

## CITY OF MESA

### MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers

Date: April 17, 2008 Time: 4:00 p.m.

#### MEMBERS PRESENT

Rich Adams, Chair  
Pat Esparza, Vice Chair  
Frank Mizner  
Jared Langkilde  
Ken Salas  
Randy Carter  
Chell Roberts

#### MEMBERS ABSENT

#### OTHERS PRESENT

John Wesley  
Dorothy Chimel  
Tom Ellsworth  
Jennifer Gniffke  
Joe Welliver  
Josh Mike  
Maria Salaiz  
Kelly Arredondo

Mia Lozano-Helland  
Mary Grace McNear  
Christine Zielonka  
Krissa Lucas  
Patrick Murphy  
Cathy Ji  
Corinne Nystrom  
Bill Jabjiniak

Bill Petrie  
Reese Anderson  
David Udall  
Chris Arnold  
Greg Hitchens  
Others

Chairperson Adams declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated April 17, 2008. Before adjournment at 7:22 p.m., action was taken on the following items:

It was moved by Boardmember Esparza, seconded by Boardmember Mizner that the minutes of the March 25, 2008, and March 27, 2008 study sessions and regular meeting be approved as submitted. Vote: 7-0.

Consent Agenda Items: All items identified with an asterisk (\*) were approved with one Board motion.

It was moved by Boardmember Salas, seconded by Boardmember Roberts that the consent items be approved. Vote: 7-0

Zoning Cases: GPMinor07-11, GPMinor08-07, GPMinor08-08, Z07-74, \*Z08-20, \*Z08-21, Z08-22, \*Z08-23, Z08-24, Z08-25, Z08-26, Z08-28, \*Preliminary Plat "Urban Villas"

Consideration & Recommendation of Fees.

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Item: **Z08-20 (District 6)** The 10000 to 10100 blocks of east Southern Avenue (north side) and the 1000 to 1100 blocks of South Crismon Road (east side). Located north of Southern Avenue and east of Crismon Road (14.31± ac). Site Plan Modification. This request will allow the development of a medical office subdivision. Robert Stave, owner; Michael Jorgensen, applicant; Robert E. Mohning, Rick Engineering Co., engineer. Also consider the preliminary plat.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board **approve** the preliminary plat and zoning case Z08-20 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Recordation of cross-access easements between all lots proposed in the preliminary plat.

Vote: Passed 7-0

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**Note: Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also "live broadcasted" through the City of Mesa's website at [www.cityofmesa.org](http://www.cityofmesa.org)**

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Item: **Z08-26 (District 1)** 1353 East McKellips Road. Located east of Stapley Drive on the south side of McKellips Road (1.03± ac). Site Plan Modification. This request will allow for the development of a medical office. Richard Dobrusin, Dorbusin Investments LLC, owner; Marc Brimhall, Cawley Architects, Inc., applicant; Jay Edward Mihalex, JMA Engineering, engineer. Also consider the preliminary plat.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board **approve** the preliminary plat and zoning case Z08-26 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way 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.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Recordation of cross-access and reciprocal parking easements along the west property line

Vote: Passed 7-0

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Item: **Z08-21 (District 6)** 5524 East Baseline Road. Located on the north side between Higley Road and Recker Road (2.34± ac). Site Plan Modification. This request will allow for construction of a new warehouse addition to an existing office building. Lynn Urry, owner; Gregory Hitchens, applicant/engineer.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board recommend to the City Council **approval** of zoning case Z08-21 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board, including screening of parking from public rights of way.
3. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the staff report.

Vote: Passed 7-0

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Item: **Z08-23 (District 5)** 3845 North Higley Road. Located on the east side of Higley Road and north of Thomas Road (1.60± ac). Rezone from R1-90 to M-1 and Site Plan Review. This request will allow the expansion of a metal fabrication shop. Steve Wright, Sheet Metal Works of Arizona, owner; William Petrie, Petrie Planning & Development Services, L.L.C., applicant; Gregory L. Allen, Allen Consulting Engineers, Inc., engineer.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board recommend to the City Council **approval** of zoning case Z08-23 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and elevations submitted, (without guarantee of lot yield, building count, or lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way 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.
5. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Filed Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
6. Review and approval of a Substantial Conformance Improvement Permit by the Board of Adjustment or Zoning Administrative Hearing Officer for modifications to the landscape setback, building setback, and foundation base requirements as shown on the site plan.

Vote: Passed 7-0

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## MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Item: **Z08-25 (District 1)** 1150 North Alma School Road. Located north of University Drive on the west side of Alma School Road (34.54± ac). Rezone from PEP DMP to PEP PAD DMP. This request will allow modifications to a previously approved site plan and the creation of an office subdivision. Joshua Mulhall, Lauth Property Group, owner/applicant; Mark Beck, Kimley-Horn Associates, Inc. engineer. Also consider the preliminary plat.

