

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

Suzannah Ballard, Alternate

Don Bergen, Alternate

Danny White, 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, January 2, 2019

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 led the Pledge of Allegiance.

3. ROLL CALL

Alternate Member Bergen was seated.

Present: 8 - Jim Harris, Lucas Still, Mychal Gorden, Doug Hardy, Suzannah Ballard, Dan McGowan, Chad Nelson and Donald Bergen

Absent: 2 - John Kendig and Danny White

4. MINUTES

None.

5. CORRESPONDENCE AND ANNOUNCEMENTS

None.

6. PUBLIC HEARING

[ID 19-1874](#) A Request to Rezone Lots 1&2 of Tract 2192, Block 9, 2100 Kiowa Blvd. N., from RM (Residential Multi-Family) to C-2 (General Commercial)

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

- Properties at 2100 and 2112 Kiowa Blvd., between Runabout Dr. and Amapola Dr.
- Originally two properties that have been combined into one.
- Subject properties are in the middle of the block and are the last two remaining residential multi-family lots being rezoned to C-2.

Suzannah Ballard, Ballard Commercial Group at Brooks Clark, representing the owner/applicant stated this request is the combination of the two lots into one parcel now and to bring into conformity with the rest of the lots along Kiowa Boulevard, opening it for

C-2 development.

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

Mr. Morris stated that Staff finds that the proposed rezoning meets all the requirements set forth in 14.05.04.K.6a 1&2 and K.6c 1-6 Based on the findings, the Development Review Committee recommends that land use action 19-1874 be forwarded to the City Council with a recommendation of approval rezoning Lots 1 & 2 of Tract 2192, Block 9, from R-M (Residential Multi-Family) to C-2 (General Commercial).

Mr. Still made a motion to recommend approval of land action 19-1874 rezoning Lots 1&2 of Tract 2192, Block 9, 2100 Kiowa Blvd. N., from RM (Residential Multi-Family) to C-2 (General Commercial), seconded by Mr. Hardy. The motion carried by the following vote:

Aye: 7 - Harris, Still, Gorden, Hardy, McGowan, Nelson and Bergen

[ID 19-1873](#) An Appeal of an Approved Lot Line Adjustment that Enlarged Tract 135D, Block 2, Lot 15, a Residential Property Abutting the Lake Havasu Golf Course Property, by 4,893 Square Feet

Mr. Still and Mr. Gorden recused themselves.

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

- Subject property is one of 5 lot alterations that were approved in the golf course area (one of the approved lot alterations has been withdrawn).
- Property located at 2276 Leonard Ln.
- New Parcel Plat shown.
- Lot alterations fall under Subdivision Code, Chapter 13.
- Request met all 6 criteria which was provided in detail by Mr. Morris.

Alternate member Ballard was seated.

Chairman Harris asked what extension of property lines does to setbacks of potential accessory structures. Mr. Morris stated that the setbacks for the original RE lot are based on the property that is zoned RE. In this case, the home itself typically 25-foot front, 20-foot in rear, 10-foot on the side, a detached accessory structure can be as close as 5-feet to the side and rear property lines but cannot exceed 15-feet if it's in the rear or side setbacks area. The golf course area is still zoned golf course. Moving the property lines did not change the zoning. There is a separate process if the property is to be rezoned. Zoning is not being changed in the lot alteration process. This will be a property with two different zoning. Building setbacks will be based on RE zoning- not golf course.

Chairman Harris stated that for clarification, by doing this lot tie, all the owner has done is increased their property holdings. Because of the underlying zoning of two different districts, they can't change the setback lines until they go through a rezone of the property. At that point, then the setbacks could change or be made more compatible with RE zoning.

Mr. Bergen asked for clarification as to who appealed this request. Mr. Morris stated the appeal request was generated by one of the adjacent property owner. The Zoning Administrator approved a request and this is an appeal to the approval.

When Mr. Bergen asked why this request did not go to the Board of Adjustment, Mrs. Gary stated this is Chapter 13 of the Code, so we are under Subdivision code. The appeal process outlined in this code is the Zoning Administrator makes the decision of whether to approve the lot line adjustment or not. That Appeal then goes to the Commission specified in this code section.

Terry Symanski, appeal applicant, stated a notice was placed adjacent to his house. He is requesting the Commission reconsider and appeal the decision, as his view and property value will be destroyed. Screen fence will be blocking his view as well. Feels he is going up against influential investors.

Chairman Harris address the statement about influential investors, which means nothing to the Commission. The Commission makes their decision based on the merit of the zoning or application, appeal in this case.

Chairman Harris opened the Public Hearing.

Lee Johnson, APL Surveying Inc, original applicant for lot alteration process. He pointed out an issue on the property. A forty-five degree cut was made instead of extending it straight out, protecting the corner of the adjoining property, trying to keep neighbor's view intact.

Chairman Harris closed the Public Hearing.

During the review process, staff determined the proposed lot line alteration met each of the six review criteria and there are no grounds for denial of the request. Staff recommends the Commission uphold the Zoning Administrator's decision to approve the lot alteration.

Mr. Nelson stated the appellant is concerned that there will be a rezone in future to RE. Chairman Harris stated this application does have merit. Adjacent property owner can do

the same thing should he choose to purchase property from the golf course. At this point there is no application for a rezone. if it does come back for a rezone, that will be the time to make a case for it.

Mr. Bergen clarified that this was a denial of the appeal.

Mr. Nelson made a motion to uphold the Zoning Administrator's approval of Item ID 19-1973 with staff recommendations, seconded by Mr. McGowan. The motion carried by the following vote:

Aye: 5 - Harris, Hardy, Ballard, McGowan and Nelson

Nay: 1 - Bergen

7. CALL TO PUBLIC

None.

8. FUTURE MEETING

Regular meeting scheduled for January 16, 2019 has been canceled. The next Regular meeting is scheduled for February 6, 2019.

9. ADJOURNMENT

Chairman Harris adjourned the meeting at 9:31 a.m.

Jim Harris, Chairman

Maria LaFrano, Recording Secretary