

Jim Harris, Chairman  
Don Bergen  
David Diaz  
Doug Hardy  
Dan McGowan  
Gabriele Medley  
Chad Nelson

Suzannah Ballard, Alternate

Sam Levin, Alternate

Matthew Mitchell, Alternate



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

## **Planning and Zoning Commission Regular Meeting**

### **Minutes - Final**

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Wednesday, October 20, 2021

9:00 AM

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#### **1. CALL TO ORDER**

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

#### **2. PLEDGE OF ALLEGIANCE**

Chairman Harris led the Pledge of Allegiance.

#### **3. ROLL CALL**

Alternate member Mitchell was seated.

**Present:** 8 - Jim Harris, Donald Bergen, Dan McGowan, Chad Nelson, Matthew Mitchell, Sam Levin, Gabriele Medley and David Diaz

**Absent:** 2 - Doug Hardy and Suzannah Ballard

#### **4. CORRESPONDENCE AND ANNOUNCEMENTS**

Mr. Morris stated the City Council has approved the Spawr Subdivision, previously approved by the Commission.

#### **5. MINUTES**

Approval of Regular Meeting Minutes from October 6, 2021.

**Mr. Diaz made a motion to approve the Minutes of the last meeting, seconded by Mr. McGowan and carried by the following vote:**

**Aye:** 7 - Harris, Bergen, McGowan, Nelson, Mitchell, Medley and Diaz

#### **6. PUBLIC HEARING**

[ID 21-3007](#) Request for a Zone Change for 2200 Victoria Farms Road, APN 120-03-024, a 10-Acre Metes & Bounds Parcel, from A-P (Agriculture/Preservation) District to LI (Light Industrial) District

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

[Area Map shown on screen]

- Subject property is at northern part of town, south of the airport.

- Access to the property is from Highway 95 to Chenoweth Drive, then to Victoria Farms Road.
- The subject property is approximately 10 acres and is currently vacant.
- The abutting properties are a mix of undeveloped properties and open storage uses.
- The property lies outside the City's water service area. EPCOR Utilities is the water utility provider for the property. Wastewater is not available to the property at this time.

[Zoning Map shown on screen]

- The subject property and property to the east is zoned A-P and has legal non-conforming outdoor storage.
- The properties to the west and south are zoned Industrial (I) with vacant land and outdoor storage.
- The property to the north, across Victoria Farms Road is zoned Light Industrial (LI) and vacant.
- The Agricultural Preservation (A-P) zoning district in the northern area of Lake Havasu is a holding zoning for undeveloped portion of the City.
- The A-P zoning was assigned to the property because it most closely matched Mohave County's zoning for the property when it became part of the City.
- When a property owner wishes to develop the property, they will ask for an appropriate zoning district to be assigned to the property through the re-zone process.
- The General Plan's future land use map designates the entire area as Employment, which suggests industrial uses are appropriate in the area.
- The applicant's Citizens' Meeting Letter states a desire to rezone the property to LI to allow a storage yard, which is an allowed use in the LI zoning district.
- No objections were received from any other reviewing agencies or departments.

Andrew William Lunsford, applicant, stated his concurrence to all that was presented by Mr. Morris. When questioned by Mr. Diaz about the type of proposed storage, Mr. Lunsford stated the plan is to have open storage.

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

Mr. Morris stated that based on the findings, the Development Review Committee recommends that the Commission forward a recommendation of approval to the City Council for Land Use Action No. 21-3007, a Zone Change for 2200 Victoria Farms Road, APN 120-03-024, a 10-acre metes & bounds parcel, from A-P (Agriculture/Preservation) District to LI (Light Industrial) District. This item will go to the City Council's November 23, 2021 meeting.

After the motion was seconded, Mr. Bergen addressed Stuart Schmeling stating that at this location, he noticed the posted sign had fallen down and that was the fifth time this has

happened in the past three months. He suggested the department look at a better way to get the signs up as we have a lot of wind in this City. Possibly use rocks to help the signs from going down. Mr. Morris thank Mr. Bergen for his input and stated Staff will work on a way to keep the signs from blowing over.