Comments: David Udall, 30 W. First St, applicant, gave a brief overview of the proposed request and stated that they are seeking a PAD overlay and modifications as outlined in the staff report. He stated they are in agreement with the staff report with the exception of Condition #3; adding that they are in agreement with Condition 3a: "Removal of the screen wall along the south property line." He mentioned that they seek to remove the fence requirement to the north, which staff disagrees with. He explained that the 20' on the north side of the property is owned by a variety of parties and has utility easements, which will need repairs as utility lines go in. He stated that they are proposing a vegetative barrier as an alternative, which makes more sense and is visually more pleasing. He also explained that the DeRito Group is in agreement with the removal of the requirement for the wall and he also briefly explained the purpose of the wall.

Tom Martin, 7206 East Fremont Place, Centennial, CO, Lauth Property Group, briefly explained each of the owners and boundaries, and reiterated that there are public utility easements and putting in a wall or a fence exposes them to continued maintenance.

Boardmember Mizner stated that the same argument would apply to a vegetative barrier. Mr. Martin responded that replacing a tree would be easier because they wouldn't have to match the paint or masonry to rebuild.

Discussion ensued regarding matching mature landscaping, esthetics of the project, screening of the gravel pit and the existing screen wall.

Josh Mike, Planner I, stated that this is a request for a PAD overlay to allow individual ownership of an office subdivision and to allow the lots to not front onto a public street. He continued that the second request is to omit the construction of a screen wall along the north property line as well as to omit the construction of the screen wall along the south property line. He stated that staff supports the applicant's request to omit the screen wall along the south property line, however, staff feels that the screen wall that is required, and currently constructed along the western portions of the project, stay consistent throughout the property.

Mr. Mike briefly explained the various property owners; adding that the agreement between DeRito and the Lauth Property Group regarding the 2' flag lot is of concern. He added that if there is a difference in ownership it may not be under the authority of this Board to omit the construction of that screen wall. He added that staff feels that construction of that screen wall should be required as previously approved. Discussion ensued regarding Condition #3, ownership of the 2' flag lot and repair and maintenance of the screen wall.

Dorothy Chimel, Principal Planner, stated that there is a definition of a group COI in the Zoning Ordinance and that language was crafted to address that the wall would be placed at the northern line of this group COI.

Boardmember Carter commented that if someone builds close to an easement the owner is responsible for rebuilding if damaged by a utility company.

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Mr. Mike stated that the PAD request is to omit an already required screen wall from a previously approved zoning case. Discussion continued regarding the location of the utility easements, property lines, ownership and the use of landscape vs. concrete for the wall.

Boardmember Langkilde moved to approve zoning case Z08-25 with the conditions as outlined by staff with the stipulation that Conditions #3 be modified as listed below, seconded by Boardmember Esparza.

The Board **approved** the preliminary plat and recommends to the City Council **approval** of zoning case Z08-25 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations, including a vegetative screen wall at the northernmost edge of the group C.O.I., except where modified below:
  - a. Removal of the required screen wall along the south property line, adjacent to the Tempe Canal.
4. Dedicate the right-of-way 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.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
8. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: Passed 7-0

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## MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Item: **Z08-28 (District 2)** 2860 East Main Street. Located north of Main Street and east of Lindsay Road (.20± ac). Council Use Permit. This request will allow the use of a pawn shop in an existing shopping center. Eric A. Nelson, owner; Brad Shain, Max-It Pawn & Retail, applicant.

Comments: Brad Shain, CEO of Maxit Pawn and Retail, applicant, stated that they agree to the conditions of approval and will be adding landscaping and upgrades to the site to make it nicer.

Joe Welliver, Planner I, stated that this request is for a Council Use Permit (CUP) to allow a pawnshop in an existing commercial center. He explained the location and the criteria used to consider a CUP for a pawnshop and added that the applicant has demonstrated substantial conformance by proposing to install approximately 3,000 sq. ft. of landscaping in and around the subject site. Mr. Welliver continued that staff has had correspondence with Detective Milburn, Mesa Police Department, who states that the existing Maxit pawnshop adheres to all City regulations. He mentioned that staff received one phone call in opposition and briefly explained the history of the previous request by this applicant. He stated that staff is supportive of the request and a condition has been drafted which states that the CUP is limited only to Maxit Financial, LLC, a Washington Limited Liability Company.

Boardmember Langkilde asked if the resident who called explained their objection to the pawnshop. Mr. Welliver responded that they were opposed to pawnshops, check cashing facilities and anything they deemed predatory.

Chairperson Adams thanked Mr. Shain for his tenacity on continuing to look for an alternate site and the improvements he has agreed to make.

Boardmember Mizner commented on the previous request by the applicant, adding that the applicant has found a location that needs help and this proposal is coming forth with significant upgrades to the shopping center. He also applauded Mr. Shain for his tenacity and willingness to cooperate with staff to present a proposal that will be an asset to this area.

Boardmember Roberts asked Mr. Shain what attracted him to this site. Mr. Shain responded that it's a very challenging process to get a CUP in Mesa and it's difficult to buy property and hold onto it with the chance of getting approval; adding that he has been looking at other sites. He stated that they don't handle firearms or adult movies and is passionate about changing the image of pawnshops.

