

## **2024, Parking In Common Clarification and Consideration Conversation with Lake Havasu City**

The newly re-formed 'Downtown Association' has been engaging in regular discussions with Lake Havasu City officials regarding the current conditions and issues surrounding the Parking In Common area of Downtown Lake Havasu.

This is in response to a growing number of concerns being raised about both parking availability and quality downtown.

As a result of these discussions, The Downtown Association will be holding a closed town hall between property owners and business owners within the district to discuss potential necessary changes/solutions for the Parking In Common area as it stands today.

Our only goal with this project is to give a platform for conversation and negotiation between neighbors; not to advocate for any specific change to PIC as an organization.

We hope to provide necessary information to all attendees and provide a possible path for instituting changes in order to better adapt to the business needs of Main Street as we continue to develop into the future.

Details of the date, time, and location of this meeting will be confirmed in the near future.

### **Parking In Common: All you'd ever need to know**

In 1964, the Downtown District of McCulloch Blvd was founded by Robert P. McCulloch and with it came a document titled "Declarations and Reservations" which established the zoning code and development standards for all properties within the borders of the Downtown District.

# **Declarations and Reservations; 1964**

THIS DECLARATION, made this 19th day of May, 1964, by PHOENIX TITLE AND TRUST COMPANY, an Arizona corporation, having a principal office at Phoenix, Arizona, (hereinafter referred to as the "Declarant") who holds the land hereinafter referred to as Trustee, for the benefit of McCulloch Properties, Inc. a Delaware corporation, having its principal Arizona office in the City of Phoenix.

WHEREAS, the Declarant is the owner of that certain Tract No. 140 Lake Havasu, County of Mohave, Arizona, as per plat thereof recorded as Map No. 134231, records of said County, and

WHEREAS, the Declarant intends to sell, dispose of or convey from time to time all or a portion thereof the lots in said Tract No. 140 above described, and desires to subject the same to certain protective reservations, covenants, conditions, restrictions (hereinafter referred to as "Conditions") between it and the acquirers and/or users of the lots in said Tract.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That Declarant hereby certifies and declares that it has established and does hereby establish general plan for the protection, maintenance, development and improvement of said Tract, that

THIS DECLARATION is designed for the mutual benefit of the lots in said Tract and Declarant has fixed and does hereby fix the protective conditions upon and subject to which all lots, parcels and portions of said Tract shall be held, leased, or sold, and/or conveyed by them as such owners, each and all of which is and are for the mutual benefit of the lots in said Tract and of each owner thereof, and shall run with the land and shall inure to and pass with each such lot and parcel of land in said Tract, and shall apply to and bind the respective successors in interest thereof, and further are and each thereof is imposed upon said Tract as a mutual equitable servitude in favor of each and every parcel of land therein as the dominant tenements.

SAID CONDITIONS ARE AS FOLLOWS:

THAT all of Block 1 and all of Block 2 shall be designated as Limited Commercial Area Lots and shall be improved, used, and occupied under the conditions set forth under C-1 LAND USE REGULATIONS.

THAT all of Block 3, all of Block 4, and all of Block 5 shall be designated as General Commercial Area Lots and shall be improved, used, and occupied under the conditions set forth under C-2 LAND USE REGULATIONS.

BE IT FURTHER KNOWN, that all that portion of lots 1 thru 7 inclusive of Block 2, Lots 1 thru 9 inclusive of Block 3, and Lots 1 thru 9 inclusive of Block 5 lying WESTERLY from the building set back line to the street is HEREBY RESERVED AS AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITIES, DRIVEWAYS, AND PARKING TO BE USED IN COMMON WITH OTHERS.

# 1964, Consequences of Declarations and Reservations;

The lots and tracts described in the document above encircle an area encompassed by the roads Mesquite Ave, Swanson Ave, Smoketree Blvd, and Acoma Blvd.

The final paragraph of this document describes a system where certain sections of land are considered a commercial development zone for businesses and buildings and other sections will be reserved into perpetuity as a public easement/egress dedicated to services and utilities for the benefit of the common good of the district. This means Parking, Landscaping, ADA compliant passageways, etc.

