

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



Lake Havasu City
Council Chambers
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Lake Havasu City, Arizona
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Planning and Zoning Commission Regular Meeting Minutes - Final

Wednesday, October 2, 2024

9:00 AM

1. CALL TO ORDER

Chair Harris called the meeting to order at 9:01 a.m.

2. PLEDGE OF ALLEGIANCE

Chair Harris led the Pledge of Allegiance.

3. ROLL CALL

Present: 7 - Joan Dzuro, Tiffany Wilson, Lonnie Stevenson, JP Thornton, Jim Harris, Gabriele Medley and Mary Costa

Absent: 2 - Suzannah Ballard and Paul Lehr

With three vacancies, Commissioner Harris invited Alternate Commissioners Stevenson, Thornton, & Costa to the dais.

4. CORRESPONDENCE AND ANNOUNCEMENTS

Planning Division Manager Chris Gilbert gave an update on recent City Council actions:

- On September 10, 2024, City Council remanded the Bahama Avenue Major General Plan Amendment and Planned Development requests back to the Commission for further review. It is not yet clear what that will constitute, as the applicant has not submitted documents.
- City Council approved the Development Agreement for the amended Trinity at Havasu Foothills Estate subdivision plat.
- On September 24, 2024, City Council approved the Minor General Plan Amendment and Rezone for 2450 Plaza Hermosa.

5. MINUTES

[ID 24-4494](#) Approval of the Minutes of the August 21, 2024, Planning & Zoning Commission Regular Meeting (Shelby Hennigan)

Vice Chair Wilson moved to approve the Minutes of the August 21, 2024, Planning & Zoning Commission Regular Meeting, seconded by Commissioner Dzuro. The

motion passed with the following vote:

Aye: 7 - Dzuro, Wilson, Stevenson, Thornton, Harris, Medley and Costa

6. PUBLIC HEARING

Chair Harris provided an overview of the Public Hearing process.

[ID 24-4488](#) A Request for Approval of a Planned Development Rezone and General Development Plan for 2801 Highway 95 North from Limited Commercial District/Planned Development (C-1/PD) to General Commercial District/Planned Development (C-2/PD) (Chris Gilbert)

Mr. Gilbert reviewed his Staff Report [displayed PowerPoint] highlighting the following:

- The subject property is an approximately 10-acre parcel that was owned by the City and sold to Anderson Powersports in February 2024.
- In 2008, the City adopted an ordinance approving a Planned Development/Rezone (PD) to accommodate a large retail business. The project was never built and the property has remained vacant.
- The east side of the property abuts the right-of-way for Highway 95.
- There are dead-end connections to the residential neighborhoods to the west and south via Deepwater and Cactus Wren Drives. The cul-de-sac ends for both streets have been abandoned and they terminate at the property line.
- A major drainage way separates the property from retail development to the north.
- The subject property is currently zoned Limited Commercial/Planned Development (C-1/PD), but the proposed use as a vehicle sales establishment is more consistent with General Commercial (C-2).
- Surrounding zoning includes General Commercial District/Planned Development (C-2/PD) to the north, Light Industrial District (LI) to the east, and Single Family Residential District (R-1) to the west and south.
- The General Plan Future Land Use Map Category for the subject property and surrounding lots, including the R-1 lots, is Commercial Mixed Use-Nodal (CMU-N). This is consistent with the proposed use and the requested zoning.

Reviewing the Site Plan, Mr. Gilbert highlighted the following features:

- A 25-foot maximum height showroom building will run on the west and south sides of the site along the residential lots. The rear of the building will have lower masonry construction with a metallic upper portion. Windows will not be installed on the walls facing the residential lots. It is designed to act as a screening wall for the residential neighborhood, in lieu of a separate, smaller perimeter wall.
- The interior of the project will include a main showroom, offices, service center, and an architectural tower feature.
- A height of up to 45-feet maximum is requested for the architectural tower.

- The north 30% of the parcel, or Phase II, will remain undeveloped. Future development will need to conform to all C-2 design standards.

Mr. Gilbert reviewed the Grading Plan, explaining the applicant requested a maximum grade of 577.5 for the project, which is over 10-feet below the surface of Highway 95 at the proposed north entrance. The project will be below grade of the roadway, similar to the Hobby Lobby shopping center. The requested grade also takes into account the location and height of the existing berm on the west side of the property. It will permit smoothing out of the site by raising the bottom of the basin.

Mr. Gilbert displayed the “View Angles” slide, explaining the solid walls of the outer showroom will be utilized as a buffer to protect the residential neighborhood from the activities taking place on the site. It will also provide a buffer from existing highway noise and lights. The drawings were provided by the applicant’s design team and demonstrate how the 45-foot tower will be shielded from sight of the neighborhood.

