

**CITY OF EL MIRAGE  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
JANUARY 15, 2013**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Chairman Doug Doede called the meeting to order at 6:00 p.m. & led the Pledge.

**II. ROLL CALL**

Members present were Doug Doede, Brandon Forrey, Frank Carnal, Robert Jones, and Justin McCarty. Staff members present were Deputy City Manager Sue McDermott, Senior Planner Mark Smith, and GIS Technician Jose Macias.

**III. APPROVAL OF THE MINUTES OF DECEMBER 11, 2012**

Jones made a motion to approve the minutes of December 11, 2012, seconded by Forrey, and the motion passed on a vote of 4 to 0 with Doede abstaining.

**IV. PUBLIC HEARING**

**Amendments to Separations between Various Restricted Uses**

Smith stated that this item was continued last month to find out how other cities treat these uses. Referring to a table, he noted that many do not require conditional use or separations. El Mirage now requires one-quarter mile between similar uses and 500 feet to residential uses for most of these uses. The P&Z Commission had recommended a mile and a half and a quarter mile. Staff is now recommending one mile between similar uses and one-quarter mile to residential. Doede asked if the attorney knew and had comments. Smith said the attorney just warned of the consequences. If the desire was not to get many more of them then the direction we are going is correct. The concern was if the courts would consider it reasonable. If it were similar to other cities they probably would. Doede had said that as a smaller city it was justifiable to be a larger separation than other cities. Jones asked if the attorney made his recommendation before staff suggested a mile. Smith said no. Doede said too much of one thing could be bad. He said he was not saying these are good or bad. If we were a larger city we could support more. The City might attract people from other cities for these businesses but had to look out for its own residences. Jones noted that Tolleson actually prohibits them. He liked the staff recommendations. Doede said he could live with it. Carnal said he thought the courts might consider a mile more reasonable and they are still conditional so the Commission and Council could still say no. Doede said the Commission was only recommending to Council. Forrey said he had been his own research with City of Peoria planners to educate himself on the issue. If conditions are met the business should be allowed rather than saying this one we like and that one we do not. Doede said that would be a court issue. The recommendation to him was rather than going with a longer distance which could stick out as a red flag the City could add additional stipulations. Requiring the separation from schools and churches and other uses starts really limiting these uses and drastically reduce the potential sites without

creating the legal concerns. Smith noted that the list of other uses only applied to sexually oriented businesses now. Forrey said his preference was to require the separation to other restricted uses as well.

Smith said he spoke to the Mayor since she had spoken to the Commission. She was all right with the mile rather than a mile and a half. Her concern was that with Grand Avenue only being a little over a mile long through the City, if they were only a quarter mile apart there could be quite a few along the roadway. Smith noted that most of the City's commercial areas are adjacent to residential.

Jones said he was going to support the Mayor and go with the staff recommendation. Forrey said that given the City's size, he thought it was unreasonable to go with that distance. He referred to go the other route and look closely at conditions and sticking close to the standard for the region. Doede asked Smith how wide and deep the City is. Smith said it was 2 and a half miles wide and 5 miles north to south. Doede figured it as 12.5 square miles. Forrey asked about the distance to residential and other uses. Smith said it was presently 500 feet, less than an eighth of a mile. Staff recommended a quarter mile, the typical walking distance. Forrey asked if it was reasonable to require a quarter mile from residential, schools, and churches. Smith said the residential alone would probably eliminate most areas north of Peoria Avenue. Forrey said they were all trying to accomplish the same thing but with different methods. His would not stand out as much. Doede said he understood what he was trying to do.

Smith noted that the section of Grand Avenue within the City is literally only a little over a mile. Forrey asked if it was not residential south of the frontage. Smith said it was although the Mixed Urban Zone allowed commercial. Schools and churches are not shown, but there are several in downtown and Dysart Ranchettes. Doede wanted to add public parks. Smith said most were not public. Forrey asked if this was an action item.

Jones moved to recommend approval of 5,280 feet to similar uses and 1,320 to residential, church, school, or city-owned park uses for all four restricted uses. Carnal seconded. The motion passed with four in favor and Forrey opposed.

**V. DISCUSSION ITEMS [NONE]**

**VI. STAFF REPORT [NONE]**

**VII. COMMISSIONER COMMENTS**

Forrey commented that a consultant was in town doing ADA transition plans and recommended that the City look into it. McDermott said that she would be talking to the City Attorney and looking into preparing such a plan if needed.

Doede thought that there were far too many feather signs [swoopers] and banners in the City and thought the Commission should review the code for such signs. Smith said that staff would put it on the agenda for discussion at the next meeting.

**XIII. ADJOURNMENT**

The Chair adjourned the Commission meeting at 6:20 p.m.

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Mark L. Smith, Senior Planner

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Doug Doede, Chairman