

Jim Harris, Chair
Tiffany Wilson, Vice Chair
Suzannah Ballard
Joan Dzuro
Paul Lehr
Gabriele Medley
JP Thornton
Phil Annett, Alternate
Mary Costa, Alternate
Lonnie Stevenson, Alternate



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

Planning and Zoning Commission Regular Meeting

Minutes - Final

Wednesday, November 20, 2024

9:00 AM

1. CALL TO ORDER

Chair Harris called the meeting to order at 9:02 a.m.

2. PLEDGE OF ALLEGIANCE

Chair Harris led the Pledge of Allegiance.

3. ROLL CALL

Present: 9 - Suzannah Ballard, Joan Dzuro, Paul Lehr, Tiffany Wilson, Lonnie Stevenson, Jim Harris, Mary Costa, JP Thornton and Phil Annett

Absent: 1 - Gabriele Medley

Chair Harris invited Commissioner Annett to take the vacant seat at the dais.

4. CORRESPONDENCE AND ANNOUNCEMENTS

Planning Division Manager Chris Gilbert provided an update on the City's General Plan process and reviewed recent City Council approvals, including:

- Planned Development Rezone request for Anderson Motorsports
- Right-of-Way Dedication for 7000 Chenoweth Drive
- Development Agreement for Villages at Victoria Farms.

5. MINUTES

[ID 24-4556](#) Approval of the Minutes of the October 2, 2024, Planning & Zoning Commission Regular Meeting (Shelby Hennigan)

Commissioner Ballard moved to approve the Minutes of the October 2, 2024, Planning & Zoning Commission Regular Meeting, seconded by Vice Chair Wilson. The motion passed with the following vote:

Aye: 7 - Ballard, Dzuro, Lehr, Wilson, Harris, Thornton and Annett

6. PUBLIC HEARING

Chair Harris provided an overview of the Public Hearing process.

[ID 24-4547](#) A Request to Adopt Resolution No. 24-010 Approving a Conditional Use Permit for the Operation of a Mobile Food Unit for a Period of One Year at 1700 McCulloch Boulevard North (Chris Gilbert)

Mr. Gilbert discussed recent updates to the City Code [Chapter 5.24] for mobile food vendors and reviewed the Staff Report [displayed PowerPoint], noting the following:

- A Conditional Use Permit (CUP) is required for Masala Kitchen food truck because the Days Inn is classified as a hotel/motel instead of a resort or a bar/restaurant.
- The CUP will be valid for 1-year, at which time the applicant will need to apply for another CUP.
- Masala Kitchen will set up on the western side of the paved parking lot. They are unable to use the adjacent dirt lot because it is a separate parcel and would need to be improved.
- The Days Inn has 76 paved parking spaces. The Code requires a minimum of 60 spaces, so Masala Kitchen will not negatively affect parking.
- Staff received no comments or objections from neighbors or agencies.
- The area is surround by commercial uses. The closest residential use is a condo complex behind the hotel.

Mr. Gilbert reviewed the conditions contained in the proposed Resolution:

1. This Conditional Use Permit shall expire on November 20, 2025, and will require a renewal application to continue operating beyond this date.
2. No more than two parking spaces shall be used by the Mobile Food Unit on the subject property and the use shall be located on a paved surface at least 10 feet from any property lines.
3. All operational requirements contained in City Code Chapter 5.24 shall be complied with at all times.
4. The applicant may utilize either a single mobile food truck or a trailer as part of its operation, however the chosen vehicle must meet these conditions and all approval requirements contained in City Code Chapter 5.24.
5. All state, county, and local licensing requirements shall be completed prior to operation, including County Health Department Permit, Fire Inspection, and Lake Havasu City Business License issuance. City Code Chapter 5.24 provides details on these licensing requirements.
6. Written notification to the City by the property owner terminating the applicant's permission to be on the property will immediately terminate this Conditional Use Permit without further action by the City.

Chair Harris noted the applicant is present to answer questions.

Chair Harris opened the Public Hearing. Seeing no comments, he closed the Public Hearing.

Vice Chair Wilson explained that throughout Commission discussions regarding food trucks, her stance has not changed. She does not believe this is in the best interest of the City and is concerned it does a huge disservice to restaurant owners that have invested in buildings and infrastructure.

