

COUNCIL MINUTES

March 1, 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 March 1, 1996 at 7:30 A.M.

COUNCIL PRESENT

Mayor Willie Wong
Jerry Boyd
Pat Gilbert
T. Farrell Jensen
Dale Johnson
Jim Stapley

COUNCIL ABSENT

Joan Payne

STAFF PRESENT

C.K. Luster
Wayne Balmer
Neal Beets
Linda Crocker
Mike Hutchinson
Ron Krosting
Rich Lorig
Tom Mattingly
Frank Mizner
John Oliver
Ellen Pence
Bryan Raines
Sharon Seekins
Mindy White
Others

OTHERS PRESENT

Others

(Mayor Wong excused Councilmember Payne from the meeting.)

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

Mayor Wong advised that there were no reports on meetings and/or conferences attended to report on at this time.

2. Scheduling of meetings and general information.

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

Saturday, March 2, 1996, 10:00 A.M. - Mesa Day Parade

Thursday, March 7, 1996, 4:00 P.M. - Council Policy Session

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

All of the agenda items were reviewed among the Council and staff, with no formal action taken. There was particular discussion with regard to the following agenda items:

9. Consider the following appeal to a Board of Adjustment decision:
 - a. BA96-4 2030 East McDowell Road. Requesting a Special Use Permit to allow the development of a commercial communications tower in an R1-43 district. Laron J. And Salley DeWitt, owners; AT&T Wireless PCS Inc./Susan Bitter-Smith, applicant.

Board of Adjustment Decision: Denied. (Vote 3-2.) THE APPLICANT IS APPEALING THE BOARD'S DECISION.

In response to a request from Mayor Wong, Community Development Manager Wayne Balmer provided the Council with a brief synopsis of this case. Mr. Balmer informed the Council that petitions for and against the proposed tower have been submitted and stated the opinion that representatives of both sides of the issue will be present at the March 4, 1996 Regular Council Meeting to present their views.

City Attorney Neal Beets stressed the importance of adhering to Board of Adjustment appeal hearing requirements and cautioned the Council not to allow new evidence to be presented at the meeting. Mr. Beets explained that the Council must consider the case on the merits of the same information presented to the Board of Adjustment. Mr. Beets added that the Council may either vote on this issue or determine that the case should be reheard by the Board of Adjustment, at which time new evidence could be presented to the Board for consideration.

Mr. Balmer pointed out that only five of the seven-member board were present at the Board of Adjustment meeting and stated the opinion that a full Board might have rendered a different decision relative to this case.

Councilmember Gilbert spoke in favor of requesting that the Board of Adjustment rehear this case.

Discussion ensued relative to the size and location of the proposed tower.

10. Consider the following Design Review Board cases and possible adoption of the corresponding ordinances.
 - a. DR96-2
 - b. DR96-24
 - c. DR96-25
 - d. DR96-26
 - e. DR96-27
 - f. DR96-28
 - g. DR96-29
 - h. DR96-30
 - i. DR96-31

Community Development Manager Wayne Balmer provided the Council with background information relative to the above listed cases. Mr. Balmer advised that two conditions for approval have been stipulated by the Design Review Board for cases 10.b. through 10.i.: 1) that the applicant no longer utilize paper or plastic signs or posters in or on the windows of the

facility; and 2) that landscaping, screening and signage be brought into conformance with current Zoning Ordinance requirements in so far as is practical, recognizing that there are land constraints and parking constraints that may limit what can be done, that is, if a parking stall needs to be removed to put in a planter in lieu of perimeter landscaping, it is permissible. All details to be reviewed and approved by staff.

In response to a question from Councilmember Gilbert, City Attorney Neal Beets advised that he will research whether the Board of Adjustment has the authority to require the requested compliance.

4. Adjournment.

It was moved by Vice Mayor Jensen, seconded by Councilmember Stapley, that the meeting adjourn at 8:01 A.M.

Carried unanimously.

WILLIE WONG, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

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 1st day of March, 1996. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of March 1996

BARBARA JONES, CITY CLERK