

**CITY OF EL MIRAGE
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
September 16, 2009**

I. CALL TO ORDER

Chair Ben Lewis called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Chair led the Commission in the Pledge of Allegiance.

III. ROLL CALL

Members present were Chair Ben Lewis, Vice-Chair Doug Doede, and Commission members Brandon Forrey and Bill Morrison. Hugh Flisyn was excused since he was out of the country on vacation. City Staff members present were Community Development Director George Flores, Management Assistant Sharon Antes, City Attorney Rick Flaaen, Senior Planner Mark Smith, and Information Services Technician Robin Owens.

IV. APPROVAL OF MINUTES

The Chair said he reviewed the minutes of August 19, 2009, and had no corrections. Doug Doede made a motion for approval, seconded by Bill Morrison. The Chair called for a vote and motion passed unanimously.

V. WITHDRAWALS AND CONTINUANCES [NONE]

VI. NEW BUSINESS

1. Request by Bill Thompson for a conditional use permit to allow a 1,880 sq. ft. garage in R-43 Single Family Residential at 10770 N. 127th Ave. in Dysart Ranchettes.

Mark Smith went over the staff report and recommended stipulations. Owner Bill Thompson told the Commission that he needed the structure for vehicle storage and that the runoff was below the level of the street. Brandon Forrey asked why the one lot had two drives. Mark Smith said that the code allowed another access on lots over 100 feet wide. Forrey asked about the surface on 127th Avenue. Thompson said the graveled it.

Bill Morrison made a motion to recommend approval with stipulations:

1. Building shall be built according to the plans provided and in accordance with any and all applicable City codes including building codes and fire codes and on-site storm water retention.
2. Building shall be used only for storage of personal vehicles or items and not for a residence or for any commercial use or rental facilities.
3. Driveway shall be dust-proofed to meet City/County standards.

Doug Doede seconded the motion, and the motion passed 4 to 0.

2. Text Amendment on regulation of cargo containers.

George Flores stated that this item had already been presented to the Commission. Rick Flaaen walked the Commission through the proposed ordinance, stating that cargo containers were showing up around the city even being used as residences and being connected to utilities. The amendment would prohibit these uses. Containers currently in place such as Thompson's would be grandfathered. Temporary retail storage would be allowed. Permanent units would have to be affixed to a paved surface and screened. Units would not be allowed in floodplain areas. Containers would also be allowed during construction or for residential moves for up to 14 days but not be allowed in driveways or front yards. He did not recommend prohibiting them altogether.

Doug Doede asked if the City could put a time limit on the grandfather clause. Flaaen said they would be grandfathered usually for the life of the unit unless it became structurally unsound or a safety hazard. State courts deemed a time limit on billboards unconstitutional. Doede asked if they could limit what was stored in them. Flaaen said the City had regulations through Fire and ADEQ. Bill Morrison asked if they should not allow stacking of containers in I-2. Flaaen said it was not practical to screen stacked units in I-2 and not appropriate to stack them in residential areas. He asked about modifying containers architecturally. Smith thought he might be confusing them with modular office buildings. Forrey asked about units in rights-of-way. Flaaen said all structures were prohibited to encroach within rights-of-way. Forrey asked about a catalog of existing containers. Flores said that was always challenging; staff relied on aerials. Forrey asked if a grandfather clause could be inserted for owners like Thompson with legitimate non-conforming containers. Flaaen said the Zoning Ordinance already had one, but staff could refer to it.

Brandon Forrey made a motion to recommend approval with the addition of a reference to the non-conforming use section of the Zoning Ordinance. Bill Morrison seconded the motion. The motion passed unanimously.

3. Request to initiate minor General Plan amendment from Rural Density Residential to Neighborhood Commercial and rezoning from R-43 Single-Family Residential to B-1 Neighborhood Business on the N.W. Corner of Desert Cove Rd. and El Mirage Rd.

[This item was tabled until after Item 4 to allow the representative Barry LeNier the opportunity to appear. He had gotten lost and arrived late.] Mark Smith explained the history of the site and the Jehovah's Witnesses' voluntary response to staff requests to redesign the site plan and drainage plan at their own expense to move their building to the west end of the parcel and leave the frontage available for commercial development. Staff was requesting that the Commission now initiate the request for a minor

General Plan amendment and rezoning of the site. Staff recommended rezoning to B-1 Neighborhood Business since it was already restricted by use and area.

Barry LeNier, representative for the Church, told the Commission that there was commercial interest early on in the property but not now since the buyer had no guarantee that it could be used for business uses. The Church would not want to sell to any business that would bring reproach.

Brandon Forrey asked if improvements would be required with the site plan. George Flores affirmed that improvements and platting would be required with the site plan approval rather than with the rezoning itself.

Bill Morrison made a motion to go with the recommendations of staff. Brandon Forrey seconded the motion. Attorney Rick Flaaen clarified that the staff was not asking for a recommendation of approval at this time, only to initiate the process. George Flores directed Commissioners to the wording on the agenda. Morrison and Forrey amended the motion to reflect the wording on the agenda. The motion to initiate passed 4 to 0. This item will be advertised for the next Commission meeting October 21.

4. Discussion on Possible Sign Amendments

Mark Smith referred the Commission to a graphic he had placed on the wall to illustrate various sign areas that they would be discussing. He then reviewed staff's concerns and proposed amendments addressing each.

