

Jim Harris, Chairman
Lucas Still, Vice-Chairman
Mychal Gorden
Doug Hardy
John Kendig
Dan McGowan
Chad Nelson
Christy Cunningham, 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, April 19, 2017

9:00 AM

1. CALL TO ORDER

Chairman Harris called the meeting to order at 9:01 a.m.

2. PLEDGE OF ALLEGIANCE

Chairman Harris lead in the Pledge of Allegiance.

3. ROLL CALL

Present: 6 - Lucas Still, Mychal Gorden, Doug Hardy, Jim Harris, John Kendig and Dan McGowan

Absent: 3 - Christy Cunningham, Allen Windholz and Chad Nelson

4. MINUTES

Approve Regular Meeting Minutes of April 5, 2017.

Mr. Hardy made a motion to approve the minutes as written, seconded by Mr. Gorden, and carried by the following vote:

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

Absent: 3 - Cunningham, Windholz and Nelson

5. CORRESPONDENCE AND ANNOUNCEMENTS

None.

6. PUBLIC HEARING

[ID 17-1145](#) A Request to Amend Planned Development No. 07-00200001, Havasu Foothills Estates, to Rezone the Four Commercial Parcels at the Intersection of Cherry Tree Boulevard and Foothills Avenue from C-1 (Limited Commercial) and MU-N (Mixed Use Neighborhood) to MU-G (Mixed Use General) and Rezone the 4.12 acre Parcel "M" from C-1 (Limited Commercial) to RE (Residential Estates).

Mr. Gorden addressed Chairman Harris and recused both he and Mr. Still as they are the applicant. Chairman Harris excused Mr. Gorden and Mr. Still. There is still a quorum;

therefore, no alternates were called.

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

- Property location and description
- Current zoning of the property
- Proposed rezoning of the parcels

Chairman Harris requested that Mr. Schmeling explain what the Mixed-Use General encompasses. Mr. Schmeling explained that when we changed to the new development code, the whole area was originally zoned Mixed-Use General because we thought that it fit the designation that would allow all of the uses that were being proposed by the applicant; however, we found out that Mixed-Use General did not allow single-family residential units to be done in that area and they decided that was the intent of the developer so they rezoned the whole area to Mixed-Use Neighborhood. Mixed-Use Neighborhood allows mixed uses, a lot of commercial uses, but less commercial uses than Mixed-Use General. The intent of the applicant, and I can let them explain it further, was to rezone the parcels on the north side of the intersection back to Mixed-Use General so that they could have the continuity of development on all four of those corners to allow all of the same uses. I believe it is their intent not to have any residential element there, but they want to use one of the many uses allowed in the MU-General District.

Chairman Harris asked Mr. Schmeling what are some of the uses, briefly. Mr. Schmeling stated that there are too many to list, so he pulled up the General Development Plan for the Commission to view. Mr. Schmeling stated that it allows all of the retail types of uses you can think of. It allows gas stations, convenient stores; it even allows heavier commercial uses. Chairman Harris asked Mr. Schmeling if it allows residential above and Mr. Schmeling confirmed that it does. Mr. Schmeling stated that the distinction between the Mixed-Use Neighborhood and the Mixed-Use General are the heavier commercial uses are not allowed in the Mixed-Use Neighborhood.

Chairman Harris explained that he requested the clarification for those at home that do not have the Code in front of them. Mr. Schmeling presented the Permitted Uses Table located in the Development Code and explained that it does not provide the laundry list of uses that Chairman Harris was looking for, but that it was intended to provide a broad range of medium and high-density commercial uses; retail, office, service, resort-related facilities integrated with high-density multi-family residential uses. Mr. Schmeling does not know if it is the applicants' intent to utilize the residential aspect of it, the high-density multi-family, but we can let the applicant address that. It also allows service, commercial service, and recreational activities.

Chairman Harris opened the meeting up for other questions of staff from the Commissioners.

Mr. McGowan asked if we have a piece of property now located within the City that has developed under the new ordinance, where there are people living above the business. Mr. Schmeling stated that we do not have anything yet that he is aware of that has been developed under this Mixed-Use General District at this point in time. We do have situations or scenarios where along Swanson for example, where there is some commercial, there are older building that were built in the seventies that have commercial on the bottom and residential on the second floor. This would allow for taller structures with more residential on the second, third, and even fourth floor potentially.

Chairman Harris opened the meeting up to the applicant.

