

Jim Harris, Chairman
Lucas Still, Vice-Chairman
Mychal Gorden
Doug Hardy
John Kendig
Dan McGowan
Chad Nelson
Leo Biasiucci, Alternate
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, May 17, 2017

9:00 AM

1. CALL TO ORDER

Vice Chairman Still called the meeting to order at 9:03 a.m.

2. PLEDGE OF ALLEGIANCE

Vice Chairman Still lead in the Pledge of Allegiance

3. ROLL CALL

Mr. Biasiucci, Ms. Cunningham and Mr. Windholz were seated.

Present: 6 - Lucas Still, Mychal Gorden, Christy Cunningham, Allen Windholz, Dan McGowan and Leo Biasiucci

Absent: 4 - Doug Hardy, Jim Harris, John Kendig and Chad Nelson

4. MINUTES

Approve Regular Meeting Minutes from May 3, 2017

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

Aye: 6 - Still, Gorden, Cunningham, Windholz, McGowan and Biasiucci

Absent: 4 - Hardy, Harris, Kendig and Nelson

5. CORRESPONDENCE AND ANNOUNCEMENTS

REPORT ON COUNCIL ACTION ON COMMISSION RECOMMENDED ITEM(S)

None

6. PUBLIC HEARING

[ID 17-1190](#) A Request for a Conditional Use Permit to Allow an Animal Care Facility and Boarding in an Existing Building in the C-2 (General Commercial) District Located at 2213 Acoma Boulevard

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

- Proposed business operations and floor plan for the Conditional Use Permit
- Property location and description
- Current and historical zoning for the property

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

Mr. Windholz addressed Mr. Schmeling and asked if the bar area and play area are all inside the building. Mr. Schmeling stated that is correct. The zoning code has some regulations with regard to animal boarding and kennels. In the C-2 District, everything has to be done within the building. In the Light-Industrial area, some of those uses can be allowed outside. In this particular case, being in zone C-2 all of the activity is going to take place within the building.

Mr. Windholz explained that he did not realize before that the front entry gate, you have to go into the bar area with your pets to get into the play area. That is what did not click in earlier.

Mr. McGowan addressed Mr. Schmeling to confirm that there will be no noise issue at all; no barking, no outside dogs running around and operations will be all inside. Mr. Schmeling stated that according to the applicants letter of intent, at this point there has not been any noise mitigation done to the building to reduce sounds. The fact that there will not be any outdoor activity will probably help in the sense that the dogs are going to be inside the building, but the applicant will probably want to address that when she has the opportunity to speak.

Vice Chairman opened the meeting up to the Applicant.

Lisa Benz, applicant, addressed the Commission and explained the proposed operations of her business. Ms. Benz's summarized comments and explanation included these following key points:

- This type of proposed business is done quite a bit on the east and west coasts
- The building will have a bar area in the front and a play area in the back
- The building is all concrete so barking will not be a problem
- The neighboring tenant is Get It In Gear which is a mechanic shop and they have advised that noise has not been an issue
- She is a dog sitter now and in her experience, when dogs are being exercised and played, they really do not bark all that much
- This business gives both the dogs and the people an opportunity to socialize

- The play area will have a double fence for entry and containment while playing
- All dogs that enter the business will be required to have to be up to date on their shots
- An indoor solution for Lake Havasu will allow for dogs to get adequate exercise in the summer heat

Mr. Biasiucci addressed Ms. Benz to clarify that there will be no outside area at all at the facility. Ms. Benz stated that she was informed that there could be no outdoor area so there is not. Mr. Biasiucci then asked to clarify that customers cannot actually keep their dogs at the facility overnight. Ms. Benz explained that she will offer some limited boarding for people that are coming into town. She continued to explain that she knows of one other facility in town that offers boarding and she hears complaints that the facility is always full, so she would like to offer some boarding. She does not intend on doing boarding a lot because her primary focus is on the bar and the play area.

Mr. Biasiucci asked Ms. Benz if the dogs need to go to the bathroom, is there an area for that. Ms. Benz explained that it is possible that the dogs will go to the bathroom inside, but most times the dogs will go to the bathroom before coming inside. Sometimes when dogs play they do get excited and will have an accident. There will be adequate cleaning supplies to make sure the play areas are properly sanitized, the mess is picked up and properly disposed of.

Mr. McGowan addressed Ms. Benz and asked what will be served at the bar area. Ms. Benz stated that there will be beer, wine and cider. There will be no hard alcohol. Snack will also be available that are vending style and will be all pre-packaged.

Vice Chairman Still opened the Public Meeting. Seeing and hearing there are none, Vice Chairman Still closed the Public Meeting.

