

**\*4-a ZON22-00263 District 2.** Within the 5600 to 5800 blocks of East Inverness Avenue (north and west side) and within the 5600 to 5800 blocks of South Sunview (north and south sides). Located east of Higley Road and north of Baseline Road (50± acres). Rezone from Planned Employment Park with a Planned Area Development Overlay and Council Use Permit (PEP-PAD CUP) to Planned Employment Park with a Planned Area Development Overlay (PEP-PAD), Light Industrial with a Planned Area Development Overlay (LI-PAD), and Site Plan Review. This request will allow for an industrial development. Sean Lake, Pew & Lake, PLC, applicant; VHS ACQUISITION SUBSIDIARY NUMBER 11 INC, owner. **(Companion case to Preliminary Plat “Baseline Logistics Park,” associated with item \*5-a)**

**Planner:** Cassidy Welch

**Staff Recommendation:** Approval with conditions

**Summary:**

**Staffmember Cassidy Welch presented case ZON22-00263. See attached presentation.**

**Chair Crockett invited the applicant to speak.**

**Applicant Sean Lake, 1744 S Val Vista, presented. See attached presentation.**

**Boardmember Sarkissian inquired** about the five smaller units and if they would be similar to the typical offices in front of warehouses, mentioning that there could be different types of users.

**Applicant Sean Lake clarified:** It could be a business has medical parts, and they have offices and employees in there. It was clarified that many uses could range from having medical inventory to offices with employees and confirmed with that each unit would have their own availability. It was also clarified that the docks were there to provide flexibility for the future tenant.

**Conversation ensured and it was also clarified** that the zoning change will allow for the possibility of manufacturing and production of medical equipment as well.

**Chair Crockett invited members of the public to speak.**

**Lauren King for the record 6737 N. 12<sup>th</sup> Way spoke** in support of the Heinz project, on behalf of the current owner, Tenant healthcare/ Abrazo locally. Ms. King mentioned that hospital plan that was conceived many years ago would not happen and how throughout this process, they have been very involved with and appreciate Heinz's collaborative approach. Ms. King acknowledged AT Still as a longtime neighbor of this property, and a fellow supporter of the health care community as well as, their appreciation for the provided feedback. Ms. King stated that they believe that Heinz has made meaningful accommodations to address the concerns,

including significant buffers to the AT Still campus, adding that this was a great plan that will generate jobs and be a good use of the property.

**Gary Cloud submitted a blue card in opposition of this case and deferred his time to Joel Sannes.**

**Joel Sannes, 1138 N. Alma School Road #101 spoke:** Mr. Sannes stated that this is a substantial 50-acre zoning change and requested to have more time extended to his presentation, or have the Board take additional time to read over the letter provided to the Board.

**Chair Crockett invited the applicant to speak.**

**Joel Sannes stated,** on behalf of AT Still University, that approving this rezoning would be a drastic change to the Mesa 2040 General Plan, for this area of the City. Mr. Sannes acknowledged appreciation for what Hines has done to accommodate the concerns that AT Still has, but that there is still concern that it is inconsistent with the General Plan, and inconsistent with commitments that the City of Mesa made when AT Still located its campus in the area. Mr. Sannes spoke about synergistic benefits to AT Still's universities, educational, and public service mission. Mr. Sannes added that approval would be a short-term view, compared to the long-term view of the 2040 General Plan, and that they felt the City previously committed to ATSU that the area will be developed in a manner that creates synergies for the University's educational public service missions. Mr. Sannes also added that AT Still University's continued viability in this location would be less viable. Mr. Sannes presented. See attached PowerPoint.

**Chair Crockett inquired of the construction of the building.**

**Mr. Sannes answered:** that it is tilt up concrete, a beautiful building that would be great in another location, but is "border to border concrete." Mr. Sannes added that he did not agree with staff's statement that the project complies with the Plan Employment Park designation and continued that Planned Employment Park would have multiple uses, and should have ancillary uses like retail. Additionally, Mr Sannes listed the Plan Employment Park multiple uses such as medical office parks, research and development facilities, light industrial management, light manufacturing, integrating a campus setting with ancillary restaurants, retail and other supportive establishments, and that this doesn't have any of that. Mr. Sannes mentioned the 16 drive-thru docks, 236 truck docks, and that AT Still provides a public service in the form of a dental clinic, along with other colleges associated with higher education. It was added that Abrazo Health, formerly owned the Mountain View Mountain Vista Medical Center, which was sold in 2022. Mr. Sannes listed an emergency hospital, Compass Health rehabilitation services operating a physical rehabilitation facility, and Sante of Mesa's short term skilled nursing and rehabilitation facility, as existing within the Specialty District as being consistent with the General Plan.