**Mr. Bergen made a motion to approve as recommended by Staff [recommend that the City Council approve Land Use Action No. 21-3007, a Zone Change for 2200 Victoria Farms Road, APN 120-03-024, a 10-acre metes & bounds parcel, from Agriculture/Preservation District to Light Industrial District]. The motion was seconded by Mr. McGowan and carried by the following vote:**

**Aye:** 6 - Harris, Bergen, McGowan, Nelson, Mitchell and Medley

**Nay:** 1 - Diaz

[ID 21-3014](#) Request for a Major Conditional Use Permit for 6565 Showplace Avenue, Tract 2395, Block 1, Lot 10, to Allow Manufactured Home Display and Sales in the General Commercial/Planned Development (C-2/PD) District

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

[Area Map shown on screen]

- The 1.27 -acre subject property is vacant and located on the southeast corner of Showplace Avenue and London Bridge Road.
- The rear of the property abuts the Highway 95 right-of-way, but does not offer direct access to the highway.
- The property lies 10 to 15 feet below and about 130 feet from the paved portion of Highway 95 roadway.
- There is an existing signal light at the intersection of Highway 95 and London Bridge Road.
- The properties to the north and south are vacant and undeveloped.
- The property to the west is developed with storage units.
- The Lake Havasu City airport lies to the east across Highway 95.

[Zoning Map shown on screen]

- The properties to the north, south and west are all zoned General Commercial/Planned Development (C-2/PD).
- Airport across Highway and is zoned A-P.

[Site Plan shown on screen]

- The applicant's letter of intent is asking to develop the property as a manufactured home display and sales facility.
- Per the Development Code, a manufactured home sales facility falls under the "Heavy Vehicle and Equipment Sales, Rental, or Service" category and may be allowed in the C-2 zoning district with an approved Conditional Use Permit.
- The site plan submitted with the request indicates access to the property from

Showplace Avenue with a new 25-foot wide driveway. It also shows a paved parking lot with seven standard parking spaces and one handicap parking space. The driveway and parking design appear to meet the development code standards if some additional maneuvering room is provided behind the two easternmost parking spaces.

- The landscaping section of the Development Code requires a 10-foot wide landscape buffer along the rights-of-way and at least 10% of the lot area as landscaped. The site plan shows four landscape areas with a mix of trees and shrubs, and gravel ground cover over the open area of the lot. It appears that the landscaping will meet the Development Code requirements if a 10-foot landscape buffer is added to the London Bridge Road and the Highway 95 sides of the property.
- Six display model homes, ranging from 800 to 1,512 square feet, and a 1,800 square foot sales office are shown arranged around the perimeter of the lot.
- Any proposed development of the property will require the appropriate permitting, including Building Permit and Design Review approval.
- The subject property was rezoned to General Commercial/Planned Development (C-2/PD) in August 2021. The Ordinance for the Planned Development Rezone included the following Development Standards:
  1. Prohibiting the allowable land use of Self-Storage/Mini Storage (Storage Units),
  2. Allowing a maximum building height of 36 feet, and
  3. Buildings facing Highway 95 shall have architectural character that avoids large, unadorned facades and monotonous repetition of unrelated or inappropriate detail.
- Examples of the three different standard models of the manufactured homes and the sales office was shown on screen. The sales office is also a manufactured home that will be configured as an office.
- The subject request meets Development Standards 1 and 2 of the Ordinance. Standard 3 is open to some interpretation. Staff's understanding is that Standard 3 is intended to discourage development of large, flat-walled, plain-looking buildings facing Highway 95. The model homes and sales office as presented do not have large, unadorned facades and monotonous repetition of unrelated or inappropriate detail. They are also located about 10 to 15 feet below and over 130 feet from the Highway 95 roadway. The subject model homes and office appear to comply with Standard 3.
- No objections from reviewing parties. Comments are included as part of suggested motion.
- With the request being a Conditional Use request, the Commission may add conditions to the motion as necessary- i.e., buffers, hours of operation, etc., if needed to help mitigate anything impacting the neighborhood.

