



**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

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Wednesday, June 17, 2015

9:00 AM

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**Regular Meeting**

**1. CALL TO ORDER**

Chairman Liesen called the meeting to order at 9:02 a.m.

**2. PLEDGE OF ALLEGIANCE**

Chairman Liesen lead in the Pledge of Allegiance.

**3. ROLL CALL**

**Present:** 4 - Donald Bergen, Jim Liesen, Dan McGowan and Christy Cunningham

**Absent:** 6 - Chad Nelson, Lucas Still, Mychal Gorden, John Kendig, Doug Hardy and Allen Windholz

**4. MINUTES**

Regular Meeting Minutes, May 6, 2015

**Mr. Bergen made a motion to approve the minutes of May 6, 2015, seconded by Mr. McGowan, and carried by the following vote:**

**Aye:** 4 - Bergen, Liesen, McGowan and Cunningham

**Absent:** 6 - Nelson, Still, Gorden, Kendig, Hardy and Windholz

**5. MINUTES**

Regular Meeting Minutes, May 20, 2015

**Mr. McGowan made a motion to approve the minutes of May 20, 2015, seconded by Ms. Cunningham, and carried by the following vote:**

**Aye:** 4 - Bergen, Liesen, McGowan and Cunningham

**Absent:** 6 - Nelson, Still, Gorden, Kendig, Hardy and Windholz

## 6. CORRESPONDENCE AND ANNOUNCEMENTS

Mr. Schmeling thanked the Chairman and announced that our consultants, Clarion and Associates, for our General Plan update and the Development Code rewrite have a couple of important meetings coming up. The next installment of the Development Code will be discussed on June 30th. At 1:30 p.m. the sub-committee meets and then at 6:00 p.m. the public hearing will be held. Both meetings are open to the public. Then on July 28, the City Council will receive a presentation from Darcie White, our General Plan consultant, and that meeting starts at 5:30 p.m. July 28.

Chairman Liesen asked if the Development Code meetings are here, in this room.

Mr. Schmeling responded that all the meetings are in this location.

Chairman Liesen asked if that would be a good time to bring up any comments or considerations because it is still in progress.

Mr. Schmeling responded, yes, that is correct. The Development Code is in stage three of four, so there is plenty of time for additional comments. I would suggest coming to either of the meetings, the one at 1:30 p.m. or the one at 6:00 p.m. Don Elliott will have a presentation of that particular section of the code and then we will open it up for questions or comments for the entire Development Code.

## 7. PUBLIC HEARING

[ID 15-0243](#) A Request for a Conditional Use Permit to Allow for the Co-Location by Verizon Wireless on an Existing Cellular Communication Tower in the R-4/PD(Multi-Family Residential Planned Development) District

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

- Property address and location description
- Review of the Cell Tower Ordinance requiring that any co-location on existing towers come back before the Commission for a conditional use permit
- Aerial photo of the cell tower site and surrounding area
- Existing view of the tower as it is today
- View of the tower with the proposed modifications
- Verizon will be the third co-location on this existing tower

Chairman Liesen asked if there is anything the Commission can do given the age of the ordinance, to require them to do anything to them to dress them up in any way, paint or other types of concealment.

Mr. Schmeling responded that we can. However; we are asking Don to look at this as part of the Development Code, there is new federal legislation that applies to these and it is getting more lenient on the cell providers side so that the individual cities have less influence as to how these things look. The short answer is yes we can, but that will be addressed in the new code.

Chairman Liesen responded that I have always thought that painting them Sky Blue would be a nice touch.

Ms. Cunningham asked if there is any consideration to partner with the companies to split that cost.

Mr. Schmeling responded not in Lake Havasu City that I am aware of. Nationwide I would have to do some research to see if that is ever the case. I know through-out the country there are palm trees or other means they have used to mask these things and maybe the applicant can better answer that question.

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

Reg Destree stated he is working with Reliant Land Services and is here representing Verizon Wireless Services. I don't have a presentation other than to say this is one of several of the SBA towers we are looking to co-locate on to improve capacity in town. Mr. Destree's summarized comments touched on the following key points:

- Pros/cons of decreasing visibility to the site by painting cell towers/antennas
- Best option for concealment is flat grey tower and flat grey antennas
- If it is a condition of approval, the antennas can be ordered grey instead of white

Ms. Cunningham asked if there was any indication of what the expanded coverage for Verizon is going to be. What is the proposal for service to the area? What will that benefit be?

Mr. Destree responded that within the area, about a mile and a half, it will help when there is high capacity and a lot of Verizon customers in the area. When there are big events in town it will help a lot.

