

**CITY OF EL MIRAGE  
PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES [DRAFT]  
MAY 20, 2009**

**I. CALL TO ORDER**

Chair Hugh Flisyn called the meeting to order at 6:09 p.m.

**II. PLEDGE OF ALLEGIANCE**

The Chair led the Commission in the Pledge of Allegiance.

**III. ROLL CALL**

Members present were Chair Hugh Flisyn and Commission members Doug Doede, Michael Barvitz, and Deidra Gossett. Vice Chair Robert Jones was excused to attend the high school graduation ceremonies. Staff present included George Flores [who arrived during new business], City Attorney Rick Flaaen, Management Assistant Sharon Antes, Senior Planner Mark Smith, and IT Tech Robin Owens. Assistant City Attorney Spencer Isom and Councilman Adam Super also attended the meeting.

**IV. APPROVAL OF MINUTES**

Michael Barvitz made a motion to approve the minutes of February 18<sup>th</sup>. The motion was seconded by Deidra Gossett and passed 3 to 0 with Doug Doede abstaining since he did not attend the meeting.

Doug Doede made a motion to approve the minutes of April 20, 2009. Michael Barvitz seconded the motion which passed unanimously.

Hugh Flisyn asked why there were no minutes for the meeting with Quality RV Storage. Staff said it was a minor site plan amendment to move the fence forward. Staff supported the request since the owner will dedicate right-of-way for a sewer line, roadway, and landscape. It would only come to the full Commission if denied by the Chair. Doug Doede asked where the fence would go to. Staff said that it would be 10 to 15 feet behind the wall at Coyote Pass RV & Mini-Storage.

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

**VI. NEW BUSINESS**

**Discussion on Possible Zoning Ordinance Amendments**

Mark Smith stated the Chair and Doug Doede requested this item be scheduled. Mr. Flores had suggested that it was an opportunity for Commission members to state their concerns and suggestions and staff would review them and bring back recommendations in subsequent

meetings. Staff is working on changes to the Sign Regulations and would be bringing recommendations to the Commission at their next meeting to make them less restrictive.

Doug Doede stated that when people remodel or redecorate they often repaint with multiple colors. Some were attractive, but some were gaudy. They should be required to apply for and get approval for any repainting.

Doug Doede continued that there were a number of parked abandoned vehicles throughout the City that should be fined. We should change the ordinances if necessary. There are also weeds not taken care of whether regulated by the homeowner's association or not if we are to become an attractive city. There are hazards and unattractive accidents waiting to happen with dangerous and volatile chemicals, graffiti, and vandalism.

Michael Barvitz said he would like a copy of the ordinances of Surprise, Peoria, and other communities around the City especially on landscape issues. He noted that the Cook Islands near New Zealand were pristine. They sweep the roads and every 4 months the government goes through the houses by law to see that they are neat and tidy. After a week they fine you and after a month you go to jail. He did not mind colors. If you go to the Caribbean they have every color under the sun. It didn't bother him.

Hugh Flisyn said Surprise had architectural restrictions with desert tones. He thought the Mercado was not the greatest color scheme. He did not know if they could regulate homes but we should do commercial uses.

Rick Flaaen said staff could get ordinances from the other cities for the Commission members to review. The Chair said that over the summer they could do a comprehensive review. Michael Barvitz said they should not go into it willy nilly. Rick Flaaen said a review of the entire ordinance would take a longer period, but agreed the City's zoning ordinance and the entire City Code needed a major overhaul. Most the sections were written in 1988 and there have been a lot of changes in state statutes since then. Michael Barvitz said they could use codes from other communities that already invested time and money. George Flores arrived during this discussion and said the effort needed to mesh with the General Plan Update in Fall. Staff will meet with the consultants and bring forward recommendations.

Rick Flaaen informed the Commission that staff was investigating new enforcement tools to deal with some code violations such as weeds and debris. Currently the City has to give 30 days notice and the opportunity to cure before the City can take action itself to abate the violation. One avenue being investigated is to give a seven-day notice to cure the violation and then fine for noncompliance. The 30-day notice and then

City abating is designed for major issues such as damaged or condemned buildings, and does not work well with minor issues like weeds and debris.

The City has taken down quite a few structures and placed liens on the properties for the City's costs. The City has received 3 or 4 return payments on the liens. Hugh Flisyn said they used to give 10 to 15 days notice of intent to fine and another 10 to 15 days before enforcement. Less than 30 days may be considered trespassing. Doug Doede recalled a liability issue with a church group a year ago where a window was broken and they sued.