Mr. Gilbert stated the applicant is requesting nine separate variations from the Development Code as part of their PD/Rezone and General Development Plan approval:

1. Side setbacks shall be 20 feet.
2. Rear setbacks shall be 35 feet.
3. Main building pad elevation set at +/- 577.5 feet.
4. Maximum height of the main building shall be 36 feet.
5. Maximum height of the tower roof feature of the showroom set at 45 feet.
6. Maximum height of the perimeter showroom building set at 25 feet.
7. Proposed showroom building on the setback to satisfy the requirements of a wall/buffer with the neighboring properties.
8. Proposed site plan shall be considered the approved plan of development for the PD approval.
9. Any future use on the unused portion of lot will conform to the C-2 District standards and permit any C-2 General Commercial uses.

He noted the normal C-2 setbacks are zero, so the applicant is requesting setbacks to be applied to their project to allow for screening and buffering.

Chair Harris asked if the Commissioners had questions for Staff. Seeing none, he invited the applicant to the podium.

Mychal Gorden, Desert Land Group, is representing the owner. He provided a brief history of the property, explaining it was rezoned C-1/PD for a specific big box retail use that did not materialize, leaving it vacant. The current owners submitted an application to purchase the property. The request went through the auction process and Anderson Powersports & Automotive Group was the successful bidder. The owners were aware the

property had a very specific PD overlay and it was discussed at the City Council Meeting that the applicant intended to submit for an amendment to fit their proposed use and development.

Mr. Gorden explained that Anderson Powersports has outgrown their current two locations and are looking to consolidate into one state-of-the-art powersports dealership. They started working with a design team earlier this year and, if their request is successful, intend to move quickly into the design and build process to bring this project to life.

Mr. Gorden reiterated this property is in the CMU-N category of the General Plan Future Land Use Map, which is consistent with the type and intensity of use they are proposing and consistent with the surrounding properties. From a zoning standpoint, it is consistent with adjacent commercial uses. He noted the residential properties are surrounded on all sides by commercial uses. The surrounding commercial uses include a mix of retail and car/boat dealerships and repair shops, so the use aligns with what you see throughout the area.

Mr. Gorden noted there were several constraints to address in their design, including:

- The elevation changes from Highway 95 and throughout the property.
- Being sensitive to the neighborhood in terms of placement of buildings.
- Circulation and creating access off the highway without using the residential streets.

They hosted two neighborhood meetings to gain feedback on their design.

Mr. Gorden stated there were several reasons for locating the buildings on the southern part of the lot and leaving the northern portion vacant as a future Phase II. First, because of the elevation change from the highway and the drainage requirements, having the access points on the south end was the most reasonable solution. Second, in terms of sensitivity to the neighborhood, they thought it was best to leave the undeveloped portion closer to the commercial properties on the north. They are not sure how it will be developed in the future and didn't want to leave the unknown C-2 portion adjacent to residential lots. The proposed plan provides certainty as to what will be built next to the residential lots and what steps will be taken to provide a buffer and protect them.

At the neighborhood meetings, they heard several concerns from residents and tried to develop a plan to mitigate them. One issue that came up was how this property has an approved Planned Development from 15-years ago that should remain in place. Mr. Gorden explained the PD was for a very specific big box store and that type of use is just not feasible in the City anymore. If it was, the development would have been built. Nationwide, there is trend of decreased big box retail stores. They looked at the requirements of the 2008 PD in terms of setbacks and buffers to help guide their design,

but in order for this property to be developed for this or many other non-big box uses, the PD would need to be amended.

Mr. Gorden explained light and noise pollution were a concern. They designed their site plan with that in mind and believe their layout will mitigate light and sound pollution from their site and the highway and surrounding commercial areas. Residents were concerned about privacy, which is why they are providing the large setbacks with landscaping, a solid rear wall without windows, and utilizing the outer building as a buffer.

He reviewed the proposed artist renderings, showing how the project would look from different angles. After the first neighborhood meeting, they commissioned the “View Angles” study, which shows how the positioning of the outer showroom will help block light and noise pollution. The site is designed so most activity will occur in the primary building and the interior of the property. He noted C-2 zoning allows a setback of zero, but that was not right for this neighborhood and location, so they are providing larger setbacks. They feel utilizing this building is a better option for screening than a typical screen wall, which would be much shorter. They will also landscape the setbacks to provide further screening.