Ms. Cunningham and Mr. Destree continued with further discussion touching on the following key topics:

- Coverage benefit improvements of this co-location
- Potential future cell tower needs for the City
- SBA cell tower coverage capacity as it currently exists
- Potential future conditional use permit applications to co-locate on existing structures

Chairman Liesen opened the public hearing and asked if anyone in the audience would like to

speak on this item, hearing none, he closed the public hearing.

Mr. Schmeling stated staff recommends that land use action 15-0243 be approved by the Commission.

**Mr. Bergen made a motion to approve item 15-0243 allowing the proposed co-location for Verizon Wireless on the existing tower at 2700 Jamaica Blvd, seconded by Mr. McGowan, and carried by the following vote:**

**Aye:** 4 - Bergen, Liesen, McGowan and Cunningham

**Absent:** 6 - Nelson, Still, Gorden, Kendig, Hardy and Windholz

[ID 15-0256](#) 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 presented a PowerPoint slideshow and narrative including some of the following key points:

- Property address and location description
- Property is currently under lease by the Island Inn Hotel from the State Trust
- Site map indicating structure; vehicles; accessory item locations
- History of this location's 2010 conditional use permits (2)
- Clarification that this location is currently a private beach
- Two primary comments received, one from the Fire Department that fueling and fuel storage should be prohibited; one from the Police Department that launching of any watercraft from this location should be prohibited

Chairman Liesen asked if Mr. Schmeling had any insight as to why the Police Department suggested no launching.

Mr. Schmeling responded it should not be permitted there, as there is no launch, it is just a sandy beach.

Chairman Liesen, Mr. Bergen, Ms. Cunningham, and Mr. Schmeling continued with further discussion touching on the following key topics:

- Clarification that the applicant is proposing one structure, not on City property
- Length of beach area extends to the swim buoys
- Status of and possible impact of the two conditional use permits from 2010
- Any restrictions not placed by the City will be dealt with between the applicant and the lease holder
- Discussion of the lease agreement terms and how that impacts the conditional use permit

- Application request described the activity as rental of flyboards, paddle boards, jet skis, and boats

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

Nicolas Rius, owner of Beach Shack Rentals, introduced himself to the Commission and provided a detailed description of his business activity and future plans, touching on the following key points:

- Focus of the business is to be, and remain, family oriented
- Description of the types of rental equipment he will handle
- Possible future potential to re-open the Sandbar Grill
- Weekly beach clean-up
- Future plans to designate 2 or 3 hours on Tuesday and Wednesday morning to provide free service to community residents that could not otherwise afford to enjoy these types of activities

Mr. McGowan, Ms. Cunningham, Mr. Bergen, and Mr. Rius continued detailed discussion including the following key points:

- Fueling
- Launching
- Swimming area
- Flyboarding activity
- Jet skis are anchored out 20 feet in the water, not on the beach
- Safety issues regarding density of boats in the area on busy weekends
- Free life jacket program
- Flyboard can be shut down if the area gets busy
- No flyboarding allowed in the channel by Beach Shack Rentals

Chairman Liesen opened the public hearing.

Michael Whetten of Whetrods Rentals, Incorporated, addressed the commission. He stated he is the one that previously had the permit for the property. Mr. Whetten provided detailed history of the processes in place when he applied for and received his permits. Comments included the following key points:

- Environment Assessment requirements and restrictions in place per the BLM
- Two parking spaces were designated by the City, but in 2013 the City revoked the parking spaces, stating they were not allowed to designate parking spaces in a public park
- Paperwork states this applicant is only allowed to operate flyboard until August 31, 2015

Chairman Liesen and Mr. Whetten continued with further discussion touching on the following key points:

- Clarification of the nature of the paperwork Mr. Whetten referred to
- Clarification that this review is for a conditional use permit and not the contract the applicant has with the landlord
- Comments that this property is now a private beach

Jeff Prieur of Champion Rentals, addressed the commission. He stated I was also located on this beach. Mr. Whetten hit on most of the things I wanted to mention. Mr. Prieur's comments included the following key points:

- 50' X 50' spot by the marina kept the swim area safer
- Concern there may be problems with number of employees vs. number of jet skis
- Concern jet skis can drift into swim area
- Propeller boats beaching in this location was not allowed by the BLM
- Inexperienced rental customers
- Fueling should be done at the marina
- They were required to have two permits, one with the City and one with the BLM

Chris Patterson of Wet Monkey Power Sports addressed the commission. He stated his business is a land based business. Mr. Patterson's summarized comments included the following key points:

