

**CITY OF EL MIRAGE
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
June 12, 2012**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Doug Doede called the meeting to order at 6:30 p.m. & led the Pledge.

II. ROLL CALL

Members present were Frank Carnal, Doug Doede, Brandon Forrey, Mary Koestner, and Justin McCarty. Staff present were Deputy Manager Bill Pupo, Senior Planner Mark Smith, and GIS Technician Jose Macias.

III. APPROVAL OF THE MINUTES OF JUNE 12, 2012

Forrey and Doede noted a few corrections. Forrey moved for approval of the amended minutes. Carnal seconded. The motion passed 5 to 0.

IV. CONTINUANCES

1. Request by Victory Outreach for a conditional use permit for church use of Dysart Elementary School at 12950 W. Varney Rd. & Casa Mirage Apartments Clubhouse at 12235 W. Thunderbird Rd.

Smith suggested that since the existing City Code requires a conditional use permit and it may take some time to change it to comply with federal and state laws, the Commission should approve this case if they had no objections and Council could refund the fee if they chose. He showed aerials of Dysart Elementary School and Casa Mirage Apartments where the church meets and said there was no parking problem at either site. He reported that the school had adequate room and parking since the school is not in use when the church meets but the apartment site was a concern since most residents would be home on a weeknight, but many of the youth meeting there do not park and the management said they had had no complaints from residents. Staff therefore recommended approval. Doede asked if it was 40 or 60 that attended the night meeting. Smith stated the staff report was correct at 60 and parking was figured on that.

Koestner referred to the attorney's in the staff report indicating clearly that the City Code was in violation of state and federal laws and needed to be changed. She recommended that the Commission recommend the changes. It puts the City at risk. Smith declared a point of order that that item was not on the agenda. He clarified that the memo was from him and we had nothing in writing from the attorney but a copy of the new state law was attached. It is up to the Commission to recommend any changes to the present code and forward them to Council, but since the church had already applied staff saw no reason to make the pending case wait for that process. Forrey suggested recommended approval and that the fee be refunded. He did not think anyone was against this item. Koestner noted

that the City Manager asked that the discussion on the law be delayed. Smith stated that the law only required that the City treat similar uses the same [permitted or conditional]. The actual recommendation is pending.

Carnal made a motion to recommend approval. Mary Koestner made a motion to amend the motion to recommend approval and that the fee be refunded to the church if the Code is amended to allow churches by right. There was no second to the first motion but Forrey seconded the second motion. The vote was unanimous in favor of approval and the fee waiver.

V. NEW BUSINESS

1. Request by Roberts Resorts for site plan amendment to allow recreational facilities in The Estates and to shift mobile home spaces to The Legacy at Pueblo El Mirage at 11201 N. El Mirage Rd.

Smith stated that the request originally involved moving mobile spaces to the south and converting spaces to use for motor coaches on a 20' road, but the request had been modified to move 27 mobile home spaces from the Estates near Cactus to the Legacy on east central part of the Resort to allow new recreational facilities. A scaled site plan had been prepared to show the new plan. Staff recommended approval with fencing on Cactus.

Forrey asked if the Resort had any hours of operation for such facilities. Niels Roberts said they did not, but the clubhouse closed at 9 or 10 pm.

Laurie Carnal, a year-round resident of F-22 in the Fairways, stated she was concerned about noise and light pollution from the courts and fields. She said they planned a wall to protect residents north of Cactus but no protection for the Fairways. She proposed a curfew of 9 pm lights out. Michelle Palladino, a resident of F-23 in the Fairways & owner of F-129, also complained of lights and noise. The two existing courts made a lot of noise and they are proposing 24, twice as many as the City of Surprise.

Niels Roberts responded that he misspoke; they do have a 10 pm curfew. They are competing with Palm Creek in Casa Grande that had 12 courts and would have 24 by October 21. The Chair suggested a compromise by lighting only a portion of the courts. He said their lighting was shielded and they were planting oleanders on the fence line. Koestner noted that they had several letters in favor and none against. Forrey stated the common theme was a time limit on the lighting and suggested 9:00 pm. Roberts said he was all right with that. Carnal and Palladino both agreed even though Palladino said she normally goes to bed before that time. Forrey moved to recommend approval with the added stipulation that the lighting and use of the recreational facilities be terminated at 9:00 p.m. Koestner seconded and the motion for approval passed unanimously.

2. Request by Marsollier Designs for YES Adventist Fellowship for a conditional use permit for a church in Rural Area with 70-75 & 75-80 db Idn at 12400 W. Desert Cove Rd. [NE of Desert Cove & 125th Ave.]

Smith showed the location of the proposed church on maps and noted the many churches in the area and the infeasibility of using the lot for homes. IT was designed in two phases with a multipurpose building and parking first followed by a new sanctuary, recreation, and additional parking later. He also said the property is adjacent to City sewer which ran to the church to the east but was too shallow to serve properties to the west, but the homes to the south would be required to connect to the extended sewer. Fire Department would work with the applicant on the required fire lanes.

Forrey asked what day of the week they met. Applicant Claudio Marsollier answered that they met Saturday but had health and cooking meetings on Sundays and week nights. Parking would be expanded for the second phase and they were partnering with the City on the playing fields later. Forrey made a motion to recommend approval subject to City codes. The motion was seconded by Carnal which then passed unanimously (5 to 0).

3. Request by Becker Boards for a conditional use permit for two billboards on Northern Ave. in Employment/Industry with 65-70 db Idn at Premier RV & Mini-Storage at 8030 N. El Mirage Rd.

Smith stated that the request was in compliance with recent code changes that allowed two billboards on Northern 1000 feet apart with 400 sq. ft. area and 40 ft. height. He asked the applicant to verify that the signs would not be on or over public right of way. Joseph White concurred. Smith also noted the recommendation to retrofit frontage landscaping. White asked if that would be affected by proposed road improvements. Smith said that staff understood that the existing right-of-way would be the frontage road on the north of the new parkway and not affect landscaping.

White stated that his company has signs mainly in Phoenix but that these billboards would be seen from the new parkway. Premier itself could not use the off-premise signs so it allowed local businesses the opportunity. The Chair said the Commission was split on the use of billboards last time. McCarty said the industrial property was not a problem and not near any residences. Forrey said he was not a fan of billboards, but if they were going to have them they should benefit the City. He asked if they brought the City any additional revenue. Smith said they brought in only some added property tax and permit fees plus the potential for local advertising. Forrey said he saw no strong motivation for local support. Koestner disagreed and thought it was a good plan. Koestner made a motion to recommend approval, seconded by McCarty. Motion passed 3 to 2 with Carnal, Koestner, & McCarty voting in favor and Doede & Forrey opposed.

VI. STAFF REPORT [None]

VII. COMMISSIONER COMMENTS

Mary Koestner took the opportunity to thank her fellow commissioners and Smith for his continued hard work. She learned much. She also thanked technical and legal staff and said she had brought refreshments to share.

XIII. ADJOURNMENT

The Chair adjourned the Commission meeting at 7:40 p.m.

Mark L. Smith, Senior Planner

Doug Doede, Chairman