Mr. Schmeling stated that staff finds that the proposed conditional use permit meets all of the requirements set forth in 14-05-04 (G). Based on the findings, the Development Review Committee recommends that land use action 17-1190 be approved with the following conditions:

- The keeping and treatment of animals shall be in compliance with all applicable City, County and State laws (particularly A.R.S. §13-2910)
- All animal activities shall be completely contained within the building
- Kennels shall be constructed to prevent direct access by animals to the outside
- Building shall be modified to mitigate noise and odor to limit negative impacts to adjacent properties

Mr. Windholz made a motion to approve #17-1190 approving conditional use permit

#17-00300006 with staff recommendations, seconded by Mr. Gorden, and carried by the following vote:

Aye: 6 - Still, Gorden, Cunningham, Windholz, McGowan and Biasiucci

Absent: 4 - Hardy, Harris, Kendig and Nelson

7. DISCUSSION ITEM

[ID 17-1192](#) Presentation and Discussion of Parking-in-Common Throughout Lake Havasu City

At the request of the Commission, staff researched the subject of parking-in-common (PIC) in Lake Havasu City and created a presentation. The presentation includes: overall history of PIC tracts, PIC masterplan adoption, fully developed/working PIC areas, partially developed/non-working PIC areas, PIC removals and process of removal.

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

- An interactive aerial map of the locations in the City's parking-in-common master plan
- A view of parking-in-common areas that work well and others that do not
- The tract map for McCulloch Blvd (the super block) and the master parking-in-common plan that was adopted for that area
- A brief history of Lake Havasu City's parking-in-common adopted master plans
- Explained the difference between parking plat restrictions and parking-in-common
- A detailed overview and discussion of the parking-in-common master plans for each of the 18 areas within the City
- Described the process of a parking-in-common amendment or removal from parking-in-common

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

Mr. Gorden thanked Mr. Schmeling for the presentation. He asked if the remaining parcel owners along Maricopa who do not have amended parking-in-common still receive the 40% parking reduction even with the decrease of the overall parking.

Mr. Schmeling stated that parcel owners have the right to develop the land, meaning they can fill their entire buildable area, usually being 5,000 square feet, with a building no

matter what the use is. All the parking they have to provide is that 50 foot strip and the City has them stripe it per the parking-in-common plan.

Mr. Gorden asked Mr. Schmeling if there are easements in effect in a place over the other parcels and would a developer have the right to develop an adjacent undeveloped lot to allow for additional parking.

Mr. Schmeling explained that the way this is addressed is to allow the parcel owner to build based on the plan. Staff tries to alert the owner to the fact that they have parking-in-common associated with their property and what they will potentially have to deal with should adjacent lots be developed.

Mr. McGowan addressed Mr. Schmeling. He asked if the City has ever made a building owner demolish their building, or if it could ever happen.

Mr. Schmeling explained that since he has been with the City that has not happened in parking-in-common related areas. Traditionally, the City does not see a lot of wholesale redevelopment. It is not often that you see a developer come in and demo buildings. There was one for El Pollo Loco for example. There were a couple of residential homes on those lots. They demoed them down and started over and built commercial. In the parking-in-common areas, what seems to be happening more frequently is they will modify the building or remodel it a little bit just enough to use the entire site and maybe required to put some additional landscaping in and pave the parking, but that does not solve the problem that the building is still non-conforming in a location relative to the parking-in-common.

Mr. Biasiucci addressed Mr. Schmeling. He asked if there is anything in the bylaws in regards to the parking-in-common areas, like zones, if a certain amount of buildings get the exemption of not having to conform to parking-in-common would the parking-in-common be thrown out for that area.

Mr. Schmeling explained that because the parking-in-common was a plan that was adopted by a Planning and Council action, the only way to remove it would be to go back through that same process. Whether it is an ownership application or the City on behalf of owners on the block, we would go forward and recommend removal of that plan for various reasons. At this point in time, the City has not dedicated time doing that or if there is any interest out there in going through the process in any particular block.

Vice Chairman Still addressed Mr. Schmeling stating there was one area down by the Aquatic Center that was not brought up in the presentation. When looking at the maps at what that PD shows, it does look like it is a parking-in-common issue, but is it all

controlled by the PD in that location.

Mr. Schmeling stated yes, that is correct. Those lots do not have a tract or a tract restriction for parking area, building area. If there was no PD in that location, which restricts buildable areas, the building could be built anywhere within those individual lots. It's just you would want to remove the PD in that case. The PD in that particular case functions as tying those businesses together with a common parking area.

8. CALL TO PUBLIC

None

9. FUTURE MEETING

Wednesday, June 21, 2017 at 9:00 a.m.

Mr. Schmeling stated the next regularly scheduled meeting will be June 21, 2017 and we do already have items for that meeting. There is a little break in there because the room is unavailable.

10. ADJOURNMENT

Vice Chairman Still adjourned the meeting at 10:03 a.m.

Lucas Still, Vice Chairman

Diane Libby, Recording Secretary