

**CITY OF EL MIRAGE
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
JUNE 14, 2011**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

II. ROLL CALL

Members present were Doug Doede, Beth Simek, Brandon Forrey, and Mary Koestner. Staff members present were Deputy City Manager Bill Pupo, Senior Planner Mark Smith and Technician Margarete Aranda.

III. APPROVAL OF THE MINUTES OF APRIL 12, 2011

Koestner asked for a correction on a statement she made and Forrey noted a spelling error. Simek made a motion for approval of the minutes as amended, seconded by Koestner. The motion passed unanimously.

IV. CONTINUANCES [NONE]

V. NEW BUSINESS

Conditional Use Permit for a Billboard at 12343 NW Grand Avenue

Smith stated that the sign would be between Coury's Plaza and Acoma Drive. It is a monopole with the pole centered and a v-shaped frame so the signs face traffic in either direction. The sign will be above the height of the buildings but cannot exceed 40 feet in height. Staff was expecting Nema Lankarani of Relay Outdoor to be present. The sign will be just under 400 square feet in area. They place a flag on a pole to determine the best height visually and adjust it. It will be an animated, digital sign allowing local businesses to advertise and the City will receive a portion of the profits as the owner.

Simek asked what kind of brightness the sign would have at night. Smith said they had no indication of the brightness. Doede said it did not appear to impact residences. Simek said Rancho El Mirage was behind it. Smith said the homes are behind a park and businesses and not adjacent to the sign. Simek asked if the homeowners association was notified. Smith said that the owners were notified within a radius of the sites.

Forrey asked if staff had feedback about digital billboard on Olive Avenue. Smith said they had not heard about the brightness, only the messages about El Mirage. Forrey said he was generally a proponent of removing billboards, not installing new ones. He realized potential for advertising dollars but wondered what the result will be for the City's image. The idea of a billboard-riddled Grand Avenue is not he had in mind for the future. He was interested to hear what other Commission members thought of

billboards and digital boards with rapidly changing messages which potentially have safety issues for people driving on Grand Avenue.

Doede thought there would be some positive exposure for the City itself with some businesses being able to advertise on them for up to six weeks or six months depending on their contract. These new billboards are a sign of the times. That is why he asked about the distance to residences. Some billboards have to be shut off if they hinder a hotel or residence. A stipulation could be put in depending on the situation.

Koestner thought the two billboards they were talking about were very tasteful and colorful. When she is driving on Olive she sees it. It is within her line of sight and she did not have to turn around to look at them. She thought the idea was a good one. Simek said her concern was they were too close together and asked if they really needed two within that span or if one would be sufficient.

Pupo said his recollection was that billboards left and then came back into the mainstream. These are state-of-the-art billboards and are designed to catch the attention of the traffic rather than impact neighborhood based on LED lighting systems. It helps El Mirage and businesses the opportunity to advertise in addition to the revenue the City will generate. It is a positive impact for El Mirage. Other cities in the Valley do the same thing. We should see a better outreach for El Mirage from average daily traffic counts on Grand Avenue and create new business opportunities as well as better outreach to residents with the time the City has on the board. The City actually used the Olive board to advertise the EMAG arts events and Music Festival. That helps bring people into the community for the first time and shows them the quality of life and business opportunities. It has tested well in the communities. They are very positive about it

Doede asked if these other cities had special ordinances that we do not have. Pupo said Tolleson and Glendale have different standards against interstates and freeways. We are in ballpark with those of other cities.

Smith showed the Commission that the homes were not up against the signs and the signs are angled toward the street and not toward houses. Smith also showed where the existing billboards are on the RV sales yard and east of Thunderbird. Simek asked how far apart they were. Smith said they were about one-quarter mile apart. One is digital and the other static. Pupo added that the City logo will also be on them.

Forrey asked what the role of the Commission was in the process. Smith said the Commission makes a recommendation that goes to Council for final action. Forrey asked if they could discuss both at once. Smith said they could. Doede asked about the height. Smith explained that Council

asked staff to add maximum parameters to the ordinance. Staff spoke to two companies about arterial billboards since the City has no interstates. The normal arterial billboards do not exceed forty feet.

