

David Diaz, Chairman  
Gabriele Medley, Vice  
Chairman  
Suzannah Ballard  
Joan Dzuro  
Jim Harris  
Paul Lehr  
Tiffany Wilson

Matthew Mitchell, Alternate  
Lonnie Stevenson, Alternate  
JP Thornton, Alternate



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

## Planning and Zoning Commission Regular Meeting

### Minutes - Final

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Wednesday, April 17, 2024

9:00 AM

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#### 1. CALL TO ORDER

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

#### 2. PLEDGE OF ALLEGIANCE

Chairman Diaz led the Pledge of Allegiance.

#### 3. ROLL CALL

**Present:** 8 - Joan Dzuro, Paul Lehr, Tiffany Wilson, Lonnie Stevenson, JP Thornton, Jim Harris, Gabriele Medley and David Diaz

**Absent:** 2 - Matthew Mitchell and Suzannah Ballard

Chairman Diaz asked Commissioner Stevenson to take the vacant seat at the dais.

#### 4. CORRESPONDENCE AND ANNOUNCEMENTS

Providing an overview of recent City Council actions, Planning Division Manager Chris Gilbert explained the Council approved the Heat Hotel Planned Development/Rezone request with a change to the Commission's recommendation. The conversion of the existing patio area to add six additional rooms was approved, but the request to convert the commercial building under the Bridge into two additional rooms was not.

The lease agreements with TowerCom to construct cell towers on McCulloch Boulevard and Walnut Drive were approved by City Council.

The Rezone request for 7000 Chenoweth Drive, which came before the Commission on April 3, 2024, will be presented to the Council on April 23, 2024.

#### 5. MINUTES

**Commissioner Dzuro moved to approve of the Minutes of the April 3, 2024, Planning & Zoning Commission Regular Meeting, seconded by Vice Chair Medley. The motion passed with the following vote:**

**Aye:** 7 - Dzuro, Lehr, Wilson, Stevenson, Harris, Medley and Diaz

[ID 24-4237](#) Approval of the Minutes of the April 3, 2024, Planning & Zoning Commission Regular Meeting (Shelby Hennigan)

## 6. PUBLIC HEARING

Chairman Diaz gave an overview of the Public Hearing process.

[ID 24-4232](#) A Request to Amend the General Development Plan for Phase II of Planned Development No. 07-00200001, Havasu Foothills Estates, To Include Tract 2390, Approximately 10.27 Acres of Vacant Land (APN 113-01-032, The Villas Estates) and Amending the Zoning Classification and District Boundary of Tract 2390 from Residential Estates/Planned Development (R-E/PD) District to R-E/PD to Allow a Reduced Minimum Lot Size of 12,000 Square Feet Per Lot With the Maximum Number of Lots Permitted not to Exceed 22 Total Lots. (Chris Gilbert)

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

- The subject property is located on the northernmost side of the Havasu Foothills Estates.
- The 22 proposed lots are included in the maximum 697 total lots approved for the Havasu Foothills Estates development. Additional lots will not be permitted.
- The property is zoned Residential Estates/Planned Development (R-E/PD) and will stay in that zoning district. A new General Development Plan will permit slightly smaller lot sizes of 12,000 sq. ft., instead of 15,000 sq. ft.
- The subject property has a single access road connecting it to Phase II, with no connection to Phase III.

Reviewing the Proposed Lot Layout Map, Mr. Gilbert explained that in addition to the 22 residential lots, there are two undeveloped parcels. This is not a wholesale lot reduction of the entire tract, rather a lot size exception is requested to accommodate a layout that works with the topography and drainage. Seven of the lots will be 15,000 sq. ft. or more. Another seven lots will be 14,000-15,000 sq. ft., so just slightly under the R-E standard. Eight lots will be 12,000-14,000 sq. ft., which is still large for a residential lot.

Commissioner Harris asked if this request changes the density from what was approved under the Planned Development Agreement. Mr. Gilbert confirmed this request does not increase the density.

