

**CITY OF EL MIRAGE  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES  
SEPTEMBER 13, 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, Frank Carnal, Brandon Forrey, Mary Koestner, and Justin McCarty. Staff members were Senior Planner Mark Smith and Technician Jose Macias plus Deputy City Manager Bill Pupo.

**III. APPROVAL OF THE MINUTES OF AUGUST 09, 2011**

Koestner made a motion for approval of the minutes, seconded by Carnal. The motion passed unanimously.

**IV. CONTINUANCES [None]**

**V. NEW BUSINESS**

**1. Proposed Code Amendments for Form-Based Development Code**

Smith presented a PowerPoint on the proposed code and its basis in the SmartCode concept of an urban transect or continuum from natural to urban environments and how it was adapted to meet local constraints, to be less technical, and to allow implementation of the new General Plan. He outlined the proposed new zones, their uses, and setback standards. Staff has some suggested changes since last month including extending Urban Corridor along Thunderbird and other major arterials, allowing more uses in some zones, allowing City facilities in any district without site plan approval [but still requiring staff review and capital improvement planning], excluding freestanding single family residences [but allowing accessory dwellings] in the Urban Corridor, and requiring 10' front setback in the Commerce Park and Employment/Industrial zones. He noted the Council hearing on September 22<sup>nd</sup> and asked for questions from the Commission.

Forrey asked about the differences in depth of the Urban Corridor along Grand and Thunderbird, varying from one to three or more lots in places. Smith responded that the lots along Grand are stair-stepped on triangular blocks against the 45 degree angle of Grand based on commercial versus residential use. Those on Thunderbird vary based on commercial and residential properties and the ownership of multiple lots behind frontage.

Forrey asked about sufficient right-of-way to ensure a ten-foot setback. Smith said Mixed Urban went to ten-foot setback to accommodate added

porches but maintaining landscaping along the frontage. Urban Corridor zones have no required setback in front which accommodates widening.

Doede commended the staff for making it a lot clearer for the layman. It is well laid out and planned. As it was reviewed and has progressed he saw that it will be great for the future. Koestner agreed that it was simpler now.

Forrey asked about properties on Dysart from Peoria to Varney in the Ranchettes. Smith said the properties along El Mirage are churches. Those on Dysart face industrial uses so staff recommends phasing out residences. Forrey asked if property owners were aware. Staff said that neighborhood representative Carolyn Wells was invited to a stakeholders meeting and sent the information but had not commented on it.

Forrey made a motion to recommend approval of the form-based code, seconded by Carnal. Staff reminded the Chair to open the public hearing.

Neil Hague explained that 35 years ago he built a building. Later the City changed the zoning. Since then he has been unable to rent the building [Neil's Cabinets] to contractors and other industrial users. He has hired hundreds of workers and paid taxes. He is now \$22,000 behind on taxes since he has been unable to rent it. Smith clarified the owner's name and business. It was built in 1986 as a light industrial building for his use. In 1987 the City adopted B-2 zoning [retail and office] and it became non-conforming. Since then he has been trying to rent out part of the building. The Urban Corridor would allow such uses by conditional use. The Chair said that would help solve the problem.

The owner's daughter noted that warehousing had not been included as conditional use in Urban Corridor. Forrey asked staff if it would be appropriate to include it. Smith said it would since some stores are warehouse stores and have a lot of storage. Forrey said it was difficult to include everything and asked if the code could be amended in future to change such uses. Smith said it would just require a hearing of the Commission and Council to amend it. Ms. Hague asked if warehouse could be added as conditional in Urban Corridor. The Chair said she could ask that it be added. Staff said it could be done now. Forrey amended his motion to include the change, and was seconded by Carnal.

Mayor Lana Mook said as Mayor she commended the Commission on working so hard to get the code amended. This has been a long time coming. This gentleman's problem was typical of why it was needed. The City needed to amend things efficiently to accommodate the citizens. Doede said it fit the City and helps the City catch up with the times.

McCarty had concern with the mixed use on Wolfley Road with residents across from something they may not want. They would be under the impression that only residences were allowed. Smith said they placed Mixed Urban on the mostly vacant lots as a transition across from the high school entry. Koestner said they would be aware if they bought there. Smith said information was available to realtors and the public on the web.

Forrey asked if any development would come before the Commission and Council. Smith said if the use is permitted it would not stop the use but it would be advertised and notices would be sent to property owners within 200 feet. Doede said many uses are conditional. Forrey said that retail and restaurants and such are permitted. Smith said if the Commission was more comfortable they could make it halfway through the block.

Forrey asked if anyone from the neighborhood was present. Smith said that McCarty lived on Wolfley but not on that block. McCarty said he had not talked to them but he knows people who would be adjacent. Doede said they could address it at the Council meeting. Forrey said they may not be aware until something was proposed. Koestner encouraged McCarty to talk to them.

Smith said historically the City has had problems with those properties because they were used for everything but a house. The code enforcement issues were because they were vacant and used for the accumulation of junk.

Forrey asked if McCarty wanted to propose an amendment to the motion. McCarty said the owners should be advised. Doede said they could speak to Council. The Commission has been working on this for over a year. Carnal said if they were interested they should be following it. Forrey said they are probably not aware of this recent change. Smith said the notifications were in the newspapers but not sent to all property owners. Accessory residential uses are allowed so the house would not be entirely banned if accessory to commercial. Existing homes would remain. Doede said a high-rise would not crop up across the street.

Forrey said if citizens had concerns the Commission should address them. Doede said he could see where he was coming from, but noted that these are vacant lots and it has been advertised. Smith said that staff had recommended Mixed Urban on the edges of the Ranchettes on earlier maps. Forrey asked if there would be any notification if the zoning is changed. Smith said there would not. Koestner asked if staff foresaw residents happy in their home and the City said they could not live there anymore. Smith said that the change would not force out existing homes unless they are damaged by over 50% of their value.

Doede recommended that they proceed with the Code as is tonight and let the community go to the Council and ask for changes at that time. Forrey said that based on the discussion, his amended motion for approval stood. Smith noted that mixed uses are still subject to landscaping and screening and other design elements to buffer residential uses nearby. The Chair called for the vote. Motion for approval passed 4 to 1 with McCarty voting nay.

**VI. STAFF'S REPORT**

Smith had no items to report.

**VII. COMMISSIONERS' COMMENTS**

Commission members had no comments.

**XIII. ADJOURNMENT**

The Chair adjourned the meeting at 6:53 p.m.

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Mark L. Smith, Senior Planner

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Doug Doede, Commission Chair