

Jim Harris, Chairman  
Lucas Still, Vice-Chairman  
Mychal Gorden  
Doug Hardy  
John Kendig  
Dan McGowan  
Chad Nelson

Don Bergen, Alternate  
Leo Biasiucci, Alternate  
Christy Cunningham, Alternate



Lake Havasu City  
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Lake Havasu City, Arizona  
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## **Planning and Zoning Commission Regular Meeting**

### **Minutes - Final**

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Wednesday, September 6, 2017

9:00 AM

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#### **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:** 8 - Lucas Still, Christy Cunningham, Jim Harris, John Kendig, Chad Nelson, Dan McGowan, Donald Bergen and Doug Hardy

**Absent:** 2 - Mychal Gorden and Leo Biasiucci

#### **4. MINUTES**

**Mr. Nelson made a motion to approve the minutes of the last three meetings, seconded by Mr. Hardy, and carried by the following vote:**

**Aye:** 6 - Still, Harris, Kendig, Nelson, McGowan and Hardy

**Absent:** 4 - Gorden, Cunningham, Biasiucci and Bergen

#### **5. CORRESPONDENCE AND ANNOUNCEMENTS**

None

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

[ID 17-1329](#) A Request for a Preliminary Subdivision Plat to Create Four Residential Airspace Condominium Units at Avenida Laredo and Jamaica Boulevard S.

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
- Applicant is proposing a 4 unit air space condominium subdivision

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

Mr. Lee Johnson with APL Surveying addressed the Commission and was available to answer any questions. Commission members had no questions.

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

Mr. Schmeling stated that Staff finds that the proposed subdivision plat meets all the requirements set forth in Title 13. Based on the findings, the Development Review Committee recommends that land use action 17-1329 be approved.

**Mr. Nelson made a motion to approve ID 17-1329 a request for a preliminary subdivision plat to create four residential air space condominium units at Avenida Laredo and Jamaica Boulevard South, seconded by Mr. McGowan, and carried by the following vote:**

**Aye:** 6 - Still, Harris, Kendig, Nelson, McGowan and Hardy

**Absent:** 4 - Gorden, Cunningham, Biasiucci and Bergen

[ID 17-1326](#) A Request For Multiple Text Amendments to Title 14, Zoning (Development Code), to Make Thirteen Necessary Corrections to Sections 14.03.02; 14.03.03; 14.04.01; 14.04.02; 14.04.04; 14.05.01; 14.05.04;14.05.06; and 14.06.03, Regarding Alcohol Sales, Shipping Containers, Setbacks, Height Exceptions, Guest Parking, Universal Handicapped Standards, Driveway Paving, Tree Sizes, Parking Screening, Board of Adjustment, Protests and Compliance.

Mr. Schmeling thanked the Chairman and addressed the Commission. After over a year of administrating the Development Code adopted in 2016, Staff has identified approximately two dozen sections of the Code that need some revision or modification. This agenda item proposes thirteen of the more critical changes necessary. Staff anticipates moving forward with the remaining changes at a later date. Mr. Schmeling presented a PowerPoint slideshow and provided detailed narrative supporting each of the following proposed items:

- 14.03.02 Table 3-1: Adds “Alcohol beverage sales” as an allowed use in the LI (Light Industrial) District. LI District currently allows a bar/restaurant/microbrewery but not retail alcohol sales.
- 14.03.02 Table 3-1: Adds Shipping Container standards for Accessory Uses (14.03.03.E.9) and Temporary Uses (14.03.03.F.5) only. Not allowed as a primary use. Adds “Shipping Containers” to Definitions Section 14.06.03.
- 14.04.01 Table 4.01-1: Allows R-3 setbacks for one single-family or one two-family structure on a lot in the R-UMS, R-CHD, & R-SGD Districts.
- 14.04.01 Table 4.01-5: Clarifies that Height Exceptions from table apply only to Mixed-Use, Special Purpose, R-UMS, R-CHD, & R-SGD Zoning Districts.

