ensures adequate time is given to consider potential impacts and unintended consequences of proposed modifications. We intend to follow up with more specific details regarding how the draft changes could be improved to simultaneously address the City's concerns while providing for a landscape that continues to maintain Mesa as a competitive market for data center development.

Data centers provide the digital infrastructure that supports most sectors of the 21<sup>st</sup>-century economy, including artificial intelligence, financial services, advanced manufacturing, cybersecurity, healthcare, essential government services, and other key industries. Arizona, and specifically the City of Mesa, is an important market nationally for data center and digital infrastructure development.

Data center investments act as powerful catalysts for local economies, fostering robust supply chain and service ecosystems. Each job in a data center supports more than six jobs elsewhere in the economy. The construction phase alone generates stable employment opportunities for thousands of skilled tradespeople, often providing jobs for five years, ten years, or longer as data center campuses are developed. Beyond the initial build of data centers, these facilities also provide a foundation for sustained economic growth by creating quality, high-wage jobs to support ongoing data center maintenance and operations. Every data center cultivates years of reliable support for a diverse range of local businesses, including restaurants, hotels, car rental agencies, fiber and HVAC installers, steel fabricators, and many other businesses.

According to a recent report by PwC, the data center industry in Arizona directly employed 14,430 people in 2023. During that same time, including direct, indirect, and induced effects, the industry supported more than 81,370 jobs across Arizona. Data centers are also powerful economic engines for local communities. In 2023, including the direct, indirect, and induced effects, the industry contributed \$11 billion to Arizona's GDP, a 5% increase from the previous year.<sup>1</sup>

Without additional consideration of stakeholder input, proposed modifications would establish polices that create uncertainty in the market and impose restrictive and disparate requirements for data centers. Such compliance burdens risk the viability and competitiveness of data center projects in the City. Moreover, it is unclear whether the changes apply retroactively, and therefore the full scope of the potential impacts is currently unknown but could be quite extensive.

Thank you for considering this critical issue.

Sincerely,

Khara Boender  
Senior Manager, State Policy  
Data Center Coalition

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<sup>1</sup> PwC, "Economic Contributions of Data Centers in the United States, 2017-2023," February 2025, <https://www.centerofyourdigitalworld.org/2025-impact-study>.

June 11, 2025

Planning & Zoning Board  
City of Mesa  
55 N. Center St.  
Mesa, Arizona 85211

Re: Proposed Data Center Ordinance 11-31-36

Dear Planning & Zoning Board Members:

On behalf of NAIOP Arizona, the commercial real estate development association, we respectfully stand in opposition of the proposed data center ordinance before you.

While we recognize the importance of addressing evolving land use issues tied to data center development, the ordinance as drafted raises a number of concerns and will impose overly restrictive and impractical standards that will significantly deter economic investment. Data centers are highly specialized uses that intersect with infrastructure planning, energy policy, and regional economic strategies. Creating a new ordinance for this industry necessitates input from technical experts and private-sector partners.

An ordinance of this scope and potential impact should have a robust and thorough public stakeholder process. Given the broad implications for this proposal, we urge the Board to delay action on this ordinance and direct staff to engage in a more inclusive and transparent stakeholder process. Doing so will ensure that any proposal put before the Council has the best outcomes for residents, the city and businesses.

Thank you for your consideration, and we welcome the opportunity to work collaboratively towards a balanced and thoughtful path forward.

Sincerely,



John Baumer  
Director of Government Relations  
NAIOP Arizona



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Writer's Direct Dial: 602-229-5683  
E-Mail: Benjamin.Graff@quarles.com

June 11, 2025

City of Mesa  
Development Services Department  
55 North Center Street  
Mesa, AZ 85201

Re: Proposed Zoning Text Amendment To Chapters 6, 7, 22, 21, 32, and 86 Of the Mesa Zoning Ordinance Related to Data Centers and Planned Area Development (PAD) Overlay Districts.

Dear Development Services Department,

Our firm represents Novva Holdings, LLC (“**Novva**”) in regard to the approved Novva-Mesa Ellsworth data center, aka Project Borealis, located at the Northwest corner of South Ellsworth Road and East Warner Road. Our firm has reviewed the proposed Zoning Text Amendment (“**ZTA**”) prepared by the City of Mesa (the “**City**”) related to new regulations specific to data centers and Planned Area Development (“**PAD**”) Overlay Districts.

We want to thank City Staff for including our firm on the email notification list. However, we did note this process was unlike other former text amendment processes. The City did not host any stakeholder meetings, nor reach out to property owners and data center developers to discuss the ZTA in advance of tonight’s planning commission hearing. As a stakeholder in the data center industry, Novva has the following comments and feedback related to the proposed draft ordinance and draft Mesa Zoning Ordinance (“**MZO**”) language associated with the ZTA.

Please see the suggested revisions with additional language in **BOLD** and language to be removed with ~~strikethrough~~.

Draft Ordinance: Page 6, Section 12, Paragraph 4.

If the waiver request meets all the requirements of this Section 12, as determined by the Planning Director or their designee, the City of Mesa Planning Division may issue to the owner a waiver of the Data Center Law on the owner’s specific parcel (“Waiver”). A Waiver grants the owner only the right to use the specific parcel in compliance with the Zoning Ordinance or Community Plan, as applicable, as if the Data Center Law was not adopted. By way of example only, an owner of a specific parcel zoned General Industrial (GI) or Heavy Industrial (HI) on the effective date of this Ordinance would be permitted to develop a data center without approval of

a PAD in which a data center is specifically authorized by the City Council at the time of approving the PAD. If a Waiver is issued for a specific parcel that ~~had~~ **HAS** an existing data center **OR AN APPROVED SITE PLAN** on the specific parcel as of the effective date of this Ordinance, the existing **OR SITE PLAN APPROVED** data center will be considered a legal conforming use. A Waiver does not waive or modify any land use laws in this Ordinance or in the Mesa City Code other than the Data Center Law. By way of example only and for the avoidance of doubt, a Waiver does not waive any of the application requirements, development standards, or operational requirements in Section 11-31-36 of the Zoning Ordinance. A Waiver is only applicable to the specific parcel for which it is granted. A Waiver automatically terminates when the specific parcel is rezoned. A Waiver does not limit, prevent, alter, or affect a development agreement that restricts or prohibits data centers or other land uses. The Planning Director and City Attorney are authorized to draft the Waiver form to be used pursuant to the terms, conditions, and limitations of this Section 12.

Additionally, the proposed language of Section 11-31-36 could provide additional clarity and verification on how certain requirements will be administered by the City with future applications.

#### Section 11-31-36.E Applications Requirements and Operation Requirements:

- E. Application Requirements. In addition to the application requirements of Section 11-67-2 and application guides posted on the Development Services website, all **REZONING** development applications for a **NEWLY PROPOSED** Data Center shall include all the following:
  - *Comment:* This section does not clearly outline the process and application requirements for a site plan modification for existing or approved data centers with an approved Waiver from Section 12 of the proposed ordinance.
    - The proposed ZTA could also state that an existing or approved data center is exempt from all new application requirements for an administrative site plan modification.
    - This exemption should also specify that the only the components proposed as part of the site plan modification are subject to the proposed ZTA development standards.
    - For example, the City will not impose new architectural design or operational requirements for an existing or approved data center if the site plan modification does not impact those existing or approved data center or ancillary buildings.

#### Section 11-31-36.F.8 Mechanical Equipment and Section 11-31-36.F.9 Substation Screening

- *Comment:* These sections appear to infer the City will consider substations, battery storage, power generation, cooling, ventilating, or other equipment that supports the data center as permitted by-right when developed as an accessory use to the data center.

These uses typically require either a specific zoning district or other approvals when developed as a primary use. It is not clear within the proposed ZTA if/when the City will require additional approvals to incorporate these uses on a site plan for a data center.

We would like to work with the City to explore additional language within Section 11-31-36, perhaps in the Applicability or Purpose subsections to clearly identify these as permitted accessory uses when associated with a data center and if the City will require additional approvals.

If the City chooses to postpone the upcoming public hearing and direct City Staff to engage directly with data center stakeholders, Novva and our firm welcome the opportunity to continue these discussions and continue collaborating on the proposed data center regulations.

Please let me know if you have any questions or need any additional information to make your determination and thank you again for accepting these comments regarding the proposed Zoning Text Amendment related to new regulations specific to data centers and Planned Area Development Overlay Districts.