This easement/egress also comes with a special exemption to normal parking standards which allows for prospective developers to be only required to develop the amount of parking spaces which they need in order to operate their business, rather than the usual number of spaces required by city code.

This deal was designed to reduce the construction costs of parking for prospective developers as well as being a potential future solution to parking overcrowding as the district continues to develop.

The properties on this map that are East of Acoma, West of Smoketree, South of Mesquite, and North of Swanson, AND are colored in the blue 'Parking In Common Filter' are the properties described by and subject to the above declarations.

Properties within this area and NOT colored in blue have gotten themselves exclusively removed from Parking In Common entirely.

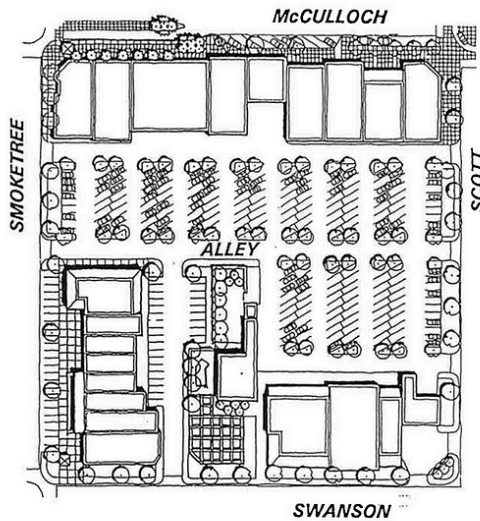


These properties (such as the Mesquite Medical District and the Salvation Army lots) are responsible for upholding the normal parking standards of the rest of the city and do not benefit from the reductions provided to the other businesses in the Downtown District.

# 1994, Parking In Common Masterplans:

In 1994 the Uptown Association formed in an attempt to improve streetscape and parking conditions in the then called "Uptown" district.

As a result of these efforts, the 1994 Master Parking Plans for all of McCulloch Blvd were approved by city council and have been used as the development standard for the area ever since.



## ***PARKING MASTERPLAN***

***TRACT 140, BLOCKS 1,4,5***

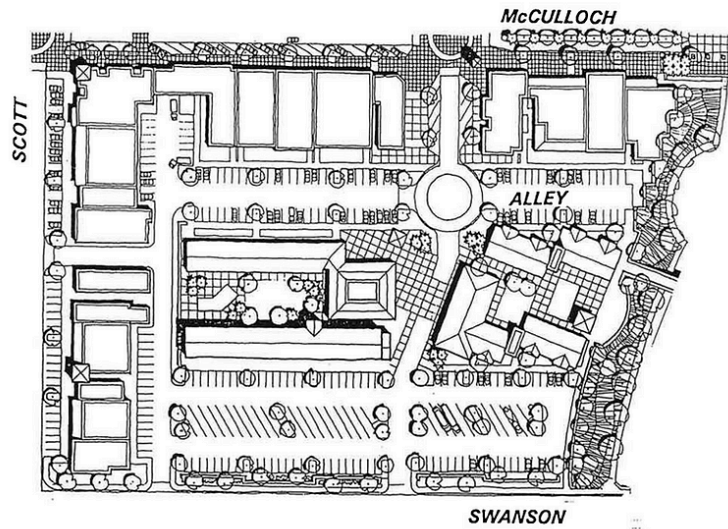
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Parking Provided:	275 spaces
Allowable Buildable Area:	55,000 sf
(Based on Parking)	
Maximum Buildable Area:	92,000 sf
(Based on Lot Size)	
Percent Reduction:	40 %

