

Jim Harris, Chairman
Lucas Still, Vice-Chairman
Mychal Gorden
Doug Hardy
John Kendig
Dan McGowan
Chad Nelson
Christy Cunningham, Alternate
Keri Elias, Alternate
Allen Windholz, 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

Wednesday, March 1, 2017

9:00 AM

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Chairman Harris lead in the Pledge of Allegiance.

3. ROLL CALL

Mr. Kendig and Mr. McGowan notified the Chairman they would not be present. Ms. Cunningham and Mr. Windholz were seated.

Present: 7 - Lucas Still, Mychal Gorden, Christy Cunningham, Doug Hardy, Allen Windholz, Jim Harris and Chad Nelson

Absent: 3 - John Kendig, Dan McGowan and Keri Elias

4. MINUTES

Mr. Still made a motion to approve the minutes of the last meeting, seconded by Mr. Windholz, and carried by the following vote:

Aye: 7 - Still, Gorden, Cunningham, Hardy, Windholz, Harris and Nelson

Absent: 3 - Kendig, McGowan and Elias

5. CORRESPONDENCE AND ANNOUNCEMENTS

Mr. Schmeling reported that at last night's City Council meeting, Council approved the Labriola rezoning, which is on the corner of Jamaica and Chemehuevi, rezoning from C-1 to R-4. Additionally, the new fees are in effect as of today, March 1, 2017.

6. PUBLIC HEARING

[ID 17-1086](#) Request to Amend Parking-in-Common Plan by Removing Lots 16 & 17 for Tract 2211, Block 2, 2941 & 2945 Maricopa Avenue

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

- Property location, description, and size
- Zoning of the surrounding area
- Parking-in-Common Master Plan
- A City owned parcel is located between the two lots

Chairman Harris asked Mr. Schmeling what the disposition would be of the City parcel.

Mr. Schmeling stated that at this point there has been no discussion regarding the City use of that parcel or the sale of that parcel.

Chairman Harris commented it is to remain there then.

Mr. Schmeling confirmed that it is to remain there and I have placed conditions in an attempt to protect that parcel so it won't get swallowed up by the development on both parcels. I would imagine at some point the owner would probably approach the City to purchase that property and we would have to take a look at that and see.

Mr. Still and Mr. Schmeling engaged in discussion regarding outdoor storage allowed in the previous C-2 District and Mr. Schmeling confirmed outdoor storage is allowed in the new Southgate District.

Mr. Nelson and Mr. Schmeling engaged in conversation regarding the current use of lots previously removed from parking-in-common and how this requested action may impact the area by further reducing parking-in-common availability.

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

Applicant preferred not to address the Commission.

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

Mr. Schmeling stated that Staff finds that the proposed parking-in-common amendment meets all the requirements set forth in 14.05.04(I) and the elimination of Lots 16 & 17 will have a minimal impact on the overall intent and circulation of the parking-in-common for the rest of the block. Based on the findings, the Development Review Committee recommends that land use action ID #17-1086 be approved with the following conditions:

1. No display or storage of material shall be located on City owned Parcel D.
2. Parcel D shall not be obstructed by fencing or gates.

Mr. Nelson expressed concern regarding the impact of multiple Commission actions to remove lots from parking-in-common, especially in the Southgate District. His summarized comments included the following key points:

- Sunshine RV had a lot removed from parking-in-common and it is wall to wall RV's
- Sunshine RV is parking RV's on the vacant lot behind them, which they do not own
- Sunshine RV's employees and customers are forced to park on the street
- There are no improvements, no curb and gutter etc.
- There is no handicapped access to the lot

Mr. Gordon commented that Mr. Nelson brings up a good point, unfortunately it is a code enforcement issue that needs to be addressed. Personally, this issue is in front of us, because of the precedent we are setting throughout town right now by allowing the removal of parking-in-common. There is really nothing wrong with doing this, especially with Sunshine already being removed.

Mr. Gordon, Mr. Nelson, Mr. Harris, and Mr. Schmeling continued discussion regarding potential impacts of removal from parking-in-common, uses, on-site improvements, code enforcement, and future development of vacant lots.

Ms. Cunningham asked Mr. Schmeling about the City parcel in the middle, if it will be requested to be sold and why isn't it part of the plan now. Ms. Cunningham added that she has concerns it will be encroached on and that it may impact pedestrian/bicycle activity.

Mr. Schmeling responded that he had similar concerns and my fear was that it would be swallowed up by the development and eventually used by the applicant. At this point we have not had any discussion with the owner. I assume by putting the conditions on this and making him aware of it, this may speed up or potentially encourage negotiations and ultimately a purchase of that property.