Boardmember Esparza stated that this is a great site and project and applauded Mr. Shain for agreeing to install landscaping and asked if he could nudge the neighbors to the west to do the same in the parking lot.

It was moved by Boardmember Mizner, seconded by Boardmember Carter

That: The Board recommend to the City Council **approval** of zoning case Z08-28 conditioned upon:

1. Compliance with the basic development as described in the operations plan and project narrative and as shown on the site plan.
2. Compliance with all City development codes and regulations.
3. Certificates of Occupancy for the subject site shall not be granted until the proposed landscaping is constructed.
4. In the event the pawn operations are transferred to a business, person, or entity other than

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Maxit Financial, LLC, a Washington Limited Liability Company, the Council Use Permit to conduct pawn operations at this site will terminate.

Vote: Passed 7-0

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## MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Item: **GPMinor07-11 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road. General Plan Minor Amendment to change the General Plan Land Use Map from Business Park to Medium Density Residential 6-10 du/acre (20± ac) and Neighborhood Commercial (9± ac). This request will allow the development of a mixture of multi-family, retail, resort, and office uses within the Las Sendas Development Master Plan. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant; Julie S. Rayburn, RCC Design Group, LLC; engineer. **COMPANION CASE Z07-74. CONTINUED FROM THE MARCH 27, 2008 HEARING.**

Comments: Reese Anderson, 1930 E Brown Rd. #101, applicant, provided an update of the project and explained the reasoning for the request of C-2 zoning vs. C-1. He further discussed the issues regarding drive thrus and the development agreement.

Barry Berkus, 20875 Pima, Scottsdale, architect planner, provided a PowerPoint presentation and explained that this plan is much different than the previous plans, that they are trying to create a "European Village" with a dry creek walk with the office complex next to the freeway. He further explained the elements of the project and stated that they are trying to create a true community gem that will crescendo, will have a tremendous amount of open space with curved roads and interior parking which will be hidden by trees and the buildings themselves. Mr. Berkus also stated that they feel that they have created something that is part of the environment, the desert habitat, and the community can be proud of.

Janet Patrick, 3934 N. Stone Gully Circle, presented a blue card in favor of the project.

### Her comment included:

- Six-stories of any of the buildings is too high in the Desert Uplands, three-stories max.

The following individuals presented blue cards in opposition to the project:

Herman Walters, 2909 N. Avoca Circle  
Jeff Emig 3944 N. Arboles Circle  
Carol Emig, 3944 N. Arboles Circle

The following individuals spoke in opposition to the project.

Dennis Bassi, 7533 E. Orion Circle  
Beverly Quisenberry, 7800 Ridgecrest  
Kay Bigelow, 2 North Central #1800, Phoenix  
William Puffer, 8330 E. Thomas Rd.  
Carol Walters, 2909 N. Avoca Circle  
Gary Smith, 2762 N. Augustine, read a statement from Shirley Duclos  
Dick Murphy, 3060 N. Ridgecrest, read a statement John Duclos  
Clyde Hostetter, 3055-190 N. Red Mountain  
Bill Hall, 3933 N Arboles Circle

### Their comments and concerns included:

- Want a stipulation that any future plan with proposed drive thrus go through the public hearing process
- Homeowners Association Board has not been able to provide feedback on the proposed plans
- Requesting a continuance to make sure that everyone has adequate information and can make an informed decision
- A residential buffer is necessary because of the existing residential to the north
- Completely out of character with the Desert Upland Guidelines

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- Object to a three diamond hotel under the AAA rating system
- This is a disruption of a community
- This will put a four to six-story skyscraper in the Sonoran Desert Uplands Community
- High-density office and retail space will cause a detrimental increase to traffic in a school neighborhood
- Six-story buildings next to the retail buildings will be out of scale
- Not a garden environment or European Village
- Concerns that no one has seen the nebulous Development Agreement
- Pushing through submittals that meet only minimum standards does not ensure quality projects
- Applauded the applicant for using the Desert Uplands approved plant list in the project
- Concerns that building heights will affect views of the city lights
- Would like to see only two-story buildings on the site
- Request restrictions on building lighting above 20 feet and any bright lighted signs facing toward the northeast and southeast
- This new site plan is light years better than the previous plans
- Drive thrus need to be deed restricted because they create pass through traffic and they detract from the ambiance of and do not complement a hotel
- Request that all truck traffic enter and exit the parcel at the main entrance on McDowell Road
- New development must exceed quality standards
- Concerns of light and noise pollution, the Dark Sky Ordinance
- Concerns of limited fire equipment and response time for the proposed heights
- Flight concerns for helicopters and Falcon Field
- Lack of open space presents a very crowded "urban like" site plan
- Multi-story office buildings and parking garages will do great harm to the Las Sendas Community
- Site plan and project narrative are not consistent
- Recommend a continuance until the missing information is provided and inconsistencies are resolved
- The application is incomplete, inaccurate, contradictory, engineer flawed nor has it supplied all of the information requested by the City of Mesa

Discussion ensued between Ms. Kay Bigelow, attorney for the Las Sendas Community Association, and the Board concerning drive thrus, the development agreement, building heights and the residential density of the project.