Very truly yours,

QUARLES & BRADY LLP



Benjamin W. Graff

NOVVA HOLDINGS, LLC

*Madelaine Bauer*

Madelaine Bauer  
Director of Development -  
Logistics

**From:** [Sarah Steadman](#)  
**To:** [Kaelee Palmer](#)  
**Cc:** [Wendy Riddell](#)  
**Subject:** RE: data center text amendment  
**Date:** Tuesday, June 10, 2025 2:13:00 PM

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Kaelee and Wendy, please see responses in red below. Additionally, I updated the waiver section in the ordinance to address a couple of the concerns I have heard from developers and hope that helps as well. The updated ordinance should be available this evening.

**Sarah Steadman**

Assistant City Attorney  
Mesa City Attorney's Office  
(480) 644-4111

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**From:** Kaelee Palmer <kmp@berryriddell.com>  
**Sent:** Tuesday, June 10, 2025 1:05 PM  
**To:** Sarah Steadman <sarah.steadman@mesaaz.gov>  
**Cc:** Wendy Riddell <wr@berryriddell.com>  
**Subject:** data center text amendment

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Sarah,

Thank you so much for the call this morning. We greatly appreciate you confirming that the Data Center Waiver runs with the land and does not terminate with the sale of the property. We are hoping to receive a formal response to the following questions:

- Confirmation the waiver will run with the land and will not terminate with an ownership change. We understand a rezoning of the property would invalidate the waiver.

The waiver runs with the land; A change of ownership will not terminate a waiver.

- Confirmation that within the PC zoning district that the Community Plan Development Standards (such as Eastmark) would apply to data center developments versus the proposed development standards in the text amendment.

Proposed Section 11-31-36 of the Zoning Ordinance will not apply to data centers in Eastmark. Regarding other Planned Communities, my understanding is that data centers are not allowed in either of the other Planned Community districts in the City (Cadence and Avalon Crossing) per the land use regulations in those community plans.

- Confirmation the waiver is not a discretionary process and if a completed waiver application is

filed, a waiver will be granted.

If the owner has a valid claim under ARS 12-1134 and the request for a waiver meets all the requirements in Section 12 of the data center ordinance, the waiver will be granted.

Thanks,

Kaelee Palmer

**Planner**

BERRY RIDDELL LLC

[6750 E. Camelback Road | Suite 100 | Scottsdale, AZ 85251](#)

505-328-6606 | 480-385-2757 fax | [kmp@berryriddell.com](mailto:kmp@berryriddell.com)

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**From:** [Rachel Phillips](#)  
**To:** [Alisa Lyons](#)  
**Cc:** [Sean Pesek](#)  
**Subject:** RE: Draft Data Center and PAD Overlay Zoning Amendments Available for Review  
**Date:** Wednesday, June 4, 2025 4:30:00 PM  
**Attachments:** [image001.png](#)

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Alisa,

**Sound Study:** The measures from the initial sound study would determine the baseline ambient levels onsite and at the property lines. The proposed development standards require that the data center be designed and built with mitigation methods to prevent the sounds levels from exceeding the ambient noise levels taken by the initial sound study (See Section 11-31-36(F)(4)(c)). If the sound levels were increased, the data center operators would be required to provide additional mitigation to meet the ambient noise level.

**Waiver:** A PAD is not required to qualify for the waiver. The property must be zoned Planned Employment Park (PEP), Light Industrial (LI), General Industrial (GI), Heavy Industrial (HI), or Downtown Business-2 (DB-2); or (2) located within the Eastmark (Mesa Proving Grounds) Planned Community and had an identified Land Use Group (LUG) of Village, District, Regional Center/Campus, or Urban Core and may or may not have a PAD.

Hope this helps answer your question. Feel free to reach out if you have any other.

Best,  
Rachel

Rachel Phillips, AICP  
Assistant Planning Director  
480-644-2762  
[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)




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**From:** Alisa Lyons <admin@sloanlyons.com>  
**Sent:** Wednesday, June 4, 2025 12:23 PM  
**To:** Rachel Phillips <Rachel.Phillips@MesaAZ.gov>  
**Cc:** Sean Pesek <Sean.Pesek@mesaaz.gov>  
**Subject:** Re: Draft Data Center and PAD Overlay Zoning Amendments Available for Review

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Rachel: Now that I was able to read through all of the documentation (thank you for pointing me in the right direction), I have two questions:

1. Sounds Study: I see that periodic sound studies must be performed and submitted to the City. I'm trying to determine what an acceptable study result would be or what would happen if a data center exceeds that result. Is that information listed elsewhere?

2. Waiver: Are waivers only available to specific parcel owners who already have an approved PAD, in addition to the other requirements? ((1) zoned Planned Employment Park (PEP), Light Industrial (LI), General Industrial (GI), Heavy Industrial (HI), or Downtown Business-2 (DB-2); or (2) located within the Eastmark (Mesa Proving Grounds) Planned Community and had an identified Land Use Group (LUG) of Village, District, Regional Center/Campus, or Urban Core. Asked another way, if a specific parcel owner meets all of the other requirements but does not have an approved PAD, is the waiver option available?

Many thanks for helping me understand these details,

Alisa

Alisa Lyons

SLOAN LYONS Public Affairs on behalf of Valley Partnership

[www.valleypartnership.org/page/BoD](http://www.valleypartnership.org/page/BoD)

[alisa@sloanlyons.com](mailto:alisa@sloanlyons.com)

480-593-6214

On May 29, 2025, at 9:41 AM, Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)> wrote:

Hi Alisa,

On the website there are three documents that are a part of the text amendment. The changes exceed the page limit for our ordinances so some of it has to be adopted by reference. That's a very technical thing but just trying to explain why it's not all in the ordinance document.

There is the Ordinance, “Section 11-31-36: Data Centers” which contains all the development regulations for Data Centers, and “Planned Area Development Overlay District Amendments” which contains the related changes to the PAD Overlay.

Best,  
Rachel

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**From:** Alisa Lyons <[admin@sloanlyons.com](mailto:admin@sloanlyons.com)>

**Sent:** Thursday, May 29, 2025 9:36 AM

**To:** Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)>

**Cc:** Sean Pesek <[Sean.Pesek@mesaaz.gov](mailto:Sean.Pesek@mesaaz.gov)>

**Subject:** Re: Draft Data Center and PAD Overlay Zoning Amendments Available for Review

This is extremely helpful, Rachel. Where are these accessory use criteria or the 10% figure listed in the proposal document? Or perhaps are they in a different area of the code that I’m not finding?

If it’s easier for you, we can jump on a call (or I can pop by the your office) to discuss a little further.

Alisa

Alisa Lyons

SLOAN LYONS Public Affairs on behalf of Valley Partnership

[www.valleypartnership.org/page/BoD](http://www.valleypartnership.org/page/BoD)

[alisa@sloanlyons.com](mailto:alisa@sloanlyons.com)

480-593-6214

On May 29, 2025, at 9:25 AM, Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)> wrote:

Alisa,

Yes, if it no longer complied with any of the criteria below it would be considered a primary use, but specifically to the buildings space it would be more than 10% of the building footprint.

Accessory use criteria:

- a. The Data Center exclusively serves the enterprise functions of the on-site property owner.
- b. The Data Center does not lease data storage or processing services to third parties.
- c. The Data Center occupies no more than 10% of the building footprint.
- d. The Data Center is not housed in a separate stand-alone structure on the parcel.

Best,  
Rachel

Rachel Phillips, AICP  
Assistant Planning Director  
480-644-2762  
[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)



# mesa·az

## PLANNING

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**From:** Alisa Lyons <[admin@sloanlyons.com](mailto:admin@sloanlyons.com)>  
**Sent:** Thursday, May 29, 2025 9:07 AM  
**To:** Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)>  
**Cc:** Sean Pesek <[Sean.Pesek@mesaaz.gov](mailto:Sean.Pesek@mesaaz.gov)>  
**Subject:** Re: Draft Data Center and PAD Overlay Zoning Amendments Available for Review

Rachel: Thank you very much. Is there a percentage of building space or land area that triggers a use moving from an accessory use to a primary use?

