

COUNCIL MINUTES

November 4, 1996

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 4, 1996 at 5:00 p.m.

COUNCIL PRESENT

Mayor Wayne Brown
Pat Gilbert
John Giles
Dennis Kavanaugh
Joan Payne
Wayne Pomeroy
Jim Stapley

COUNCIL ABSENT

None

STAFF PRESENT

C.K. Luster
Pauline Backer
Wayne Balmer
Fred Conway
Linda Crocker
Mike Hutchinson
Lars Jarvie
Barbara Jones
Harry Kent
Ron Krosting
Larry Lines
Sandy Mason
Tom Mattingly
John Oliver
Ellen Pence
Tom Remes
Denise Samuel
Sharon Seekins
Jenny Sheppard
Debbie Vickman
Mindy White
Ralph Wisz
Others

OTHERS PRESENT

Clifford Harris
Dan Nowicki
Louis Stradling
Others

Mayor Brown excused Councilmember Payne from the beginning of the meeting. Councilmember Payne joined the meeting at 5:04 p.m.

1. Acknowledge receipt of minutes of meetings of various boards and committees.

- a. Economic Development Advisory Board meeting held October 24.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the above listed minutes be acknowledged.

Mayor Brown declared the motion carried unanimously by those present.

2. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended at this time.

3. Scheduling of meetings and general information.

City Manager Charles Luster advised that the meeting schedule is as follows:

Thursday, November 7, 1996, 4:00 p.m. - Policy Session

Thursday, November 7, 1996, 7:00 p.m. - Smoking Regulation Review Forum

Friday, November 8, 1996, 7:30 a.m. - Study Session - Williams Gateway Airport, Building #41

Friday, November 8, 1996, 9:00 a.m. - ASU East Dedication

Saturday, November 9, 1996, 10:00 a.m. - Veterans Day Parade

Friday, November 15, 1996, 7:00 a.m. - Police Committee

Friday, November, 15, 1996, 7:30 a.m. - Study Session

Mayor Brown introduced Mr. Louis Stradling, a ten-year veteran of the Mesa City Council.

Mr. Stradling provided the Council with an overview on the twentieth anniversary meeting and program of the Mesa Constitution Celebration Committee. Mr. Stradling stated that this year's meeting was held on September 17, 1996 with over 3,000 in attendance. Mr. Stradling reported that hundreds of students participated in an essay contest on the U.S. Constitution, and that America West Airlines provided the winners in five-age groups with two tickets to Washington, D.C. Mr. Stradling noted that the Committee has received several requests for program information from various cities and the State Legislature Committee on the Constitution.

Mr. Stradling expressed appreciation for staff's assistance and provided the Council with a brochure outlining the Committee and its objectives.

4. Review items on the agenda for the November 4, 1996 Regular Council Meeting.

8. Consider the following appeal of a Board of Adjustment decision:

- a. **BA96-35** 2350 North Hall Circle. Requesting a variance to allow a detached accessory building to be placed in front of the front line of an existing single residence in the R1-43 district.

Community Development Manager Wayne Balmer informed the Council that he received a letter from the applicant requesting a thirty-day continuance on the case. Mr. Balmer stated that another option may be to refer the case back to the Zoning Administrator.

9. Consider the following items from the Planning and Zoning Board and possible adoption of the corresponding ordinances:

- *a. **Code Amendment:** Amending Sections 11-17-2, 11-17-3, and 11-17-4 regarding recreational vehicle parks and subdivisions by changing the definition and specifications of a recreational vehicle accessory structure, and by reducing the setbacks and increasing the space sizes in recreational vehicle parks.

Mr. Balmer indicated that concerned citizens may elect to have this item removed from the consent agenda at the Regular Council Meeting.

- b. **Z96-39** The northeast corner of McKellips Road and Harris Drive. Rezone from AG to R1-9 (47.1 acres). This case involves the development of a conventional 108 lot residential subdivision. Barney Trust, Hansen Trust, Jarvis Trust, Brown, & Harper's Nursery, owners; Metropolitan Land Co., applicant. A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST. THIS CASE WAS CONTINUED FROM THE OCTOBER 21, 1996 CITY COUNCIL MEETING.

Mr. Balmer noted that he has received additional signatures in opposition to this case. Mr. Balmer indicated that, based on discussions with both the applicant and neighbors, staff has prepared four additional recommended conditions for approval: 1) minimum home size would be 2,200 square feet, to be included in Covenants, Conditions and Restrictions (C.C.&R's) and homes on north side of property shall have a minimum square footage of 2,400; 2) six-foot high decorative wall along Harris with enhanced landscaping in the tract west of the wall; 3) three-foot high wrought-iron and brick pilaster wall along Harris and McKellips street sides of the retention basin; and 4) dedication of right-of-way for the Kael Street cul-de-sac on the two acre "exception" parcel by the current property owner. Mr. Balmer said that the staff's recommendations address a portion of the concerns expressed by the neighbors. Mr. Balmer informed the Council that major concerns include traffic safety on Harris and traffic turns onto McKellips.

In response to questions from Vice Mayor Gilbert, Mr. Balmer reported that a retention basin is located near McKellips. Mr. Balmer explained that a wrought-iron fence will separate the retention basin and homes from McKellips, and a six-foot decorative wall will separate the homes from Harris Street.

Vice Mayor Gilbert expressed the opinion that based on discussions and changes regarding the case it may be in the best interest of the neighbors and applicant to refer this case back to the Planning and Zoning Board prior to Council consideration.

In response to comments from Vice Mayor Gilbert, Mr. Balmer explained that if the case was placed on the agenda of the Planning and Zoning Board's November 21, 1996 meeting, the case could be considered by the Council at the December 16, 1996 Regular Council Meeting.

Mr. Balmer indicated that he would speak to the applicant prior to this evening's Regular Council Meeting to determine the applicant's preferred method of proceeding.

Councilmember Giles indicated that he concurs with Vice Mayor Gilbert's comments. Councilmember Giles stated that the developer has proposed significant changes and added the opinion that the Planning and Zoning Board rehear the case.

Mayor Brown expressed the opinion that the developer has diligently worked with the neighbors to accommodate their needs and alleviate concerns. Mayor Brown commented that if the case receives two votes in opposition at Regular Council Meeting, referring the case back to the Planning and Zoning Board may be an appropriate compromise.

Vice Mayor Gilbert expressed the opinion that a quality development project is at risk based on the 3/4 vote requirement and on the level of opposition to the case. Vice Mayor Gilbert added that it might be prudent for the developer to request that the case be continued.

Councilmember Pomeroy commented on the efforts expended by the developer to alleviate neighborhood concerns.

- c. **Z96-84** The 2200 block of North Val Vista Drive (west side). Rezone from R1-35 to R1-35-PAD (19.8 acres). This case involves the development of a single residence subdivision. Avalon Grove L.L.C., owner; Todd Tucker, applicant. CONTINUED FROM THE OCTOBER 21, 1996 CITY COUNCIL MEETING. A 3/4 VOTE IS REQUIRED TO APPROVE THE APPLICANT'S REQUEST.

Mr. Balmer stated that four of the five petition signers have withdrawn their names in opposition to the case. Mr. Balmer indicated that the petition no longer requires a 3/4 vote for approval.

5. Adjournment.

It was moved by Councilmember Stapley, seconded by Councilmember Giles, that the Study Session adjourn at 5:21 p.m.

Carried unanimously.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

Council Study Session
November 4, 1996
Page 5

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 4th day of November, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of November 1996

BARBARA JONES, CITY CLERK