Hugh Flisyn recommended lot coverage of no more than 35% for a drive and house with a variance needed over that. George Flores said that the existing lot coverage would be grandfathered before changes, but staff needed to recommend reasonable residential lot coverage and mesh it with the General Plan Update for proposed areas of dense development.

Hugh Flisyn also recommended regulating shipping containers as storage buildings. He noted 7 buildings of all different colors in the industrial area. He said that if they needed storage longer than 6 months to a year they needed more permanent buildings that contributed to property taxes. Doug Doede asked what was being stored and if it was a safety hazard. George Flores added that the City had 4 storage containers of its own.

Hugh Flisyn also brought up bird feces. He said the spores in the wind could be a health hazard and rain could make it a bio-hazard. Rick Flaaen said that was not a zoning issue but under the County vector control.

The Chair asked if Councilmember Super or Assistant City Manager Isom had anything to add. They answered no.

Doug Doede asked for a revised book to start highlighting and marking up. George Flores said the Sign Ordinance was the first priority. Staff would have samples of other cities for the next meeting. Staff was looking to avoid revisions now and again soon with the General Plan Update process and wanted to bring them concurrently to the City Council in the Fall. Mike Barvitz asked when the new General Plan would be in place. Flores said it would come to them in the Fall for action. Barvitz said to just get it done. Doug Doede asked about gates and drives. Mark Smith said they had already added provisions for sexually oriented business and pawn shops. Barvitz asked for bigger signs that did not strain their eyes to read. Doug Doede said that the County used 24 sq. ft. with variances allowed. Barvitz said they should look at what staff brings them.

Flores said staff wanted to legalize garage sale signs with a permit and regulations. They would encourage neighborhood and HOA garage sales.

Flisyn suggested that signs be up on the day of sale only. Some have them every week; they should be no more than 3 or 4 times per year. Doug Doede noted that signs were being put up in HOA areas for sales outside the HOA. He also noted that they used to be picked up by staff. Flisyn said staff now had only 4 hours to do it and often are not near done. He said there are arrows all over by Wal-Mart and put right back up again. Deidra Gossett suggested putting information in the water bills about it. Flores said they were getting off into enforcement and administration. Flaaen said one issue with garage sales and yard sales was restrictions. Doede said if people have a sale every weekend it becomes a business. Regulating them would eliminate the business of regular garage sales.

## **VII. COMMENTS FROM COMMISSION MEMBERS**

Hugh Flisyn said he had a form stamped by the U.S. Courthouse in Chicago that made him a U.S. citizen in 1969 that gave him the First Amendment right of freedom of speech. He valued that immensely.

Michael Barvitz said his neighbor at 12517 W. Rosewood Dr. was illegally building and turning the garage into an apartment. Next it would be a drop-house. The residents had done wiring and drywall without permits.

Barvitz said he had concerns about staff. He did not call often, but when he did he wanted a return call as soon as possible and wanted followup. When he did call to bitch and moan it was because there was definitely chicanery and skullduggery. When a P&Z member calls they ought to be put at the top of the list unless they are a pain in the ass and then it should go to the bottom of the list, but when Barvitz calls it ought to go to the top. The people in code enforcement ought to be canned and get new people.

Deidra Gossett had not comments.

Doug Doede said he was enjoying the proposed changes going on now.

Hugh Flisyn had addresses for zoning violations. On the northeast corner of 127<sup>th</sup> and Bloomfield there was a pottery business selling out of the house. A carport between the house and the fence had a 3' setback. The code says accessories must be approved by the Planning and Zoning Commission. Michael Barvitz said the kiln had been there a couple years.

Another violation was off 127<sup>th</sup>. A porch on the back of the house on a corner lot had an opening in the wall for construction equipment. They were putting a boat in and out which was not allowed over a standing curb on a collector street, and the gate was not up to standard.

A third violation was a church on Thunderbird holding meetings there and the doors must swing out in a public building for life and safety reasons. George Flores said he would assemble staff to address these issues.

Hugh Flisyn also added a car repair place on Primrose he had seen since 2001 that had a semi and trailer and cars that had never moved. It was a car repair, not a junk yard. There was also someone living in the trailer.

Doug Doede asked if the City had adopted the IBC or UBC building code. George Flores answered that the City had adopted the IBC-related codes.

**VIII. ADJOURNMENT**

The meeting adjourned at 7:10 p.m. on a motion by Chair Hugh Flisyn, seconded by Deidra Gossett.

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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)