

Jim Harris, Chairman  
Don Bergen  
David Diaz  
Doug Hardy  
Dan McGowan  
Gabriele Medley  
Chad Nelson

Suzannah Ballard, Alternate

Sam Levin, Alternate

Matthew Mitchell, 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**

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Wednesday, November 17, 2021

9:00 AM

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#### **1. CALL TO ORDER**

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

#### **2. PLEDGE OF ALLEGIANCE**

Vice Chairman Nelson led the Pledge of Allegiance.

#### **3. ROLL CALL**

Alternate Member Ballard was seated.

**Present:** 6 - Donald Bergen, Dan McGowan, Chad Nelson, Suzannah Ballard, Gabriele Medley and David Diaz

**Absent:** 4 - Jim Harris, Doug Hardy, Matthew Mitchell and Sam Levin

#### **4. CORRESPONDENCE AND ANNOUNCEMENTS**

At most recent City Council meeting, the Council went with the Planning Commission's recommendation to unanimously deny the UHaul PD at north end of town.

The Planning Commission Workshop on December 10th will be attended by a couple of staff and commission members; however, an option has also become available to watch a recorded version of the workshop after the meeting date. The cost is \$45 per person or \$200 for unlimited. If enough interest is received the City may purchase the unlimited packet. Please advise if interested.

#### **5. MINUTES**

**Mr. McGowan made a motion to approve the Minutes of the last meeting. The motion was seconded by Mr. Diaz and carried by the following vote:**

**Aye:** 6 - Bergen, McGowan, Nelson, Ballard, Medley and Diaz

**Absent:** 4 - Harris, Hardy, Mitchell and Levin

Approval of Regular Meeting Minutes from November 3, 2021.

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

[ID 21-3061](#) Request for a Preliminary Subdivision Plat for La Casita Condos, 2441 McCulloch Boulevard N., Tract 109, Block 2, Lot 1, Creating an 8-Unit Residential Condominium Subdivision in the Multiple Family (R-M) District

- The .29-acre property is located on the north side of McCulloch Boulevard N., just south of Nolina Lane.
- The complex is comprised of eight individual units with access from McCulloch Blvd.
- The property is zoned Multiple Family (R-M).
- The properties to the rear are zoned R-1 (Single-Family), and across is zoned R-3 (Multiple-Family).

[ Prelim Plat Map shown on screen]

- Building Permit and Design Review applications for the units have been submitted and are in review.
- The owner proposes a condominium plat in order to sell each of the residential units. The project includes:
  - 8 residential units with carports
  - Parcel A, Common Area
- All on-site sewer and water services will be privately owned.
- The project will have a property owners association to manage and maintain the private drives and improvements.

Lee Johnson, applicant, responded to Ms. Ballard's guest parking concern stating there is no guest parking, as code requires one parking per unit and the complex is designed to meet the code.

When Mr. Diaz asked if there will be any restrictions on RV or boat parking, Mr. Sam Woods, developer, stated CCNRs will be restricting RV, boats and AirB&B in this complex.

Vice Chairman Nelson opened the Public Hearing, hearing none, he closed the Public Hearing.

Mr. Morris stated that based on the findings, the Development Review Committee recommends approval of land use action ID #21-3061, a preliminary subdivision plat for La Casita Condos, 2441 McCulloch Boulevard N., Tract 109, Block 2, Lot 1, creating an 8-unit residential condominium subdivision in the R-M District.

Ms. Ballard asked, if because the parking is limited to one parking space per unit, if there is parking allowed on McCulloch Boulevard along these units. Mr. Morris stated on-street parking is not allowed on this section of McCulloch Boulevard and a guest would have to find a nearby location. The development is for eight one-bedroom units. The code requires one parking space per unit and then one guest parking for every five units, thus

total of nine parking spaces required at minimum for this complex. This project meets the City Code and it would be up to the developer to be cognizant of the parking needs for their potential clients/users and may choose to offer additional parking.