Warren Wolfe, project manager for Five Star Homes, stated the site plans shown on screen are display units and representation of their models. Five Star Homes has three current sale lots in CA with the ones shown on screen at Stanton Union, CA. In the past

people with manufactured housing did not have skirting, did not furnish, etc. All models will be completed and furnished.

Mr. Diaz commented he has been to the site in Stanton Union and is pleased with their work.

Chairman Harris asked what customer base is anticipated as the City does not have much zoning for manufacture homes. Mr. Wolfe stated they currently have a project going on at Vista del Lago, and to infill as economic alternative to stick-built homes. The base is pretty much anyone as these are affordable housing.

Mr. Nelson shared the same concern as Chairman Harris. Frank Alraski (Five-Star) stated most of the property being looked at is County land. Surrounding areas can come view the display center.

Mr. Bergen asked if the buildings shown on the site plan will be the only buildings. Mr. Arlaski stated there are no plans for anything else, other than possibly a 6x8-foot shed to store maintenance supplies.

Mr. McGowan wanted to confirm that there would be no more than seven homes as shown on the site plan. Mr. Arlaski stated they may even have less than that, although tiny homes have become more of an item and there is a possibility that two tiny homes could replace the footprint of one current home.

Responding to Chairman Harris' question, Mr. Morris stated that one of the conditions the approval will have is that the site is limited to six manufactured home display units and one sales office at the locations shown on the site plan. If they were to make changes, Staff would review the proposed changes and determine if the item would need to come before the Commission for an amendment. Mr. Arlaski stated they would not have a problem with that.

Ms. Medley stated the tiny homes are on slabs so they would be permanent. Mr. Arlaski stated the tiny homes would not be permanent as they fall under the category of Park Models. Chairman Harris clarified that those would not qualify on a general lot in town.

Mr. Nelson, asked if the tiny home models could be addressed now; however, Mr. Arlaski stated they do not know if they will be bringing the tiny home models here yet.

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

Mr. Morris stated that based on the findings, the Development Review Committee

recommends approval of Item No. 21-3014, for a Major Conditional Use Permit for 6565 Showplace Avenue, Tract 2395, Block 1, Lot 10, to allow manufactured home display and sales in the General Commercial/Planned Development (C-2/PD) District as shown on the attached site plan with the following conditions:

1. The site is limited to six manufactured home display units and one sales office at the locations shown on the site plan,
2. Design Review is required for compliance with all applicable Development Code requirements, including landscaping and parking,
3. Building plans and permits will be required for all the units, prior to installation of any buildings. Additionally, an ADA accessible route and restroom will be required at the sales office,
4. Fire Permits are required for review,
5. A City business license is required prior to business opening,
6. Submit a drainage report to ADOT for review,
7. Submit an application and plans for an Off-Site Improvements permit for the installation of a commercial driveway, and
8. Submit plans to address storm water requirements per Mohave County Drainage Design manual and Storm Water Ordinance.

Mr. Nelson asked if the structures will have a Certificate of Occupancy prior to opening. Mr. Morris stated any Building and Fire requirements, per the Building and Fire Code, will need to be met prior to opening. Mr. Nelson stated he wants to ensure all permits and offsite improvements are taken care of prior to opening. He would like to add terms to the Conditional Use to ensure these items are addressed. Mr. Morris stated that all of these concerns will be addressed during the Sales office and Design review permit process. The skirting condition is something that the Commission can add if need be.