- 14.04.02 Table 4.02-1: Establishes minimum visitor parking calculations for Multiple-family uses as 1 space per 5 dwelling units. Previous language created confusion by including calculations for both “visitor” and “guest” parking.
- 14.04.02.E Fig 4.02-2: Removes reference to a specific parking space depth for ADA parking space standards. Parking space depth is not specified in Federal ADA rules. LHC standard parking space depth was 20 feet but is now a minimum of 18.5 feet.
- 14.04.02.F.1: Provides parking location and improvement standards for a lot with one single-family or one two-family home and higher standards for Multiple-Family zoning. Space depth changed from 20 feet to 18.5 feet to match commercial parking size standards.
- 14.04.04.C.4: Eliminates non-ornamental and ornamental tree types and combines them as “trees.” Change minimum tree size from caliper size to 24-inch container size.
- 14.04.04.F: Change minimum tree size from caliper size to 24-inch container size.
- 14.04.04.G.4: New Section intended to screen vehicle headlights in parking lots facing right-of-way.
- 14.05.01.C: Specifies staggered terms for BOA members and that they serve until a successor is appointed. Reflects language used by Planning Commission.
- 14.05.04.K.5: Zoning Map amendment protest. Aligns code to comply with recent state law changes. Defines the “zoning area” to match state law definition. Sets protest deadline of noon five business days prior to City Council Meeting.

In reference to item 14.05.04.K.5, Mr. Nelson asked about the first section, where it has the change to more of the property by area, does that mean zoning area? That is what this is all about. Should that be changed to zoning area?

Ms. Garry responded no, that the area and number is describing how it is measured. It is no longer just by area or by a certain number, now the formula used is the property, so twenty percent more of the property by area and number of lots. Yes, it is all referring to the zoning area, but that particular reference right there is not talking about the zoning area, it is telling you how to calculate it by area and number of lots. We took the language right from the State statute.

Ms. Garry and Mr. Nelson engaged in further clarification.

Mr. Schmeling presented the final item of the proposed changes:

- 14.05.06: Establishes Section 1.12 as the Development Code violation process. Same violation process currently used for Nuisance Code.

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

Mr. Schmeling stated that Staff recommends that multiple Text Amendments of Title 14, Item ID 17-1326 be approved.

**Mr. Nelson made a motion to approve ID 17-1326, a request for multiple text amendments to Title 14 with Staff recommendations; seconded by Mr. McGowan, and carried by the following vote:**

**Aye:** 6 - Still, Harris, Kendig, Nelson, McGowan and Hardy

**Absent:** 4 - Gorden, Cunningham, Biasiucci and Bergen

[ID 17-1305](#) To Approve Conditional Use Permit #17-00300009, Repealing and Replacing Conditional Use Permit #91-022, To Allow RV Parking for Elks Lodge Guests and Provide an Additional 13 RV Spaces, Accessory Covered Picnic Area, Walls, and Landscaping

Chairman Harris seated Alternate Members Bergen and Cunningham. Chairman Harris, Mr. Kendig, and Mr. McGowan recused themselves from this item. Vice Chairman Still chaired the remainder of the meeting.

Ms. Garry stated, for the record, that Charmain Harris, Members Kendig and McGowan are recusing themselves from the item because they are members of the Elks and so they have a perceived conflict from hearing this item. They are recusing themselves, they will not participate, and the other members will join for a quorum.

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 in the surrounding area
- Original conditional use permit (1991) had few limitations, re-approved (1993)
- Over time, Staff has approved the relocation of the RV spaces
- Presentation of current conditions and improvements
- Detailed presentation of proposed improvements

Mr. Nelson questioned the proposed expansion of the project; however, Mr. Schmeling informed Mr. Nelson that, although the expansion is mentioned in the letter of intent, it is not part of the conditional use aspects being considered today.

Ms. Cunningham expressed her concerns as to the financial impact to the City, and the limitations of the condition. Mr. Schmeling stated the City is not involved with the management portion of the conditional use permit. He also stated the conditional use, as proposed, will not require re-approval in two years.

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

Gary Parsons, current Exalted Ruler, Local Elks Lodge #2399, gave a presentation about the Elks, including some of the following key points:

- The alley access is a last resort, to be used primarily by emergency personnel
- Benevolent and Protective Order and a National organization
- Over 2,000 Lodges and close to a million members nationwide, 3,500 local members
- Elks provides \$70,000 annually into local community
- Sales tax revenue is generated by local and out of state members
- All Elks Lodges have an RV Club; the local one, Vagabonds, has over 300 members
- The RV Club is for the Elks members
- Need to satisfy growing membership
- Fourth or Fifth largest Elks Lodge in America
- Need space for visiting Elks members

Vice Chairman Still apologized for getting off track with tax issue and wanted to concentrate on project presented.

Ms. Cunningham expressed her concern again as to the zoning and limitations of the project.

Vice Chairman Still opened the Public Hearing.

The following Elks members addressed the Commission. Their summarized comments included the following key points: the Benevolence of the Elks, timeline and limitations, reason for expansion, scholarship funds generated, RV Park membership, alley access, and the financial aspect of the RV Park.