28  
PIC-95-004



2C  
PIC - 95 - 004



### ***PARKING MASTERPLAN***

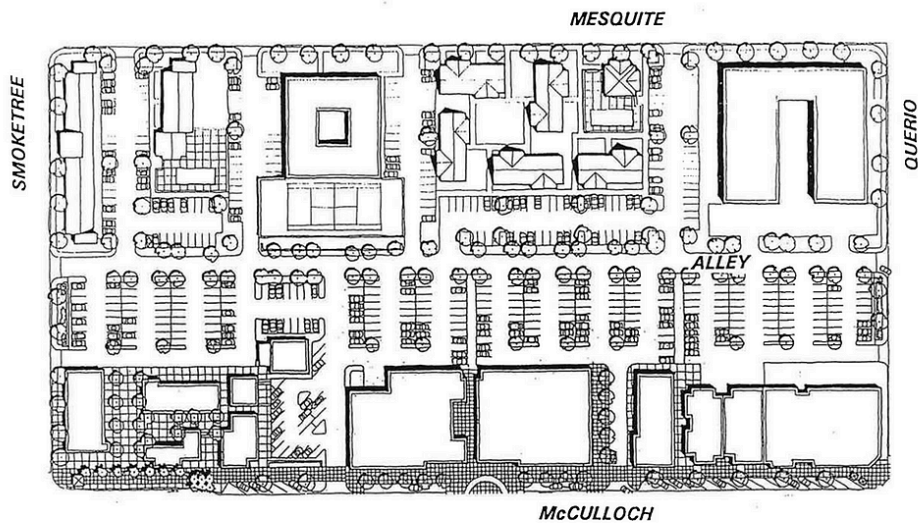
***TRACT 140, BLOCKS 2,3***

***TRACT 161, BLOCKS 9,10,11***

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Parking Provided:	312 spaces
Parking Uncommitted:	222(less 44/hotel)
Allowable Buildable Area:	44,400 sf
	(Based on Uncommitted Parking)
Maximum Buildable Area:	52,300 sf
	(Based on Lot Size)
Percent Reduction:	26 %

PIC-95-004  
2A

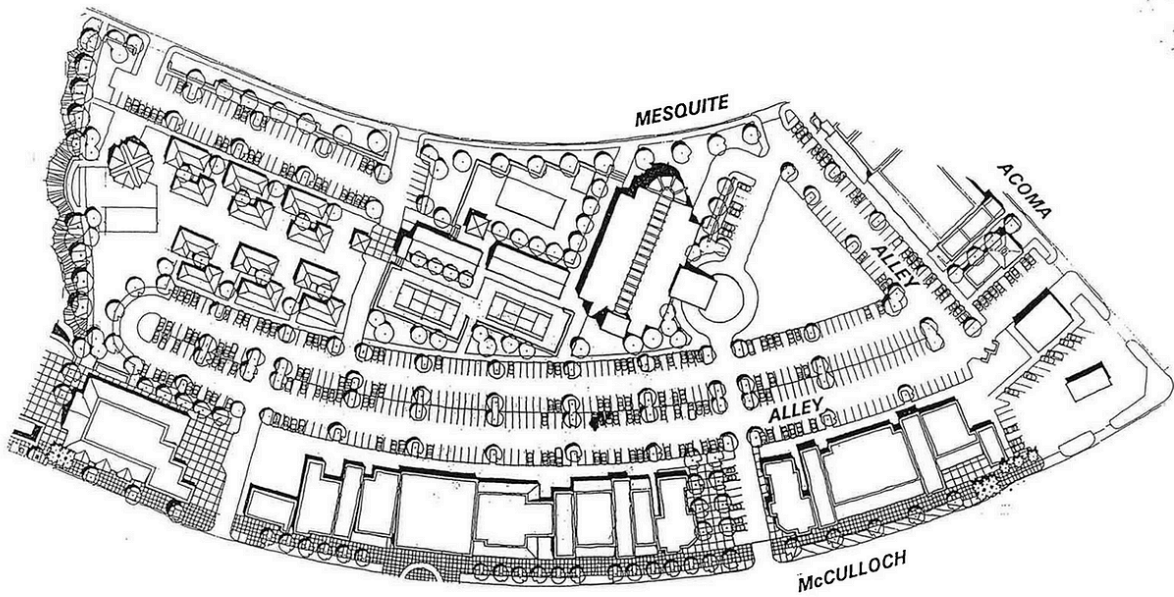


### **PARKING MASTERPLAN**

#### **TRACT 100, BLOCK 5**

*(Planning Commission Adoption: 3/2/92)*

Parking Provided:	300 spaces
Allowable Buildable Area:	60,000 sf
(Based on Parking)	
Maximum Buildable Area:	88,200 sf
(Based on Lot Size)	
Percent Reduction:	32 %

