

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

Wednesday, December 1, 2021

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 Ballard was seated.

Present: 8 - Jim Harris, Donald Bergen, Dan McGowan, Chad Nelson, Suzannah Ballard, Matthew Mitchell, Gabriele Medley and David Diaz

Absent: 2 - Doug Hardy and Sam Levin

4. CORRESPONDENCE AND ANNOUNCEMENTS

Mr. Morris updated the Commission on the outcome of the following recent actions by City Council on November 23, 2021:

- Victoria Farms rezone to LI was approved.
- Storage Unit modifications to Permitted Uses Table was approved by City Council with the recommendation to not allow them anymore at C-2 and Commercial Southgate districts, adding a 90 day waiting period; thus, making the effective date 90 days after November 23, 2021.

5. MINUTES

Approval of Regular Meeting Minutes from November 17, 2021.

Mr. Diaz made a motion to approved the Minutes of the last meeting, seconded by Mr. Nelson, and carried by the following vote:

Aye: 7 - Harris, Bergen, McGowan, Nelson, Ballard, Medley and Diaz

6. PUBLIC HEARING

[ID 21-3085](#) Request for a Planned Development Rezone for 401, 411, 421, 431, & 441 Lake Havasu Avenue N., Tract 2305, Block 2, Lots 10 Through 14,

from Multiple-Family (R-M) to Mixed Use - General/Planned Development (MU-G/PD) District, Prohibiting the Allowable Land Use of Self-Storage/Mini Storage (Storage Units)

Member Nelson recused himself from this item due to conflict of interest. Alternate member Mitchell was seated.

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

- The subject properties are located on Lake Havasu Ave N and back up to Highway 95
- The properties together measure a little under 3-acres and overall 500 wide by 250 deep.
- The site is currently undeveloped.
- The subject property is zoned R-M (Multiple-Family)
- Abutting properties to the north and south are also R-M and developed with condominiums.
- The properties to the east, across Lake Havasu Avenue, are also zoned R-M and are a mix of vacant and residential developments.
- Limited Commercial (C-1) and Manufactured Home (RMH) zoned properties lie to the west, across Highway 95.
- Request to rezone properties to Mixed Use General from higher density residential.
- The MU-G district is intended to allow commercial uses and the potential of residential development above the ground floor commercial.
- The district allows for a broad range of medium to high-intensity commercial uses and integrated high-density multi-family residential uses, with densities of up to 40 dwelling units/acre.
- The principal land uses are commercial, service, and recreational activities, as well as high-density residential.
- At least 25% of the gross floor area in the structure must be occupied by non-residential uses and dwelling units shall not be located on the ground floor.
- The proposed zoning will allow the potential of both commercial and multiple family residential development on these properties.
- City Council approved an amendment to the Development Code to not allow storage units in C-2 and Southgate Commercial; storage units are still allowed in the MU-G zoning district as this district was not included in the prohibition for storage units.
- The applicant requests that storage units not be included among the allowed uses.
- To accomplish this, they are asking for a Planned Development (PD) rezone with the stipulation that storage units be prohibited.
- The PD rezone is an appropriate means of achieving the request.
- Applicant has not submitted a development plan for the property.
- Examples of potential development types was shown on screen indicating commercial on ground floor and residential above.

Mr. Bergen stated there are three signs on this property but two of them are flat on the ground. He asked what Staff does to let the neighboring property owners know what is going on. Mr. Morris stated that as part of the public notification process, all property owners within 300-feet of the boundaries of this request are mailed postcards from the City explaining the nature of the request, the dates of the Planning Commission and City Council meetings, and it gives contact information for City Staff to be reached at for any questions. The properties are also posted with a large board that has the current zoning, the requested zoning, and the meeting dates; and then multiple other boards if staff feels that the property is large enough to have even more postings. Sometimes the wind does blow hard enough and knocks them over. We have additional staff now and we are being more aware now and will make it a point to go by those locations and stand the boards back up if they have fallen. Technically, once they are posted, they have been "legally posted" but if we are aware they are down will stand them back up. All property owners within 300 feet are notified based on the mailing address on file with the County Assessor's office (tax assessor's records).