Commissioner Ballard stated she does not see an issue with the request. The applicants are working with the hotel owners and it has appropriate setbacks from the street and property lines.

Commissioner Dzuro noted that she was initially concerned about food trucks in the City as well, but in talking with people, they seem to be something that residents and visitors love. Local food trucks are very busy and many local restaurants are doing well. With 1.6 million visitors annually, food trucks are another option for people to pick up to-go food and they provide options for different kinds of food. She agreed with Commissioner Ballard that the layout provides setbacks from other businesses, as it will be fully contained in the hotel parking lot.

Commissioner Annett asked if approval of this CUP will set a precedent for food trucks at other hotels and private businesses, or if they would need individual CUPs.

Mr. Gilbert provided background on City Code 5.24, which addresses food trucks, Private businesses can apply for a CUP to host a food truck. Restaurants, bars, and resorts can obtain a Minor CUP, which undergoes administrative review by Staff. A business that does not fall into those categories must obtain a Major CUP, which involves a Public Hearing and Commission approval. While the City has approved applications for Minor CUPs at bars and resorts, this is the first one in 2024 that has needed a Major CUP, so it hasn't been a common request.

Commissioner Thornton expressed concerns about the location and its proximity to several existing brick and mortar restaurants, noting it may take important hotel business away from them. He explained there are locations in town that would be appropriate for food trucks, such as areas away from the center of town that lack nearby dining options.

Commissioner Ballard stated she doesn't feel it is in the best interest of the Commission to make a determination of what kind of food visitors may be looking for and this will provide additional dining options, so she is in support of this request.

Commissioner Harris noted this is an ancillary use to the existing Days Inn and he does not see a problem with the request. They are going through the appropriate approval process and the City Code allows this type of use.

Commission Dzuro moved to adopt Resolution No. 24-10 approving a Conditional Use Permit for the operation of a Mobile Food Unit for a period of one year at 1700 McCulloch Boulevard North with the 6 conditions noted in the Resolution.

The motion was seconded by Commissioner Ballard and passed with the following vote:

Aye: 4 - Ballard, Dzuro, Lehr and Harris

Nay: 3 - Wilson, Thornton and Annett

[ID 24-4545](#) Request to Amend City Code Sections 14.05.03, Standard Regulatory Procedures, To Add Time Frames for Administrative Completeness of Zoning Applications and 14.05.04(K)(5), Zoning Map Amendment Protest, to Exclude Government Owned Property from Protest Property Area (Chris Gilbert)

Mr. Gilbert explained these changes are required by Senate Bill 1162, which was passed and signed by the Governor on April 23, 2024, and must be adopted by January 1, 2025.

1. Exclude all government-owned property from inclusion in calculations of area required for Zoning Protest Petitions, including rights-of-ways, parcels, and some easements (that do not overlay onto privately owned land).
2. Establishes time frames for zoning application completeness determinations and final approval or denial thereof (including extensions thereto).
3. A third part relates to requiring an annual housing needs assessment report and 5-year housing needs assessment.

Chair Harris asked if these changes are State mandated. Mr. Gilbert responded affirmatively.

Regarding the housing assessment, Commissioner Dzuro asked if it will need to be addressed with Code updates, or if it is an ancillary item included in the Senate Bill.

Mr. Gilbert confirmed Code changes aren't needed for the reporting component. The Arizona League of Cities and Towns is working with communities statewide to determine how to best address this requirement.

Chair Harris opened the Public Hearing. Seeing no comments, he closed the Public Hearing.

Commissioner Ballard moved recommend approval of Land Use Action No. 24-4545

to the City Council amending City Code Sections 14.05.04.K.5 and 14.05.03.

The motion was seconded by Commissioner Dzuro and passed with the following vote:

Aye: 7 - Ballard, Dzuro, Lehr, Wilson, Harris, Thornton and Annett

7. CALL TO PUBLIC

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

8. FUTURE MEETING

The regular meetings of the Planning & Zoning Commission scheduled for Wednesday, December 4, 2024, and Wednesday, January 1, 2025, have been cancelled.

The next regular meeting is scheduled for Wednesday, December 18, 2024.

9. ADJOURNMENT

Chair Harris adjourned the meeting at 9:25 a.m.

Jim Harris, Chair

Shelby Hennigan, Recording Secretary