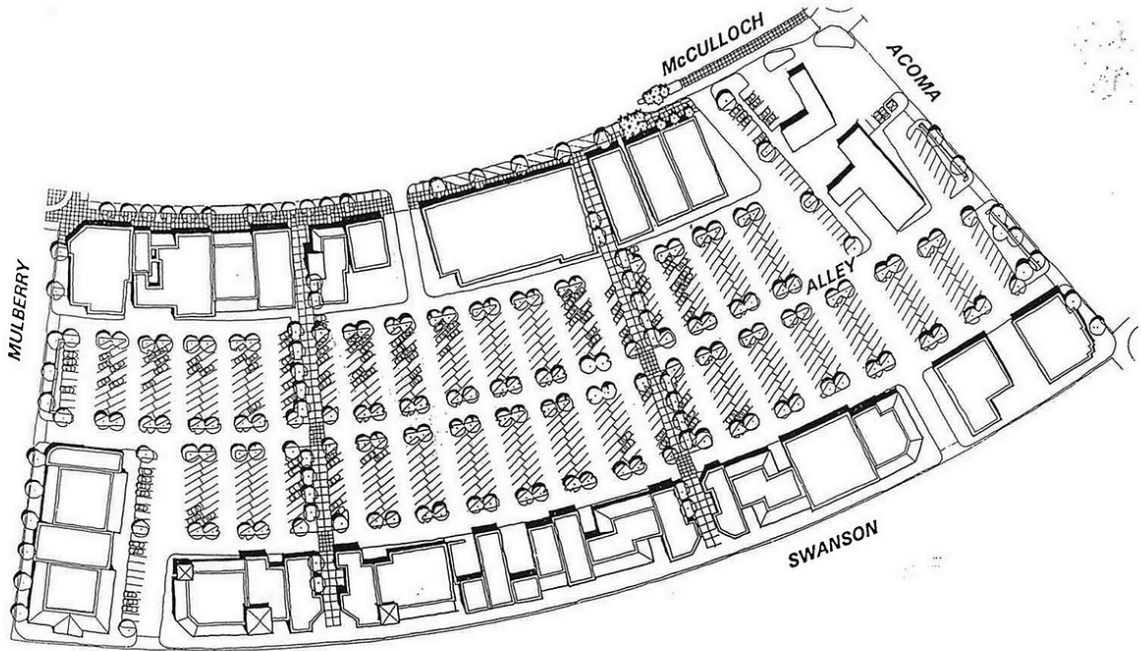


2E  
PIC-95-004

**PARKING MASTERPLAN**  
**TRACT 161, BLOCKS 2,3,4**

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Parking Provided:	390 spaces
Allowable Buildable Area:	78,000 sf
(Based on Parking)	
Maximum Buildable Area:	130,000 sf
(Based on Lot Size)	
Percent Reduction:	40 %