Alisa  
Alisa Lyons  
SLOAN LYONS Public Affairs on behalf of Valley Partnership  
[www.valleypartnership.org/page/BoD](http://www.valleypartnership.org/page/BoD)  
[alisa@sloanlyons.com](mailto:alisa@sloanlyons.com)  
480-593-6214

On May 29, 2025, at 8:59 AM, Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)> wrote:

Hi Alisa,

Section 11-31-36(A)(1) of the proposed amendments establishes criteria for when a Data Center qualifies as an accessory use. If found to be an accessory use, it would be permitted in all Commercial and Employment Districts and not subject to the regulations of Section 11-31-36 (Data Centers).

I think this will address your concerns but please let us know if you have any questions.

Best Regards,  
Rachel

Rachel Phillips, AICP  
Assistant Planning Director  
480-644-2762  
[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)

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**From:** Alisa Lyons <[admin@sloanlyons.com](mailto:admin@sloanlyons.com)>

**Sent:** Thursday, May 29, 2025 8:43 AM

**To:** Sean Pesek <[Sean.Pesek@mesaaz.gov](mailto:Sean.Pesek@mesaaz.gov)>; Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)>

**Subject:** Re: Draft Data Center and PAD Overlay Zoning Amendments Available for Review

Good morning, Sean and Rachel. I hope you are both well.

Can you please help me understand how “facility” is defined in this ordinance?

If it isn’t defined, Valley Partnership is concerned that the current definition is overly broad. For example, any office, retail, manufacturing, or industrial project will have a “portion” of it’s space dedicated to “store and manage computer systems, servers, networking equipment, and components related to digital data operations.” A home office, also, would likely meet this definition.

However, if there is a definition of facility that I am not aware of in the code, that might narrow the projects this applies to.

Many thanks for your assistance in helping me understand.

Alisa

Alisa Lyons

SLOAN LYONS Public Affairs on behalf of Valley Partnership

[www.valleypartnership.org/page/BoD](http://www.valleypartnership.org/page/BoD)

[alisa@sloanlyons.com](mailto:alisa@sloanlyons.com)

480-593-6214

On May 27, 2025, at 4:09 PM, Sean Pesek <[Sean.Pesek@mesaaz.gov](mailto:Sean.Pesek@mesaaz.gov)> wrote:

Dear Long Range Planning Subscribers,

The City of Mesa is considering text amendments to the Mesa Zoning Ordinance (MZO) related to Data Centers and Planned Area Development (PAD) Overlay Districts. If approved, these amendments will establish definitions, standards, and siting requirements to guide the development of Data Centers.

A draft of the proposed amendments is now available on the [Long Range Planning webpage](#) under “Proposed Text Amendments”. We encourage you to review the materials and share your feedback via the “[Public Input Comment Form](#)”.

Thanks for your participation!

*To unsubscribe from Mesa’s Long Range Planning updates please email [LongRangePlanning@Mesaaz.gov](mailto:LongRangePlanning@Mesaaz.gov).*

**Sean Pesek, AICP**

Senior Planner, Development Services

480.644.6716

55 North Center Street, Mesa, AZ 85201

*Office hours are Monday through Thursday 7:00am – 6:00pm*



**From:** [Rachel Phillips](#)  
**To:** [Mike, Josh J.](#)  
**Cc:** [Graff, Benjamin W.](#); [Furlow, Peter W.](#)  
**Subject:** RE: Data Center Feedback - Meeting Request [QBLLP-ACTIVE.FID44039718]  
**Date:** Tuesday, June 3, 2025 3:13:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[drive-thru-council-use-permit-waiver.pdf](#)

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Hi Josh,

Thanks for the call earlier today. Below are responses to your inquiries. Some items I can't provide a definitive answer to without details and I owe you a follow up on one or two as well.

- Novva-Mesa Ellsworth is grandfathered under the current zoning regulation and not subject to the proposed ZTA. Novva-Mesa Ellsworth can be constructed according to the approved site plan and design review without any additional requirements from the proposed ZTA. [The site plan for Case No. ZON24-00291 was approved on January 22, 2025 and the Design Review Case \(DRB24-00292\) was approved on April 28, 2025. The approvals grant the ability to submit for building permits in accordance with the approved plans. The proposed text amendments do not affect those entitlements unless they expire or modifications are requested.](#)
- The approved site plan for Novva-Mesa Ellsworth is set to expire in January of 2027 and the applicant can request a 1-year extension until January of 2028. Prior to expiration, the applicant must obtain approved construction permits and begin construction to 'lock-in' the grandfathered rights. Civil permits and construction are acceptable, and vertical construction is not required. [The site plan for Case No. ZON24-00291 was approved on January 22, 2025 and therefore will expire on January 22, 2027. Per Section 11-67-9\(B\) of the MZO the Zoning Administrator may grant a one-year extension. An approved site plan is considered exercised if a valid building permit is issued and construction has lawfully commenced.](#)
- The approved Novva-Mesa Ellsworth development complies with the separation requirements and maximum building height requirements in the proposed ZTA. [The Data Center and associated mechanical equipment appear to be located at least 400 feet from the property line of the nearest residential zoning district or residential use; however, the approved site plan lacks certain dimensions needed to confirm. I recommend someone on your staff overlay the site plan in GIS to ensure there is 400' from the nearest data center and equipment to The Springs.](#)  
[Per the elevation submitted to Case No. DRB24-00292, the top of the parapet is 39' 6" which complies with the maximum height permitted in the LI District.](#)
- The City will create a waiver that basically documents and tracks the approved data centers and allows the approved use to be treated as if the ZTA were not adopted.
  - Staff is using the waiver from the drive-thru ZTA as the template.
  - Property Owners will have up to 3 years after the ZTA is approved to sign and submit the waiver, sort of like an opt-out form.
  - Once signed, the data center use would continue being classified as INDOOR

WAREHOUSING AND STORAGE and therefore permitted by-right on the property with a Light Industrial (LI) base zoning district. Correct. Please refer to Section 12 of the proposed Ordinance pertaining to “the Waiver” and see the drive-thru waiver attached as reference.

- Any future changes to the site plan would go through the normal Site Plan Modification process. Any proposed modifications to the approved site plan would be processed in accordance with Section 11-69-7 of the MZO. If a waiver is submitted, the use would continue to reviewed as a permitted use. Any modifications to the site plan, regardless of a waiver being submitted, would have to adhere to the development standards proposed by the subject text amendment.

Below are some additional follow-up questions.

- Would you please provide the draft waiver later today for us to review? Attached is the drive-thru waiver for reference. I can provide the draft data center waiver at a later date.
- If the waiver is signed by the current property owner, how will the City classify the status of the data center use on the property?
  - For example, if some entity requests a zoning report or a ZVL in the future, will the City state this site and data center use is legal, non-conforming or will the signed waiver within the case file mean City will consider the site and data center use as a legal, permitted use? Staff is currently discussing the specifics with the City Attorneys Office and will provide you a response to this question at a later date.
- What will be required if the Novva-Mesa Ellsworth data center needs to reshape or expand its footprint in the future? This will depend on whether the property owner chooses to submit a waiver. If a waiver is submitted, any site plan modification will be reviewed according to Section 11-69-7 of the MZO. Without specifics on the proposed modifications staff is unable to provide specifics of what would be required. However, the modifications would be subject to the development standards proposed by the subject text amendment.
- How would the development standard and design requirements within the proposed ZTA impact the Site Plan Modification if the changes also require any other type of rezoning actions, e.g. modifying the PAD, use permits, etc.? Please refer to Section 12 of the Ordinance. Modification to the PAD or other rezoning action automatically terminates a waiver granted for the property. Other actions such as a Conditional Use Permit are not considered a rezone. However, please be aware that the proposed amendments prohibit the modification of development standards contained within Chapter 7 or Section 11-31-36 as well as the operational standards of Section 11-31-36 through a Planned Area Development (PAD) Overlay, Bonus Intensity Zone (BIZ) Overlay, Alternative Compliance, Special Use Permit (SUP), Variance or other process, with the exception of maximum building height which may be extended to a max. 60 ft. Please refer to Section 11-31-36(F)(1) and Section 11-31-36(G)(1) of the proposed amendments

Best Regards,  
Rachel

Rachel Phillips, AICP  
Assistant Planning Director  
480-644-2762  
[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)



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**From:** Mike, Josh J. <josh.mike@quarles.com>  
**Sent:** Tuesday, June 3, 2025 11:32 AM  
**To:** Rachel Phillips <Rachel.Phillips@MesaAZ.gov>  
**Cc:** Graff, Benjamin W. <Benjamin.Graff@quarles.com>; Furlow, Peter W. <Peter.Furlow@quarles.com>  
**Subject:** RE: Data Center Feedback - Meeting Request [QBLLP-ACTIVE.FID44039718]

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Good Morning Rachel,

I appreciate you taking the time to speak with me this morning regarding the potential impact of the Zoning Text Amendment (ZTA) for new data center regulations on approved data center developments. Our firm represents Novva Holdings, LLC regarding the Novva-Mesa Ellsworth, aka Project Borealis, data center approved under Case Nos. ZON24-00291 and DRB24-0029, located at the Northwest corner of S Ellsworth Rd and E Warner Rd.

