

**PLANNING & ZONING COMMISSION
REGULAR MEETING
APRIL 4, 2012**

CALL TO ORDER

The April 4, 2012, regular meeting of the Planning Commission was called to order by Chairman Liesen at 9:00 a.m.

ROLL CALL

Members Present: Jim Liesen, Laura Smith, Donald Bergen, Neil Ott, Mark McKinnon, Ralph Chandless (alt), Mychal Gorden (alt)

Members Absent: John Kendig (exc), Jim Harris (exc), Terry Persson (alt, exc)

Staff Present: Dan Kassik, City Planner
Kelly Garry, City Attorney
Jean Vinson, Recording Secretary

Mr. Chandless and Mr. Gorden took the vacant seats.

MINUTES

Mrs. Smith made a motion to approve the minutes of the March 21, 2012, meeting as written. The motion was seconded by Mr. McKinnon and carried unanimously.

CORRESPONDENCE AND ANNOUNCEMENTS

None.

PUBLIC HEARING

12-00500005 – A REQUEST FOR A PLANNED TEXT AMENDMENT TO AMEND SECTION 14.38.100(E) OF THE LAKE HAVASU CITY CODE TO REFERENCE THE PROHIBITION OF POLITICAL SIGNS WITHIN THE RIGHT-OF-WAY FOR THE AREA THAT HAS BEEN DESIGNATED A COMMERCIAL TOURISM, COMMERCIAL RESORT, AND HOTEL SIGN FREE ZONE AS ENACTED BY LAKE HAVASU CITY COUNCIL RESOLUTION NO. 11-2597. LAKE HAVASU CITY, APPLICANT.

Mr. Kassik stated that as many of the commissioners will remember, this item came back last year after the State legislature had passed the bill changing some requirements in regard to the placement of political signs as well as their size. The new law took away the prohibition of signs within a right-of-way. The City standards were therefore in conflict with that, so staff is bringing this forth to the Planning Commission and later to the Council. In October 2011, the Council approved the code amendment, but at that time, there was also a provision within the new legislation that allowed a community to have a commercial resort/hotel sign-free zone and if that were to be adopted, then that area could be used to prohibit signs within the right-of-way. At that meeting, the Council asked staff to create a resolution for the sign-free zone. The Council

heard that in November 2011, and adopted a sign-free zone per Resolution 11-2597 which includes the map showing the area. What that means is that within that area, political signs cannot be placed within the public rights-of-way. There is still the ability to place them on private property anywhere within the community, but this area specifically could not have them within the public rights-of-way. The current action is to make reference to that in the sign code. Currently, if someone looks at the political sign code section, it does not reference or have anything to notify them of areas where the political signs would be prohibited within the public rights-of-way. Today, this action is to amend Section 14.38.100 (E) which is the portion that states that the signs shall not constitute a public hazard and it would be to add the verbiage to say that "political signs may be placed within the right-of-way" and staff is recommending to put the verbiage "except for the commercial tourism, commercial resort and hotel sign-free zone as designated by City Council Resolution 11-2597." This is the only portion of the political sign code that would be amended through this request.

Mr. Liesen said he previously spoke to Mr. Kassik for some clarification on this. He said that Mr. Kassik mentioned that there may be some State action to tweak this again to protect some of the residential areas.

Mr. Kassik said that is true and Mr. Chandless had also sent staff an email and Mrs. Garry looked into that. It is currently in the State legislature, but it has not been approved at this time. There is legislation to change that to put in verbiage that would allow any property owner within a residential area to remove a political sign from the right-of-way that is in front of their home if they do not desire to have it there. That has not been finalized, but upon it being finalized and then 90 days after it is approved, it would go into effect. Then staff would bring it back to amend the political sign code to agree with the verbiage.

Mr. Liesen said he notices that on the map, this area extends all the way up through Main Street and that is already established. Who came up with this map?

Mr. Kassik said the legislation said it could not encompass more than three square miles, so when this was developed, because it was to be a commercial, tourism, resort, hotel-type zone, the boundaries were put to that area of our community which has the most tourism, the most hotels, and the most resort-type activities.

Mr. Liesen said there are buildings that are on Main Street with zero-lot lines and the buildings are actually on the right-of-way line. If they were to put a flag or banner or sign on their building and it was in the right-of-way past that line, how would that be interpreted?

Mr. Kassik said if it is in the right-of-way, it is in the right-of way which means by this it would be prohibited. If it is on the actual private property part, then it would not be a problem. If the portion on the building is on private property and they put it on the building, that is fine. Any type of signage within the right-of-way would be prohibited.

Mr. Ott said he noticed on Main Street where the Republican headquarters is, there are also a couple of candidates for office there. Would those signs come under this ordinance for their business?

Mr. Kassik said the political sign portion is more for the election year free-standing signs that are typically seen. If they have the actual headquarters building, then that would fall under the normal sign code.

Mrs. Smith said whatever makes it through the State legislature and becomes effective will automatically be brought to the Planning Commission? Mr. Kassik said it will. Mrs. Smith asked if this map actually covers three square miles?

Mr. Kassik said it is exactly three square miles.

Mrs. Smith asked if staff is going to give these maps to people who put up the signs?

Mr. Kassik said that is why this is being brought forward; if a political party or a candidate would go to the political sign code section, it did not have a reference to this area. Now with the code change, it would reference that area and at the very least, tell them that there is an area where the signs are prohibited within the right-of-way. Staff intends to give this map as part of the political sign application so they are clearly aware that this exists.

Mrs. Smith asked about Highway 95 which is not our jurisdiction, it belongs to ADOT. Would that right-of-way be prohibited?

Mr. Kassik said the map does include that area. The enforcement of it would be through ADOT.

Mrs. Smith asked if the City would enforce it unless ADOT overruled it?

Mr. Kassik said he does not know any reason they would because ADOT does not like anything within their right-of-way.

Mr. Ott said he noticed with the three square miles, there is a lot of land that really does not have much right-of-way on the Island, but we have missed the London Bridge Road where the hotels are.

Mr. Kassik said the map does include the hotels on London Bridge Road. Mr. Ott said he stands corrected.

Mr. Liesen opened the meeting to the public. No one spoke.

Mr. Kassik stated that staff recommends that 12-0500005 be forwarded to the City Council with a recommendation of approval to amend Subsection E of the political sign code to include the prohibition of signs within the right-of-way within the commercial tourism, commercial resort and hotel free zone as designated by City Council 11-2597.

Mr. Ott made a motion to forward 12-00500005 to the City Council with a recommendation of approval as based on staff's recommendation.

Mrs. Smith seconded the motion and it carried on a unanimous voice vote.

CALL TO PUBLIC

None.

FUTURE MEETING

Mr. Kassik said as noted at the last meeting, the April 18, 2012, meeting has been canceled because this room is not available and there are no items for the agenda. The next meeting may be on May 2, 2012, but no formal applications have been received at this time. There is still the opportunity for an item to be submitted for that meeting, however. The Commissioners will be notified accordingly.

ADJOURNMENT

The meeting was adjourned at 9:13 a.m.

Jim Liesen, Chairman

Jean Vinson, Recording Secretary