

David Diaz, Chairman
Gabriele Medley, Vice
Chairman
Suzannah Ballard
Joan Dzuro
Jim Harris
Paul Lehr
Tiffany Wilson

Matthew Mitchell, Alternate
Lonnie Stevenson, Alternate
JP Thornton, Alternate



Lake Havasu City
Municipal Courthouse
Council Chambers
92 Acoma Boulevard
Lake Havasu City, Arizona
86403
www.lhcaz.gov

Planning and Zoning Commission Regular Meeting

Minutes - Final

Wednesday, April 3, 2024

9:00 AM

1. CALL TO ORDER

Chairman Diaz called the meeting to order at 9:00 a.m.

2. PLEDGE OF ALLEGIANCE

Chairman Diaz led the Pledge of Allegiance.

3. ROLL CALL

Present: 8 - Joan Dzuro, Paul Lehr, Tiffany Wilson, Lonnie Stevenson, JP Thornton, Jim Harris, Gabriele Medley and David Diaz

Absent: 2 - Matthew Mitchell and Suzannah Ballard

Chairman Diaz invited Commissioner Thornton to take the vacant seat at the dais.

4. CORRESPONDENCE AND ANNOUNCEMENTS

Planning Division Manager Chris Gilbert stated the City received an application for a Major General Plan Amendment and provided an overview of the review process and timeline.

5. MINUTES

[ID 24-4208](#) Approval of the Minutes of the March 20, 2024, Planning & Zoning Commission Regular Meeting (Shelby Hennigan)

Commissioner Harris moved to approve of the Minutes of the March 20, 2024, Planning & Zoning Commission Regular Meeting, seconded by Commissioner Dzuro. The motion passed with the following vote:

Aye: 7 - Dzuro, Lehr, Wilson, Thornton, Harris, Medley and Diaz

6. PUBLIC HEARING

Chairman Diaz provided a brief overview of the Public Hearing process.

[ID 24-4203](#) Request for Approval of the Preliminary Subdivision Plat for The "M" On

The Park, at 130 Park Avenue, Tract 2360, Block 1, Parcel B, Creating a 65-Unit Condominium Subdivision for an Existing Development in the Island - Body Beach (I-B) District (Trevor Kearns)

City Planner Trevor Kearns reviewed his Staff Report [Displayed PowerPoint], highlighting the following:

- The subject property is located on Park Avenue, between Hwy 95 and Rotary Park Drive.
- The property to the north is zoned Island Body Beach (I-B) District and developed with a hotel.
- The properties to the east are zoned Limited Commercial (C-1) District and are a mixture of developed and undeveloped lots.
- The property to the south and west is zoned Public Lands and Facilities (P-1) District and is Rotary Park.
- The site is currently being developed into a multi-family project with one retail space. The proposed condominium plat will allow the units to be individually owned.
- The project includes 65 residential units and a commercial retail space. The remaining areas will be controlled by the recorded CC&Rs. Parcel A will be an easement for ingress, egress, maintenance and operation of utilities, sewage, drainage, refuse collection, and emergency vehicles.
- The project will have a property owners association to manage and maintain the association improvements.
- Parcel A will be privately owned and the water and wastewater within the subdivision will be installed and maintained by the association.
- No objections were received from any reviewing agencies.

Mr. Kearns stated the applicant is present.

Commissioner Dzuro asked when the project was approved and if it was presented to the Commission for review.

Mr. Kearns responded that construction plans were submitted for review in August 2022 and Design Review was approved by Staff in May 2023. The project was reviewed by Staff only and did not need to go before the Commission or Council.

Commissioner Dzuro explained that when the Commission reviewed the Planned Development/Rezone request for the mixed use project across the street at 115 Park Avenue, traffic was a primary concern expressed by the Commission, the Council, and the public. As a condition of approval, a traffic study was required. She asked if expected traffic from this 65-unit complex will be factored into the traffic study.

Mr. Kearns explained a traffic analysis will be required at the time of submittal for the project across the street. The Engineering Division will use it to determine what types of improvements will be required for that project. The analysis will take into account the traffic flows for the entire street. He noted today's subject property was rezoned to I-B in 2018. The zoning allows multi-family development, which is why the conceptual plan did not go before the Commission or Council for review.