- Several years ago there were vendors all over up and down the beach, then the City removed them
- Concern the City is reversing that decision
- Concern this action would open the door for vendors to start setting up at Rotary Beach
- Boats at this location are a bad idea and should not be allowed

Mike Thompson, resident, addressed the commission. His summarized comments included the following key points:

- Observed that the previous rental businesses from 2010 operated fine
- City's influx of people has resulted in tremendous growth
- Concern for safety of the swim area and the entire beach
- Witnessed Mr. Rius's pontoon boats sitting on the beach
- Concern regarding inexperienced rental operators
- Congestion in and out of the marina
- Liability to the City

Mr. Scott Mitchell (Waterbuzz) presented a short PowerPoint presentation touching on the following key points:

- Applicant has engaged in negotiations for multiple locations on the island
- Concern about over-saturation of this type of business

- Concern regarding close proximity to existing businesses
- Concern Mr. Rius is using the entire beach
- Concern Mr. Rius is charging tax on service
- Rental vs. sale activity of flyboards
- ADA restroom availability

There being no additional speakers, Chairman Liesen asked Mr. Rius if he would like to respond to any of the comments. Mr. Rius's summarized comments included the following key points:

- Applicant's contract is with Mr. Patel, and Mr. Patel stated he did not need a permit (BLM)
- Clarified that the structure that was inadvertently placed on the City property line has been relocated
- Clarified the total number of jet skis is 10, including the flyboard ski.
- Clarified this beach is a private beach
- Applicant's business has a total of two pontoon boats
- Applicant's intention is to operate in one location

Chairman Liesen closed the public hearing.

Mr. Schmeling stated staff recommends that land use action 15-0256 be approved by the Commission with the following conditions:

1. One parking space shall be reserved for the business within the existing parking lot
2. 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
3. Temporary buildings shall be limited to one and shall be no greater than 120 square feet (10x12)
4. All temporary structures/buildings shall be removed by November 1 through February 29
5. Beach coverage shall be limited to no more than 300 square feet for accessory items such as chairs, tables, and shade structures
6. Launching of any watercraft from the location shall be prohibited
7. Fuel storage or re-fueling of equipment from this location shall be prohibited

Chairman Liesen began Commission discussion by disclosing that he is a volunteer with the Mohave County Sherriff's Boating Safety Program. Chairman Liesen's summarized comments included the following key points.

- Concern regarding the quality of control the average renter of a watercraft may possess
- Concern regarding customers inexperience with vehicle operations
- Prefer to place the advertised area as far to the west as possible, like it was before
- Business operator is not in control of how and when the renters bring the boats back

- Renters may speed into the no-wake zone to get back and avoid a late payment
- Concern regarding restroom issues
- Concern this application may open the door to additional applications after many vendors were shut down

Mr. Bergen stated that we are talking about a public beach. It is a relaxation center for a lot of people to go down and enjoy the quietness and relaxation. I do not feel that this particular operation has a place in this location. I do not feel it is a good location for it at all. I would move for denial.

Ms. Garry addressed the Commission to make a couple of points of clarification. One, that this is not a public beach, it is a private beach. It is state owned and leased to a private lessor. It is different in the conversations that the City has had about vendors along the beach. Vendors along Rotary and the beaches under the control of Lake Havasu City is different than the beach that we are talking about now. More specifically, going back to those conversations, it was at that time that the City was having discussions with the BLM about coming up with a permitting process to allow a limited number of vendors to operate from the beach, and it was that specific beach right there that they came up with and agreed to offer a couple of permits in a limited circumstance. That is when we had the two applications come forward and specifically for that beach there. Those users are no longer there and BLM since that time has informed us that they do not want to be in the permit, they are not going to be offering those permits, and they are leaving that up to the City. So in having discussions, what I have heard in the City is that they have no objections to allowing the continuance of that limited space on that private beach for vending purposes. So that doesn't open a can of worms for all of the beaches that are under the City's control because this beach is not under the City's control. They recognize that there is still some desire to have some vending on the beach and that was one of the areas that was designated for that.

Chairman Liesen, Mr. Bergen, Mr. McGowan and Mr. Schmeling continued the discussion, touching on the following key points:

- Mr. Bergen clarified his statement about the beach to say "it is used by the public".
- Clarification that currently, there is no BLM permitting process related to this beach
- Clarification that the launch activity will not be allowed at this location

Ms. Garry addressed the Commission to discuss one additional item. She thanked Mr. Whetten for reminding her about the parking space. That was an issue and I would suggest to remove that. It was a huge problem. We should not have any reserved parking in that space. I apologize Stuart, it would be better not to have that condition included.