Mr. Anderson responded to the comments of the neighbors by reading from the minutes when the Las Sendas Community was approved and commented that he finds it ironic that the same people who are enjoying now what is the "Gem" of Las Sendas are levying these same type of complaints of quality. Mr. Anderson then gave a brief history of the previous site plans submitted and commented that he is in contact with the HOA Board and their opinions on the project change often. He continued that this plan is more becoming of Las Sendas than a typical 50-acre business park. He then addressed the development agreement and stated that the agreement addresses the quality of the hotel and phasing of the project.

Tom Ellsworth, Senior Planner, provided a history on this case stating that staff recommended denial previously based on the land use change and that staff felt that it was vital that the City maintain employment areas for quality jobs and quality development. He continued that City Council referred the case back with the direction that the developer find a way to work in the residential portion and that the plan include a resort, a "Class A" office development of a quality

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nature that would bring the number and types of jobs that Mesa is trying to attract.

Mr. Ellsworth explained that the current site plan has 20 acres of residential, 21 acres of business park designation, to allow the resort and a certain amount of office development, and the neighborhood commercial section is down to nine acres. He further explained that the request is to allow the offices to be four-stories with an option to go to six-stories if the market demands. He addressed the development agreement and stated that staff cannot limit uses through an ordinance but could through the development agreement or deed restrictions. He concluded by stating that staff recommends adoption of the general plan amendment and approval with conditions for the zoning case.

Bill Jabjiniak, Economic Development Director, explained that his goal is to change the City from a "bedroom" to a "boardroom" community and getting quality jobs to meet this goal. He explained that in order to meet some of the employment goals of the City the developer had to go vertical with this development. Mr. Jabjiniak reviewed a job projection study that was provided by the applicant and addressed the heights of the buildings, the parking garages and stated that from a jobs perspective, this is a step in the right direction.

Discussion ensued concerning the heights of the buildings, traditional office condominiums, the size of floor plate, and the number of stories that the job projection is based on.

Chairperson Adams asked Mr. Ellsworth and Mr. Wesley if the application was complete and if it complied with the Desert Uplands Guidelines. Mr. Ellsworth responded that it was a complete submittal and that it does comply due to the fact that staff is requiring them to meet the Desert Uplands Preferred Plant Palette and that as it comes through for development staff will be reviewing it for the lighting to make sure it complies with the Dark Sky Ordinance.

Discussion ensued concerning the compromise of the height of the buildings and parking garages, the seas of parking vs. the garages, the cost of garages and the fact that it is important that this project become a community icon.

Discussion ensued concerning how the Desert Uplands Guidelines apply to commercial development and height issues, the height of the buildings and parking structures at build out, and the process for future changes to an approved site plan.

Chairperson Adams asked Mr. Berkus if he had worked on similar projects with view areas where buildings like these had been proposed and built. Mr. Berkus responded that change is upsetting and hear the argument about size, bulk and scale all the time, adding that there is the initial shock and then with time it knits together a community and this project will create a real town center for Las Sendas.

Boardmember Carter asked Mr. Anderson if they are proposing the six-stories because they need six to make this project work or was it because they were concerned that they wouldn't get City Council approval at a lower height. Mr. Anderson responded that the request is for four-stories with the option to go to six-stories, adding that they are not being pressured.

Chris Arnold, owner, also commented that they are not being pressured and they think that four-stories will work but want the flexibility to be able to go to five or six-stories. He added that it would take 10 years to build out.

Boardmember Langkilde thanked Mr. Jabjiniak for the job numbers provided with this project, the developer for putting together such a comprehensive plan and commented that the developer has agreed to install all of the infrastructure for the project up front.

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Boardmember Mizner commented that this project has had a convoluted path through the process, that the current plan is very attractive, and this project has the potential of becoming a landmark for Mesa and this site plan is an improvement from the previous site plan, he added he would be supporting the case.

Boardmember Roberts commented that he would be supporting the case, that he visited the site, has concerns regarding the six-story buildings but the site plan presented is a very good compromise.

Boardmember Carter commented that he too visited the site, has reservations about the height of the buildings and it's compatibility with the surrounding neighbors but feels the whole development really needs the office component. He continued that when this project is built it will stand out as a star for the City of Mesa and the residents will get all the accolades for making it happen, as it will be the jewel of Las Sendas.

It was moved by Boardmember Langkilde, seconded by Boardmember Esparza

That: The Board recommend to the City Council **approval** of zoning case GPMinor07-11.

