



Jim Harris, Chairman
Lucas Still, Vice-Chairman
Don Bergen
Mychal Gorden
Doug Hardy
Dan McGowan
Chad Nelson
Christy Cunningham, Alternate
Allan Windholz, Alternate

Lake Havasu City
Regular Meeting Minutes - Final
Planning and Zoning Commission

Lake Havasu City
Police Facility
2360 McCulloch Blvd North
Lake Havasu City, Arizona 86403
www.lhcaz.gov

Wednesday, July 1, 2015

9:00 AM

Regular Meeting

1. CALL TO ORDER

Mr. Still called the meeting to order at 9:01 a.m.

2. PLEDGE OF ALLEGIANCE

Mr. Still lead in the Plege of Allegiance.

3. ROLL CALL

Mr. Gorden participated telephonically. Ms. Cunningham was seated.

Present: 7 - Donald Bergen, Lucas Still, Mychal Gorden, Dan McGowan, Christy Cunningham, Doug Hardy and Jim Harris

Absent: 2 - Chad Nelson and Allen Windholz

4. MINUTES

Wednesday, June 17, 2015, Regular Meeting Minutes

Mr. McGowan made a motion to approve the Regular Meeting minutes of June 17, 2015, seconded by Mr. Bergen, and carried by the following vote:

Aye: 7 - Bergen, Still, Gorden, McGowan, Cunningham, Hardy and Harris

Absent: 2 - Nelson and Windholz

5. CORRESPONDENCE AND ANNOUNCEMENTS

Mr. Schmeling stated that yesterday Don Elliott from Clarion Associates was here for the third installment of the Development Code. We had a public meeting at 1:30 p.m. scheduled for the Development Code Review Committee which was well attended by the politicians and we also held a public meeting at 6:00 p.m., which was not so well attended.

Mr. Schmeling provided details regarding the next steps in the process, including discussion of potential future dates in September for a presentation of the draft document to the Planning Commission.

6. ELECTION OF OFFICERS

Mr. Still addressed the Commission and requested nominations for a new Chairman of the Commission. Detailed discussion followed resulting in two nominations on the floor. Mr. Jim Harris and Mr. Mychal Gorden. Mr. Gorden declined to accept the nomination, due to his travel schedule.

Mr. Still made a motion to elect Jim Harris Chairman of this Committee, seconded by Mr. Gorden, and carried by the following vote:

Aye: 7 - Bergen, Still, Gorden, McGowan, Cunningham, Hardy and Harris

Absent: 2 - Nelson and Windholz

7. ELECTION OF OFFICERS

Chairman Harris conducted the remainder of this meeting.

Chairman Harris stated he would entertain a motion to elect a Vice-Chairman of the Commission. Detailed Commission discussion resulted in one nomination on the floor for Mr. Lucas Still to be elected Vice-Chairman.

Mr. Bergen made a motion for Lucas Still to be Vice-Chairman, seconded by Mr. McGowan, and carried by the following vote:

Aye: 7 - Bergen, Still, Gorden, McGowan, Cunningham, Hardy and Harris

Absent: 2 - Nelson and Windholz

8. PUBLIC HEARING

[ID 15-0284](#) A Request for a Conditional Use Permit to Allow for the Operation of Beach Shack Rentals to Allow Jet Ski Rentals and Flyboard Operation from the Beach in Front of the Sandbar Grill, Adjacent to London Bridge Beach

Mr. Schmeling thanked the Chairman and stated this is an item that was continued from the last meeting. He presented a PowerPoint slideshow and narrative including some of the following key points:

- Property address and location description
- Ariel photo indicating proposed location and placement of vehicles and equipment
- BLM environmental study findings that this location is appropriate for this type of activity, but for no more than two vendors

- History of the 2010 conditional use permits (2) for this location
- Pictures provided showing location of jet skis and pontoon boats

Chairman Harris asked if the applicant was present and would they like to make a presentation.

Mr. Harvey Jackson, local attorney, addressed the Commission stating I am here representing Mr. Patel. Apparently, at the last hearing there was an assumption that there would be no issue here. Mr. Patel has had the property leased for quite some time and he is here in case there are any questions of historical nature. Of course Nicolas, the present applicant is here also. I am here because it got continued and didn't pass last time even though there was no indication of any problems.

Mr. Jackson's summarized comments included the following key points:

- During review of the 2010 conditional use permit application many studies were referenced as part of that original approval process
- Multiple referenced studies all deemed this location acceptable for this use
- In 2010, two applicants were granted permission to use the area with a total usage of 14 watercraft and 4 boats
- Concerns that were raised at the last meeting have been addressed by experts in the above referenced studies

Chairman Harris asked if there were any questions of the speaker.

Mr. McGowan expressed his concerns regarding the location of the jet skis in relation to the swim area. His summarized comments included the following key points:

- Applicant was instructed by Mr. Patel to keep the jet skis west of the swim area
- The pictures provided today do not indicate the jet skis have been moved to the west
- The flyboard operation is a new component for consideration that did not exist in 2010
- Safety is a main concern regarding jet skis returning to the beach

Mr. McGowan asked if those jet skis are going to remain where they are or are they going to be moved and stored and kept farther away from the swim area?