**Ms. Ballard a motion to approve ID #21-3061, a preliminary subdivision plat for La Casita Condos, 2441 McCulloch Boulevard N., Tract 109, Block 2, Lot 1, creating an 8-unit residential condominium subdivision in the Multiple Family District. The motion was seconded by Mr. McGowan and carried by the following vote:**

**Aye:** 6 - Bergen, McGowan, Nelson, Ballard, Medley and Diaz

[ID 21-3062](#) Request for a Preliminary Subdivision Plat for La Cholla Condos, 2501 McCulloch Boulevard N., Tract 121, Block 2, Lot 1, Creating an 8-Unit Residential Condominium Subdivision in the Multiple Family (R-M) District

- The .36-acre property is located at the northeast corner of McCulloch Boulevard N. and Nolina Lane.
- The complex is comprised of eight individual units with access from McCulloch Blvd.
- The property is zoned Multiple Family (R-M).
- The properties to the rear are zoned R-1 (Single Family), and across R-3 (Multiple-Family)

[Prelim Plat Map shown on screen]

- Building Permit and Design Review applications for the units have been submitted and are in review.
- The owner proposes a condominium plat in order to sell each of the residential units. The project includes:
  - 8 residential units with carports
  - Parcel A, Common Area
- All on-site sewer and water services will be privately owned.
- The project will have a property owners association to manage and maintain the private drives and improvements.

Ms. Ballard asked if there is public parking along this section of McCulloch Boulevard.

Mr. Morris stated there is no on-street public parking on this section McCulloch Boulevard but believes there is public parking on Nolina Lane, as this is a corner lot.

Mr. Diaz asked if these will be one or two-bedroom units.

Lee Johnson, representing applicant stated this project is identical to the previous item- same floorplan, parking and same RV and boat restrictions with CCNR's.

Mr. McGowan stated he is familiar with Nolina Lane and asked, with CCNRs restricting these tenants, where are they going to be parking their boats. Mr. Johnson stated the

CCNR's restrict onsite parking. Any offsite parking violations would have to be addressed by Code Enforcement. Parking would not be large enough for boats or RVs.

Ms. Medley commented that perhaps the developer can possibly think about a little extra parking, even though they are not required. Mr. Johnson stated these are efficiency units and most people buying them do not have boats or RV's. Ms. Medley clarified that she was referring to additional parking for vehicles.

Vice Chairman Nelson opened the Public Hearing, hearing none, he closed the Public Hearing.

Mr. Morris stated that based on the findings, the Development Review Committee recommends approval of land use action ID #21-3062, a preliminary subdivision plat for La Cholla Condos, 2501 McCulloch Blvd N., Tract 121, Block 2, Lot 1, creating an 8-unit residential condominium subdivision in the R-M District.

Mrs. Garry, City Attorney, addressed the Commission and said that the Commission has brought up some good comments today and may be something to consider maybe asking for future discussion items if you want to look over the overall parking requirements and have a more robust discussion. What is being presented today meets what the City Code is requiring. Just to automatically provide more parking may not be the best approach, but if you think that it is something that you are concerned about and want to look into deeper you might want to request at a future agenda item.

Mr. McGowan stated the units are one-bedroom and if a couple buys the unit, usually a couple has two cars if they are both working, somebody is going to have to park eight cars off the road on Nolina Lane. He wonders how people on Nolina Lane are going to like this issue. That street is only a block long. Mr. Woods stated these units are not designed for couples, they are studios designed for a single person. [A layout of the units was shown to the Commission]. This addresses affordable housing.

Mr. Diaz stated we constantly come forward stating we need affordable housing. This addresses that concern.

Per Vice Chairman Nelson's request, Mr. Woods stated the CCNR's HOA will restrict the location of the vehicles (under carport, in garage, etc.), minimum 30 day rental, etc. Units are not designed for boats & RV's.

**Mr. Diaz made a motion to approve land use action ID #21-3062, a preliminary subdivision plat for La Cholla Condos, 2501 McCulloch Blvd N., Tract 121, Block 2, Lot 1, creating an 8-unit residential condominium subdivision in the Multiple Family (R-M) District. The motion was seconded by Ms. Ballard and carried by the**

**following vote:**

**Aye:** 6 - Bergen, McGowan, Nelson, Ballard, Medley and Diaz

[ID 21-3052](#) Request for a Planned Development Rezone for 3204 & 3208 Sweetwater Avenue, Tract 2289, Block 6, Lots 2C & 2D, from Multiple-Family/Planned Development (R-M/PD) to General Commercial/Planned Development (C-2/PD) to Allow Storage Units per the Submitted Development Plan