Below is a short summary of the items we discussed and our understanding on how the ZTA impacts the Novva-Mesa Ellsworth data center.

- Novva-Mesa Ellsworth is grandfathered under the current zoning regulation and not subject to the proposed ZTA. Novva-Mesa Ellsworth can be constructed according to the approved site plan and design review without any additional requirements from the proposed ZTA.
- The approved site plan for Novva-Mesa Ellsworth is set to expire in January of 2027 and the applicant can request a 1-year extension until January of 2028. Prior to expiration,

the applicant must obtain approved construction permits and begin construction to 'lock-in' the grandfathered rights. Civil permits and construction are acceptable, and vertical construction is not required.

- The approved Novva-Mesa Ellsworth development complies with the separation requirements and maximum building height requirements in the proposed ZTA.
- The City will create a waiver that basically documents and tracks the approved data centers and allows the approved use to be treated as if the ZTA were not adopted.
  - Staff is using the waiver from the drive-thru ZTA as the template.
  - Property Owners will have up to 3 years after the ZTA is approved to sign and submit the waiver, sort of like an opt-out form.
  - Once signed, the data center use would continue being classified as INDOOR WAREHOUSING AND STORAGE and therefore permitted by-right on the property with a Light Industrial (LI) base zoning district.
- Any future changes to the site plan would go through the normal Site Plan Modification process.

Below are some additional follow-up questions.

- Would you please provide the draft waiver later today for us to review?
- If the waiver is signed by the current property owner, how will the City classify the status of the data center use on the property?
  - For example, if some entity requests a zoning report or a ZVL in the future, will the City state this site and data center use is legal, non-conforming or will the signed waiver within the case file mean City will consider the site and data center use as a legal, permitted use?
- What will be required if the Novva-Mesa Ellsworth data center needs to reshape or expand its footprint in the future?
- How would the development standard and design requirements within the proposed ZTA impact the Site Plan Modification if the changes also require any other type of rezoning actions, e.g. modifying the PAD, use permits, etc.?

Thank you for all your time and effort to help us understand the proposed ZTA.

Thanks,  
Josh



**Josh J. Mike | AICP, MBA | Senior Land Use Planner**

[josh.mike@quarles.com](mailto:josh.mike@quarles.com) | D. 602-229-5745

Quarles & Brady LLP

One Renaissance Square, Two North Central Avenue, Suite 600, Phoenix, AZ 85004-2322

[quarles.com](http://quarles.com) | [LinkedIn](#)

---

**From:** Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)>  
**Sent:** Monday, June 2, 2025 4:28 PM  
**To:** Graff, Benjamin W. <[Benjamin.Graff@quarles.com](mailto:Benjamin.Graff@quarles.com)>  
**Subject:** Data Center Feedback - Meeting Request

Hi Ben,

We received your feedback form requesting to discuss the impact on approved projects. Do you have a particular project you'd like to discuss? I'm researching some of those details now.

Best,  
Rachel

Rachel Phillips, AICP  
Assistant Planning Director  
480-644-2762  
[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)



**From:** [Rachel Phillips](#)  
**To:** ["Mike, Josh J."](#)  
**Cc:** ["Graff, Benjamin W."](#); ["Furlow, Peter W."](#)  
**Subject:** RE: Data Center Feedback - Meeting Request [QBLLP-ACTIVE.FID44039718]  
**Date:** Tuesday, June 3, 2025 4:38:00 PM  
**Attachments:** [Data Center Ordinance .pdf](#)  
[image002.png](#)  
[image003.png](#)

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Josh,

Staff updated Section 12 of the Data Center and PAD Ordinance pertaining to the Waiver to clarify that an existing Data Center will be considered a legal use if a Waiver is submitted. See the revised ordinance attached.

Let me know if you have any questions.

Best Regards,  
Rachel

---

**From:** Rachel Phillips <Rachel.Phillips@MesaAZ.gov>  
**Sent:** Tuesday, June 3, 2025 3:13 PM  
**To:** Mike, Josh J. <josh.mike@quarles.com>  
**Cc:** Graff, Benjamin W. <Benjamin.Graff@quarles.com>; Furlow, Peter W. <Peter.Furlow@quarles.com>  
**Subject:** RE: Data Center Feedback - Meeting Request [QBLLP-ACTIVE.FID44039718]

Hi Josh,

Thanks for the call earlier today. Below are responses to your inquiries. Some items I can't provide a definitive answer to without details and I owe you a follow up on one or two as well.

- Novva-Mesa Ellsworth is grandfathered under the current zoning regulation and not subject to the proposed ZTA. Novva-Mesa Ellsworth can be constructed according to the approved site plan and design review without any additional requirements from the proposed ZTA. [The site plan for Case No. ZON24-00291 was approved on January 22, 2025 and the Design Review Case \(DRB24-00292\) was approved on April 28, 2025. The approvals grant the ability to submit for building permits in accordance with the approved plans. The proposed text amendments do not affect those entitlements unless they expire or modifications are requested.](#)
- The approved site plan for Novva-Mesa Ellsworth is set to expire in January of 2027 and the applicant can request a 1-year extension until January of 2028. Prior to expiration, the applicant must obtain approved construction permits and begin construction to 'lock-in' the grandfathered rights. Civil permits and construction are acceptable, and vertical construction is not required. [The site plan for Case No. ZON24-00291 was approved on January 22, 2025 and therefore will expire on January 22, 2027. Per Section 11-67-9\(B\) of the MZO the Zoning Administrator may grant a one-year extension. An approved site plan is considered exercised if a valid building permit is issued and](#)

construction has lawfully commenced.

- The approved Novva-Mesa Ellsworth development complies with the separation requirements and maximum building height requirements in the proposed ZTA. The Data Center and associated mechanical equipment appear to be located at least 400 feet from the property line of the nearest residential zoning district or residential use; however, the approved site plan lacks certain dimensions needed to confirm. I recommend someone on your staff overlay the site plan in GIS to ensure there is 400' from the nearest data center and equipment to The Springs.  
Per the elevation submitted to Case No. DRB24-00292, the top of the parapet is 39' 6" which complies with the maximum height permitted in the LI District.
- The City will create a waiver that basically documents and tracks the approved data centers and allows the approved use to be treated as if the ZTA were not adopted.
  - Staff is using the waiver from the drive-thru ZTA as the template.
  - Property Owners will have up to 3 years after the ZTA is approved to sign and submit the waiver, sort of like an opt-out form.
  - Once signed, the data center use would continue being classified as INDOOR WAREHOUSING AND STORAGE and therefore permitted by-right on the property with a Light Industrial (LI) base zoning district. Correct. Please refer to Section 12 of the proposed Ordinance pertaining to "the Waiver" and see the drive-thru waiver attached as reference.
- Any future changes to the site plan would go through the normal Site Plan Modification process. Any proposed modifications to the approved site plan would be processed in accordance with Section 11-69-7 of the MZO. If a waiver is submitted, the use would continue to reviewed as a permitted use. Any modifications to the site plan, regardless of a waiver being submitted, would have to adhere to the development standards proposed by the subject text amendment.

Below are some additional follow-up questions.