Chairman Harris clarified that the bottom line is they cannot use that parcel.

Mr. Schmeling responded, correct, unless they end up purchasing it.

Mr. Still commented that he wanted to return to the original intention of the Southgate District and what impact this action may have on it. He expressed significant concerns about C-1 and Southgate and what we are doing now with the precedent we are creating. The more businesses that do outdoor display the worse that area looks when you drive into town.

Mr. Still made a motion to deny application ID #17-1086 removing Lots 16 and 17 from

the Parking-in Common Master Plan for Tract 2211, Block 2, seconded by Mr. Nelson.

Ms. Garry stated it would be helpful if the committee member states for the record, the reasons for denial in case there is an appeal, we need to state what those reasons are.

Chairman Harris asked what would be the consequences to the applicant if it is out and out denied.

Ms. Garry stated that if the application is denied they can exercise their right to appeal.

Chairman Harris asked if the maker of the motion would state their reasons.

Mr. Still responded that as stated during the discussion, I feel that the intention of the Southgate District was to preserve common parking and also the front areas from an esthetic standpoint. Until we have better code enforcement on some of the issues we have approved recently and until we have a better idea of how that area is going to be developed and the consequences of starting to vacate all these common parkings, I feel it is in our better interest right now not to approve this.

Chairman Harris stated that based on the information Mr. Still brought forward, the fact that this is adjacent to another parcel that has already been removed from parking-in-common, I don't see any impact with this. We are not putting it out in the middle of a block and therefore taking away parking-in-common that other adjacent lot would be wanting to use in the middle of a block, so I don't have a problem with this.

Mr. Nelson, Mr. Gorden, Mr. Harris, and Mr. Schmeling engaged in further discussion regarding the City parcel in-between the lots and the intention of parking-in-common plans overall.

Mr. Lenny Matzdorff, owner of the properties, addressed the Commission. He stated that he would be interested in purchasing the City parcel or moving the parcel to the other side of the property, the west side where McAtlin Electric is at. The same thing has been done, the City did a survey and changed the line to the other side of the property. I would like to marry the two properties together.

Mr. Windolz added that he agrees with everything that has been said, with the problems. I also don't understand because he is just asking for the same thing we have given before to other people and if he would have just asked for one side of it, say the side closest to Sunshine RV, then would we have a problem with that easement? Granting what he is asking for now (one side) and then coming back later to do the other side, what is the difference? That is what I am struggling with, I agree with what you have to say, but

again I don't think he is asking for anything we haven't given other people.

Chairman Harris asked Ms. Garry if the motion to deny fails, what is procedure from there?

Ms. Garry responded that you make another motion.

Mr. Nelson stated his biggest issue is that we are passing these things and there are no improvements being made. We are setting a bad precedence because we haven't enforced what we have been approving.

Mr. Gorden stated that unfortunately it is a code enforcement issue so it is hard for us to make decisions against something because we are afraid it is not going to be enforced. At the end of the day that is a completely different discussion that has to be dealt with in a different manner.

Ms. Garry addressed the Commission and her comments concluded with requesting the Commission review the Code to determine if something is missing in the way we handle the overall issue of parking-in-common.

Mr. Gorden stated that Ms. Garry is right, either the Code is not sufficient, we don't have the right piece in the Code in terms of what is going on, or they didn't develop a site properly and we are not enforcing what is going on. It is a much bigger issue than what we are dealing with here today.

Ms. Cunningham added concern regarding the impact to the applicant if this application is denied and concern for pedestrian and bicycle traffic impacts with reductions to parking-in-common.

Mr. Still stated he would like to withdraw his original motion.

Mr. Still made a motion to approve parking-in-common amendment ID #17-1086 removing Lots 16 & 17 from the Parking-in-Common Plan for Tract 2211, Block 2, with Staff's recommendation, seconded by Mr. Nelson, and carried by the following vote:

Aye: 5 - Gorden, Cunningham, Hardy, Windholz and Harris

Nay: 2 - Still and Nelson

Absent: 3 - Kendig, McGowan and Elias

[ID 17-1085](#) A Request to Amend Parking-in-Common Plan for Tract 2217, Block 18, 3437 Maricopa Avenue, by Removing Lot 18

Mr. Schmeling thanked the Chairman and stated instead of going into his traditional presentation I am going to ask that this item be postponed. One of the requirements to submit a parking-in-common amendment is that 75% of the owners within the block sign off on the application. One of the property owners who owns a substantial number of lots within the block called and stated that he had concerns. Even though he had signed the document previously which allowed it to get to this point, he was no longer interested in participating or signing off on this request. Therefore, I am going to ask that you postpone this item for a future date until the applicant and the other owners within the block have the opportunity to work through their differences.