- The subject property is located on Sweetwater Avenue near the southeast corner Oro Grande Boulevard.
- An alley abuts the rear of the property.
- The 2.28-acre property measures approximately 400 feet wide by 250 feet deep.
- The site is currently undeveloped.
- The properties to the south, across the alley, are zoned Limited Multiple-Family (R-3) and developed as single-family homes.
- The property to the west is zoned General Commercial (C-2) and is undeveloped.
- The property to the east is zoned Multiple-Family/Planned Development (R-M/PD) and is home of the South Point Condominium development.
- The properties fronting on Sweetwater Avenue from the condominiums down to Candlewood Drive are currently developed storage units and zoned C-2 and/or C-2/PD.
- The Bashas' shopping center is across Sweetwater, Highway 95, and Maricopa Avenue.
- The subject property was originally part of the adjacent South Point Condominium project but was not developed. Phase two of the condos was rezoned to C-2 in 2017 to allow storage units.
- In 2008, the subject property was split off and abandoned from the South Point Condominium development.
- The applicant's Letter of Intent requests to rezone the property from the condominium zoning to allow storage units for boats and RVs as Phase 2 of the existing development on Sweetwater Avenue and Osborn Drive.
- At the time of the writing of the staff report, the C-2 zoning district allows storage units as a permitted use.
- However, a Development Code amendment potentially eliminating storage units from some zoning districts was heard by the Planning Commission on October 20, 2021.
- At that meeting, the Commission forwarded a recommended to the City Council to eliminate storage units as an allowed use in the C-2 district.
- The City Council will hear that item at its November 23, 2021, meeting and make a decision as to if storage units will continue to be allowed in the C-2 district.
- Because of the uncertainty of whether storage units will be allowed in the C-2 district, and pending the City Council's action, the applicant submitted this request for a

Planned Development Rezone to C-2/PD to allow storage units, tied to the submitted development plan.

- If this PD request is approved by the City Council, the property owner will be allowed to develop the property with storage units as shown on the plan.

[Site Plan Sketch shown on screen].

- The submitted site plan sketch shows the property developed with two storage buildings.
- One building is horseshoe shaped and wraps around the perimeter of the lots.
- The second building is inside the horseshoe with frontage on Sweetwater Avenue.
- The maximum building height in the C-2 zoning district is 25 feet.
- The buildings shown in the elevations are similar to other project done, about 20 feet tall and will not exceed the 25-foot height limit.
- The sample building plan exteriors show a mixture metal siding and a stucco look finish for walls facing the right-of-way.
- Landscaping, screening, and parking are not shown on the plan.
- Building Permits and Design Review for compliance with the Development Code will be required prior to development of the property.

Vice Chairman Nelson asked if the current zoning is R-4. Mr. Morris stated it is RM/PD (R-M is formerly known as R-4). When asked by Vice Chair, Mr. Morris stated this section was a future phase designed to be more condos; however there were no site plans submitted. R-M allows 30 feet in height. The requested zoning of C-2 is 25 feet which is lower than the current PD allows. When asked, Mr. Morris stated this is not part of Southgate overlay. The height would be coming down 5-feet based on the current allowed zoning.

Mr. Diaz asked for clarification of this request as the Commission voted to take storage out of C-2 zonings from the north and south entrance of town and asked if this was an end around. Mr. Morris explained that through the planned development process, an applicant may ask for exceptions from the underlying zoning districts. For example, if the City Council approves eliminating storage units from C-2 zoning districts, if someone comes in for a property that is zoned C-2, they could ask for a planned development rezone based on a specific development plan layout of the property and the project and ask for an exception to allow something that is not normally allowed in that zoning. In this case they could potentially ask for a storage units. So it would be based on the merits of that application and that situation would come before the Planning Commission for recommendation then ultimately be decided by City Council. You could think about it as an end around but think about it as a mechanism in place for situations which make sense to allow that sort of use. That is part of the flexibility our Development Code allows.

Vice Chairman stated there were a lot of different issues with the Northgate project, i.e.,

signage, height (wanted to go over 40 feet), etc. Regarding this project, whether it is good or bad, that whole Sweetwater area has become a storage street. One of the things that is okay about it on the highway is that there is a wall that kind of hides some of the storage units. When asked, Mr. Morris stated the Planned Development is good for 3 years.

Adam Pakes, Applicant/Summerlin Asset Mgmt, stated Luke covered most of it and is available for questioning. When questioned Mr. Pakes stated he has done 3 previous similar projects and gave a summary of his neighborhood meetings. He received support from neighbors and their concerns were security, lighting, and landscaping. This is Phase 2 of what was proposed back in 2018. No separate meeting was held this time exclusively with condo property owners located between the two storage complexes; however, they were all invited to the general neighborhood meeting as required.

Vice Chairman Nelson opened the Public Hearing.

Tamara Talbot, lives in neighboring condos, stated there was a general meeting. She mentioned that the last time [Citizens meeting for Phase 1], they did not say there was a Phase 2. Concerned about view/height restrictions.