Mychal Gordon, the applicant on this project, addressed the Commission. Mr. Gordon's summarized comments included some of the following key points:

- The purpose of the rezoning request is to clean-up current the current zoning of the property so that all four corners at the intersection have a consistent zoning
- The reasoning for the original zoning in 2000 during the development of Phase I
- The required neighborhood commercial mixed-use component of the development
- In 2006, Phase II development included a large town center that was predicated on the concept of a bypass going through the property
- Phase II went through a PD amendment last summer and the bypass corridor was removed and the viability of any large scale mixed-use, multi-family type concept went away as well
- Current goal of rezoning is to cluster the neighborhood commercial mixed-use at the main apex at the end of Cherry Tree Blvd
- The envisioned commercial development to include some kind of neighborhood mixed-use to potentially include a small restaurant or coffee shop, and light commercial uses with some residential components above it
- The maximum density carried by the entitlement for Havasu Foothills is 697 units, with Phase I having over 220 units, and Phase II is 380 units. This leaves only approximately 85-90 units for Phase III which is about another 185 acres
- The size of the land does not warrant a big project

Mr. Kendig asked Mr. Gordon if there are any preschools or any type of schools or fire department/fire stations in that area. Mr. Gordon explained that part of the original specific plan and requirements for the project included a dedicated site for a fire station and the dedication of a site for a school. Phase I has a site already dedicated to a fire

station and it is up to the City at this point to deem it necessary to build one. Originally there was a parcel carved out in Phase II for a school. In the last amendment we did this last summer we asked for that to be relocated into Phase III, which will be located just to the left of the mixed-use corner that we have been talking about.

Mr. McGowan asked Mr. Gorden if the bypass becomes a reality, when and if it does, are we going to come back in and change things again because now the bypass is coming and will it affect anything we are doing now or when the bypass comes you will have to do that out of the other acreage. Mr. Gorden explained that what transpired with the bypass is that when we went through the rezoning this past summer, a couple of things transpired. ADOT does not have it in their twenty year plan first of all, but six or eight years ago they did a corridor study for this area to determine the feasibility of building one, what the route would be if they were to build one, amongst some other things. At the end of the day that report came up with three alternatives for the routing of that bypass, none of which went through Havasu Foothills, but all went around the property. The City has since updated their General Plan which shows a future parkway corridor going around Foothills to the north and the east.

Chairman Harris opened the Public Meeting.

Mr. Emiliano Torres, owner of a lot in Havasu Foothills, addressed the Commission. Mr. Torres provided the Commission on a brief background of himself and asked one question with regards to the MU-G designation. Mr. Torres asked if that allows for open to the street storage facilities or something like a U-Haul dealership with the trucks parked in the front. Chairman Harris asked Mr. Schmeling to address Mr. Torres. Mr. Schmeling explained that he does believe that it allows for display, as well as storage uses. After review of the permitted use table, Mr. Schmeling identified the permitted uses on the Mixed-Use General designation which included self-storage or mini storage and parking facilities, but open storage is not permitted.

Chairman Harris closed the Public Meeting.

Mr. Schmeling stated that Staff finds that the proposed rezoning meets all the requirements set forth in 14.05.04(K)(6)(a)(1-2); (6)(c)(1-6). Based on the findings, the Development Review Committee recommends that land use action 17-1145 be forwarded to the City Council with a recommendation of approval rezoning Tract 2253, Block 2, Lots 12 and 13 from C-1 to R-2, Two-Family District.

Mr. Hardy made a motion based on the findings of the Development Review Committee who recommends that the land use action for 17-1145 be forwarded to the City Council with a recommendation of approval and rezoning of tract 2384, Parcels A, B, C, D from C-1 PD and MU-N to MU-G (Mixed-Use General), Parcel M

from C-1 (Limited Commercial) to RE (Residential Estates), seconded by Mr. McGowan, and carried by the following vote:

Aye: 4 - Hardy, Harris, Kendig and McGowan

Absent: 3 - Cunningham, Windholz and Nelson

Recused: 2 - Still and Gorden

7. CALL TO PUBLIC

None

8. FUTURE MEETING

Mr. Schmeling stated the next regular scheduled meeting is May 3, 2017 and we have a couple of items for that meeting and I am on schedule for the May 17, 2017 meeting to have the parking-in-common discussion.

9. ADJOURNMENT

Chairman Harris adjourned the meeting at 9:28 a.m.

Jim Harris, Chairman

Diane Libby, Recording Secretary