

**CITY OF EL MIRAGE  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
FEBRUARY 18, 2009**

**I. CALL TO ORDER**

The Chair Hugh Flisyn called the meeting to order at 6:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

The Chair led those in attendance in the Pledge followed by a moment of silence.

**III. ROLL CALL**

Commission Chair Hugh Flisyn and Vice-Chair Robert Jones and members Deidre Gossett and Michael Barvitz were present. Doug Doede was unable to attend. Staff present included Management Assistant Sharon Antes, Senior Planner Mark Smith, Economic Development Director Scott Chesney, and Technical Services Support Specialist Margarett Aranda.

**IV. APPROVAL OF THE MINUTES**

Robert Jones moved for approval of the minutes of January 21, 2009. Michael Barvitz seconded, and the motion passed 4 to 0 for approval as presented.

**V. WITHDRAWALS AND CONTINUANCES [NONE]**

**VI. NEW BUSINESS**

- 1. Request for Minor General Plan Amendment from Regional Commercial, Community Commercial, Employment, and Park/Open Space to Public/Semi-Public at Thompson Ranch School and to Transit Oriented Mixed Use on 187.4 acres N. of Grand Ave. from the BNSF Auto Transfer Facility to the east bank of the Agua Fria River.**

Michael Barvitz was ready to make a motion for approval, but staff reminded the Commission that this was a hearing. Mark Smith presented maps of the existing plan and proposed amendment, explaining that the proposal was to go from typical highway commercial to a higher intensity urban core in this area adjacent to future commuter rail lines. Scott Chesney then spoke about the need to change the plan to attract the kind of projects depicted in the illustrations prepared in conjunction with the new General Plan Update.

Bob Dubsy was present representing Luke Air Force Base. He stated that they had no complaint on commercial and industrial but would like no more

housing. Michael Barvitz asked if they were willing to put it in writing. Dubsy said they could. Barvitz said he understood their concerns but that he was concerned about the City and did not want Luke to change their minds later.

Hugh Flisyn asked about the multi-story buildings. Scott Chesney said they were conceptual but shown at 8 to 10 stories because this was one of a few sites along the line to central Phoenix that could handle such development. Dubsy said there were height restrictions along the glide path. Flisyn figured at 10 to 12 feet per story the buildings would be about 100 to 120 feet high. Scott Chesney said that under federal regulations they could reach 400 feet and that outside the 65db Ldn noise levels there were no prohibited uses.

Bob Dubsy said they had existing 60 to 80 foot monopalms in the area that were no problem and the sewage treatment plant in Surprise had 200' cranes that they lowered at night. Luke was willing to work with the communities.

Michael Barvitz said they had heard about this for some time and asked how soon it might happen. Scott Chesney replied it would be 5 to 10 years.

Dubsy said he had spoken to Chesney and Smith about it and they would certainly continue discussion but were concerned about residential uses. Hugh Flisyn said the Commission respected that. Robert Jones said they appreciated the input. Scott Chesney reminded everyone that this request was a General Plan Amendment and not any specific zoning regulations.

The Chair called for a motion. Michael Barvitz made a motion to recommend **approval** of the proposed amendment. Robert Jones seconded the motion which then passed unanimously. Mark Smith stated that the proposal is scheduled for hearing and action at the February 26<sup>th</sup> City Council meeting.

## **2. Training by Arizona Department of Commerce**

Sharon Antes introduced Kristen Busby from Arizona Dept. of Commerce. Ms. Busby asked each of the Commissioners to tell what they did for a living and why they decided to be on the Commission. Deidre Gossett said she worked for the Chamber of Commerce and also had her own business and just wanted to be involved. Robert Jones said he was an HOA president and retired builder and also wanted to be involved. Hugh Flisyn said he was a retired builder, fireman, and a few other things and wanted to see changes. Michael Barvitz said he was a retired physician, ran gambling casinos and was here because the Manager and Mayor thought he could do the least harm here. He added that he and Hugh had been on the Commission before.

Ms. Busby passed out a folder with articles from Planning Commissioner Journal and suggested the City may want to subscribe to it for them. She said she preferred more of a discussion rather than just a presentation. She

stated that the mission of the Arizona Dept. of Commerce was to promote vibrant communities with globally competitive economies. She then showed the Commission a Community Capacity Matrix showing a community's progression to Development Ready and Diversification including steps like having bond authority for infrastructure to becoming a Main Street community.

She then asked the Commission what planning is. Michael Barvitz said it was what you do before things go downhill. Deidre Gossett said it was building blocks. Barvitz said it reminded him of an old Jewish joke asking how to make God laugh. The answer was to tell him your plans.

Ms. Busby asked why we plan. She said it was a public process to promote orderly growth and community goals, improve economic development, maintain neighborhoods, and plan for action. It is not a one-shot deal but dynamic. It must be flexible to allow changes. It does not solve all past problems and mistakes. It cannot be successful without public policy. It should not be used to promote special interests or to exclude others.