Due to the traffic concerns expressed at previous meetings, Commissioner Dzuro wanted to ensure it was on record that anticipated traffic for this 65-unit complex and other developments in the area would be factored into the traffic study. Mr. Kearns confirmed the traffic study would take current and existing development into account.

Chairman Diaz inquired about the rezoning history. Mr. Kearns explained the property was zoned Limited Commercial/Planned Development (C-1/PD) in 1993, but due to the restrictions of the PD, it was never developed. In 2018, the property was rezoned to the current I-B Zoning District.

Chairman Diaz asked if it was correct that the design for this project did not come before the Commission because it met all of the zoning requirements of the I-B District. Mr. Kearns responded affirmatively.

Mr. Gilbert added that multi-family use falls under the use table for the I-B District. Sometimes a proposed project requires an exception or deviation from the Development Code in order to be viable, so the applicant can request a Planned Development Overlay which is reviewed by the Commission and Council. This particular project did not need any exceptions, so it proceeded with the standard Design Review Process. He explained today's request to create a condo plat for the units will not change the use criteria and only creates ownership rights for the units.

Commissioner Wilson noted a Code Change was recently adopted making plats that meet all standard requirements a Staff review item and asked if this is being presented because it was submitted prior to the change taking effect. Mr. Kearns responded affirmatively.

Chairman Diaz asked if the final plat approval will go to Council for review.

Development Services Director Jeff Thuneman explained the code change became effective March 27, 2024, so any plat request submitted after that date will be reviewed at Staff level. If the preliminary plat is approved today, the applicant will submit a new application for final plat, which will not proceed to Council and will be reviewed by Staff.

Mr. Diaz invited the applicant to the podium.

Lee Johnson, APL Surveyors, stated Staff did a good job presenting the request and he is available to answer any questions. Seeing none, Chairman Diaz brought the item back for Staff recommendation.

Mr. Kearns stated that based on the findings, the Development Review Committee recommends approval of Land Use Action 24-4203, a Preliminary Subdivision Plat for The “M” on the Park, at 130 Park Avenue, Tract 2360, Block 1, Parcel B, creating a 65-Unit Condominium Subdivision for anew development in the Island - Body Beach (I-B) District.

Chairman Diaz opened the Public Hearing.

Emiliano Torres, resident, asked if there was only once access point. Mr. Kearns confirmed there is only one public access, which is on Park Avenue.

Bonny Toy, resident, noted there are other properties in the area being developed for a variety of uses and asked if they will be considered in the traffic study. Mr. Kearns explained the traffic study will take into account developed properties, those under construction, as well as possible future uses for vacant lots based on the zoning.

Seeing no further comments, Chairman Diaz closed the Public Hearing.

Commissioner Wilson inquired about the second access point for the parking garage. Mr. Kearns confirmed there is a second access on Park Avenue for an underground parking garage that will be reserved for residents.

Commissioner Wilson moved to approve ID 24-4203, a request for approval of a Preliminary Plat. The motion was seconded by Commissioner Harris. The motion carried by the following vote:

Aye: 7 - Dzuro, Lehr, Wilson, Thornton, Harris, Medley and Diaz

[ID 24-4206](#) Request for a Rezone of 7000 Chenoweth Drive, APN 120-03-027, a 10-Acre Metes & Bounds Parcel, from A-P (Agriculture/Preservation) District to LI (Light Industrial) District (Chris Gilbert)

Mr. Gilbert stated the applicant is attending the meeting remotely and provided an overview of the project [displayed PowerPoint], highlighting the following:

- The subject property is a 10-acre parcel located in a highly industrialized area with indoor and outdoor storage areas and the City dump in close proximity.
- The property is presently zoned Agricultural Preservation (A-P) District, which is a holding zoning for undeveloped portions of the City and was often applied when

properties were annexed.

- There are several A-P properties still in this area, but most have been rezoned to Light Industrial (LI) or Industrial (I) Districts over the years.
- The underlying General Land Use category is Employment, which is consistent with the use being requested. The applicant is proposing the construction of storage units, which is an allowable use in the LI District.

Russell Skuse, Horrocks Engineering, appeared virtually. He stated the applicant is in agreement with the Staff Report and he is available to answer any questions.