Simek asked if this was all or nothing or can they say yea or nay to each one. Doede said they were listed separately and can be voted on separately. He suggested addressing the digital one at 12343 NW Grand. Forrey said he liked the idea of the outreach and growing the City. He just has a bad taste in his mouth about billboards in general and putting up more on Grand. He was torn on digital signs. They look nice, but he was a bit concerned to see them being installed along the 101 not long ago. He works in traffic safety and a dynamic message board is a great way to catch people's attention but they do catch attention and it concerns him. Doede said that is why he noted the curfew on them. Some were turned off at night because of hotels by Westgate. We could recommend that. Koestner asked there were statistics about accidents. Forrey said it is difficult to track; they would say inattention or some other reason cited. Koestner asked if there were more accidents than usual. Forrey said no. Smith said the keep in mind that we are talking about a street with traffic signals and a 35 mph speed limit. We are not talking about distracting someone at 65 mph but people seeing a message while sitting in traffic.

Simek said her concern was that they were less than a mile apart. She understands that we are trying to promote business and she is all for that, but she thought they were too much signage in a short space.

Doede said they would vote on them separately. He asked for any other comments or questions on 12343 N Grand. Forrey asked if the City staff supported this billboard. Pupo said yes. They had considered the quality of life and traffic before advancing them to the Commission. Smith added that when staff took the ordinance to the Council they had no problem with animated signs and a subcommittee of Council that favored these signs.

Doede asked about the angle of the 'v'. Smith said it appeared to be 30 degrees from a flat surface. Doede asked if there was a problem if they could increase it. Smith thought they may have other angles. Doede asked if the angle is too tight and light is reflected into a house at night, could they change that. Smith did not think so after it was installed but said they typically turn down the brightness of digital signs at night.

Simek asked if they could recommend switching the location of the digital sign to City Hall rather than the residential area. Pupo noted there was more space to residential near Coury's than there was at City Hall. Forrey said Simek shared his concern about spacing but he was not in a position to recommend which should be digital. He asked if the Commission could

recommend the digital and deny the static one. Pupo said staff would take all their recommendations and findings to Council for their consideration.

Koestner made a motion to recommend approval of the digital billboard as recommended by staff. Doede seconded the motion. The vote was 2 to 2 with Koestner and Doede voting in favor and Forrey and Simek voting against. Smith said staff could send up the failed motion or they could make another motion that all could support. Doede said he was in favor because of the exposure for El Mirage. He is not a billboard fanatic. It was not a perfect fix, but it was a start. Simek would amend it if it was not site-specific. Doede said it is exposed to a vacant lot and landscape with a fabrication lot south, vacant businesses east, and vacant rail yard to the north. The influence on residences is minimal if at all. If they have to adjust the angle during construction, now is the time to stipulate that. Forrey was in favor of promoting El Mirage and ads, but he did not see a billboard will give the City the Grand Avenue envisioned in the General Plan. He was torn on which direction to go, but giving Council a 50-50 vote reflects that dichotomy better than a flat yes or no. The Chair asked staff to send the failed motion to Council. Pupo said as to being site-specific they were responding to an applicant's request. This is a baby step, not a grand slam or fix-all. He appreciated the Commission's concerns about City growth policies. Staff will share them with Council.

Conditional Use Permit for a Billboard at 12145 NW Grand Avenue

Smith said this sign was at City Hall and static. The pole will sit north of City Hall and project in a "v" over the building. It is the same size and height as the other sign and oriented toward Grand. Forrey stressed that once something goes in it is very difficult to get out. Koestner said it met code and she liked the shape and placement and thought it would be impressive. Doede said it would be permanent. The modernization of these over what we see on Grand that turned into an eyesore over time, hopefully it will not turn into that. He thought maintenance should be written in to the agreement. He was speaking for exposure and the aesthetics. The new ones are not as cumbersome as the older style. Koestner asked what would happen if City Hall moves. Doede said it was out of their hands. Pupo said it would be a while and technology may change. Smith said the billboard would remain in place if the City sold the property and it would go with the land. Simek said Grand Avenue was not moving. Her concerns remained the same: two signs less than one mile apart and which sign was going where. She did not want to clog up Grand with a bunch of signage. She was for promoting business and was okay with one or the other but not both. Because they are site-specific and one has to go here and the other there she had a hard time approving based on that. Koestner said the signs were not alike in style or location and the digital one was quite different, so it made sense to her.

Simek made a motion for denial, seconded by Forrey. The vote was 2 to 2 with Simek and Forrey voting in favor and Doede and Koestner against. Smith said they would send this motion and the minutes on to the Council.