Commissioner Harris inquired about the purpose of the two undeveloped parcels. Mr. Gilbert explained Parcel D appears to be undevelopable, while Parcel C may be utilized for drainage. He deferred to the applicant for clarification.

Mac Hall, Iris Development Services, explained they are requesting the size reduction to

accommodate the topography. Parcel C will be used as a drainage channel for the wash and Parcel D will be used for retention.

Commissioner Stevenson acknowledged the total number of lots isn't changing and asked what changed in the layout to require the smaller lot sizes.

Mr. Hall explained the topography of the land and the development restrictions of the wash necessitated the changes. Additionally, they are utilizing smaller lots at the beginning of the subdivision near The Villas, which is where this tract will tie in, to help transition from the smaller lots in The Villas, to the larger lots in this development.

Chairman Diaz opened the Public Hearing and invited Dawn Kirk, who submitted a Request to Speak, to the podium.

Ms. Kirk, resident, expressed concerns about the zoning notice posted at the subject property. Based on definitions of the zoning districts, she believes this is more accurately characterized as changing the property from R-E/PD to Residential Single Family (R-1), as R-1 allows a minimum lot size of 10,000 sq. ft. She asked if the Commission is changing the definition of R-E or creating a new district. She stated the City has done a less than stellar job of keeping residents updated on the number of units developed in the Foothills. Since the Trinity Subdivision hearing, there has been confusion among residents over what is and isn't included in the total development number.

Mr. Gilbert responded that the 22 lots included in this subdivision were approved several years ago and were included in the most recent discussion and review of the Trinity Subdivision. He does not have an exact count of the number of homes developed versus vacant lots remaining at this time.

Development Services Director Jeff Thuneman noted the approval of these lots predates Trinity's request, so these 22 lots were accounted for in the numbers provided.

Chairman Diaz stated there has been discussion by the Commission, the Council, and the public that no development should occur in excess of the 697 approved lots until infrastructure improvements are made. He wants to be clear that number is not exceeded.

Commissioner Harris asked Staff to address Ms. Kirk's question about the zoning notice.

Mr. Thuneman explained the "/PD" in the R-E/PD zoning request indicates this is a request for a Planned Development (PD). A PD means the exceptions requested don't fit into basic zoning districts. In this case, the only exception requested to the R-E requirements is the lot size. They aren't requesting an exception to the height, setbacks,

coverage, or anything else. The applicant's request wouldn't fit into the R-1 District because other components of their development don't fit the R-1 standards. He cited setbacks as an example.

Ms. Kirk asked where the public could find information about PDs, explaining that since it stated R-E, people may have assumed all R-E standards would apply.

City Attorney Kelly Garry explained that all zoning notices include City contact information so residents can reach out if they have questions. The City Code is published on the City's website and includes information about the zoning districts and zoning actions, such as PD requests. The notices are meant to inform the public about upcoming zoning actions so they have the opportunity to attend meetings and ask questions.

Emiliano Torres, resident, took exception to the comment that 12,000 sq. ft. lots fit better, noting fit is vague criteria. He asked why the City continues to approve exceptions to the Code and thinks it is important to the public that there is clear criteria for what constitutes an exception.

Commissioner Harris asked Mr. Torres if he is a resident of the Foothills. Mr. Torres answered affirmatively.

Mr. Gilbert referenced the comments made by Mr. Hall regarding the transition of lot sizes, noting The Villas is zoned Mixed Use – Neighborhood (MU-N) District and has residential lots ranging from 6,000-9,000 sq. ft. This will make for a better transition as you come up the street from The Villas to the end of this development, which will have lots over 15,000 sq. ft. The smaller lots in this development will still be considerably larger than the minimum lot size in The Villas.

Mr. Hall confirmed they plan to start with the smaller lots closest to the subdivision entrance and transition to the larger lots, with some in excess of 20,000 sq. ft. This will limit the impact the larger lots will have on the surrounding neighborhood and was also planned with drainage in mind.