1. Eliminating maximum area per sign and frontage for wall signs:

Brandon Forrey noted that Peoria had a graduated scale and caps. He stated that Walmart's signs are generally about 350 to 450 sq. ft. each. Bill Morrison suggested a cap of 500 sq. ft. George Flores said their concerns for proportionality were well-taken. Staff was trying to avoid variances versus staff working with a developer to approve reasonable signs. Staff will bring back some alternatives to reach a consensus.

2. Allowing wall signs on the side or rear of multi-tenant buildings:

Brandon Forrey thought there should be some adjacent to residential areas and that allowing so many signs could be a nuisance.

3. Allowing one freestanding sign per entry with 30' max. height:

Doug Doede had concerns about the 30-foot height. Mark Smith said that the Burger King illustration was about 20 feet high, but most single-story commercial buildings were about that high because of parapets which hide the equipment on the roof. He added that some cities allow higher signs on freeways, but El Mirage does not have any freeways. George Flores noted that Grand Avenue was not a freeway but was like one, and that staff was working with the owner of the Rio Mirage Café on a more

visible sign. In addition, if staff had any economic development prospects they may initiate a sign variance as an economic development tool.

Bill Morrison noted that a variance is still an option for large developments. For major developers like Walmart or Hanson, the \$1000 fee was no problem, but it could be for small businesses.

Brandon Forrey noted that Phoenix allowed one sign per 300 feet, but it seems excessive and could be unattractive. He preferred one per street frontage but not limited to arterials. Doug Doede thought it made sense, especially if entries are within short distances from each other.

George Flores asked if staff could bring back examples. He noted the Shell Station at El Mirage Marketplace at Cactus Rd. and El Mirage Rd. He was familiar with the Phoenix code. Doug Doede noted that it had one sign per entry at the drive on the south, and the one on the west. Bill Morrison stated that developments were only allowed so many accesses. Ben Lewis asked staff look at this proposed code and bring back options.

4. Allowing 70sf single-tenant/150sf multi-tenant freestanding signs:

Doug Doede wondered about the area given the number and height. Brandon Forrey was concerned about landscaping blocking the signs. Mark Smith said that was why staff preferred them at access drives.

5. Allowing 2 menu boards per lane with 48sf area and 8' height:

The Commission had no comments on the proposed menu board code.

6. Allowing special event signs for 30 days [as for similar temps]:

Commission members questioned the reason for the 30 days. Mark Smith stated that it was consistent with other temporary signs and gave them more time since they are required to obtain and pay for a sign permit. Bill Morrison asked about a maximum area. Smith said that staff did not allow temporary signs to be larger than permanent signs are allowed to be, but it may be appropriate to spell that out more clearly within the ordinance.

7. Regulating garage/yard sale signs to 6sf & 5' ht. for limited times:

Ben Lewis thought this would be an enforcement nightmare. Private sales had been around for hundreds of years. George Flores stated that Code Enforcement falls in Community Development. At present there is no allowance for such signs even for legitimate HOA garage sales. Staff could shut them down, but tends to look the other way and avoid every Saturday and Sunday. The proposed amendment would be a better management tool than staff has now which is like the Oklahoma Land Rush – everyone for themselves. Staff thinks it is a little more structured, especially for non-HOA areas. All City departments now pull down signs when seen in public rights-of-way.

Brandon Forrey said his opinion may differ, but it may get out of hand and regulate format. Some like signs placed in the right-of-way. He would like to do more research for examples. He did not know if he wanted to fight that battle. Ben Lewis agreed. Flores said staff did not want to regulate minimum standards. He invited Forrey to research and enforcement also. Doug Doede thought owners should clean up signs themselves. Forrey had a couple of thoughts to explore like not allowing them to be affixed to utility poles or structures. Ben Lewis asked Forrey and staff to look into it.

8. Allowing larger, taller political signs with less time restrictions:

Bill Morrison thought the 10 days to remove signs was reasonable but if campaigners lost they did not care. Doug Doede thought that state law required removal within some time period. He also suggested adding wording requiring maintenance of signs while they were up. If signs were damaged or graffitied, they needed to be replaced. Brandon Forrey said nonconformities, maintenance, removal, and location requirements should be general in the ordinance. George Flores stated that staff did enforce abandonment and maintenance of signs including graffiti. The challenge was staff power. Signs in visibility triangles are dropped in height. Staff was sensitive not to remove them because of court issues. When the election is over, staff calls campaign offices. If signs are not taken down, staff removes them and takes them to the landfill. Doede asked if staff tried to recover expenses. Flores said they had not. They considered it the cost of doing business.

9. Not allowing signs to be painted on a building or backlit panel:

Doug Doede asked about grants to repaint. Mark Smith said a permit was needed to redo signs. If it is no longer allowed, staff would deny permits. George Flores said to the extent allowed, staff eliminated grandfathered signs. Brandon Forrey thought some painted signs were nice. He was not sure he wanted to prohibit them. Flores did not disagree, noting the example of the Boston Red Socks stadium. The signs on the building were classic. For a retro project, he was supportive. For the proposed Arts District, Flores said staff would work with owners on an exception basis rather than by right. Forrey wanted to research it further. He said it could be a huge burden to businesses with existing painted signs. Flores stated that from a Community Development perspective, other standards like parking and landscaping go hand in hand with other issues. Staff will work with them to find reasonable accommodations. He said staff would take the input from this meeting and bring back language for their input.

VII. COMMENTS FROM COMMISSION MEMBERS [NONE]

VIII. ADJOURNMENT

There being no other business, the meeting adjourned at 7:59 p.m.

Mark L. Smith, Senior Planner

Ben Lewis, Commission Chair

George Flores, CD Director

Rick Flaaen, City Attorney