**Mr. Diaz made a motion to move to approve Item No. 21-3014, for a Major Conditional Use Permit for 6565 Showplace Avenue, Tract 2395, Block 1, Lot 10, to allow manufactured home display and sales in the General Commercial/Planned Development (C-2/PD) District [as shown on the attached site plan with the following conditions:**

- 1. The site is limited to six manufactured home display units and one sales office at the locations shown on the site plan,**
- 2. Design Review is required for compliance with all applicable Development Code requirements, including landscaping and parking,**
- 3. Building plans and permits will be required for all the units, prior to installation of any buildings. Additionally, an ADA accessible route and restroom will be required at the sales office,**
- 4. Fire Permits are required for review,**
- 5. A City business license is required prior to business opening,**
- 6. Submit a drainage report to ADOT for review,**

**7. Submit an application and plans for an Off-Site Improvements permit for the installation of a commercial driveway, and**

**8. Submit plans to address storm water requirements per Mohave County Drainage Design manual and Storm Water Ordinance.], per staff's recommendation.**

**The motion was seconded by Ms. Medley and carried by the following vote:**

**Aye:** 7 - Harris, Bergen, McGowan, Nelson, Mitchell, Medley and Diaz

[ID 21-3016](#) Request for a Text Amendment to Lake Havasu City Code Title 14 Zoning (Development Code), Section 14.03.02, Table 3-1, Permitted Use Table, to Remove Self-Storage (Mini-Storage) from the List of Permitted Uses in the General Commercial (C-2), Mixed-Use General (MU-G), and Commercial Southgate (C-SGD) Districts

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

- Lake Havasu City has processed many applications for storage unit projects over the past few years.
- City Council has expressed concerns regarding prime commercial properties being used to accommodate storage unit developments.
- Council has stated publicly that the north and south entrances of the community should be protected from becoming overrun with storage unit complexes.
- As a result, planning staff has reviewed the current code relative to “Self-Storage (Mini-Storage)” and where they are permitted throughout the community.

[Current Permitted Uses table showing allowable zoning districts shown on screen and their intents explained in detail by Mr. Morris.]

- Storage units currently allowed in Mixed-Use General (MU-G), Commercial Southgate (C-SGD), General Commercial (C-2), Light Industrial (LI), and Industrial (I).
- The MU-G District: This district is intended to provide for a broad range of medium to high-intensity commercial uses, including retail, office, service, and resort-related facilities, integrated with high-density multi-family residential uses, with densities of up to 40 dwelling units/acre. Development standards facilitate pedestrian connections between residential and non-residential uses. The principal land uses are commercial, service, and recreational activities, as well as high-density residential.
- The C-SGD District: This district is the commercial component of the Southgate area and serves as the southern gateway into the city. It is intended to provide for a broad range of commercial and community service uses and encourage multimodal connections internally between permitted commercial uses and with the adjacent R-SGD district. Nearly all commercial uses are permitted in this district, except outdoor recreation and entertainment uses.
- The C-2 District: This district is intended to accommodate a broader range of

commercial uses than C-1, including heavier vehicle-related sales, service, and repair facilities. The uses in this district are generally oriented toward automobile access and visibility from arterial streets. The district standards allow for adequate but controlled vehicular access and protect nearby residential areas from these higher intensity land uses. The principal land use is commercial.

- The LI District: This district is intended to provide for a broad range of commercial, office, and light industrial uses in close proximity to each other. Development standards encourage the use of innovative and flexible designs, such as campus-type settings, to buffer potential impacts of each use from surrounding uses, protect adjacent residential areas, and foster efficient land use. This district allows a wide variety of commercial, office, research and development, and clean industrial uses.
- The I District: This district is intended to provide for a wide range of heavy commercial, industrial, and manufacturing activities, including extraction and processing of raw materials and hazardous waste storage. This district accommodates those land uses having greater than average impacts on the environment, or on the use and enjoyment of other surrounding properties. While development standards protect surrounding areas from the adverse impacts of these industrial activities, this district should be applied in locations away from residential areas.
- Staff has initiated this proposed text amendment to allow for public discussion of the topic and possibly modify the Permitted Uses Table to eliminate “Self-Storage (Mini-Storage),” from the following zoning districts:
  - o General Commercial (C-2),
  - o Mixed-Use General (MU-G), and
  - o Commercial Southgate (C-SGD) Districts.
- Staff is asking for the Commission and public’s input.
- Staff received three emailed comments from the public supporting limiting storage units which were routed to the Commission.
- Zoning Maps and Permitted Use Table are available for review.
- Recommendation will be forwarded to City Council.