Commissioner Dzuro asked if the Neighborhood Meeting, which was hosted via Zoom, included residents from Victoria Farms Road.

Mr. Skuse responded that the address list was provided by Staff. The only people in attendance were the property owner, her agent, and Mr. Skuse.

Chairman Diaz opened the Public Hearing. Seeing no comments, he closed the Public Hearing.

Mr. Gilbert stated that based on the findings, the Development Review Committee recommends the Commission forward a recommendation of approval to the City Council for Land Use Action No. 24-4206, a rezone of 7000 Chenoweth Drive a 10 acre metes & bounds parcel, from A-P (Agriculture/Preservation) District to LI (Light Industrial) District.

Chairman Harris moved to approved ID 24-4206 with Staff's Recommendations. The motion was seconded by Commissioner Wilson. The motion carried by the following vote:

Aye: 7 - Dzuro, Lehr, Wilson, Thornton, Harris, Medley and Diaz

[ID 24-4205](#) Request to Amend City Code Title 14, Zoning (Development Code), Section 14.03.02, Table 3-1, to Remove Self-Storage (Mini-Storage) as a Permitted Use in the Mixed Use-General (MU-G) District and Section 14.04.07 to Clarify Exterior Material Types Permitted on Buildings in Commercial Zoning Districts (Chris Gilbert)y

Mr. Gilbert stated he is presenting two proposed code updates today.

Section 14.03.02, Table 3-1:

Mr. Gilbert explained the Mixed Use-General (MU-G) District is the only non-industrial district that still allows storage units. The recent Planned Development/Rezone approval for 700 London Bridge Road, which is zoned MU-G and included a section of storage

units in addition to residential and commercial uses, prompted discussion about storage units in this district. Staff was directed to present this change to the Commission for review and recommendations.

Mr. Gilbert stated 700 London Bridge Road is the largest piece of undeveloped MU-G zoned property in the City. There are approximately 5 more smaller parcels with this zoning that could be developed with storage units. If this change is adopted, Light Industrial (L-I) and Industrial (I) Districts are the only places where storage units would be allowed. [Displayed Permitted Use Table.]

Section 14.04.07.C.2:

Mr. Gilbert explained that after discussion regarding exterior materials permitted in commercial zoning districts, the Council provided direction to remove the restrictions on exterior materials because it was too specific, which resulted in the first stricken line [Displayed Site and Building Design Standards Text.] After reviewing the different types of corrugated metal options, the Council agreed that they did not want full metal designs. To achieve this, the following addition is proposed:

“Corrugated metal siding is permitted on structures in commercial zones, but at least 30% of any building façade facing a public street, excluding alleys, shall include alternate materials such as adobe, brick, or stone in the design.”

Mr. Gilbert explained this will allow partial façade, wainscot, columns, or other features. The new text uses the term “such as,” which leaves the door open for new materials to be used in the future, as opposed to “shall be” in the stricken wording that limited the material to only those listed. Staff will have the opportunity to review materials during Design Review to ensure the proposal meets the intent of the Code.

Chairman Diaz stated the language for the exterior siding changes falls into line with the discussion and recommendation the Commission.

Commissioner Wilson asked if the property owners of the existing MU-G properties were given notice that storage unit use may be removed from the zoning district.

Mr. Gilbert stated that notice can be provided. The Commission can also recommend a time frame for the update to take effect to allow property owners the opportunity to take action.

Commissioner Harris explained when storage units were removed from the general commercial districts, there were some MU-G property owners that specifically asked to not have this use removed from their zoning district. Some had plans for development

that included storage. He asked why a push is there to make this change now.

Mr. Gilbert explained this is being revisited after the City Council Public Hearing and discussion about 700 London Bridge Rd, noting there were a number of comments from the public and some Council members concerned about allowing storage units in non-industrial areas. After that discussion, Staff was directed to move forward with presenting a code change.

Commissioner Harris recalled most of the discussion at the time of the first Code change centered around the commercial districts along the highway and as people came into town. The mixed-use areas got thrown into that discussion as a commercial classification, but through discussions it was determined that it wasn't necessary, and he is having a hard time seeing the need for it now.

