

DRAFT

**REGULAR MEETING OF THE PLANNING & ZONING
COMMISSION OF THE CITY OF EL MIRAGE
EL MIRAGE CITY COUNCIL CHAMBERS
10000 N. EL MIRAGE ROAD
6:00 PM - TUESDAY, MARCH 12, 2024**

Minutes

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE - MEETING CALLED TO ORDER
AT 6:00 PM**

2. ROLL CALL

Present: Marie Houston, Chairperson; Lupe Amarillas, Vice-Chairperson; Phil Bueno
Absent: Brian Campbell-Sanderfield, Commissioner, Cornelia Nelson, Commissioner

3. ACTION ITEMS - Zoning items requiring review and Commission action

1. Approve the minutes of the Planning and Zoning Commission meeting held on February 13, 2024.

Vice-Chairperson Lupe Amarillas moved to approve the minutes of the February 13, 2024, Planning and Zoning Commission meeting; seconded by Commissioner Bueno

Vote: 3 - 0 Passed - Unanimously

2. A public hearing, closure of public hearing followed by a discussion and action on a preliminary subdivision plat located at the northwest corner of El Mirage Rd and Peoria Ave, El Mirage AZ 85335 submitted by Crux Solutions, LLC.

Chairperson Houston opened the Public Hearing.

Senior Planner Jose Macias presented information on the subdivision plat. Vice-Chairperson Amarillas asked what the action plan was for the stipulations noted in the staff memo. Civil Engineer Francisco Bodadilla and applicant Ezequiel Mendez answered they will submit all plans once approval is received from the Planning and Zoning commission. Chairperson Houston asked for an update on the organization of a Homeowner's Association (HOA) and Mr. Mendez stated he does not want an HOA and will maintain the entire area himself. Chairperson Houston clarified that Mr. Mendez will not create an HOA for the subdivision and Mr. Mendez stated he would not.

Resident Elaine Weekes stated she is the President of the Montecito Estates HOA and that areas in El Mirage that do not have an HOA are not as well-kept as they should be. Ms. Weekes stated one person can not maintain an area that large and there should be an HOA. Resident Steve Gilliam stated the commission should ensure the landscaping installed is native to the area and does not encroach on the water for the City.

Hearing no further comments, Chairperson Houston closed the Public Hearing.

Commissioner Amarillas stated the stipulations call for an HOA and specific landscaping and the applicant needs to be sure to adhere to the guidelines. Commissioner Bueno agreed that there should be an HOA.

Vice-Chairperson Amarillas moved to approve a preliminary subdivision plat located at the northwest corner of El Mirage Road and Peoria Avenue; seconded by Commissioner Bueno.

Vote: 3 - 0 Passed - Unanimously

3. A public hearing, closure of public hearing, followed by a discussion and action on a conditional use permit zoning application for a Master Sign Program to allow freestanding signs to deviate from the sign code located at 12239 W Thunderbird Rd, El Mirage AZ 85335 submitted by the KGR Group.

Chairperson Houston opened the Public Hearing.

Senior Planner Macias provided information on the conditional use permit zoning application. Applicant Keith Gallagher stated the higher sign would provide better visibility for potential customers. Vice-Chairperson Amarillas asked if a sign this size is truly necessary to attract business and Mr. Gallagher stated their experience with other locations has shown a larger sign increases business activity. Vice-Chairperson Amarillas asked if there was a plan b in place in the event this item is denied and Mr. Gallagher answered there could be if needed. Vice-Chairperson Amarillas asked when the sign would be illuminated and Mr. Gallagher responded only during the operating hours of the business. Commissioner Bueno asked if there was a maintenance plan in place for the sign and Mr. Gallagher said the franchise will be inspected every six to eight weeks to ensure that standards are met. Commissioner Bueno asked where a second sign would be placed and Mr. Gallagher stated further east on the lot. Chairperson Houston asked if the decision on the size of the sign was based on experience or marketing data and Mr. Gallagher said there is no marketing data at this time, but experience has shown it increases business. Chairperson Houston asked if there were plans to have wayfinding signs on Grand Avenue to promote the business and Mr. Macias stated that is a decision for MCDOT to make, but it can be requested by the city.

Resident Steve Gilliam asked what the hours of business would be, and would the sign be manually operated? Resident Elaine Weekes stated she has not seen tall signs in the area and a smaller sign would be sufficient for the business. Mr. Gallagher stated the hours of business would be Sunday through Thursday, 10:00 am until 1:00 am, and Friday and Saturday from 10:00 am until 3:00am. Mr. Gallagher stated the sign would be fixed, not rotating and on a timer for illumination.

Hearing no further comments, Chairperson Houston closed the Public Hearing.

Vice-Chairperson Amarillas moved to deny the conditional use permit zoning application for a Master Sign Program to allow freestanding signs to deviate from the sign code; seconded by Commissioner Bueno.