Nancy Campbell, speaking on behalf of herself as a citizen, stated that as a developer in this community, one of the things we are really lacking is retail space in our commercial and this is being taken from Multi-family to storage units. Any way that we could do storage in back with Multi-Use conditions would be nice to have that. Would hate to see whole parcel just turned into storage units. If we could do some sort of multi-use, multi-family use. Mrs. Campbell said a lot of the communities like us are going in that direction, taking residential on top; in this case the height limits would not allow that, but that's the only point she's trying to make.

Joanna Pellerito, sold property to Mr. Pollizola (cousin) 30 years ago. This property was C-2 then rezoned to R-4 for condos. He has owned this property for 30 years and paid taxes. No more use for Southpoint Condos and got an opportunity for an investment. Phase 1 of project was completed and at that time made a decision to revert the remainder of the property back to C-2. The owner was told by the City it would not be a problem; however, it would need to be a C-2/PD and the owner has just been waiting for investment. Ms. Pellerito clarified that all Southpoint Condos property owners were invited to citizens meeting and read comments stated at citizens meeting.

Mr. Pakes stated the storage units will be no more than 20 feet. Vice Chairman Nelson asked Mr. Pakes if he would be okay if a Commissioner posed a 20-foot height restriction to which Mr. Pakes affirmed.

Ms. Talbot stated having 20 feet is less than 25.

Vice Chairman Nelson closed the Public Hearing.

Mr. Morris stated that based on the findings, the Development Review Committee recommends that the Commission forward a recommendation of approval to the City Council for Land Use Action No. 21-3052, a Planned Development Rezone for 3204 & 3208 Sweetwater Avenue, Tract 2289, Block 6, Lots 2C & 2D, from R-M/PD to C-2/PD to allow storage units, per the submitted development plan. This item will go to the City Council's 12/14/21 Meeting

After the motion was seconded, Mr. Bergen stated he does not think the Commission should approve this as it backs up to single family residential and going to add more Highway 95 storage units, which we are trying to avoid. The original zone changes by Mr. Morris on previous meeting, regarding storage units that was rejected by a 6-1 Commission vote, should be a factor here where we are amending to allow this item. This is wrong, with what the City has been trying to arrange to not have storage units all over Highway 95.

Vice Chairman Nelson stated one thing to consider is how the neighborhood has been built out and that it actually matches the zoning for the storage condominium. It is crazy how much storage unit is in Havasu but also crazy how many calls we get in one day for them.

**Ms. Ballard made a motion to recommend that the City Council approve Land Use Action No. 21-3052, a Planned Development Rezone for 3204 & 3208 Sweetwater Avenue, Tract 2289, Block 6, Lots 2C & 2D, from Multiple-Family/Planned Development to General Commercial/Planned Development to allow storage units, per the submitted development plan. The motion was seconded by Ms. Medley, and carried by the following vote:**

**Aye:** 4 - McGowan, Nelson, Ballard and Medley

**Nay:** 2 - Bergen and Diaz

**[ID 21-3051](#)** Request for a Minor Amendment to the Future Land Use Map of the City's General Plan for 39.54 Acres of Metes and Bounds Property, Located at 6590, 6600, 6700 Chenoweth Drive and 1800 & 2200 Victoria Farms Road, to Change the Future Land Use Designation from Employment to High Density Residential

- The subject properties consists of three properties and portions of two others, with a total of 39.54 acres.
- The subject properties are vacant and undeveloped.
- They are located east of Highway 95, with access from both Chenoweth Drive and



Victoria Farms Road.

- The property has frontage on both Chenoweth Drive and Victoria Farms Road.
- The subject parcel is near a signalized intersection of Chenoweth Drive at Highway 95.
- It is located within the City's sewer service area with sewer lines at the intersection of Chenoweth Drive and Victoria Farms Road.
- It lies within EPCOR Utilities' water service area.
- The abutting properties to the northwest are developed as storage units and RV Resort.
- The subject properties are zoned Light Industrial/Planned Development (LI/PD), Agriculture/Preservation (A-P), and Industrial (I).
- The applicant's Letter of Intent asks to amend the City's General Plan from Employment to High Density Residential to facilitate development of residential uses for the property.
- Future Land Use Map- Employment and High-Density Residential designation and characteristic were explained by Mr. Morris.
- Proposed Site Map for the Villages was presented. This is not tied to the General Plan just a reference to of what could be built.
- The applicant's letter of intent proposes a "residential community aimed at addressing the current housing challenges that Lake Havasu residents are facing. The community is planned to be 350+ housing units and accompanying amenities."

