

**CITY OF EL MIRAGE
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
October 21, 2009**

I. CALL TO ORDER

Ben Lewis called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

II. ROLL CALL

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

III. APPROVAL OF MINUTES

The Chair asked for corrections to the minutes of September 16, 2009. He then made a motion for approval, seconded by Bill Morrison. The motion passed 3 to 0 with Hugh Flisyn abstaining since he was absent.

IV. CONTINUANCES

1. Amendment to Section 154.110 (B) (1) of the City Code to allow wireless communication facilities by conditional use on existing vertical structures on public property in any residential district.

2. Conditional Use Permit to allow co-location of a wireless communication facility on a pole at Riverview Elementary School at 12701 N. Main St.

3. Discussion on Possible Sign Code Amendments

Mark Smith explained that the applicant had requested continuation of the first two items to allow more time to evaluate the proposed site, and staff was requesting a continuation on the third item to allow for more research. Doug Doede made a motion to continue the three items to the November 18th meeting. Hugh Flisyn seconded the motion which then passed 4 to 0.

VI. NEW BUSINESS

1. Presentation by Economic Development on proposed Arts District

George Flores stated that City staff had been studying the formation of an arts district and turned the time over to Marianne Archibald from Economic Development. She told Commission members that they recently launched an Artists Relocation Program. The artists would bring vitality to the downtown. They already had a list of 16 artists, a gallery

owner, and a bookstore interested in El Mirage and planned to bring a live/work zoning overlay to the Commission in December. The Chair asked Commission members to write down their questions and staff would bring them answers in December with the request to the Commission.

2A. Request for minor General Plan amendment from Rural Density Residential to Neighborhood Commercial on the NW corner of Desert Cove Rd. and El Mirage Rd. in Dysart Ranchettes

2B. Request for rezoning from R-43 Single Family Residential to B-1 Neighborhood Business on the NW corner of Desert Cove Rd. and El Mirage Rd. E. of Jehovah's Witnesses Hall [Dysart Ranchettes]

Mark Smith reminded the Commission that the church had moved their building to the west at the staff's request in order to accommodate a commercial site on the El Mirage Road frontage but were now having trouble marketing the property since it was not zoned for commercial use. Staff recommended amendment to the General Plan and rezoning to B-1 to allow commercial development of the site. Improvements would be deferred to the site plan. Luke Air Force Base expressed concern about possible use as a day care center but this was a conditional use.

The Chair asked if the property owner or others would like to speak. Don Green of the Jehovah's Witnesses stated that he represented the 600 individuals in the congregation and they were in full support of the rezoning so that they could attract a business to the site. Randy Fields of the BFS Fellowship who own the parcel to the west said they were told that they could not split the original lots any further. Their property was good only for one house on the 5 acres. The parcel was R-43 and the Assessor now showed it as R-1-7. The ten-acre lot was originally designated for commercial use. They had no objection to the rezoning but wanted some clarification about their lot. George Flores said that they were impacted by the noise zones and staff would set a time to meet with them during regular business hours regarding their options.

The Chair closed the public hearing and asked for a motion on each item. Doug Doede made a motion to recommend approval of the General Plan amendment designation from Rural Density Residential to Neighborhood Commercial. Bill Morrison seconded, and the motion passed 4 to 0. Doug Doede then moved for approval of the rezoning from R-43 to B-1. Bill Morrison seconded. Hugh Flisyn proposed an amendment to add a stipulation that no day care would be permitted. Mark Smith stated that state law already precluded it. Flisyn thought the stipulation would avoid false expectations. Bill Morrison seconded the amendment and the amended motion then passed unanimously.

3. Request to initiate a text amendment to the Zoning Ordinance [City Code Sec. 154.052, et seq.] to allow tattoo and piercing parlors only by conditional use permit and only in B-2, B-3, & I-2

Mark Smith stated that the present code does not list these uses. Staff has allowed them in the past where similar uses are permitted, but other cities treat them differently. Staff received a request from a business owner asking that the City consider changing the code to require special review, so staff is recommending that they be allowed only by conditional use permit and only in B-3, B-3 and I-2 districts. Hugh Flisyn asked how many there were and if they required approval if they changed owners. Mark Smith stated that there were two or three and that grandfathering went with the property, not the owner. Doug Doede made a motion to initiate the proposed code change for November 18th. Bill Morrison seconded. The motion passed 4 to 0.

VII. COMMENTS FROM COMMISSION MEMBERS

Hugh Flisyn asked that the Commission members receive something from the City Attorney regarding code amendments to update their code books. He also wanted to put on record that the owner of property at Poppy and Thunderbird was told when he tore down a shop and home that home lot could be rezoned for commercial use if he wanted to rebuild on the site.

VIII. ADJOURNMENT

There being no other business, the meeting adjourned at 6:22 p.m.

Mark L. Smith, Senior Planner

Ben Lewis, Commission Chair

George Flores, CD Director

Rick Flaaen, City Attorney