Ms. Cunningham and Mr. Rius continued the discussion, touching on the following key points:

- Beach approach and parking of boats on the beach

- Request of lessor for lessee to charge other boats to park on the private beach
- Clarification that you cannot park on the state beach side of the sidewalk but only on the private beach area
- Applicant is open to moving the two pontoon boats to the far left side of this location
- Age restrictions to legally rent to customers
- Clarification that Mr. Rius's rental process is to keep 20 to 30 minutes in-between skis returning to the beach

Mr. Bergen made a motion to deny 15-0256 as being inappropriate to this particular place, seconded by Mr. McGowan.

Ms. Cunningham, Mr. Bergen, and Mr. McGowan continued discussion following the motion.

Motion failed with Chairman Liesen and Mr. Bergen voting "aye"; Mr. McGowan and Ms. Cunningham voting "nay".

Ms. Cunningham made a motion to approve 15-0256 without the parking space recommendation, seconded by Mr. McGowan. Motion failed with Chairman Liesen and Mr. Bergen voting "nay"; Mr. McGowan and Ms. Cunningham voting "aye".

Chairman Liesen allowed the applicant to return to the podium to make a statement.

Mr. Rius stated that if there is any issue with the boats, the boats can be removed. We cannot use the parking lot anyway. If we need to move the boats to make this happen I have no issue with that.

Mr. Schmeling made a suggestion that given the attendance and there are only four members present it will take all four votes to approve or deny anything. It is going to have to be a unanimous vote. Therefore; you have two options. The first being you have to agree to approve or deny, and the other option is to table it to the next meeting. We could have a hearing again with the benefit of the entire board. I don't know that any of the information is going to change necessarily, it sounds like we have plenty of information, and typically that is why we would postpone an item, or table an item is to obtain additional information. There were a lot of questions asked today, a lot of concerns and comments made. I think with the benefit of the entire board being here, all seven members, it might go a little different.

Mr. Bergen asked if this can be turned to the Council, the way it is right now.

Mr. Schmeling responded that a conditional use permit traditionally gets approved by the Planning Commission and if it is appealed it goes to the City Council. In the event that it gets denied, it can be appealed and then it would go to the City Council for their vote.

Ms. Garry addressed the Commission and stated it appears that the reasoning you are basing it on is that you don't like the operation in that location. You need to keep in mind that the applicant that is before you today, has been operating in this space for the last 30 days under a temporary use permit. Previously, five years before we have had other operators in this location, operating to the best of my knowledge, without incident except for the parking issue. Keep that in mind if your concerns are that you don't think that it is an appropriate location or that you are fearful for the use of that location, that has been the case for at least the last five years.

**Mr. McGowan made a motion to table this item to July 1, 2015, seconded by Mr. Bergen, and carried by the following vote:**

**Aye:** 4 - Bergen, Liesen, McGowan and Cunningham

**Absent:** 6 - Nelson, Still, Gorden, Kendig, Hardy and Windholz

## **8. CALL TO PUBLIC**

Chairman Liesen opened the Call to the Public.

The following attendees returned to the podium to add additional comments regarding ID 15-0256.

- Chris Patterson
- Jeff Prieur

Nicolas Rius returned to the podium and his summarized comments included the following key points:

- Parking is not an issue for his business
- He offered to find an alternate solution for pontoon boat rental if the determination is made that jet ski rental is allowed, but not the boat rental
- Historically, there were no issues at this location regarding pontoon boat and jet ski rental
- Clarified that drivers have to idle to the buoys and back in

Chairman Liesen closed call to the public.

## **9. FUTURE MEETING**

Wednesday, July 1, 2015 @ 9:00 a.m. - Regular Meeting

Mr. Schmeling stated that there are now 3 items for the meeting scheduled for July 1, 2015.

## **10. ADJOURNMENT**

Mr. Bergen addressed Chairman Liesen and stated he wanted to make a comment at this point. I have been a member of this Commission and other committees and boards of the department for 25 years. In the 1990's I spent four and a half years as the chairman of this Committee. During this period of time I have not seen a chairman more effective than Jim Liesen in leading this Commission. He is always there with questions to staff or the petitioner that helps to clarify the

question or issue for all of us. You have done a wonderful job Jim, thank you for serving.

Thank you Mr. Bergen, that was out of the blue and I appreciate that very much. I won't be here for the next meeting, you are on your own. I am off the Commission as of July 1, 2015.

Chairman Liesen adjourned the meeting at 10:37 a.m.

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Jim Liesen, Chairman

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Diane Libby, Recording Secretary