Vote: Passed 7-0

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Item: **Z07-74 (District 5)** Parcel 51 at Las Sendas. The 7100 and 7200 blocks of East McDowell Road (north side). Located east of Power Road on the north side of McDowell Road (51± ac). Rezone from R1-90 DMP to R-2 (20± ac), C-2 (9± ac) and PEP (21± ac), and PEP with a Council Use Permit (2± ac), all part of a P.A.D. overlay and a modification to the Las Sendas Development Master Plan. This request will allow the development of a mixture of multi-family, retail, resort, and office uses. JCA Holdings, LLC, Chris Arnold, owner; Reese Anderson, Pew and Lake, PLC, applicant; Julie S. Rayburn, RCC Design Group, LLC; engineer. Also consider the preliminary plat. **COMPANION CASE GPMInor07-11. CONTINUED FROM THE MARCH 27, 2008 HEARING.**

Comments: Reese Anderson, 1930 E Brown Rd. #101, applicant, provided an update of the project and explained the reasoning for the request of C-2 zoning vs. C-1. He further discussed the issues regarding drive thrus and the development agreement.

Barry Berkus, 20875 Pima, Scottsdale, architect planner, provided a PowerPoint presentation and explained that this plan is much different than the previous plans, that they are trying to create a "European Village" with a dry creek walk with the office complex next to the freeway. He further explained the elements of the project and stated that they are trying to create a true community gem that will crescendo, will have a tremendous amount of open space with curved roads and interior parking which will be hidden by trees and the buildings themselves. Mr. Berkus also stated that they feel that they have created something that is part of the environment, the desert habitat, and the community can be proud of.

Janet Patrick, 3934 N. Stone Gully Circle, presented a blue card in favor of the project.

### Her comment included:

- Six-stories of any of the buildings is too high in the Desert Uplands, three-stories max.

The following individuals presented blue cards in opposition to the project:

Herman Walters, 2909 N. Avoca Circle

Jeff Emig 3944 N. Arboles Circle

Carol Emig, 3944 N. Arboles Circle

The following individuals spoke in opposition to the project.

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Clyde Hostetter, 3055-190 N. Red Mountain

Bill Hall, 3933 N Arboles Circle

### Their comments and concerns included:

- Want a stipulation that any future plan with proposed drive thrus go through the public hearing process
- Homeowners Association Board has not been able to provide feedback on the proposed plans
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- Concerns that building heights will affect views of the city lights
- Would like to see only two-story buildings on the site
- Request restrictions on building lighting above 20 feet and any bright lighted signs facing toward the northeast and southeast
- This new site plan is light years better than the previous plans
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- Concerns of limited fire equipment and response time for the proposed heights
- Flight concerns for helicopters and Falcon Field
- Lack of open space presents a very crowded “urban like” site plan
- Multi-story office buildings and parking garages will do great harm to the Las Sendas Community
- Site plan and project narrative are not consistent
- Recommend a continuance until the missing information is provided and inconsistencies are resolved
- The application is incomplete, inaccurate, contradictory, engineer flawed nor has it supplied all of the information requested by the City of Mesa

Discussion ensued between Ms. Kay Bigelow, attorney for the Las Sendas Community Association, and the Board concerning drive thrus, the development agreement, building heights and the residential density of the project.

Mr. Anderson responded to the comments of the neighbors by reading from the minutes when the Las Sendas Community was approved and commented that he finds it ironic that the same people who are enjoying now what is the “Gem” of Las Sendas are levying these same type of complaints of quality. Mr. Anderson then gave a brief history of the previous site plans submitted and commented that he is in contact with the HOA Board and their opinions on the project change often. He continued that this plan is more becoming of Las Sendas than a typical 50-acre business park. He then addressed the development agreement and stated that the agreement addresses the quality of the hotel and phasing of the project.

Tom Ellsworth, Senior Planner, provided a history on this case stating that staff recommended denial previously based on the land use change and that staff felt that it was vital that the City maintain employment areas for quality jobs and quality development. He continued that City Council referred the case back with the direction that the developer find a way to work in the residential portion and that the plan include a resort, a “Class A” office development of a quality nature that would bring the number and types of jobs that Mesa is trying to attract.

## MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Mr. Ellsworth explained that the current site plan has 20 acres of residential, 21 acres of business park designation, to allow the resort and a certain amount of office development, and the neighborhood commercial section is down to nine acres. He further explained that the request is to allow the offices to be four-stories with an option to go to six-stories if the market demands. He addressed the development agreement and stated that staff cannot limit uses through an ordinance but could through the development agreement or deed restrictions. He concluded by stating that staff recommends adoption of the general plan amendment and approval with conditions for the zoning case.

Bill Jabjiniak, Economic Development Director, explained that his goal is to change the City from a "bedroom" to a "boardroom" community and getting quality jobs to meet this goal. He explained that in order to meet some of the employment goals of the City the developer had to go vertical with this development. Mr. Jabjiniak reviewed a job projection study that was provided by the applicant and addressed the heights of the buildings, the parking garages and stated that from a jobs perspective, this is a step in the right direction.

Discussion ensued concerning the heights of the buildings, traditional office condominiums, the size of floor plate, and the number of stories that the job projection is based on.

Chairperson Adams asked Mr. Ellsworth and Mr. Wesley if the application was complete and if it complied with the Desert Uplands Guidelines. Mr. Ellsworth responded that it was a complete submittal and that it does comply due to the fact that staff is requiring them to meet the Desert Uplands Preferred Plant Palette and that as it comes through for development staff will be reviewing it for the lighting to make sure it complies with the Dark Sky Ordinance.