Mr. Gorden stated they are excited about this project and think it will fit well with the surrounding commercial uses. They are committed to working with neighbors to reduce the impact of development and think they’ve created a design that addresses their concerns.

Commissioner Stevenson inquired about site lighting. Mr. Gorden stated there will be no lighting on the back of the showroom building. Exterior lighting in the interior of the lot will be cast down and shielded by the showroom building. Windows and glass will face the highway, so any light from inside will be directed to the highway.

Commissioner Stevenson asked if there will be a wall between the vacant Phase II portion and the neighborhood. Mr. Gorden explained that where the showroom building stops on the north side, a perimeter wall will extend north to the property line, so there will be no access. Additionally, a shorter perimeter wall will extend from the showroom on the south side almost to the highway.

Chair Harris asked if there will be a wall between the two phases. Mr. Gorden confirmed there will not, noting the dark line on the site plan differentiates between the two phases. When Phase II is developed, the two developments will share access points off.

With no further questions from the Commission, Chair Harris opened the Public Hearing.

Dennis Bucolo, resident, stated Anderson has presented a nice design for the building, but he doesn't believe it should be built here at the expense of the neighborhood. When the PD was approved in 2008, the City Council and former developer worked with the community to establish conditions to address their concerns. One of those conditions was that the PD would be tied to the land and not the project. He thinks the site plan is great, but it is unacceptable for an established neighborhood and deviates from the original conditions. The original PD called for a 10-foot perimeter wall, which they are replacing with a building that could potentially be used for servicing vehicles. This is a 10-acre parcel, so there should be plenty of room to move the development away from the residential lots. It appears they are planning a lot to sell in the future and that shouldn't be allowed at the expense of adjacent homeowners.

George Jimenez, resident, owns property to the south of this development. He explained they were told at a neighborhood meeting that the layout was designed to allow future expansion to the north. There is no way of knowing the amount of noise this business will generate and it will be directly behind their homes. He isn't against Anderson constructing a new building, but he would like the Commission to understand how the positioning of the building will affect them and asks that they utilize the full lot to reduce the impact it will have on them.

Commissioner Stevenson recalled the building location from the 2008 PD was on the south end of the parcel with the parking lot extending to the north. The perimeter wall was intended to help mitigate the impact from the parking lot and delivery docks. He asked if that was how the neighbors remembered it.

Mr. Jimenez explained they were told the 50-foot easement on the west side of the property would be observed on the south side, but the setbacks proposed by the applicant do not reflect that.

Mr. Jimenez and Mr. Bucolo provided a packet from the 2008 PD meetings, showing the layout of the retail development with the building more centralized and to the north. A copy of was provided to the Recording Secretary.

Scott Stillman, resident, explained he doesn't object to the property being developed, but would like to see the developer have greater setbacks to protect adjacent homes. When he walks out his door, he doesn't want to look up at a large commercial building.

Tricia Gagnon, resident, explained when many neighbors built or bought their homes, this property was zoned residential. They objected to rezoning it in 2008, but after meetings with the City and developer, they were able to agree on conditions. A 50-foot buffer was promised, in addition to the setback and a 10-foot wall. She objects to the idea that the

building will be an adequate buffer, citing noise and light concerns. It is not right that all the things they were promised are being taken away and she reiterated they were told the conditions are tied to the land. She questioned what will happen when the northern section of the property is developed, having already been rezoned to C-2, and what kind of protections the neighborhood will have from that unknown development.

Seeing no further comments, Chair Harris closed the Public Hearing.

Mr. Gorden acknowledged concerns expressed by the residents, noting he believes he addressed them during his presentation.

Commission Dzero asked if the perimeter wall will be 10-feet high. Mr. Gorden explained the perimeter wall was a requirement of the 2008 PD. They are proposing to replace the wall with the solid masonry walls of the rear building. The walls will have no windows or lights. Landscaping will be installed in the setbacks between the property line and wall to provide additional screening. The garage doors for the service bay will face the commercial areas to the north to minimize noise directed to the residential area.

Chair Harris asked for the location of the property lines and of any easements. Mr. Gorden explained the property lines are represented by the dark dashed line, with the green representing setbacks.

Commissioner Medley asked if there is any way to reposition or relocate the buildings further away from the residential lots.

Mr. Gorden explained they tried many different layouts, but due to the property's proximity to the Highway and natural topography, this layout fits best in terms of circulation and access. The further north or east they move the buildings, the greater the increase in elevation change from the Highway, resulting in too steep of a grade for driveways and reduced circulation. He noted that after the neighborhood meetings, they increased the setback on the south from 10-feet to 20-feet to provide more space.