- Would you please provide the draft waiver later today for us to review? Attached is the drive-thru waiver for reference. I can provide the draft data center waiver at a later date.
- If the waiver is signed by the current property owner, how will the City classify the status of the data center use on the property?
  - For example, if some entity requests a zoning report or a ZVL in the future, will the City state this site and data center use is legal, non-conforming or will the signed waiver within the case file mean City will consider the site and data center use as a legal, permitted use? Staff is currently discussing the specifics with the City Attorneys Office and will provide you a response to this question at a later date.
- What will be required if the Novva-Mesa Ellsworth data center needs to reshape or expand its footprint in the future? This will depend on whether the property owner chooses to submit a waiver. If a waiver is submitted, any site plan modification will be reviewed according to Section 11-69-7 of the MZO. Without specifics on the proposed modifications staff is unable to provide specifics of what would be required. However, the modifications would be subject to the development standards proposed by the

[subject text amendment.](#)

- How would the development standard and design requirements within the proposed ZTA impact the Site Plan Modification if the changes also require any other type of rezoning actions, e.g. modifying the PAD, use permits, etc.? [Please refer to Section 12 of the Ordinance.](#) Modification to the PAD or other rezoning action automatically terminates a waiver granted for the property. Other actions such as a Conditional Use Permit are not considered a rezone. However, please be aware that the proposed amendments prohibit the modification of development standards contained within Chapter 7 or Section 11-31-36 as well as the operational standards of Section 11-31-36 through a Planned Area Development (PAD) Overlay, Bonus Intensity Zone (BIZ) Overlay, Alternative Compliance, Special Use Permit (SUP), Variance or other process, with the exception of maximum building height which may be extended to a max. 60 ft. Please refer to Section 11-31-36(F)(1) and Section 11-31-36(G)(1) of the proposed amendments

Best Regards,  
Rachel

Rachel Phillips, AICP  
Assistant Planning Director  
480-644-2762  
[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)



---

**From:** Mike, Josh J. <[josh.mike@quarles.com](mailto:josh.mike@quarles.com)>  
**Sent:** Tuesday, June 3, 2025 11:32 AM  
**To:** Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)>  
**Cc:** Graff, Benjamin W. <[Benjamin.Graff@quarles.com](mailto:Benjamin.Graff@quarles.com)>; Furlow, Peter W. <[Peter.Furlow@quarles.com](mailto:Peter.Furlow@quarles.com)>  
**Subject:** RE: Data Center Feedback - Meeting Request [QBLLP-ACTIVE.FID44039718]

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Good Morning Rachel,

I appreciate you taking the time to speak with me this morning regarding the potential impact of the Zoning Text Amendment (ZTA) for new data center regulations on approved data center developments. Our firm represents Novva Holdings, LLC regarding the Novva-Mesa Ellsworth, aka Project Borealis, data center approved under Case Nos. ZON24-00291 and DRB24-0029, located at the Northwest corner of S Ellsworth Rd and E Warner Rd.

Below is a short summary of the items we discussed and our understanding on how the ZTA impacts the Novva-Mesa Ellsworth data center.

- Novva-Mesa Ellsworth is grandfathered under the current zoning regulation and not subject to the proposed ZTA. Novva-Mesa Ellsworth can be constructed according to the approved site plan and design review without any additional requirements from the proposed ZTA.
- The approved site plan for Novva-Mesa Ellsworth is set to expire in January of 2027 and the applicant can request a 1-year extension until January of 2028. Prior to expiration, the applicant must obtain approved construction permits and begin construction to 'lock-in' the grandfathered rights. Civil permits and construction are acceptable, and vertical construction is not required.
- The approved Novva-Mesa Ellsworth development complies with the separation requirements and maximum building height requirements in the proposed ZTA.
- The City will create a waiver that basically documents and tracks the approved data centers and allows the approved use to be treated as if the ZTA were not adopted.
  - Staff is using the waiver from the drive-thru ZTA as the template.
  - Property Owners will have up to 3 years after the ZTA is approved to sign and submit the waiver, sort of like an opt-out form.
  - Once signed, the data center use would continue being classified as INDOOR WAREHOUSING AND STORAGE and therefore permitted by-right on the property with a Light Industrial (LI) base zoning district.
- Any future changes to the site plan would go through the normal Site Plan Modification process.

Below are some additional follow-up questions.

- Would you please provide the draft waiver later today for us to review?
- If the waiver is signed by the current property owner, how will the City classify the status of the data center use on the property?
  - For example, if some entity requests a zoning report or a ZVL in the future, will the City state this site and data center use is legal, non-conforming or will the signed waiver within the case file mean City will consider the site and data center use as a legal, permitted use?
- What will be required if the Novva-Mesa Ellsworth data center needs to reshape or expand its footprint in the future?
- How would the development standard and design requirements within the proposed

ZTA impact the Site Plan Modification if the changes also require any other type of rezoning actions, e.g. modifying the PAD, use permits, etc.?

Thank you for all your time and effort to help us understand the proposed ZTA.

Thanks,  
Josh



**Josh J. Mike | AICP, MBA | Senior Land Use Planner**

[josh.mike@quarles.com](mailto:josh.mike@quarles.com) | D. [602-229-5745](tel:602-229-5745)

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One Renaissance Square, Two North Central Avenue, Suite 600, Phoenix, AZ 85004-2322

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---

**From:** Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)>

**Sent:** Monday, June 2, 2025 4:28 PM

**To:** Graff, Benjamin W. <[Benjamin.Graff@quarles.com](mailto:Benjamin.Graff@quarles.com)>

**Subject:** Data Center Feedback - Meeting Request

Hi Ben,

We received your feedback form requesting to discuss the impact on approved projects. Do you have a particular project you'd like to discuss? I'm researching some of those details now.

Best,  
Rachel

Rachel Phillips, AICP

Assistant Planning Director

480-644-2762

[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)



**From:** [Rachel Phillips](#)  
**To:** [Mike, Josh J.](#)  
**Subject:** RE: Draft Data Center ZTA Questions [QBLLP-ACTIVE.FID41176647]  
**Date:** Wednesday, June 11, 2025 12:08:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Josh,

See responses in blue below.

- The Client's Mesa Data Center is **grandfathered under the existing zoning regulations** and is not subject to the proposed ZTA. Future phases of the project may proceed under the previously approved site plan and design review, without triggering any additional requirements under the new ZTA.
  - The subject site is within the Eastmark Community and zoned PC. The Eastmark Community Plan established the development standards applicable within the Eastmark Community. *Proposed Ordinance Content as of 6/11/25 12:00 pm: (Section 14: DATA CENTERS IN EASTMARK. Data centers located within the Eastmark (Mesa Proving Grounds) Planned Community will not be required to comply with Section 11-31-36 of the Zoning Ordinance.)*
  - Your client may want to submit a Waiver to address land use rights. *Proposed Ordinance Content as of 6/11/25 12:00 pm: (Portion of Section 12: A Waiver grants the owner only the right to use the specific parcel in compliance with the Zoning Ordinance or Community Plan, as applicable, as if the Data Center Law was not adopted.) (Portion of Section 12: If a Waiver is issued for a specific parcel that had an existing data center, or an approved site plan for a data center, on the specific parcel as of the effective date of this Ordinance, the existing or approved data center will be considered a legal conforming use.)*
- The approved Client Mesa development already complies with the proposed **building height and separation requirements** included in the ZTA.
  - Your client is not required to comply with the building height and separation requirement in the proposed Section 11-31-36, rather are subject to the Eastmark Community Plan and their entitlements.
- The City plans to implement a **waiver process** to formally document approved data center uses and treat them as if the ZTA had not been adopted:
  - The waiver is modeled after the one used for the recent drive-thru ZTA.
  - Property owners will have up to three years after ZTA adoption to sign and submit the waiver.
  - Once executed, the data center use would be classified as legal and conforming, and treated as Indoor Warehousing and Storage, a permitted use by-right within the existing Planned Community (PC) zoning.
  - That is correct, see response above
- Any future modifications to the approved development would be processed through the standard **Site Plan Modification** procedure.

- Yes, any future modification to the approved plans would be in accordance with the process outlined in the Eastmark Community Plan.

A few additional clarification points moving forward:

1. What process will apply if Client needs to amend its site plan (e.g., to modify building locations or footprints) in connection with future phases?
  - The amendment process can be found in Section 6.1(I) of the Eastmark Community Plan.
2. How would the development standards and design requirements in the ZTA apply if a future Site Plan Modification is accompanied by other zoning actions, such as amendments to the PC zoning district or new use permits?
  - Section 4.1(D) of the Eastmark Community Plan states that development is subject to the development standards set by the Community Plan.