Discussion ensued concerning the compromise of the height of the buildings and parking garages, the seas of parking vs. the garages, the cost of garages and the fact that it is important that this project become a community icon.

Discussion ensued concerning how the Desert Uplands Guidelines apply to commercial development and height issues, the height of the buildings and parking structures at build out, and the process for future changes to an approved site plan.

Chairperson Adams asked Mr. Berkus if he had worked on similar projects with view areas where buildings like these had been proposed and built. Mr. Berkus responded that change is upsetting and hear the argument about size, bulk and scale all the time, adding that there is the initial shock and then with time it knits together a community and this project will create a real town center for Las Sendas.

Boardmember Carter asked Mr. Anderson if they are proposing the six-stories because they need six to make this project work or was it because they were concerned that they wouldn't get City Council approval at a lower height. Mr. Anderson responded that the request is for four-stories with the option to go to six-stories, adding that they are not being pressured.

Chris Arnold, owner, also commented that they are not being pressured and they think that four-stories will work but want the flexibility to be able to go to five or six-stories. He added that it would take 10 years to build out.

Boardmember Langkilde thanked Mr. Jabjiniak for the job numbers provided with this project, the developer for putting together such a comprehensive plan and commented that the developer has agreed to install all of the infrastructure for the project up front.

Boardmember Mizner commented that this project has had a convoluted path through the

## MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

process, that the current plan is very attractive, and this project has the potential of becoming a landmark for Mesa and this site plan is an improvement from the previous site plan, he added he would be supporting the case.

Boardmember Roberts commented that he would be supporting the case, that he visited the site, has concerns regarding the six-story buildings but the site plan presented is a very good compromise.

Boardmember Carter commented that he too visited the site, has reservations about the height of the buildings and it's compatibility with the surrounding neighbors but feels the whole development really needs the office component. He continued that when this project is built it will stand out as a star for the City of Mesa and the residents will get all the accolades for making it happen, as it will be the jewel of Las Sendas.

Boardmember Esparza commented that this is a fabulous project and thanked the architect for providing such a great architectural project.

Chairperson Adams commented that there is a belief that decisions were made before the meeting was opened, which is absolutely false. He continued that the owner and developer should be commended for trying to bring quality to Mesa and he feels that years from now people will reflect on this project and will be happy to have it here.

Boardmember Esparza moved to approve Case Z07-74 with a maximum of six-stories and future site plan review through the Planning and Zoning Board for site plans which include a drive-thru, seconded by Boardmember Langkilde.

That: The Board **approve** the preliminary plat and recommend to the City Council **approval** of zoning case Z07-74 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan, preliminary plat, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with the Residential Development Guidelines.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way 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.
5. Compliance with all requirements of the Subdivision Technical Review Committee.
6. Compliance with Native Plant Preservation Ordinance #3693 requiring submittal of a Native Plant Preservation Plan.
7. Compliance with Ordinance #3694 requiring a grading permit.
8. Compliance with all requirements of the Design Review Board for the entire development.
9. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
10. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
11. Future site plan review through the Planning and Zoning Board for site plans which include a drive-thru.

Vote: Passed 7-0

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MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

*Mesa's website at [www.cityofmesa.org](http://www.cityofmesa.org)*

MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Item: **GPMInor08-07 (District 5)** The 4200 to 4300 blocks of East McKellips Road (north side) and the 2000 to 3900 blocks of North Greenfield Road (west side). Located north of McKellips Road and west of Greenfield Road (151.93± ac). General Plan Minor Amendment to change the General Plan Land Use Map from MUE to BP (63.59± ac) and NAOS (88.34± ac). This request will allow Falcon Field Airport to protect the land southwest of the runways, and to lease the land north of that area to commercial developers. City of Mesa, owner; Corinne Nystrom, Falcon Field Airport Director, City of Mesa, applicant. **COMPANION CASE Z08-22.**

Comments: Corinne Nystrom, Airport Director at Falcon Field Airport, 4800 E. Falcon Dr., applicant, provided the Board with a history of the Falcon Field Airport and explained that the City Council approved a request to the Federal Aviation Administration (FAA) to release this property for non-aeronautical uses. She further explained that the FAA approved this release under the following conditions: The City retain ownership and not sell the land, there be no development inside the runway protection zone and any revenue generated on the property must be retained by the airport and used for airport purposes only.

Ms. Nystrom continued that by developing the northern portion of the property under the Business Park designation with PEP zoning, it will be more compatible with the neighborhood to the west, stimulate business and create more jobs for the community. She continued that by designating the southern portion as Open Space with PF zoning this will comply with the FAA's requirement pertaining to the runway protection zone and create an even greater safety buffer than is required.

Jennifer Gniffke, Planner II, stated that the request for the northern portion is to develop future employment and office uses and the southern portion is to be preserved to protect the runway protection zone. She continued that the land use and zoning designations requested reflect the intent of the City and the Airport and staff is recommending adoption of the Minor General Plan Amendment and approval with conditions of the zoning case.