Mr. Jackson's summarized response included the following key points:

- He cannot comment if the jet skis were moved from their original location
- Applicant is currently operating under a temporary use permit
- Applicant is waiting for clear direction from the Commission regarding conditions
- Mr. Schmeling may be able to add additional facts regarding the potential conditions
- His client has no issue with the proposed conditions or restrictions

Mr. Schmeling stated that he has visited the site both before and after, but all of my recommendations that will be forthcoming have to do with not only location but other restrictions, such as signage and other things as well.

Chairman Harris opened the public hearing and asked if there was anyone in the audience who would like to speak in favor of this item.

Mr. George Sharma addressed the Commission and spoke in favor of the item.

Chairman Harris asked if there was anyone in the audience who is opposed to this item.

Mr. Michael Whetten addressed the Commission not in favor or opposition of this item. He provided detailed information regarding the application process he went through in 2010 for use of this location with both the BLM and the City. In summary, he hopes this applicant has to follow the same rules that he had to follow at that time.

Chairman Harris and Mr. Schmeling engaged in a detailed discussion to clarify the scope of consideration for the Commission. In summary, the Commission is considering the land use aspect and access to the water.

Chairman Harris, Ms. Cunningham, Mr. Schmeling and Mr. Whetten had additional discussion regarding the role of the BLM and the water based activity.

Chairman Harris asked if there anyone else who wished to speak on this item. Hearing none, he closed the public hearing.

Mr. Schmeling stated staff recommends that land use action 15-0284 be approved by the Commission with the following conditions:

1. No more than 30 square feet of total signage shall be allowed. The majority of signage should be placed at the intersection of McCulloch and Sir Peter Studd Drive on Island Inn property. Directional signs and temporary signage such as blade banners and pennants shall be prohibited
2. Temporary buildings shall be limited to one and shall be no greater than 120 square feet (10x12)
3. All temporary structures/buildings shall be removed by Nov. 1st through February 29th
4. Beach coverage shall be limited to no more than 300 square feet for accessory items such as chairs, tables, and shade structures
5. Limit jet skis to no more than 14 and restrict their location to a 50 foot stretch of beach anchoring them 7 by 7
6. Launching of any watercraft from the location shall be prohibited

7. Fuel storage or re-fueling of equipment from the location shall be prohibited

Chairman Harris asked if the applicant understood the conditions.

Mr. Jackson responded that they have reviewed the conditions and have no issue with them.

Mr. Still had questions for staff, resulting in discussion with Mr. Schmeling including the following key points:

- BLM sign off prior to the last conditional use permit approval
- Condition restricting distance from the swim area

Additional discussion between Commission members, Mr. Jackson, and the applicant came to an agreement that 100 feet from the swim area would be a reasonable recommendation.

Mr. Bergen suggested a request for a sign that specifies that beyond this point is a private beach.

Mr. McGowan and Ms. Cunningham added additional comments regarding the placement of the jet skis and the pontoon boats.

Mr. Still made a motion to approve application 15-0284 with the following conditions:

1. No more than 30 square feet of total signage shall be allowed. The majority of signage should be placed at the intersection of McCulloch and Sir Peter Studd Drive on Island Inn property. Directional signs and temporary signage such as blade banners and pennants shall be prohibited
2. Temporary buildings shall be limited to one and shall be no greater than 120 square feet (10x12)
3. All temporary structures/buildings shall be removed by Nov. 1st through February 29th
4. Beach coverage shall be limited to no more than 300 square feet for accessory items such as chairs, tables, and shade structures
5. Limit jet skis to no more than 14 and restrict their location to a 50 foot stretch of beach anchoring them 7 by 7 parallel to the shore
6. Launching of any watercraft from the location shall be prohibited
7. Fuel storage or re-fueling of equipment from the location shall be prohibited
8. The distance from the dedicated swim area shall be no less than 100 feet
9. Signage shall be placed that identifies the beach as a private area
10. All the conditions dealing with water area are subject to BLM objections regarding conditions outside of the City jurisdiction

Kelly Garry expressed concern with condition number nine, the posting of the sign. I am concerned about that and I would request you not include this as a condition for this conditional

use permit.

Chairman Harris, Ms. Garry, and Commission members had detailed discussion regarding the posting of signs by the landowner for this private beach and for signage on any beach whether private or City.

At the conclusion of this discussion, Mr. Schmeling offered that as an alternative, staff could request our Operations Division look into the sign to determine whether or not it is ours. We will take an appropriate action on our side to convey that message. This would be outside the realm of this conditional use permit.

Mr. Still responded I think all it needs to do is identify the swimming area as the safest place to swim. I will strike my recommendation number nine.

Mr. Harris confirmed the motion has been modified by the maker striking condition number nine from the motion, does the seconder, Mr. Hardy, agree?

Mr. Hardy responded yes.

Mr. Bergen stated with the last change I will have to vote against it.