Best Regards,  
Rachel

Rachel Phillips, AICP  
Assistant Planning Director  
480-644-2762  
[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)



---

**From:** Mike, Josh J. <josh.mike@quarles.com>  
**Sent:** Wednesday, June 11, 2025 11:33 AM  
**To:** Rachel Phillips <rachel.phillips@mesaaz.gov>  
**Cc:** Furlow, Peter W. <Peter.Furlow@quarles.com>; Graff, Benjamin W. <Benjamin.Graff@quarles.com>  
**Subject:** Draft Data Center ZTA Questions [QBLLP-ACTIVE.FID41176647]

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Good Morning Rachel,

I am reaching out to follow up on your voicemail regarding the potential impact of the proposed Zoning Text Amendment (ZTA) for data centers on existing approved developments. Our firm represents Redale, LLC, (“**Client**”) the owner of property located at 3841 S Ellsworth Rd and 9442 E Warner Rd (APNs 304-31-002U, 304-31-002V, and 304-31-002P) (the “**Property**”).

Below is our current understanding of how the proposed ZTA would affect the Client’s Mesa Data Center Property:

- The Client’s Mesa Data Center is **grandfathered under the existing zoning regulations** and is not subject to the proposed ZTA. Future phases of the project may proceed under the previously approved site plan and design review, without triggering any additional requirements under the new ZTA.
- The approved Client Mesa development already complies with the proposed **building height and separation requirements** included in the ZTA.
- The City plans to implement a **waiver process** to formally document approved data center uses and treat them as if the ZTA had not been adopted:
  - The waiver is modeled after the one used for the recent drive-thru ZTA.
  - Property owners will have up to three years after ZTA adoption to sign and submit the waiver.
  - Once executed, the data center use would be classified as legal and conforming, and treated as Indoor Warehousing and Storage, a permitted use by-right within the existing Planned Community (PC) zoning.
- Any future modifications to the approved development would be processed through the standard **Site Plan Modification** procedure.

A few additional clarification points moving forward:

1. What process will apply if Client needs to amend its site plan (e.g., to modify building locations or footprints) in connection with future phases?
2. How would the development standards and design requirements in the ZTA apply if a future Site Plan Modification is accompanied by other zoning actions, such as amendments to the PC zoning district or new use permits?

We greatly appreciate your time and assistance in helping us understand the proposed ZTA and its implications on our client’s site.

Thanks,  
Josh



**Josh J. Mike | AICP, MBA | Senior Land Use Planner**

[josh.mike@quarles.com](mailto:josh.mike@quarles.com) | D. [602-229-5745](tel:602-229-5745)

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One Renaissance Square, Two North Central Avenue, Suite 600, Phoenix, AZ 85004-2322

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**From:** [Sarah Steadman](#)  
**To:** [Petersen, P. Derek \(Perkins Coie\)](#)  
**Cc:** [Wilson, Kristine \(Perkins Coie\)](#); [Freouf, Delana \(Perkins Coie\)](#); [Carmody, Jane \(Perkins Coie\)](#); [Jim Smith](#)  
**Subject:** RE: Mesa Data Center and PAD Text Amendments: C-1 Mesa LLC's Legal Comment Letter  
**Date:** Tuesday, June 10, 2025 12:31:00 PM

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Derek,

Projects with a site plan, design review, and special use permit approved prior to the effective date of the proposed data center ordinance may be developed in compliance with the approved site plan, design review, and special use permit, as set forth in Mesa City Code Section 11-1-6. Next, if an owner has a valid claim under ARS 12-1134 and the request for a waiver meets all the requirements in Section 12 of the data center ordinance, the waiver will be granted. Lastly, tweaks are being made to Section 12 of the data center ordinance to clarify a couple items related to the waiver. Please take a look at the updated ordinance that will be available [here](#) prior to tomorrow's Planning and Zoning Board meeting.

Thank you.

**Sarah Steadman**


Assistant City Attorney  
Mesa City Attorney's Office  
(480) 644-4111

---

**From:** Petersen, P. Derek (Perkins Coie) <PDPetersen@perkinscoie.com>  
**Sent:** Tuesday, June 10, 2025 9:53 AM  
**To:** Sarah Steadman <Sarah.steadman@mesaaz.gov>; Jim Smith <jim.smith@mesaaz.gov>  
**Cc:** Wilson, Kristine (Perkins Coie) <KRWilson@perkinscoie.com>; Freouf, Delana (Perkins Coie) <DFreouf@perkinscoie.com>; Carmody, Jane (Perkins Coie) <JCarmody@perkinscoie.com>  
**Subject:** Mesa Data Center and PAD Text Amendments: C-1 Mesa LLC's Legal Comment Letter

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Mr. Smith and Ms. Steadman,

Please see the attached legal comment letter submitted on behalf of our client, C-1 Mesa LLC.

Once you've had a chance to review this, we'd like to schedule some time when we could discuss it with you. Do you have some time later this week when we could meet (we can meet via video call, if that's easier for you)? If so, could you please identify some dates and times

that work for you? Then we can circulate a calendar invite.

We look forward to talking with you. And please don't hesitate to reach out if you have any questions.

Thanks,  
Derek

**Derek Petersen**  
**PARTNER**

**Perkins Coie**

2525 E. Camelback Road Suite 500

Phoenix, AZ 85016-4227

+1.602.351.8260

pdpetersen@perkinscoie.com

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---

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**From:** [Rachel Phillips](#)  
**To:** [Alex Hayes](#)  
**Cc:** [Sarah Steadman](#)  
**Subject:** RE: Edgecore - Proposed Data Center Ordinance  
**Date:** Tuesday, June 10, 2025 4:59:00 PM  
**Attachments:** [Section 11-31-36 Data Centers.pdf](#)  
[image001.png](#)

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Alex,

Staff made a few revisions today to Section 11-31-36 in response to other comments. Some of those are reflected in your recommendations. We will look through these other suggestions and I will try to let you know before P&Z tomorrow if we're making any further revisions.


Best Regards,  
Rachel

---

**From:** Alex Hayes <hayes@wmbattorneys.com>  
**Sent:** Tuesday, June 10, 2025 3:58 PM  
**To:** Rachel Phillips <Rachel.Phillips@MesaAZ.gov>  
**Cc:** Sarah Steadman <sarah.steadman@mesaaz.gov>  
**Subject:** RE: Edgecore - Proposed Data Center Ordinance

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Hi Rachel and Sarah,

Thank you for the coordination over the last week. I appreciate the quick responses. While we feel comfortable with the assurances that have been provided regarding the impact of the data center text amendment to Eastmark, we did want to offer some proposed amendments. Those are included in the attached redline. There are a few recommended edits/additions, as well as some clarifying questions.

Thanks!

Alex

Alex Hayes  
Withey Morris Baugh, PLC  
2525 E. Arizona Biltmore Circle, Ste A-212  
Phoenix, AZ 85016

602-230-0600 Main  
602-346-4636 Direct

---

**From:** Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)>  
**Sent:** Tuesday, June 3, 2025 12:38 PM  
**To:** Alex Hayes <[hayes@wmbattorneys.com](mailto:hayes@wmbattorneys.com)>  
**Subject:** RE: Edgecore - Proposed Data Center Ordinance

Alex,

Attached is the revised Ordinance that was modified to include Eastmark in the waiver section.

Let me know if you have any questions.

Best,  
Rachel

---

**From:** Alex Hayes <[hayes@wmbattorneys.com](mailto:hayes@wmbattorneys.com)>  
**Sent:** Monday, June 2, 2025 11:11 AM  
**To:** Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)>  
**Subject:** RE: Edgecore - Proposed Data Center Ordinance

Hi Rachel,

The proposed site plan modifications are really due to changes in the substation size required by SRP. The upsizing of the substation requires some building reorientation. The site would go from three buildings to two but the building facades and relationship to the street would remain substantially the same. In fact, the street frontages would actually improve with more landscaping and fewer parking spaces. We had some initial discussions with Mary and Evan about this about two months ago.

Attached here is the proposed site plan and another exhibit showing the proposed compared to the approved site plan.

FYI we have a meeting with Nana tomorrow at noon to discuss this site.

Thanks!

Alex

Alex Hayes

Withey Morris Baugh, PLC  
2525 E. Arizona Biltmore Circle, Ste A-212  
Phoenix, AZ 85016  
602-230-0600 Main  
602-346-4636 Direct

---

**From:** Rachel Phillips <[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)>  
**Sent:** Monday, June 2, 2025 8:10 AM  
**To:** Alex Hayes <[hayes@wmbattorneys.com](mailto:hayes@wmbattorneys.com)>  
**Subject:** Edgecore - Proposed Data Center Ordinance

Alex,

I'm still following up with our attorneys on a couple of items to respond to your inquiry on the proposed data center text amendments on Edgecore. Can you provide me a description of the planned site plan modifications? If you have a draft site plan that would be great.