Chairperson Adams commented that this is a very proactive move to protect the airport, it is very important to keep the protection areas clear and he would be supporting both of the cases.

Discussion ensued concerning the neighborhood meetings, the preservation of citrus on the property and the future of the City owned property west of the canal.

It was moved by Boardmember Esparza, seconded by Boardmember Salas

That: The Board recommend to the City Council **approval** of zoning case GPMInor08-07.

Vote: Passed 7-0

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## MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Item: **Z08-22 (District 5)** The 4200 to 4300 blocks of East McKellips Road (north side) and the 2000 to 3900 blocks of North Greenfield Road (west side). Located north of McKellips Road and west of Greenfield Road (151.93± ac). Rezone from M-1 to PEP (63.59± ac) and PF (88.34± ac), and approval of a Development Master Plan. This request will allow Falcon Field Airport to protect the land southwest of the runways and to lease the land north of that area to commercial developers. City of Mesa, owner; Corinne Nystrom, Falcon Field Airport Director, City of Mesa, applicant. **COMPANION CASE GPMInor08-07.**

Comments: Corinne Nystrom, Airport Director at Falcon Field Airport, 4800 E. Falcon Dr., applicant, provided the Board with a history of the Falcon Field Airport and explained that the City Council approved a request to the Federal Aviation Administration (FAA) to release this property for non-aeronautical uses. She further explained that the FAA approved this release under the following conditions: The City retain ownership and not sell the land, there be no development inside the runway protection zone and any revenue generated on the property must be retained by the airport and used for airport purposes only.

Ms. Nystrom continued that by developing the northern portion of the property under the Business Park designation with PEP zoning, it will be more compatible with the neighborhood to the west, stimulate business and create more jobs for the community. She continued that by designating the southern portion as Open Space with PF zoning this will comply with the FAA's requirement pertaining to the runway protection zone and create an even greater safety buffer than is required.

Jennifer Gniffke, Planner II, stated that the request for the northern portion is to develop future employment and office uses and the southern portion is to be preserved to protect the runway protection zone. She continued that the land use and zoning designations requested reflect the intent of the City and the Airport and staff is recommending adoption of the Minor General Plan Amendment and approval with conditions of the zoning case.

Chairperson Adams commented that this is a very proactive move to protect the airport, it is very important to keep the protection areas clear and he would be supporting both of the cases.

Discussion ensued concerning the neighborhood meetings, the preservation of citrus on the property and the future of the City owned property west of the canal.

It was moved by Boardmember Esparza, seconded by Boardmember Salas

That: The Board recommend to the City Council **approval** of zoning case Z08-22 conditioned upon:

1. Compliance with the basic development as described in the project narrative (without guarantee of lot yield, building count, lot coverage).
2. Site Plan Review through the public hearing process of future development plans.
3. Compliance with all requirements of the Design Review Board.
4. Compliance with all City development codes and regulations.
5. Dedicate the right-of-way 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. Owner granting an Avigation Easement and Release to the City, pertaining to Falcon Field Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
7. Written notice be provided to future tenants, and acknowledgment received that the project is within one mile of Falcon Field Airport.

Vote: Passed 7-0

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MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Item: **GPMInor08-08 (District 1)** 1310 East McKellips Road. Located north of McKellips Road and east of Stapley Drive (2.72± ac). General Plan Minor Amendment to change the General Plan Land Use Map from O to NC (1.1± ac). This request will allow the development of a neighborhood fitness center. Jeff Kost, NWC McKellips & Doran, L.L.C., owner; Reese Anderson, Pew & Lake, PLC, applicant; Jeffrey L. Williams, R.B. Williams & Associates, Inc., engineer. **COMPANION CASE Z08-24.**

Comments: Reese Anderson, 1930 E Brown Rd. #101, applicant, stated that they have read the staff report, they are in full agreement with the conditions of approval.

Joe Welliver, Planner I, stated that the request is to change the General Plan Land Use Map from Office to Neighborhood Commercial and rezone from OS to C-1 on 1.1 acres of the 2.1-acre site and consideration of the preliminary plat for McKellips and Doran Plaza. Mr. Welliver explained the General Plan and zoning history of the site and stated that staff is recommending adoption of the Minor General Plan Amendment and approval with conditions of the zoning case.

Boardmember Carter commented that this is a great project for the area, the architecture fits well with the surrounding single-family homes and is one of the better small infill projects the Board has seen in awhile.

It was moved by Boardmember Esparza, seconded by Boardmember Roberts

That: The Board recommend to the City Council **approval** of zoning case GPMInor08-08.

Vote: Passed 7-0

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## MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Item: **Z08-24 (District 1)** 1310 East McKellips Road. Located north of McKellips Road and east of Stapley Drive (2.72± ac). Rezone from O-S to C-1 (1.1± ac) and Site Plan Review. This request will allow the development of a neighborhood fitness center and office development. Jeff Kost, NWC McKellips & Doran, L.L.C., owner; Reese Anderson, Pew & Lake, PLC, applicant; Jeffrey L. Williams, R.B. Williams & Associates, Inc., engineer. Also consider the preliminary plat for "McKellips and Doran Plaza." **COMPANION CASE GPMInor08-08.**

Comments: Reese Anderson, 1930 E Brown Rd. #101, applicant, stated that they have read the staff report, they are in full agreement with the conditions of approval.