Mr. Still made a motion to approve application 15-0284 with the following conditions:

- 1. No more than 30 square feet of total signage allowed. The majority of signage should be placed at the intersection of McCulloch and Sir Peter Studd Drive on Island Inn property. Directional signs and temporary signage such as blade banners and pennants shall be prohibited**
- 2. Temporary buildings shall be limited to one and shall be no greater than 120 square feet (10x12)**
- 3. All temporary structures/buildings shall be removed by Nov. 1st through February 29th**
- 4. Beach coverage shall be limited to no more than 300 square feet for accessory items such as chairs, tables, and shade structures**
- 5. Limit the jet skis to no more than 14 and restrict their location to a 50 foot stretch of beach anchoring them 7 by 7 parallel to the shore**
- 6. Launching of any watercraft from the location shall be prohibited**
- 7. Fuel storage or re-fueling of equipment from the location shall be prohibited**
- 8. No boat or jet ski shall be moored within 100 feet of the west end of the designated swim area**
- 9. All conditions that deal with water areas, outside the City jurisdiction, shall be subject to BLM review**

The motion was seconded by Mr. Hardy and carried by the following vote:

Aye: 6 - Still, Gorden, McGowan, Cunningham, Hardy and Harris

Nay: 1 - Bergen

Absent: 2 - Nelson and Windholz

[ID 15-0285](#) A Request for Approval of a Preliminary Condominium Subdivision Plat for 4 Existing Residential Units Located at 1145 Rolling Hills Drive

Mr. Schmeling thanked the Chairman and presented a PowerPoint slideshow and narrative including some of the following key points:

- Property address and location description
- Illustration of the proposed condominium plat
- Purpose for the request is so the owner can sell the units individually

Chairman Harris asked Mr. Schmeling is the zoning is R-3.

Mr. Schmeling responded, yes.

Chairman Harris asked if the applicant was present and would they like to make a presentation.

Lee Johnson with APL Surveying addressed the Commission. He stated he is here to answer any questions the Commission may have.

Chairman Harris opened the public hearing. Hearing none, he closed the public hearing.

Mr. Schmeling stated staff recommends that land use action 15-0285 be approved by the Commission.

Mr. Still made a motion to approve item 15-0285 approving the proposed preliminary condominium subdivision plat for 4 residential units located at 1145 Rolling Hills Drive, seconded by Mr. Gorden and carried by the following vote:

Aye: 7 - Bergen, Still, Gorden, McGowan, Cunningham, Hardy and Harris

Absent: 2 - Nelson and Windholz

[ID 15-0286](#) A Request for Approval of a Preliminary Condominium Subdivision Plat for a 63 Unit Storage Complex Located at 3350 Sweetwater Avenue

Mr. Still and Mr. Gorden recused themselves for this item.

Mr. Schmeling thanked the Chairman and presented a PowerPoint slideshow and narrative including some of the following key points:

- Property address and location description
- Illustration of the proposed condominium plat
- This structure is a new 63 unit storage facility

Chairman Harris and Mr. Schmeling had discussion regarding the zoning of the property. Mr. Schmeling confirmed the zoning was previously R4 and is now C2 Commercial.

Mr. McGowan asked Mr. Schmeling if he had received any complaints, phone calls, or letters on this issue.

Mr. Schmeling responded that as some of you may remember during the rezoning there were some objections from the neighbors that were discussed and resolved at that time. In fact, the design team of this project has worked with the adjacent property owner to accommodate some additional landscaping setback and retaining wall scenarios. I haven't received any negative comments at all with regard to the proposed condominium project.

Chairman Harris asked if the applicant was present and would they like to make a presentation.

Mr. Lucas Still addressed the Commission and stated that as Stuart had stated, these properties were both zoned R4 and we had them approved for C2 zoning. There was one adjacent property that was zoned R2 and there was a concern that if we got it approved for C2 it would be something other than what we said we were going to do, which was the storage units. We have worked closely with that land owner and we have taken some voluntary setbacks and worked with him on building a wall that he can add to etc., he is very happy right now with us. This is simply a process of taking it from one larger APN number to multiple APN's so we can sell them individually.

Chairman Harris opened the public hearing. Hearing none, he closed the public hearing.

Mr. Schmeling stated staff recommends that land use action 15-0286 be approved by the Commission.

Ms. Cunningham made a motion to approve item 15-0286 approving the proposed preliminary condominium subdivision plat for a 63 unit storage complex located at 3350 Sweetwater Avenue, seconded by Mr. Bergen and carried by the following vote:

Aye: 5 - Bergen, McGowan, Cunningham, Hardy and Harris

Absent: 2 - Nelson and Windholz

Recused: 2 - Still and Gorden

9. CALL TO PUBLIC

None

10. FUTURE MEETING

Wednesday, August 5, 2015 @ 9:00 a.m. - Regular Meeting.
(Wednesday, July 15, 2015 will be canceled. Cancel Notice to follow)

11. ADJOURNMENT

Chairman Harris adjourned the meeting at 10:15 a.m.

Jim Harris, Chairman

Diane Libby, Management Specialist