**Chair Crockett invited the applicant to respond.**

**Applicant Sean Lake responded** and expressed appreciation working with Mr. Sannes and pointed out that the UPS facility directly adjacent to the property was not mentioned as well as, and the apartment south, citing that there are a lot of different uses in this site that aren't all consistent with what was stated. Mr. Lake also noted that the property's current zoning of PEP and the change to PEP and LI are more similar than previously approved cases. Mr. Lake addressed the suggestion for retail, restaurants, bars, and nightclubs as appropriate for arterial frontages, and also pointed out in agreement with staff, that it is consistent with the General Plan. Mr. Lake reiterated that the project was in line with the General Plan; the land is most appropriate for business park and employment type uses, as the land has been set aside for jobs and creation. Mr. Lake added that narrowing the zoning down to a medical or a hospital for this property was not beneficial, given that a hospital seller is saying it's never going to happen. Mr. Lake added that the project is attractive and great asset to the city of Mesa both in terms of jobs and employees.

**Assistant Planning Director Rachel Prelog stated:** That staff's evaluation of compliance ends with the General Plan. In reviewing the rezone request and associated site plan, however, the buildings shown on the site plan are speculative and that, it is correct that the LI in the Plan Employment Park Zoning Districts are primary zoning districts to be used in the medical campus subtype. When the buildings are officially occupied, if they require any sort of special use at that time, staff can further evaluate those for compliance with the General Plan. But as it stands now, the proposal is in compliance, that is staff's interpretation.

**Chair Crockett closed the public hearing.**

Boardmember Allen motioned to approve case ZON22-00263. The motion was seconded by Boardmember Peterson.

**That: The Board recommends to approve case ZON22-00263 conditioned upon:**

1. Compliance with final site plan submitted.
2. Prior to submitting any building permit application, submit a revised site plan to the City, for review in accordance with Chapter 69 of the Zoning Ordinance, modifying the design of the roadways so that truck traffic is directed to exit the western side of the site onto East Inverness Avenue, and coordinate the specific redesign aspects of the roadways with the City Transportation Department prior to submitting the revised site plan to the City for review.
3. Prior to the submittal of a building permit recordation of a cross access and cross parking agreement for the subject site.
4. Compliance with all requirements of Design Review, Case No. DRB22-00432.

5. Dedicate the right-of-way and easements required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
6. All off-site improvements and street frontage landscaping must be installed in the first phase of construction.
7. Compliance with all requirements of the Subdivision Regulations.
8. Execute and comply with the development agreement.
9. Compliance with all requirements of Chapter 19 of the Zoning Ordinance including:
  - a. Owner shall execute and record the City's standard Avigation Easement and Release for Phoenix Mesa Gateway Airport prior to the issuance of a building permit.
  - b. Any proposed permanent or temporary structure 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. An FAA determination notice of no hazard to air navigation shall accompany any building permit application for the property.
  - c. Prior to the issuance of a building permit, provide documentation that a registered professional engineer or registered professional architect has certified that noise attenuation measures have been incorporated into the design and construction of the building to achieve a noise level reduction to 45 decibels as specified in Section 11-19-5 of the Mesa Zoning Ordinance.
  - d. Provide written notice to future property owners that the project is within 4 miles of Phoenix-Mesa Gateway Airport
10. Compliance with all City development codes and regulations, except the modifications to the development standards as approved with the PAD overlay and shown in the following table:

<b>Development Standards</b>	<b>Approved</b>
<u>Maximum Building Height –</u>  MZO Section 11-7-3	50 feet
<u>Required Parking Spaces by Use –</u>  MZO Table 11-32-3.A  <i>- Group Industrial</i>	

	90% of gross floor area at 1 space per 650 square feet and 10% of gross floor area at 1 space per 375 square feet
<u>Setback of Cross Drive Aisles –</u>  MZO Section 11-32-4.A	Parking spaces along main drive aisles connecting directly to a street shall be set back at least 20 feet from the property line abutting the street, as shown on the final site plan

Vote: 6-1

Upon tabulation of vote, it showed:

AYES – Crockett, Allen, Sarkissian, Peterson, Pitcher, Montes

NAYS – Ayers