Thank you,  
Rachel

Rachel Phillips, AICP  
Assistant Planning Director  
480-644-2762  
[Rachel.Phillips@MesaAZ.gov](mailto:Rachel.Phillips@MesaAZ.gov)



## SECTION 11-31-36: DATA CENTERS

### SECTION 11-31-36: - DATA CENTERS

#### A. **Applicability.**

1. ***Data Center as an Accessory Use.*** A Data Center that meets all of the criteria (a through d below) may be considered an accessory use and is not subject to the requirements of this Section 11-31-36. Accessory use criteria:
  - a. The Data Center exclusively serves the enterprise functions of the on-site property owner.
  - b. The Data Center does not lease data storage or processing services to third parties.
  - c. The Data Center occupies no more than 10% of the building footprint.
  - d. The Data Center is not housed in a separate stand-alone structure on the parcel.
2. ***Data Center as a Principal Use.*** Data Center, as defined in Section 11-86-5, is prohibited in every zoning district, except that a Data Center may be permitted in the Planned Area Development (PAD) Overlay District that is used in combination with the General Industrial (GI) or Heavy Industrial (HI) base zoning district only if the Data Center is specifically permitted by the City Council with the approval of the rezoning to the subject PAD Overlay District. Additionally, all Data Centers as a principal use shall be located, developed, and operated in compliance with the Land Use Regulations in Article 2 and the following standards.

#### B. **Purpose.** The purpose of this Section is to:

1. Promote public health, safety, and general welfare by mitigating potential adverse impacts of Data Centers, including impacts on the availability, capacity, and distribution of utility services, including water, wastewater, gas, and electricity; and
2. Minimize the physical, environmental, and visual impacts of Data Centers on surrounding areas by promoting high-quality design and ensuring compatibility with adjacent land uses and the community.

#### C. **Permitted Zoning Districts.**

1. ***PAD Overlay District Required.*** A Data Center may be permitted within a PAD Overlay District when applied in combination with the General Industrial (GI) or Heavy Industrial (HI) base zoning districts, but only if specifically authorized by the City Council as part of the PAD Overlay District approval.
2. ***Data Center as an Accessory Use.*** A Data Center may be permitted as an accessory use in the Commercial and Employment zoning districts without requiring a PAD Overlay District and is not subject to the requirements of this Section 11-31-36.

#### D. **Relation to Other Regulations.** Where a conflict occurs between the provisions of this Section and any other City Code, ordinance, resolution, or regulation, the more restrictive provision shall control.

#### E. **Application Requirements.** In addition to the application requirements of Section 11-67-2 and application guides posted on the Development Services website, all development applications for a Data Center shall include all the following:

1. **Project Narrative.** A project narrative that describes how the Data Center is consistent with the General Plan, any other applicable City plan or policies, and is compatible with surrounding uses.
2. **Operational Plan.** An operational plan that provides evidence of compliance with all zoning, building, and fire safety regulations.
3. **Good Neighbor Policy.** A good neighbor policy describing all the following:
  - a. The measures that will be taken to ensure ongoing compatibility with adjacent uses including sound attenuation, lighting control measures, vehicular access and traffic control, and litter control measures.
  - b. Complaint response procedures, including the name and telephone number of the person responsible for the operation of the facility; and procedures for investigation, remedial action, and follow-up.
4. **Water Consumption and Thermal Management Report.** A water consumption and thermal management report which describes all the following:
  - a. **Cooling System.** The proposed cooling system for the Data Center and whether the Data Center will be water-cooled or air-cooled.
  - b. **Water Usage.**
    - i. The estimated amount of total water in acre feet that will be used by the proposed project and associated land use for a calendar year, along with a monthly breakdown of projected water demand for each month within that year.
    - ii. The estimated amount of water in million gallons per day that will be used by the proposed project during a typical 24-hour operational period under normal conditions, including anticipated usage patterns
    - iii. The estimated amount of water in million gallons per day to be used by the proposed project in a 24-hour period on its highest water consumption day.
    - iv. The estimated highest instantaneous flow rate in million gallons per day that will be used by the project along with the minimum, average, and maximum durations and frequencies of these flow conditions.
    - v. Indicate high consumption operational flexibility. Identify if high water demands can be aligned with the City's low-demand periods.
    - vi. The number of the proposed water meters and the size of each water meter for the proposed project.
    - vii. Proof that the applicant or property owner submitted a complete Sustainable Water Service Application to the City's Water Resources Department.
5. **Wastewater Report.** Proof that the applicant or property owner submitted a complete Industrial User Survey, or its equivalent under City Code Title 8, Chapter 4 (Sanitary Sewer Regulations) to the City's Water Resources Department.
6. **Electric and Natural Gas (Energy) Service Report.**
  - a. If located in the City's service area for electric or natural gas utility services, the estimated annual and monthly demand for electric and natural gas utility services.
  - b. If located in the City's service area for electric or natural gas utility services, an assessment of future energy needs for the proposed project.

7. **Initial Sound Study.** An initial sound study performed by a third-party acoustic engineer which documents all the following:
  - a. The baseline sound levels on the project site.
  - b. The baseline sound levels measured at the property line of the nearest residential zoning district, residential use, or other sensitive uses as reasonably determined by the Planning Director.
  
8. **Citizen Participation.** In addition to the Citizen Participation requirements of Section 11-67-3, all the following Citizen Participation measures are required:
  - a. **Neighborhood Meeting.**
    - i. The applicant shall hold a minimum of two (2) neighborhood meetings with residents to describe the project, including the project design, proposed sound-mitigation, lighting control measures, vehicular access and traffic control, and litter control measures.
    - ii. A representative of the developer or owner with decision-making authority on the design of the Data Center shall attend the neighborhood meetings.
  - b. **Neighborhood Meeting Notification.**
    - i. **Mailed Notice.** The applicant shall notify all property owners and homeowners' associations within a half-mile radius of the exterior boundary of the property that is the subject of the application, based on the last assessment.
    - ii. **Notice Timeframe.** Written notice shall be provided by first class mail a minimum of 15-days prior to each neighborhood meeting.
  - c. **Site Posting.**
    - i. The applicant shall post a sign on the proposed Data Center site at least 15-days before each neighborhood meeting.
    - ii. The sign shall be located along an arterial street or other high-visibility location as reasonably determined by the Planning Director.
    - iii. The sign shall include all the following content and shall be reviewed and approved by the Planning Director before installation:
      - (1) The applicant name and contact information.
      - (2) A brief description of the Data Center project.
      - (3) The date, time, and location of the neighborhood meeting.
      - (4) The applicant shall remove the sign after the neighborhood meeting(s), but not sooner.

F. **Development Standards.**

1. **Modifications and Deviations Not Permitted.** The development standards contained within this Section and the development standards contained within Chapter 7 of the Zoning Ordinance, when applied to a Data Center, may not be modified through a Planned Area Development (PAD) Overlay, Bonus Intensity Zone (BIZ) Overlay, Alternative Compliance, Special Use Permit (SUP), Variance or otherwise, except for the maximum building height specified in Subsection (3) below. The development standards in this Section will not apply to an existing or proposed Data Center located on property within a Planned Community (PC) District with an adopted Community Plan as of the effective date of this Ordinance in which Data Centers are permitted, including by waiver. For a Data Center on such property the