Vote: 2 - 1 Passed

NAY: Chairperson Marie Houston

4. A public hearing, closure of public hearing, followed by a discussion and recommendation to the City Council on a conditional use permit zoning application on a proposed smoke and vape shop located at 13011 W Greenway Rd, Suite 10, El Mirage AZ 85335 submitted by Ryuji M Numata Jr.

Chairperson Houston opened the Public Hearing.

Senior Planner Macias presented information on the conditional use permit zoning application.

Applicant Ryuji Numata stated he has been in this business for nine years, assured the commissioners there would be identification required to enter the business for anyone who appears younger than twenty-one and the hours of business would be Monday through Sunday from 8:00am until 10:00 pm. Vice-Chairperson Amarillas asked what the timeline is to meet the stipulations put forward and Mr. Numata stated there is no timeline at present. Commissioner Bueno asked how soon the business would be open and Mr. Numata said as soon as possible. Chairperson Houston asked how many competitors were in the area and Mr. Numata stated he does not see other businesses as competitors and El Mirage is an opportunity to serve another community.

Resident Steve Gilliam stated he understands the space needs to be occupied, but it is too close to a church and elementary school for this type of business. Resident Elaine Weekes stated this type of business should not be this close to a church and school, and she would prefer a different type of business there. Resident Ryan Eldridge stated this type of business attracts homeless activity and there is already a homeless issue in El Mirage. Mr. Eldridge said a different location for this type of business would be better.

Hearing no further comments, Chairperson Houston closed the Public Hearing.

Mr. Numata stated he respects the residents' comments, and they are also concerned about the homeless situation and will ensure the area is kept clean and there is no loitering.

Vice-Chairperson Amarillas moved to recommend to Council approval of a conditional use permit zoning application on a proposed smoke and vape shop located at 13011 W. Greenway Road; seconded by Commissioner Bueno.

Vote: 3 - 0 Passed - Unanimously

5. A public hearing, closure of public hearing, followed by a discussion and recommendation to the City Council on a conditional use permit and site plan zoning application on a proposed fueling station located at 12900 West Thunderbird Road, El Mirage Az 85335 submitted by Kimley-Horn.

Chairperson Houston opened the Public Hearing.

Senior Planner Macias presented information on the conditional use permit, site plan zoning application and concern regarding the request to terminate the parking agreement. Jacob Glaze of Kimley-Horn stated he would be happy to answer any questions regarding the item. Vice-Chairperson Amarillas asked what the timeline is to address the stipulations and Mr. Glaze stated they have been addressed already. Vice-Chairperson Amarillas asked if the termination of the parking agreement is due to there no longer being enough parking spaces once the fuel station is built and Mr. Glaze stated the spots currently in use for the agreement are in the preferred location for the fuel station, and they are open to exploring another location for the agreement. Commissioner Bueno asked when the fuel station would be operational and Mr. Glaze stated the target start is January 2025. Chairperson Houston asked if this would be the first of its kind and Mr. Glaze stated they have fuel stations in Texas and this would be the first one in Arizona. Chairperson Houston asked how many parking spaces in the agreement would be affected and Mr. Macias stated forty-two spaces would be affected.

Resident Steve Gilliam stated there would be seven hours of the night where the location would not be supervised, and the area already has a crime problem. Mr. Gilliam said he would like to see security monitoring at the site.

Hearing no further comments, Chairperson Houston closed the Public Hearing.

Vice-Chairperson Amarillas stated this business would be good for competition in the area, and he

hopes the parking agreement can be kept active. Commissioner Bueno stated this would be a good fit for El Mirage. Chairperson Houston stated she is excited about this project to begin. Mr. Glaze stated he is also excited and the the location will be monitored by security personnel.

Vice-Chairperson Amarillas moved to approve a conditional use permit om a proposed fueling station located at 12900 West Thunderbird Road; seconded by Commissioner Bueno.

Vice-Chairperson Amarillas moved to approve a site plan zoning application on a proposed fueling station located at 12900 West Thunderbird Road; seconded by Commissioner Bueno.

Vote: 3 - 0 Passed - Unanimously

4. **STAFF REPORT** - The Commission may not discuss or act upon any matter unless the matter is properly noticed for legal action

Senior Planner Macias stated there is one item so far for the April Planning and Zoning Commission meeting.

5. **COMMISSIONER COMMENTS** - The Commission may not discuss or act upon any matter unless the matter is properly noticed for legal action

Vice-Chairperson Amarillas thanked the staff for all the work put into preparing for the meeting. Commissioner Bueno also thanked the staff for their efforts. Chairperson Houston thanked everyone for attending the meeting.

6. **ADJOURNMENT - MEETING ADJOURNED AT 7:18 PM**

Marie Houston P&Z Chair

ATTEST:

Wendy Henson, Deputy City Clerk

I hereby certify the aforementioned minutes are a true and accurate record of the Regular P&Z Meeting held on Tuesday, March 12, 2024, and a quorum was present.



Wendy Henson, Deputy City Clerk