Mr. Diaz stated he received the three public comments; however, this is just a small representation of the people who are against additional storage units in this community. This is a major topic which needs to be addressed- especially at the north and south entrances.

Chairman Harris asked if he could show a map of what zoning districts would be excluded from this proposal.

[Mr. Morris showed areas and nodes of zoning districts throughout the City that currently allow storage units on screen.]



Chairman Harris asked when this will go into effect and if any areas that are already slated for storage units are precluded. Mr. Morris stated there are several factors to consider. The Planning Commission will make a recommendation that will go before the City Council on November 23, 2021. The Council will make a decision and it will go into effect 30 days after the meeting. So the Code will change December 23, 2021. If there are any projects that have building permits issued, or have been submitted, and/or approved, those will be vested. Also, if design review has been approved prior to the effective date, it is good for one year after approval date.

Chairman Harris asked Mrs. Garry, City Attorney, the hypothetical question of someone purchasing a property with the intent of putting storage units on it because it was currently zoned for that. Say the property was divided into a couple of parcels and one parcel was developed and the other was not. If the zoning changes, what are the ramifications. Mrs. Garry stated the City would have to see where the developer is at in the process. Just because someone has purchased property with an intent, that would be something difficult to prove unless you have taken some steps to actually solidify that.

Chairman Harris stated this will take away the aspect or capability of anybody who currently owns this type of property. Mrs. Garry stated that, depending on what the actions are ultimately of the City Council, this action will be eliminating one of the uses that is potentially available within a certain district.

Mr. Mitchell stated an applicant could present a Planned Development to the Planning Commission to allow storage in a C-2 or one of these other districts. Mr. Morris stated the Planned Development process does allow you to customize a zoning where you could allow something that is not normally allowed in that zoning district. The onus would be on the applicant to show how the project is going to fit in with the neighborhood and not negatively affect it. It would be brought before the Commission for recommendation and then go onto City Council for their action.

Mr. Nelson agreed with Mr. Mitchell's comment and stated in the future, if someone has a C-2 property that fits a storage unit, the applicant can rezone it to Light Industrial; however, he can see both sides of this request.

Chairman Harris opened the Public Hearing.

Luke Still, Desert Land Group, stated that what the City is trying to accomplish here is a good thing. It starts with trying to protect highly visible areas on the highway, on the north and south side. To be able to go through a planned development for those things is appropriate, so that we have more say in it. The counter argument to this is that there is a

lot of demand for this use [storage units] and one of the things that has been feasibly developed in this town in the past ten years. It is important to remain organic and capitalistic. Mr. Still agrees for the need to prohibit some things; however, he spoke against restricting storage units in Mixed-Use General (MU-G) because every one of those is a Desert Land Group property that was put into MU-G to build storage. Three sites mentioned were Foothills Phase II, Riviera, and the 12 acres down on London Bridge Rd., which were all slated to include storage. The London Bridge Rd site will actually have higher density residential around the perimeter, one site for gas station, one site for restaurant, and in the middle of all that (protected by all of that) will be more standard type of storage. Seems very appropriate right across from the biggest launch area in town. Not sure why MU-G is thrown into this prohibition as every one of our pieces has been rezoned recently to show storage. Mr. Still asked the Commission to consider this when making the recommendation to Council. When asked by Chairman Harris what he thinks about removing storage from C-2 zoning districts, Mr. Still said he believes it needs to be prohibited if the goal on the front end of what the City is presenting today is to protect highly visible areas, although he would recommend a bigger lag time as there are some C-2 parcels that have already been started civil engineering and other actions that cost a lot of money.

Mr. Nelson asked Mr. Still if they will be putting in a planned development for all of the projects mentioned earlier in the MU-G districts. Mr. Still stated no, as it is an entitled use and has already gone through Planning and Zoning.