- development standards of the applicable Community Plan and Land Use Group shall apply.
2. ***Separation from Residential Zoning Districts and Residential Uses.*** A Data Center and all associated mechanical equipment, including but not limited to battery storage, power generation, cooling, ventilating, or other equipment that supports the Data Center, shall be located at least 400 feet from the property line of the nearest residential zoning district, residential use, or other sensitive use as reasonably determined by the Planning Director.
  3. ***Height.*** The maximum height of a Data Center, including all associated equipment, is 60 feet.
  4. ***Building Placement and Design.*** In addition to the development standards contained within Chapter 7 of the Zoning Ordinance, a Data Center shall adhere to all the following standards:
    - a. ***Quality Development Design Guidelines.*** Be designed in compliance with Chapter 5 of the City’s Quality Development Design Guidelines.
    - b. ***Orientation.*** Be oriented to adjacent arterial roadways and intersections.
    - c. ***Building Design Based on Sound Study.***
      - i. [Based on the results of the initial sound study, the Data Center shall be designed and built to incorporate sound mitigation methods sufficient to prevent the sound levels emanating from the Data Center (as determined by a third-party acoustic engineer) from exceeding the ambient noise levels that were observed in the baseline study as measured at the property line of the nearest residential zoning district, residential use, or other sensitive uses as reasonably determined by the Planning Director.]
      - ii. Design specifications for such sound mitigation shall be provided to the City and incorporated into the building design before building permit approval.
  5. ***Architectural Design.*** In addition to the requirements of Chapter 7 of the Zoning Ordinance, a Data Center shall adhere to all the following standards:
    - a. ***Quality Development Design Guidelines.*** Be designed in compliance with Chapter 5 of the City’s Quality Development Design Guidelines.
    - b. ***All Side Architecture.*** Architectural detailing on façades may vary depending on visibility and orientation. However, all façades that are publicly visible—whether from the street, neighboring properties, or public vantage points—shall have architectural detailing equivalent to the primary façade.
    - c. ***Multi-planar Façades.*** In addition to the Site Planning and Design Standards of Chapter 7, a Data Center shall include multi-planar façades every 150 feet which are offset a minimum three (3) feet vertically and horizontally from the main building façade.
    - d. ***Glazing Requirements.*** A Data Center building shall incorporate windows or glass panels on a minimum of 40% of the front façade and 15% on all other facades.
    - e. ***Architectural Features.*** Architectural features shall be integrated into the design of Data Center buildings to create visual interest and establish a cohesive architectural identity—particularly at entryways and areas of public interface. All buildings shall incorporate at least five (5) of the following architectural features:
      - i. ***Overhangs.*** Overhangs shall project a minimum three (3) feet from the building façade.
      - ii. ***Canopies.*** Canopies shall extend a minimum four (4) feet from the building façade.
      - iii. ***Arcades.*** Arcades shall provide a clear depth of six (6) feet and a minimum

height of 10 feet.

- iv. *Window Shrouds.* Window shrouds shall project a minimum of six (6) inch around the entire window frame.
- v. *Raised Corniced Parapets Over Primary Entrances.* Raised corniced parapets shall extend a minimum of 18 inches above the adjacent roofline and six (6) inches horizontally from the wall.
- vi. *Tower Elements.* Tower elements shall be either one (1) story taller than the adjacent massing.
- vii. *Frameless Corner Glass.* Each glass wall shall be a minimum eight (8) feet wide, with a seamless corner radius or joint.
- viii. *Flying Roof Forms.* Roofs elements shall have a slope of at least 15 degrees and project a minimum four (4) feet beyond the main wall.
- ix. *Murals.* Murals shall encompass an area of 50 square feet.
- x. *Decorative Architectural Grilles, Laser-Cut Metal Screens, or Louvres.* Decorative architectural grilles, laser-cut metal screens, or louvres shall be a minimum four (4) feet wide or 12 square feet in area.
- xi. *Architectural Lighting.* Architectural lighting shall illuminate at least 25% of the primary façade length or highlight a minimum of three (3) distinct architectural components.
- xii. Other architectural feature approved by the Planning Director.

6. ***Truck Docks, Loading, and Service Areas.***

- a. Truck docks, loading, and service areas shall not face or be visible from public rights-of-way.
- b. When possible, buildings should be used to screen truck docks, loading, and service areas.
- c. Where building locations do not offer screening or in the case of phased development plans, truck docks, loading, and service areas shall be fully screened by a solid masonry wall at least eight (8) feet in height.

7. ***Fences and Freestanding Walls.*** In addition to the development standards of Section 11-30-4, Data Centers shall adhere to all the following standards:

- a. *Architectural Compatibility.* Walls and fences shall be designed to complement the architectural style of the Data Center and surrounding development.
- b. *Articulation.* Walls and fences shall be articulated every 40 feet through the use of either of the following:
  - i. A column that is offset a minimum eight (8) inches from the horizontal plane of the wall or fence and extends a minimum eight (8) inches above the main body of the wall or fence.
  - ii. A landscape pocket which is three (3) feet deep by five (5) feet wide.
- c. *Decorative Cap.* All wall or fence columns shall have a decorative cap.
- d. *Prohibited Materials.*

- i. The use of barbed wire, razor wire, embedded glass shards, or ultra barrier is prohibited.
  - ii. The use of chain link or electrified fencing may only be used for internal security purposes and shall be fully screened from public view.
- 8. ***Mechanical Equipment.*** Mechanical equipment, including but not limited to battery storage, power generation, cooling, ventilating, or other equipment that supports the Data Center, shall adhere to all the following standards:
  - a. *Screening.* Be screened to reduce visual and noise impact using one (1) or more of the following methods:
    - i. Integrated into the building architecture and screened by a wall that appears as a natural extension of the building.
    - ii. With a solid masonry wall at least eight (8) feet in height or tall enough to fully screen the tallest piece of equipment.
  - b. *Location.* When possible, be located at the rear or side of the building, away from primary entrances, public-facing façades, residential uses or zoning districts, and private or public roadways.
  - c. *Architectural Consistency.*
    - i. Screening elements shall be designed as a seamless extension of the Data Center’s architecture, avoiding exposed industrial-looking enclosures.
    - ii. Screening elements shall use materials and colors that match the primary Data Center building.
- 9. ***Substation Screening.***
  - a. *Height.* Substations, whether private or public, shall be screened by a solid wall that extends at least one (1) foot above the tallest piece of equipment., unless otherwise approved by the Planning Director. Where conflicts exist with utility design standards or raise constructability or safety concerns, the Planning Director shall approve an alternative design.
  - b. *Enclosure Design.* Substation screen walls shall adhere to the development standards of Section 11-30-4, the requirements of this Section for Fences and Freestanding Walls, and be designed to match any proposed publicly facing wall within the development.
- 10. ***Utilities.***
  - a. The Data Center shall bear the full cost of undergrounding any electrical infrastructure located on the Project’s property deemed necessary by the City of Mesa Development Services Department in its sole discretion and approved by the applicable utility.
  - b. Depending on the estimated annual demand and if located in the City’s service area for electric or natural gas utility services, the City may require a Data Center to source and transmit its own electric or natural gas commodity to a point of the City’s electric or natural gas system as determined in the City’s sole discretion.

**G. Operational Requirements.**

- 1. ***Modifications and Deviations Not Permitted.*** The operational standards contained within this Section may not be modified through a Planned Area Development (PAD) Overlay, Bonus Intensity Zone (BIZ) Overlay, Alternative Compliance, Special Use Permit (SUP),

Variance or otherwise.

2. ***Sound Study at Certificate of Occupancy or Certificate of Completion Stage.***

- a. Within 30 days of the issuance of a certificate of occupancy or certificate of completion, whichever occurs first, the Data Center operator shall conduct a sound study performed by a third-party acoustical engineer.
- b. The study shall document noise levels emanating from the Data Center measured at the property line of the nearest residential zoning district, residential use, or other sensitive uses as reasonably determined by the Planning Director, during peak routine, as opposed to emergency, operation of the Data Center mechanical equipment.

3. ***Annual Sound Study Required.***

- a. The Data Center operator shall perform an annual sound study during peak routine operation of the Data Center mechanical equipment for five (5) years after completion of the initial post-construction sound study.
- b. The study shall document noise levels emanating from the Data Center as measured at the property line of the nearest residential zoning district, residential use, or other sensitive uses as reasonably determined by the Planning Director.
- c. The Data Center operator shall provide the results of the sound study to the City within 30 days of the anniversary of the date on which the certificate of occupancy or certificate of completion was issued by the City.

4. ***Backup Generators.*** If the Data Center operator intends to use backup power generators on the parcel, the operator shall maintain a public website announcing the times when the generators will be in non-emergency operation.

- a. Any routine operation of the backup generators, including for testing purposes, shall be announced on the website at least 24 hours in advance.
- b. The operator shall also notify the City of Mesa Public Information Office at least 24 hours in advance of a test.
- c. Unless the generators are supplying backup electrical supply during a power outage or other emergency situation, backup generators may operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays.
- d. Upon request by City staff, the Data Center operator shall provide the address of the website and QR code where the notices required by this Section are published.
- e. Any generating systems that are capable of operating in parallel with the City of Mesa's electric utility or in an islanded manner within the City of Mesa's electric utility will be subject to a generator interconnection process and interconnection study. In all instances, the Data Center operator shall be responsible for all interconnection costs and costs of distribution system protection related to the operation of the generating system.