She said legal authority for planning in Arizona comes from Arizona Revised Statutes, the Urban Environmental Management Act, and Growing Smarter. She referred the Commissioners to the ADOC website for more information. She then spoke about the roles and responsibilities of the Council, staff, and the Commission and how they needed to work together. The Council is the legislative body of the City and set policy through the Plan, ordinances, and budget. Staff guides applicants in understanding community expectations and administers on a daily basis, answering questions, providing data, and evaluating for consistency with adopted City plans, codes, and policies. The Commission assists with the General Plan and tools, reviewing development proposals and making recommendations. They are the first contact for the public and should show a respectful balance between formal and informal. They should allow due process and be fair, unbiased decision-makers. They review general and specific plan amendments, site plans and use permits, rezonings, and plats. They should be fair, consistent, and build confidence.

Michael Barvitz said he thought they could undo the messes of the past and can change things through redevelopment, and he hoped to live to see it. He said some communities are not living organisms. They have to keep moving or die and get boarded up. The City is a viable community with good staff. The City Manager has done great things in spite of City Council.

Hugh Flisyn said that reminded him of Chicago 20 years ago. The Center was dead, but it is starting to change from the inside out. The old homes here could be gone in 5 years. The General Plan Update can help rectify things and be more stringent. They may not see it in their lifetimes but they could set it in the right direction. Flisyn said the Commissioners live here and have a vested interest. Staff does not live here and has a different perspective.

Ms. Busby continued her presentation by talking about attributes like having an interest in the planning process, preparing for meetings, being objective, open and impartial, honest and fair. The Chair said last month's Planned Area Development was a good example. The Commission added stipulations on fencing. They looked at it before and knew what they were talking about. Busby said they had to look at the short term and long term effects and the unintended consequences, the public good rather than individual interests. They should articulate at meetings, attend regularly, communicate through the Chair, be courteous, and pay attention rather than start side discussions. They needed consistency and respect to ensure due process.

Barvitz said everyone got to have their say and they tried to make the public comfortable when they spoke. Busby said that some are not comfortable speaking in public and they may want to add space on the comment card for people to write their concerns and have the Chair read them aloud instead.

The Chair said that they did not want people to say that they did not listen. If you cut them off they just got mad, so they did not normally set a time limit. He cited someone upset about their neighbor having a driveway behind them. Barvitz recalled issues about large garages on too little land and getting along with Luke Air Force Base with their flight path over the City. He added that some don't follow the rules and give the City a hard time with enforcement. The Chair agreed and said that the City Manager runs a 'straight ship'.

Barvitz said that when he was born McDowell Avenue was the City Limits. No one ever thought of encroachment on Luke Air Force Base. Glendale was a wide spot in the road. Robert Jones said they were getting off course.

Ms. Busby continued with decision-making using codes as basic references. She suggested group site visits for complex issues. Goodyear has regular site visits with dinner first. She also recommended occasional work sessions. Commissioners had concerns about proper notice and open meeting laws.

Busby said that their decisions should be consistent with policies and land use patterns and protect public health, safety, and welfare, and consider the level of service, and neighborhood influence, adjacent uses, scale, and market needs, development time frames, and undesirable precedents.

She talked about neighborhood meetings and Commissioners attending them. Mark Smith explained that the City's Citizen Participation policies encouraged neighborhood meetings but that process was through staff and done before application to the Commission so they were not aware of them.

Busby told the Commission that they should consider environmental issues like hazards, negative impacts, and natural features and landscaping. She

then encouraged them to do their homework, ask questions and contribute, consider opinions but be objective rather than emotional and consider effects. She again encouraged informal work sessions before regular meetings, and working with Council for direction and consensus. Michael Barvitz said they had had no joint meetings or any other communication with City Council.

Busby then spoke about making findings clear, having fair discussion, and a strong chair, and disclosing any possible conflicts or ex-parte communication. She asked if the Commission received any feedback on Council decisions. Mark Smith said they used to but did not have any at the present time. There was some discussion on staff posting a notice that a quorum may be present at community social events like the Christmas party and community picnic.

Ms. Busby concluded that the City appeared to be a stable community and the Commission should be proud of the City's progress at this time.

Hugh Flisyn said there was no longer an item on the agenda for Commission members to report general information. He did want to state that modular buildings were temporary buildings with a serial number and not permanent.

## VII. ADJOURNMENT

There being no other business, Robert Jones moved to adjourn, seconded by Michael Barvitz. The motion passed and the meeting adjourned at 8:00 p.m.

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Mark L. Smith, Senior Planner

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Hugh Flisyn, Commission Chair

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George Flores, Comm. Dev. Director

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Rick Flaaen, City Attorney (as to form)