# **PARKING MASTERPLAN**

TRACT 161, BLOCKS 5,6

TRACT 2188, BLOCK 1

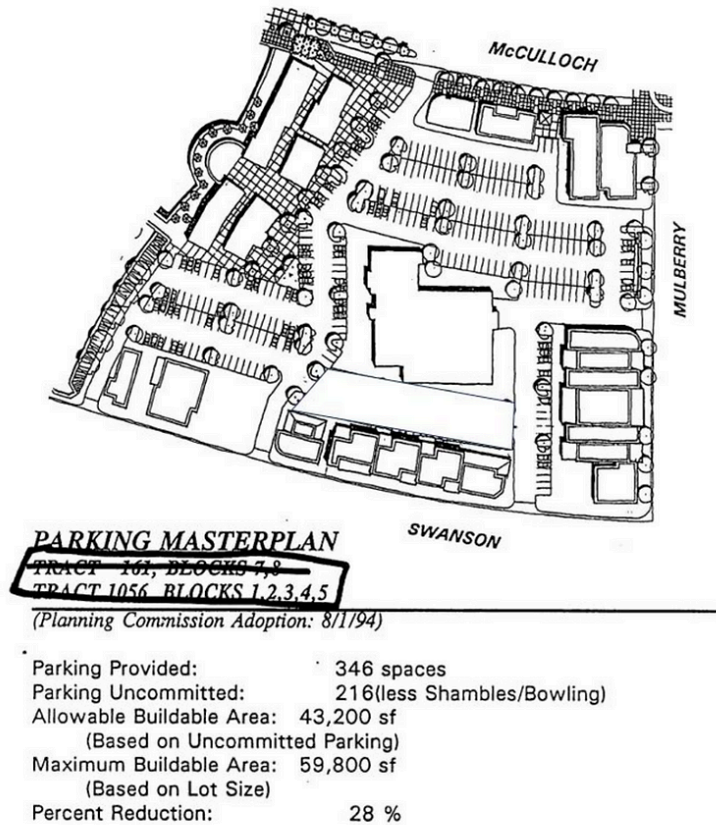
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Parking Provided:	650 spaces
Allowable Buildable Area:	130,000 sf
(Based on Parking)	
Maximum Buildable Area:	200,000 sf
(Based on Lot Size)	
Percent Reduction:	35 %

27  
P/C - 95-004



PIC-95-004  
20



NOTE: Development of any individual property described within these master plans are not exact 1 - 1 recreations of the plans, but rather are considered a standard for which all businesses in the district must loosely develop into.

Differences between these maps and reality are common and expected over 30 years of independent development, but the general principles of our development standards are still based on these maps drawn in 1994.

**2024, Parking In Common Codes provided by Lake Havasu  
City Development Services**



**LAKE HAVASU CITY**  
**DEVELOPMENT SERVICES DEPARTMENT**  
♦ building ♦ code enforcement ♦ planning and zoning

### Parking-in-Common – Downtown Area

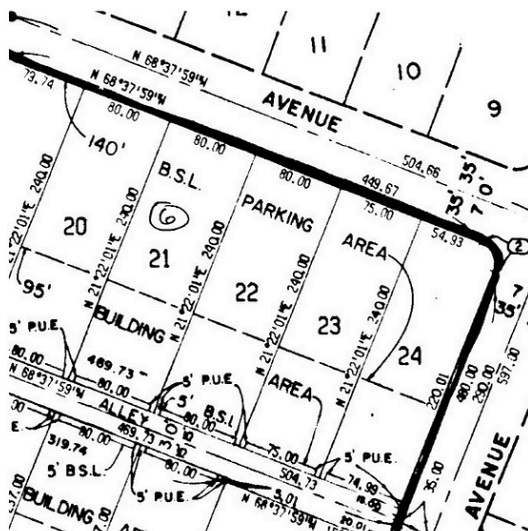
The original developer of Lake Havasu City used the parking-in-common (PIC) approach for much of the commercial and industrial tracts to increase flexibility of development and reduce the spaces and area needed for parking. Declarations and recorded plats were used to identify the areas to be utilized for parking in common within those tracts.

Scenario 1: Declarations and Recorded plats for tracts with designated Building and Parking areas:

#### Declaration:

Automobile Parking Requirements: No automobile parking space need be provided on the lots where such area has been reserved as described on the face of the recorded reservations for the tract and the area so described shall be set aside as an easement for ingress, egress, public utilities, driveways, and parking to be used in common with others.