Joe Welliver, Planner I, stated that the request is to change the General Plan Land Use Map from Office to Neighborhood Commercial and rezone from OS to C-1 on 1.1 acres of the 2.1-acre site and consideration of the preliminary plat for McKellips and Doran Plaza. Mr. Welliver explained the General Plan and zoning history of the site and stated that staff is recommending adoption of the Minor General Plan Amendment and approval with conditions of the zoning case.

Boardmember Carter commented that this is a great project for the area, the architecture fits well with the surrounding single-family homes and is one of the better small infill projects the Board has seen in awhile.

It was moved by Boardmember Esparza, seconded by Boardmember Roberts

That: The Board approve the preliminary plat of "McKellips and Doran Plaza" and recommend to the City Council approval of zoning case Z08-24 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary plat submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way 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.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
8. Compliance with all requirements of the Subdivision Technical Review Committee.
9. Recordation of cross-access and reciprocal parking easements at the western property line.
10. Review and approval of a Development Incentive Permit by the Board of Adjustment or Zoning Administrative Hearing Officer for modifications to the landscape setback and building setback as shown on the site plan.

Vote: Passed 7-0

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MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Item: **“Urban Villas” (District 4)** 1759 E. Broadway Road. Located on the south side of Broadway Road, west of Gilbert Road. (0.29± ac.). This Request will allow for the individual ownership of condominium units. Michael Watson, owner; Edmir Dzudza, E-Project International, Inc., applicant.

Comments: This case was on the consent agenda, therefore, it was not discussed individually.

It was moved by Boardmember Salas, seconded by Boardmember Roberts

That: The Board **approve** the preliminary plat of “Urban Villas” conditioned upon:

1. Compliance with all City development codes and regulations.
2. Compliance with all requirements of the Development Services Department (Engineering, Traffic Engineering, Solid Waste and Facilities, etc.).
3. Compliance with all requirements of the Subdivision Technical Review Committee.

Vote: Passed 7-0

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## MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Item: Consider and make a recommendation to the City Council on proposed Planning Division fees for fiscal year 08/09.

John Wesley, Planning Director, gave an overview stating that each year, as part of the overall City Budgeting process, staff reviews fees within the Planning Division. He explained that as part of that process staff looks at other cities in the valley to see how Mesa's fees compare; adding that staff also looks at Planning's budget needs within the City's organization. He stated that this year as staff worked on the City budget it was recognized that there has been a change in revenues received in the Planning Division, we are seeing a lesser amount of revenue along with a decrease in the number of applications, which is affecting the overall cost recovery. He added that the City Manager has set a goal of 30% cost recovery for Planning, but would prefer to see a 40% cost recovery, overtime.

Mr. Wesley briefly explained the different types of applications that Planning receives and the breakdown for each of those areas; adding that based on that information staff is recommending some increases to the fees. He stated that this item will be heard by the City Council on Monday, April 21, 2008, and changes made will not be effective until July 1, 2008.

Boardmember Langkilde moved to approve this item stating that he is going to do so with reservations because this Board is known for approving 100% cost recovery and understands the need to begin to increment these increases overtime.

Boardmember Carter seconded the motion and asked if there has been any direct measurement on how much time is spent on projects that come through the Planning & Zoning Board, the Design Review Board and Board of Adjustment, etc. He also asked if there has been any thought of a sliding scale according to the size of the project in the future. Mr. Wesley responded that staff does track their time by case type, but it is not differentiated by individual cases. He also explained that there might be small cases that are on difficult sites that take a lot of time, particularly, with infill sites and then there might be big sites with no issues that will go through very smoothly.

Chairperson Adams stated that he is a proponent of a 100% cost recovery and added that he will support the motion with reservations and encouraged staff to continue to move forward for additional cost recovery.

Mr. Wesley explained that the 30-40% cost recovery is for the Planning Division as a whole, which also includes indirect cost that comes to the Planning Division; adding that 100% cost recovery for the program as a whole would be unfair to the development community who are paying for those fees.

Boardmember Esparza also stated that she is also a proponent of 100% cost recovery and increasing the cost recovery in increments is the best way to go. She added that she also wants to make sure that employees are getting educated and cross trained so these efficiencies would help that cost recovery, which is very important. Discussion ensued regarding increase cost recovery.

It was moved by Boardmember Langkilde, seconded by Boardmember Carter

That: The Board approve and recommend to the City Council **approval** of the proposed Planning Division fees for fiscal year 08/09.

Vote: Passed 7-0.

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MINUTES OF THE APRIL 17, 2008 PLANNING AND ZONING MEETING

Respectfully submitted,

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John Wesley, Secretary  
Planning Director

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