[Villages Proposed Site Map was shown on screen]

- The applicant's Villages Site Map shows four Villages distributed across the subject property.
- Village 1 indicates RV Spaces, Village 2 includes Tiny Houses, and Villages 3 & 4 are set aside for Mfd Homes.
- A management office and gated entry are shown near the main entrance on Victoria Farms Road.
- Various amenities such as a clubhouse, pool, spa, cabanas, sports courts, etc. are also shown on the plan.
- The General Plan Amendment does not require compliance with this specific development plan.
- This is a concept plan submitted to provide an idea of how the applicant plans to develop the property.
- If this General Plan is approved by the City Council, a rezone submittal request to Manufactured Home Zoning is anticipated.
- The proposed residential and accessory uses may be allowed in the Manufactured Home Zoning District, which is an allowable zoning district for the proposed High Density Residential General Plan category.
- When reviewing this request, it may prove useful to ask if there are other areas of the city where this type of development may be established.
- Parcels of this size (40 acres) or larger approved for high-density residential uses are not currently found within the original platted area of the City.

- The majority of the larger parcels are owned by the State of Arizona or the BLM.
- The State and BLM properties are typically cost prohibitive to acquire and develop, and have a Low Density Residential General Plan designation.
- Since there is so little land already approved for High Density Residential, a development of this proposed scale would require a General Plan amendment regardless of where it is proposed.

James Gray, Director of PED, spoke of why project is valuable and essential to community and presented the "Big Picture" of why Economic Development sees this as a big value and highlighted the following key areas:

- Average Home price is about \$403,000. In March sold listings were higher than new listings. Supply is incredibly low. 1500 to 2000 units to sustain economic & development housing.
- Residential Land Inventory- .25 Acres-\$175,000. What is left is the least desirable lots that need a lot of work to develop.
- Cost of living for Lake Havasu is 131; our Housing is 181 [out of a Base of 100].
- Trying to find how we build to make it attainable- left to density.
- Innovation- why it matters - shared amenities lowers cost.

Waylon Gates, North American Assets, joint venture with Castle Park Investments- Kevin Burstein and Brant Scott, addressed the following key points:

- The Villages at Victoria Farms are designed to be a community inside of a community.
- It will be managed like an apartment complex.
- Proposed Concepts 1 and 2 addressed in detail.
- Basic entry level is 450 sq. ft.
- Timeline from conceptual plan to permitting was provided.

Mr. Diaz stated that he read the article in Today's paper. Seen hundreds of these and helps the need here in Havasu. Low end tiny homes. Mr. Gates stated that the larger units will be up to 4-bedrooms which will top out at \$200,000. Modeling it at a \$600-\$700 space rent. The user may have space rent, a loan, very similar to a car loan. When asked by Mr. Diaz, Mr. Gates stated there may potentially be onsite management.

Vice Chairman Nelson stated the PED has done a great job in this project- applicant needed guidance.

Vice Chairman Nelson opened the Public Hearing, hearing none, he closed the Public Hearing.

Mr. Morris stated that based on the findings, the Development Review Committee recommends the Planning Commission forward a recommendation of approval to the City

Council for Land Use Action No. 21-3051, a Minor Amendment to the Future Land Use Map of the City's General Plan for 39.54 acres of metes and bounds property, located at 6590, 6600, 6700 Chenoweth Drive and 1800 & 2200 Victoria Farms Road, to change the Future Land Use Designation from Employment to High Density Residential. This item will go to the City Council's 12/14/21 Meeting.

**Mr. Diaz made a motion to recommend that the City Council approve Land Use Action No. 21-3051, a Minor Amendment to the Future Land Use Map of the City's General Plan for 39.54 acres of metes and bounds property, located at 6590, 6600, 6700 Chenoweth Drive and 1800 & 2200 Victoria Farms Road, to change the Future Land Use Designation from Employment to High Density Residential. The motion was seconded by Ms. Medley, and carried by the following vote:**

**Aye:** 6 - Bergen, McGowan, Nelson, Ballard, Medley and Diaz

**7. CALL TO PUBLIC**

None.

**8. FUTURE MEETING**

The next Regular meeting is scheduled for December 1, 2021.

**9. ADJOURNMENT**

Vice Chairman Nelson adjourned the meeting at 10:35 a.m.

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Chad Nelson, Vice Chairman

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Maria Hart, Recording Secretary