Mr. Thuneman confirmed the concern at the time was that many prime commercial properties in the City's "gateway" areas were being utilized for storage units. The developer at 700 London Bridge Rd is proposing a mixed-use development, but under the current code they could have developed the entire property with storage units, which spurred the discussion. He added that if the storage unit use is removed from the MU-G District, an applicant could apply for a Planned Development Overlay (PD), which would then be reviewed by the Commission and Council. Likewise, owners of general commercial properties can also request a PD for storage units. The idea is to change the permitted use classification to ensure a public hearing process for these types of developments in commercial areas. Storage unit use would not require a public hearing in the industrial districts.

Commissioner Harris expressed concern from a property owner's perspective, noting they may have bought and held on to that property with the expectation they could develop it a certain way. There needs to be some sort of grace period and notification before removing this use because it takes a long time for an owner to put together a project of this scale, when factoring in things like architectural design and engineering.

Mr. Thuneman explained there is flexibility in how the City can approach this. When storage uses were removed from the general commercial zones, a 90-day grace period was set up to allow owners to submit a site plan for Design Review. If they submitted within that period, they were vested and could continue with the review process. Once the plans were approved, they had a time frame for when building needed to begin.

Commissioner Harris asked if Staff reached out to the owners to notify them of that change. Mr. Thuneman responded that individual owners were not contacted, as that is not part of the City's notification process or required by State law. Notice is given to the

public in the form of newspaper publications, site postings, and other means specified in the Development Code when a Public Hearing occurs.

Commissioner Harris suggested the grace period be increased to 180 days, since there are so few properties affected, to allow owners time to make a decision on how they want to proceed.

Chairman Diaz stated he also recalls most of the conversation at that time pertaining to the commercial properties near the City's entrances.

Mr. Gilbert explained that it is standard to provide notice for Development Code changes via published and posted notices, but in this particular case, because there are so few properties, the City could contact the owners via mail.

Chairman Diaz opened the Public Hearing. Seeing no comments, he closed the Public Hearing.

Mr. Gilbert stated that based on the findings, the Development Review Committee recommends the Planning Commission forward a recommendation of approval to the City Council for Land Use Action No. 24-4205, Text Amendments to City Code Title 14, Zoning (Development Code), Section 14.03.02, Table 3-1 and Section 14.04.07.C.2.

Commissioner Wilson moved to approve ID 24-4205, the request to amend City Code Title 14, with the addition of a 180-day notice from Staff to all remaining MU-G Zoned properties. The motion was seconded by Commissioner Lehr.

Prior to taking a vote, Mr. Thuneman asked if the motion intended to implement a 180-day grace period as well as notification by Staff.

Commissioner Wilson responded that she would like the changes delayed by 180-days to allow property owners to take action, as well as requiring the City to notify MU-G properties owner.

City Attorney Kelly Garry recommend taking a vote to let the motion fail so the wording could be amended for clarification.

Chairman Diaz called for a vote. The motion failed by the following vote:

Nay: 7 - Dzuro, Lehr, Wilson, Thornton, Harris, Medley and Diaz

Commissioner Wilson moved to approve ID 24-4205 with the addition of a 180-day grace

period for the change to go into effect and Staff notification to all MU-G property owners. The motion was seconded by Commissioner Lehr.

Prior to the vote, Recording Secretary Shelby Hennigan confirmed the intention of the motion is to include approval of both Code sections, 14.03.02, Table 3-1 and 14.04.07.C.2, with the additions.

Commissioner Wilson confirmed that was her intent by referencing ID 24-4205.

Commissioner Wilson moved to approve ID 24-4205 [Text Amendments to City Code Sections 14.03.02, Table 3-1 and 14.04.07.C.2.] with the addition of a 180-day grace period for the zoning use change to go into effect and Staff notification to all MU-G District property owners. The motion was seconded by Commissioner Lehr. The motion carried by the following vote:

Aye: 7 - Dzuro, Lehr, Wilson, Thornton, Harris, Medley and Diaz

7. CALL TO PUBLIC

Chairman Diaz provided an overview of Call to Public and opened Call to Public. Seeing no comments, he closed Call to Public.

8. FUTURE MEETING

The next regularly scheduled meeting of the Planning & Zoning Commission will be April 17, 2024.

9. ADJOURNMENT

Chairman Diaz adjourned the meeting at 9:46 a.m.

David Diaz, Chairman

Shelby Hennigan, Recording Secretary