Commissioner Medley asked about the intent of Phase II. Will it be sold separately or developed as part of this project? If that is the case, why can't they utilize some of that land? She noted that moving the project to the north could help to decrease the noise impact residents are concerned about.

Mr. Gorden explained the site plan doesn't show topography, but there is a wash and steep slope through the property, resulting in less buildable land than appears on the site plan. Moving the project north by 5 or 10-feet wouldn't have a significant impact on noise or light in terms of what they are already doing to provide screening. The property

owners made a significant investment in this property and will continue to invest in a high-quality project, so it is important that they be able to utilize the land to ensure this is feasible in the long the time. At this time, they aren't sure if that will be an expansion of this business or a complimentary business.

Chair Harris asked if the proximity of the property to the Kiowa Blvd intersection played a role in designing the access points and if Phase II will share a driveway with Phase I.

Mr. Gorden responded affirmatively, explaining the intent is to have the middle access point be a full movement intersection, allowing people to turn left or right. It may have acceleration and deceleration lanes. The south entrance will likely be right turn only. They will work with ADOT to determine what improvements are required, but there is no way to move the access points further north because of the proximity to the Kiowa Blvd intersection. He confirmed the phases will share access.

Commissioner Stevenson asked for clarification on what the grey area between the residential lots and subject property is on the Zoning Map.

Development Services Director Jeff Thuneman explained there is a 50-foot Public Utility Easement on the west side. It is a separate parcel between the residential properties and the subject property. The applicant is proposing a 35-foot setback from their property line, so there will essentially be an 85-foot buffer on the west side. There is not an easement to the south, so the building would be 20-feet from the property line.

Chair Harris asked what normal C-2 setbacks are. Mr. Thuneman explained C-2 Districts have a zero setback, unless adjacent to a residential property. When that happens, a landscape buffer and perimeter wall is required, but the Code only requires 6 to 10-feet of buffering. The applicant is proposing an increased setback of 20-feet.

Vice Chair Wilson asked if the buffer requirement is the same for C-1 Districts. Mr. Thuneman responded affirmatively, noting that all commercial development adjacent to residential development requires some kind of buffer, depending on the level and scope.

Mr. Gilbert explained when applications are received, there are a number of factors Staff looks at within General Plan and Development Code. Staff determined the proposed project is consistent with the General Plan Future Land Use Map. It was also determined to meet the criteria for Planned Developments as described in the Development Code. Additional details can be found in the Staff Report.

Commissioner Thornton acknowledged many residents are concerned about noise. Most of the noise will be coming from the service bay, which is located in the center of the site

and will face the Highway and commercial properties to the north. Most activity will be in the center of the project and they aren't proposing any major outdoor uses. He thinks the applicant has a good idea to utilize the walls of the showroom to deflect the noise, and it will likely do a better job than a perimeter wall would.

Commissioner Dzuro thanked the applicant for taking the neighbors' concerns into consideration. She likes that they are providing additional buffer from what would normally be required. Positioning the service bays to the Highway and Kiowa Blvd is a good idea to help minimize noise directed to the residential area. She noted this is very much a recreational town, with many people coming here to enjoy boats, SXS, and RVs, so it is good to have a nice facility for residents and visitors to shop and get repairs.

Commissioner Medley inquired about the hours of operation. Brent Kollars, Platform Director for Anderson Powersports, advised the current hours are 8:00 a.m. – 5:00 p.m. Tuesday through Saturday. In the future, they may consider opening on Mondays, but Mondays are usually slow days in their industry.

Chair Harris agrees the applicant has done a good job of providing buffering and trying to mitigate noise and light concerns. With no further discussion, he asked for a motion.

Vice Chair Wilson moved to recommend approval of Land Use Action 24-4488 to the City Council, approving a Planned Development Rezone and General Development Plan for 2801 Highway 95 North from Limited Commercial District/Planned Development to General Commercial District/Planned Development, and Approving a General Development Plan with the specifically requested deviations from the Development Code as stated in the Staff report.

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

Aye: 7 - Dzuro, Wilson, Stevenson, Thornton, Harris, Medley and Costa

7. CALL TO PUBLIC

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

8. FUTURE MEETING

The regular meeting of the Planning & Zoning Commission scheduled for Wednesday, October 16, 2024, has been cancelled.

The next regular meeting is scheduled for Wednesday, November 6, 2024. Mr. Gilbert explained there are currently no items pending for the agenda. If the meeting is cancelled, a cancellation notice will be posted.

9. ADJOURNMENT

Chair Harris adjourned the meeting at 10:07 a.m.

Jim Harris, Chair

Shelby Hennigan, Recording Secretary