- Mr. Royce Morris, past Exalted Ruler
- Mr. Jim Harris, citizen and Elks member
- Tim Fairbank, past Exalted Ruler

Erik Sieber, nearby resident, questioned why the alley entrance is scheduled for construction in 2020 and the spaces (east entrances) are 2017, instead of being worked on concurrently. He is concerned about traffic being generated off the alley.

Mr. Schmeling expanded on some elements of the plan not previously addressed which include the expansion of the project to include 13 RV spaces and their layout.

Mr. Schmeling stated that Staff finds that the proposed conditional use permit meets all the requirements set forth in 14.05.04 G. Based on the findings, the Development Review

Committee recommends that land use action 17-1305 be approved with the following conditions:

1. All of the proposed improvements shall go through staff design review approval process.
2. Proposed eastern driveway onto McCulloch Boulevard N. shall be done as a part of Phase I, to promote proper ingress/egress to the RV Park.
3. A 10-foot landscape strip shall be provided on private property along the McCulloch Boulevard right-of-way from the western park entrance to the proposed eastern entrance.
4. Adjacent to the landscape buffer, a 5 or 6 foot solid masonry wall shall be constructed to identify the RV park, and minimize the impact along McCulloch Boulevard.
5. The newly created 12 RV Spaces shall measure 20 foot by 50 foot in order to accommodate large RV and accessory slide-outs etc.
6. The proposed RV spaces, associated drive isles, and maneuvering areas shall be hard surfaced.
7. Covers for proposed picnic areas shall be setback from any property line at least 5 feet or more if building code requires it.
8. An apron shall be constructed for access onto the alley in a location approved by Lake Havasu City.

Vice Chairman Still asked if the applicant understood the conditions and if he had any questions.

Mr. Parsons stated that he understood the conditions; however, had a concern about Item 6, that they be hard surface, as their plan was to have compacted gravel to keep the dust down. He also stated that hard surfaces, depending on the weight of the rig, present a problem as well as the hard surface becoming hot in the summer.

Ms. Cunningham, asked Mr. Schmeling, about the differences in RV spaces being requested versus recommended to which Mr. Schmeling presented the layout.

Mr. Nelson asked Mr. Schmeling if there would be an issue with removing the hard surface. Mr. Schmeling stated that the traditional RV Park requirements in the Code suggest that maneuvering areas and drive isles be hard surfaced; however, hard surfaces includes various methods. Due to this and stormwater requirements, he is okay with removing condition Item 6.

Vice Chairman Still asked why this is going under a CUP, what exceptions are being asked for outside of the existing zoning use in place. Mr. Schmeling stated the applicant is not asking for any exceptions. The C-2 District only allows an RV Park through a Conditional Use Permit so that Staff has a chance to review it, look at its potential impact of the

adjacent property owners, and put conditions on it that Staff feels will help minimize those impacts.

Vice Chairman Still understood the height wall recommendation; however, suggested that the height of the wall should be at the discretion of the applicant.

Vice Chairman Still, Mr. Schmeling, and Mr. Parsons engaged in further discussion for clarification purposes in regards to the amount of RV spaces and the location of the thirteenth space.

Ms. Garry asked Mr. Schmeling if the wall is a Code requirement. Mr. Schmeling stated that a wall is required in the RV Park standards; however, there is some latitude with regards to the Code, allowing the Zoning Administrator to make some discretionary changes to the height, but it does mention sight obscuring.

Ms. Cunningham and Mr. Schmeling engaged in further discussion regarding the management of the RV Park and the timeframe of the conditional use permit.

**Mr. Nelson made a Motion to approve ID 17-1305, to approve the conditional use permit 17-00300009, repealing and replacing Conditional Use Permit 91-022, to allow RV parking for Elks Lodge guests and provide an additional 13 RV spaces, accessory covered picnic area, walls, and landscaping, with the following changes to staff recommendations: to remove Item 6 and to allow up to 13 additional spaces, seconded by Mr. Hardy, and carried by the following vote:**

**Aye:** 4 - Still, Nelson, Bergen and Hardy

**Nay:** 1 - Cunningham

**Absent:** 5 - Gorden, Harris, Kendig, McGowan and Biasiucci

## **7. CALL TO PUBLIC**

None

## **8. FUTURE MEETING**

Mr. Schmeling stated the next Regular Meeting is Wednesday, September 20, 2017 at 9:00 a.m., and we have one item on that agenda.

Ms. Garry added that following the meeting will be the Boards and Commissions training, to accommodate the members that have not been able to attend previous trainings

## **9. ADJOURNMENT**

Vice Chairman Still adjourned the meeting at 10:18 a.m.

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Jim Harris, Chairman

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Diane Libby, Recording Secretary