Chairman Harris closed the Public Hearing.

Mr. Morris stated the following findings:

- Recent storage unit complexes developed on C-2, MU-G, and C-SGD properties have eliminated lots that could be used for a broad range of other commercial uses.
- Storage unit complexes occupy a large footprint and do not generate retail sales, lodging, or restaurant and bar taxes.
- Allowing storage units in the C-2, MU-G, and C-SGD districts will continue to remove lots that may be developed for more traditional commercial development within these zoning districts.
- The LI and I zoning districts are buffered from residential and neighborhood commercial land uses and are more appropriate for storage units.
- Development on LI and I properties will not erode the number of lots available for typical commercial and office uses in the C-2, MU-G, and C-SGD zoning districts.
- Storage units are more appropriate and less impactful when developed in the LI and I zoning districts and are less appropriate in the C-2, MU-G, and C-SGD zoning districts.

Mr. Morris stated that based on the findings, the Development Review Committee recommends that the Commission forward a recommendation of approval to the City Council for Land Use Action No. 21-3016, a Text Amendment to Lake Havasu City Code Title 14 Zoning (Development Code), Section 14.03.02, Table 3-1, Permitted Use Table, to remove Self-Storage (Mini-Storage) from the list of permitted uses in the General Commercial (C-2), Mixed-Use General (MU-G), and Commercial Southgate (C-SGD) Districts. This item will go to the City Council's November 23, 2021 meeting.

Chairman Harris stated he agrees that Mixed-Use General should be removed from this application as evidenced by Mr. Still's presentation. Most of those have already been accounted for, there is a small amount of them and they are off the beaten track. The intent is good but not necessary for MU-G. Mr. Nelson agreed with Chairman Harris.

After the motion was seconded, there was further discussion between Mrs. Garry, the Commission and Staff. Mrs. Garry clarified a couple of items: some comments were made with respect to obtaining a building permit. That is just one aspect of what will vest somebody's rights. Whether they go through a plan review or receive some approval from the City for that project for the storage units that will vest that right. Other projects have already been approved and are already vested, although they have not received their building permit yet. Also, as to the timing, the Commission has the opportunity to have the discussion and will be helpful to Council. By default, this will go into effect 30 days after adoption by the City; however, if the Commission wants to give 60, 90, or 180 days you can certainly make that recommendation, as to when you think it would be appropriate for any new regulation to go into effect. The City is trying to balance everything and there is never going to be a perfect time. There will always be someone that did not have enough time. As far as the included districts, the comments have been to only allow the use in Industrial areas, so the request includes all areas that are not Industrial and currently allow storage- not trying to target anyone in particular.

Mr. Bergen stated he feels the department and Mr. Morris have done an excellent job putting together the self-storage change. He agrees that storage units should not be allowed in Mixed-Use General as presented by Mr. Morris. Mr. Bergen stated he objects to the change that was required by the public speaker [Luke Still] reflected in the proposed motion.

Per Mr. Diaz's request, Chairman Harris recapped the motion.

**Mr. Nelson made a motion to approve ID 21-3016 [recommend that the City Council approve Land Use Action No. 21-3016, a Text Amendment to Lake Havasu City Code Title 14 Zoning (Development Code), Section 14.03.02, Table 3-1, Permitted Use Table, to remove Self-Storage (Mini-Storage) from the list of permitted uses in the General Commercial, Mixed-Use General, and Commercial**

**Southgate Districts] with staff recommendations, but removing Mixed-Use General. The motion was seconded by Mr. McGowan and carried by the following vote:**

**Aye:** 6 - Harris, McGowan, Nelson, Mitchell, Medley and Diaz

**Nay:** 1 - Bergen

**7. CALL TO PUBLIC**

None.

**8. FUTURE MEETING**

The next Regular meeting is scheduled for November 3, 2021 and one item has been received for that meeting.

**9. ADJOURNMENT**

Chairman Harris adjourned the meeting at 10:14 a.m.

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Jim Harris, Chairman

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Maria Hart, Recording Secretary