Chairman Harris asked Ms. Garry if the Commission needs to make a motion or can he just withdraw it.

Ms. Garry stated that it is a Public Hearing so technically you have to hold the Public Hearing and I don't know if the applicant agrees with that recommendation, so you need to give an opportunity to hear the applicant. If they demand that the item go forward then we go forward and we have to make a Staff recommendation based on information received today.

Chairman Harris stated then that means we are going to go ahead and hear this item.

Ms. Garry stated I assume the applicant is in the audience. I think it would be o.k. to let the applicant get up if he has something that he would like to say, I don't know if he agrees with the postponement, then you can open up the Public Hearing.

Mr. Shawn Emmert with Montgomery Pools addressed the Commission. I got the information yesterday, that this would be postponed because of the phone call, I look at it like if it was that important for him to oppose it he would be here today physically to do it. I would like to see it go for vote today.

Ms. Garry, Chairman Harris, and Mr. Emmert continued discussion regarding moving forward today versus postponement. Following the discussion, Mr. Emmert agreed to postpone the item.

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

Mr. Gorden made a motion to postpone item ID #17-1085 to a future date, seconded by Mr. Nelson and carried by the following vote:

Aye: 7 - Still, Gorden, Cunningham, Hardy, Windholz, Harris and Nelson

Absent: 3 - Kendig, McGowan and Elias

[ID 17-1084](#) Approval of a Conditional Use Permit to Allow the Docking of the Dixie Belle on an Existing Dock Located at 1425 McCulloch Boulevard North to be Used for Tours and Small Private Events

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

- Property location, description, and size
- Dock location and size
- Surrounding businesses and uses

Chairman Harris asked who owns the docks.

Mr. Schmeling responded they are owned by the adjacent development and he has received a letter of support from the Shugrue family.

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

Mr. Keith Fernung addressed the Commission and stated he would be happy to answer any questions.

Chairman Harris opened the Public Hearing.

Mr. Larry Eichman, addressed the Commission and spoke in opposition of this item.

Chairman Harris closed the Public Hearing.

Mr. Schmeling stated that Staff finds that the proposed conditional use permit meets the requirements in Development Code section 14.05.04(G). Based on the findings, the Development Review Committee recommends that land use action ID #17-1084 be approved with the following conditions:

1. The existing dock shall not be enlarged/modified as a result of the proposed business.
2. Fueling of vessel shall be in conformance with Lake Havasu City Fire Code and all applicable laws and regulations.
3. Vessel repair, outside of routing maintenance, shall be prohibited at the dock.
4. All loading and unloading of passengers shall be done from this location. Passenger pickup from other locations shall be prohibited.
5. No additional signage allowed on or near the dock. Directional signage can be allowed on the property not to exceed 2 signs at 6 square feet per sign.

6. The dinner cruise shall be anchored outside the channel in order to minimize potential impact on traffic within the channel.
7. The Island Fashion Mall shall be responsible for the dedication of parking spaces on-site to address the added demand as a result of this use.

Mr. Still, Chairman Harris, Mr. Gorden, and Mr. Schmeling continued discussion regarding the regulating authorities over the water including Maritime Law, Coast Guard, Sheriff, and Police.

Mr. Hardy and Ms. Cunningham discussed the impact of parking due to this activity.

Mr. Still made a motion to approve land use action ID #17-1084 for a conditional use permit to allow the docking of the Dixie Belle on an existing dock located at 1425 McCulloch Boulevard North, to be used for tours and small private events with Staff's recommendations, seconded by Mr. Nelson and carried by the following vote:

Aye: 7 - Still, Gorden, Cunningham, Hardy, Windholz, Harris and Nelson

Absent: 3 - Kendig, McGowan and Elias

7. CALL TO PUBLIC

None.

8. FUTURE MEETING

Mr. Schmeling stated the next Regular Meeting is Wednesday, March 15, 2017, and we have two items on that agenda.

Mr. Gorden made a request that Staff prepare a discussion item regarding parking-in-common, specifically the Southgate District. Following discussion with Chairman Harris, Mr. Schmeling, and Ms. Garry, Mr. Schmeling stated he would prepare for a presentation to the Commission for one of the two regular meetings in April.

9. ADJOURNMENT

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

Jim Harris, Chairman

Diane Libby, Recording Secretary