Proposed Code Amendments for a Form-Based Development Code

Smith stated staff was still adjusting the form-based development code with the same transects and special districts. He went over the uses and dimensions of each, noting that the heights were lowered to 2 stories in the T4, 3 Stories in the T5 and 5 stories in the T6 after discussion with the City Manager and Fire Chief. Any building over 30 feet will need to meet special apparatus and requirements for fire protection. Smith also noted changes to the map at the suggestion of the City Engineer. He asked for feedback on the use and setback tables and the revised map.

Doede said that comparing the old map to the new one, the new one is very workable. Smith noted the T-1 applied to Gentry and Gateway Parks to preserve the open space in those locations. Brandon Forrey asked about the addition of T-5 along Thunderbird Road. Smith said it was not on the map, but some had suggested with the expansion of El Mirage and Thunderbird Roads to Grand Avenue we ought to expand T-5 down Thunderbird. He asked about the connection to Grand Avenue. Smith explained that as part of Phase 2 improvements on Grand, Thunderbird will be realigned to a 45 degree angle and widened to three lanes in either direction plus a turn bay. With the heavier traffic it may be appropriate. Pupo said you have to take into account Presada to the west. Doede thought it should be. Forrey wondered if we really want Bell Road through the City or Mill Avenue where you can slow down traffic. Doede stated the General Plan is already set up to accommodate that type of road. Smith added that the El Mirage DCR also indicates Thunderbird as the temporary connection until El Mirage crosses Grand. Staff anticipates widening and taking out frontages of the businesses and they will be up against the street. Doede said the setbacks will be zero to ten feet. Engineering has already designed that. The question is what uses will be allowed. T5 allows auto-related businesses that have not traditionally been allowed. We have some non-conforming auto businesses, but the zoning has not allowed them. T5 would open up those businesses. That is the difference between T4 and T5 similar to the existing B-2 and B-3.

Simek asked about Commercial Park and whether it allowed lodging. Smith said the new code split out Bed and Breakfasts up to 5 rooms, inns up to 12, and hotels. Bed and Breakfast is allowed in a T4. Doede said he may want to retract his statement about T5 on Thunderbird. It should stay T4. He asked what staff thought about it. Smith said the Engineer recommended T5 but he thought it should remain T-4 as well as the north end of El Mirage until it connects with Grand. Simek asked how the widening affected the school. Smith said the school comes out on the

road but it is in the City and a school zone so speeds drop to 15 mph. The Engineer actually increased the speed to 30 mph on Thunderbird Road based on equipment measuring speeds. Simek asked about the community gardens planned for the intersection. Smith said it would not affect it. Simek said she would have to think about it before changing it. Smith said they were also seeking input from stakeholders [major land owners, utilities, and governmental entities] before they would bring it back for final action. Doede thought it would be wise to hear what they said.

Smith noted that a man and woman were here to speak on this issue. Kent Griswold said he was part owner of the southeast corner of Grand and Thunderbird and had businesses looking for property for auto use, a high-end Fletcher Tire place on Grand in either El Mirage or Youngtown. He thought it attractive in a high traffic area. The existing duplex is affected by the noise, so perhaps it is worth considering auto-type use and bring in income for the City and jobs. Doede asked about the location. Smith said it was on the southeast corner, but the road will be realigned to the west and the access road will bend northward to meet at a 90-degree angle. Janette Baranski added that Fletcher is like a Discount Tire and more appealing than a huge car lot. They want to use the duplex for a showroom and put a warehouse behind where they actually do the tires. It would not be as visible and they can fence it, but it would bring jobs into the area. It would require higher zoning, but it is better than some of the other ones that could be there in a high traffic area where people need the services such as that.

Forrey said speaking for himself he was seeing a vision that is changing from what he read in the General Plan from a Thunderbird that was going to slow down traffic and be a nicer image of the City to a Bell Road with tire shops. It does not match his vision for the future. A tire shop and auto shop are not bad things but this is all we are getting. Koestner said she did not see the point of discussing this. Forrey said it is part of the zoning and vision of the City and what we want it to look like. Koestner said there would be a lot of procedure first.

Doede said he did not want to compare Thunderbird to Bell because Bell is a racetrack. It was not the City's intention to open up Thunderbird as a racetrack. It will become a major artery, but he thought there will be different types of businesses on Thunderbird. It would not be just automotive or hotel types. Hopefully it will attract the attorneys, groceries, dentists – necessary-to-survive types. This type is also necessary-to-survive. We also have to buy tires for our vehicles, but all we have had the last few months is rent-to-own and Auto Zone and now Fletcher Tire. That is not what the City is going after. That is all that is coming in, but at least it is something.