Mr. McGowan stated that in looking at the units built, can they park on Lake Havasu Avenue. Mr. Morris stated that at this point, this is rezone request. It is not tied to a specific development plan. When the property is developed, it will have to go through design review and building permit process to ensure it meets the development code, including parking. Typically it starts with a pre-app meeting, even before plans are developed. There is a process Staff goes through that is after the rezone.

John Parrot, 2490 Lima Dr, employed by Coldwell Banker Residential Broker in the Commercial Division, applicant representing Henry Garcia who is the owner of the five subject properties, stated the City provided a list of 188 names of people within 300 feet. Notices for Citizens meeting were mailed out to all individuals and only got two returned [undeliverable]. Public meeting was held, unfortunately, nobody came so assuming there is no objection to this request. Mr. Garcia is requesting to rezone this property from residential multiple family to mixed-use general as we think it is the highest and best use of this property based on the following points:

- The City's adopted General Plan, which is the only time the public votes on zoning items, has this property designated for commercial use.
- Over the past several years a number of properties have been rezoned for commercial (two across the street were zoned for hotels and never built) then have been reverted back to residential multi use and the property that is now the Laundromat was also rezoned.
- One question, are we depleting commercial property for future commercial development. Here we are adding almost three acres to commercial inventory in prime commercial space.

- Property measures 125,000 square feet. With 40% lot coverage, you have up to 50,000 square feet of commercial property.
- Parking will have to be contained on the lot.
- Mixed Use General contributes to maintaining the neighborhood. Any developer will have to make sure that the tenants in the commercial area are not disruptive to a residential area.
- Maintain neighborhood as much as possible, thus asking storage units be excluded. Quick money is made with storage units, but more money is made with offices or retail.

Mr. Diaz stated he has seen these types of developments in both, too tight/crowded areas and also where you have open space. Sometimes the viable business will have the business owners living on the above residential areas. He did express concern about when all this information is sent out and then no one shows up. Due diligence is done here. Mr. Diaz is for this type of a project, as you are getting both commercial and residential.

Mr. McGowan asked how big the units upstairs will be. Mr. Parrot stated this is a request for rezone and do not have a particular vision of what it will look like specifically at this moment. The developer will have to adhere to all requirements of Mixed Use General and will not be able to build storage units. If he wants to do anything different, he will have to come before the Commission and change the PD.

Ms. Ballard asked if Mr. Garcia is simply rezoning for sale or will he be the developer. Mr. Parrot stated he will not be the developer.

Chairman Harris expressed his opinion in favor of this request as it is "killing two birds with one stone" creating more commercial and residential at the same time.

Chairman Harris opened the Public Hearing.

Nancy Campbell, 1601 Palomino Lane, stated she is extremely excited about this project moving forward, and believes it is what the City could really use and desire, especially in these commercial nodes throughout this community. She has heard a lot of people say that a lot of the commercial is still just vacant; well, so was the lot that I just built on with a gorgeous view and now it is not. As we move forward, she's extremely excited to see this, speaking for herself personally, and thanked Mr. Parrot.

Chairman Harris 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. 21-3085, a Planned Development Rezone for 401, 411, 421, 431, & 441 Lake Havasu Avenue N., Tract 2305, Block 2, Lots 10 through 14, from Multiple-Family to Mixed Use - General/Planned Development District, prohibiting the allowable land use of self-storage/mini storage (storage units). This item will go to the City Council's 01/11/22 Meeting.

Mr. Diaz made a motion to approve [recommend that the City Council approve] Land Use Action No. 21-3085, a Planned Development Rezone for 401, 411, 421, 431, & 441 Lake Havasu Avenue N., Tract 2305, Block 2, Lots 10 through 14, from Multiple-Family to Mixed Use - General/Planned Development District, prohibiting the allowable land use of self-storage/mini storage (storage units). The motion was seconded by Ms. Ballard, and carried by the following vote:

Aye: 7 - Harris, Bergen, McGowan, Ballard, Mitchell, Medley and Diaz

7. CALL TO PUBLIC

None.

8. FUTURE MEETING

The next Regular meeting will be held December 15, 2021; at least two items will be presented.

9. ADJOURNMENT

Chairman Harris adjourned the meeting at 9:24 a.m.

Jim Harris, Chairman

Maria Hart, Recording Secretary