Ben Felder, resident, stated density is the amount of something within a certain area. The 697 units were meant to be spread throughout the entire area of the Foothills Estates, but smaller lot sizes were utilized, which crammed the lots into a smaller portion of the buildable area. The intent was to have large, nice lots, but it has changed over time and is so far away from its original intent. He acknowledged the terrain may cause some difficulties for grading and suggested lots could be combined and some of the underutilized land used without compromising lot size.

Ms. Garry explained development of the Havasu Foothills Estates has been going on for several decades. She acknowledged people questioning the need for PDs and exceptions, but there have been many requests for PDs and exceptions over the years in order to build the homes that exist now.

Commissioner Harris added the purpose of a PD is to allow exceptions and nearly every lot in the Foothills falls under a PD. The exceptions may vary by development, but that is what has allowed the area to grow and be developed for those currently living there.

Commissioner Wilson stated that inaccurate information may sometimes be provided during real estate transactions about the possibility and impact of future development in surrounding areas. Buyers may make a decision with the expectation that development will happen a certain way, or that things won't change, but the City Code has provisions that allow for changes or modification to zoning and projects. That isn't always accurately conveyed to the public and she acknowledged the frustration it can cause.

Seeing no further comments, Chairman Diaz closed the Public Hearing.

Mr. Gilbert stated that based on the findings, the Development Review Committee recommends the Planning Commission recommend approval to the City Council of the requested amendment to the General Development Plan for Phase II of Planned Development No. 07-00200001, Havasu Foothills Estates, to include Tract 2390, approximately 10.27 acres of vacant land and amending the zoning classification and district boundary of Tract 2390 from Residential Estates/Planned Development (R-E/PD) District to R-E/PD to allow a reduced minimum lot size of 12,000 square feet per lot with the following conditions:

1. Maximum number of lots not to exceed 22 total lots.
2. Provide updated copy of the 2017 Havasu Foothills Master Land Use Plan Amendment Map depicting Villas Estates Subdivision (Tract 2390) within the boundary of Phase II of Havasu Foothills at least 2 weeks prior to the scheduled City Council meeting date.

Chairman Diaz asked to confirm for the record that this will not cause the Foothills Estates Development to go over the approved 697 lots. Staff responded affirmatively.

Mr. Gilbert stated this item is schedule to go before the City Council on May 14, 2024.

**Commissioner Harris moved to approved ID 24-4232 with Staff's Recommendations. The motion was seconded by Commissioner Dzuro. The motion carried by the following vote:**

**Aye:** 7 - Dzuro, Lehr, Wilson, Stevenson, Harris, Medley and Diaz

**7. CALL TO PUBLIC**

Chairman Diaz provided a brief overview of Call to Public and opened Call to Public.

Ms. Kirk stated residents have been misinformed by the City, noting there is a City Ordinance requiring the developers of the Arroyos to build a park. Despite the development milestones being met, it was never developed.

Expanding on his comments from the Public Hearing, Mr. Felder explained the footprint of the Foothills development has been reduced by nearly half overtime. The number of lots intended for the whole area has been crammed into half the originally designated area, leaving a lot of developable land unused. He is an engineer and understands problems arise during development, but the constant reduction of lot sizes isn't a good solution and isn't right for the area. He asked the Commission to consider infrastructure, the look of the project, and what is right for the residents when considering future requests. He stated there is a member of the Commission who is a contractor and expressed concerns about allowing that member to vote on issues pertaining to the area.

Seeing no additional comments, Chairman Diaz closed Call to Public.

**8. FUTURE MEETING**

Chairman Diaz announced the next regularly scheduled meeting of the Planning & Zoning Commission will be Wednesday, May 1, 2024, at 9:00 a.m. in the Lake Havasu City Municipal Courthouse Meeting Room.

**9. ADJOURNMENT**

Chairman Diaz adjourned the meeting at 9:36 a.m.

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David Diaz, Chairman

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Shelby Hennigan, Recording Secretary