Pupo said it was incremental steps. If we look at the ownership and irregular lots on Thunderbird Road, it will take a lot of hand holding and cooperation to do something larger. If you look at El Mirage north of Thunderbird and the residences still there, the idea is not to do away with local character but to provide access. It does not have to be high-speed corridor. We are looking at turning, channelization, street furniture, antique lighting, and landscaping to make it a passive thoroughfare through the City so it does not disrupt the original townsite with more neighborhood-based or commercially-based use. When he first moved to Surprise in 2000 the only places to eat were Luby's, Burger King, and Wendy's. When Appleby's opened up you had to get there at 10:00 a.m. to get a seat. They have gotten picky over the years wanting local versus franchise restaurants, but there was a time you had to go to Bell for both. We will do everything we can to bring in locally and nationally based businesses, but the traffic counts are more important than roof-tops. Doede noted that as Bell goes to an overpass some of those businesses may come our way. As Pupo noted you have to have demand. If we can get that kind of demand, look out.

Doede suggested waiting for more input. Staff said they would be discussing it and the effects of the different setbacks and heights. Baranski asked if they might consider T-5 on their corner and T-4 to the west. Doede said that was a possibility. Smith noted that staff had gone back to the more traditional terms such as 'conditional' versus 'warrant'. They also fine tune the map and the table of uses. Conditional uses will probably continue to go through the public hearing process. Doede said he was fine with it.

Pupo referred to the irregular parcels on Thunderbird. We may have to take property to the south of Grand to get decent-sized parcels to develop. Smith noted that the advantage of the form-based code is a more uniform façade along the street if they all build to the line. The SmartCode requires a percentage along the line, but that may be tough with the existing development and we do not want to discourage redevelopment of buildings at their present location, but over time he thought they would see they would bring them to the front and taller and get the feeling of a room along the street as you do in older Cities. It brings a uniform urban form.

VI. STAFF'S REPORT

Smith said the only item staff had was the information in the packet that staff received from Maricopa County on B&F Contracting's existing site. The public record indicates they are there in violation of zoning and have no improvements. Staff and Council were concerned. The latest is that staff sat down with their attorney to work on a development agreement and during consideration of that, their attorney asked for continuation for a month or more to redesign the site if necessary so it will not be on

Council on the 23rd. They decided the design was not working for them. They decided that Mountain View would not be wide enough for their equipment. Doede and Simek noted they were bigger than they stated.

Pupo said staff added a couple stipulations based on what they learned. Staff asked that they not bring their used canopy for their equipment maintenance but provide a concrete pad and a three-sided canopy with stucco facing west and that equipment egress to the south and not north through residential areas. Staff thought they better tighten stipulations. Millions of dollars have been spent at the Commerce Park and Gateway. Doede said the reason they were fined is because they have a junk yard.

Pupo said staff told them the City was not their dump site or a bargain basement. Simek said she was put off by their not being truthful. Pupo said they had that chat as well. Their attorney also did not respond to our attorney's request for information. Forrey said it prompted him to be more feisty than in the past. Doede said it would have been a completely different meeting if they had that information beforehand; they could have shut it down. Smith said they say they have learned their lesson but we will see. Simek said they could learn it in another city. Doede said they will not add to taxes as they say. Pupo said their corporate center is in Phoenix. They may buy burgers, auto parts, and gas. The bigger picture is we have an obligation to the community aesthetics in this gateway area and the City has required a lot of other owners to invest in off-sites. Staff needs the Commission and Council behind them to hold their ground. Koestner asked if it could be salvaged. Pupo said it could with the stipulations. The Commission and Council need to be sensitive to the improvements on other properties and the area needs to look complimentary to that. We had a handshake on the original stipulations and they tried to diminish them. Doede said he did not want it to look like the area near the proposed annexation, the storage boxes that are an eyesore. Pupo said the Commerce Center and the Wall-Mart site are the new standards that people need to build to. Those are minimum standards, not maximum standards.

VII. COMMISSIONERS' COMMENTS [NONE]

IX. ADJOURNMENT

The Chair adjourned the meeting at 7:40 p.m.

Mark L. Smith, Senior Planner

Doug Doede, Commission Chair