#### Recorded plat:

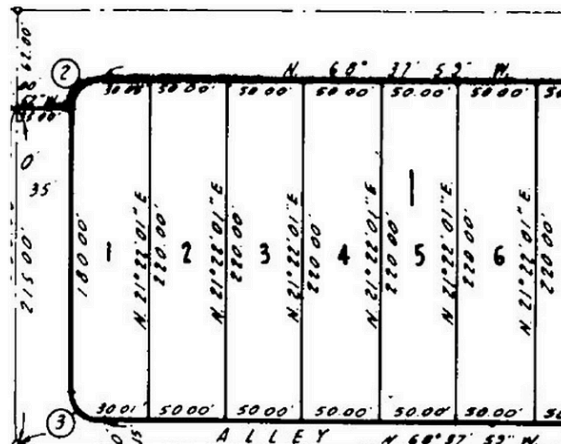


Scenario 2: Declarations and Recorded plats for tracts without designated Building and Parking areas:

Declaration:

Where a common parking area has not been so reserved there shall be provided upon each individual lot one off street parking space for each 250 sqft of floor space constructed on the said lot. The area so designated from time to time as parking area by the lot owner in plans submitted to and approved by the Committee of Architecture shall be the parking area with respect to the lot or lots so covered and there is hereby reserved with respect to said parking area an easement for ingress, egress, driveways, walkways and parking areas to be used in common with the parking area of all other commercial lots.

Recorded plat:



Parking-in-Common (PIC) has been regulated by Lake Havasu City for many years. Numerous codes have been adopted and refined to provide regulations for PIC tracts/properties. In 1995 Alex Ross, the Chairman of the Uptown Association, submitted a request to Lake Havasu City for the approval of PIC masterplans for the uptown (McCulloch Blvd) revitalization area. Lake Havasu City Planning and Zoning Commission held a public hearing and approved the PIC plans (PIC-95-004). Since then, the master PIC plans have been used as parking design standards for the area.

2016 Development Code current Standards for Parking-in-Common:

## **14.04.02: PARKING AND LOADING**

### **B. EXCEPTIONS AND EXEMPTIONS**

#### **4. Parking-In-Common**

- a. Development and redevelopment of lots subject to a Parking-in-Common agreement, on the effective date of this Code, shall comply with the terms of that agreement instead of the parking requirements in this Section. A list of Parking-in-Common agreements known to the City, and the properties included in those agreements, is available from the Department.
- b. The off-street parking requirements of this Section shall serve as the standard from which to request different parking requirements for Parking-in-Common areas existing on the effective date of this Code, or for the creation of a new Parking-in-Common agreement after the effective date of this Code.
- c. Owners of properties subject to an existing Parking-in-Common agreement may not physically separate or bar access to any part of the Parking-in-Common area in a manner not permitted by the Parking-in-Common agreement unless the owner first obtains modifies that agreement pursuant to Section 14.05.04.I. (Parking in Common Plan).

## **14.05.04: SPECIFIC REGULATORY PROCEDURES**

### **I. PARKING-IN-COMMON PLAN**

#### **A. Authority**

The Commission shall have authority to approve Parking-in-Common Plans and modifications to those plans.

#### **B. Application**

In addition to the provisions of Sec.14.05.03.C (Application preparation and filing) an application for approval or modification of a Parking-in-Common Plan shall meet the following requirements:

- (1) An application for approval of a Parking-in-Common Plan shall be submitted by all of the property owners for which it will provide off-street parking required by Sec. 14.04.02 (Parking and Loading) if approved.
- (2) An application for modification of an existing Parking-in-Common Plan shall be submitted by 75 percent of the property owners for which it currently provides off-street parking required by Sec.14.04.02 (Parking and Loading), as well as those property owners for which it will provide off-street parking required by Sec. 14.04.02 (Parking and Loading) if approved.

#### **C. Criteria and Decision**

The Commission may approve a Parking-in-Common Plan, or a modification of an existing Parking-in-Common Plan, if it makes the following findings:



- (1) The proposed Plan or modification will provide adequate off-street parking for the included property owners, taking into account the minimum off-street parking requirements of Sec. 14.04.02 (Parking and Loading) and any potential sharing of spaces among the included property owners based on differences in peak hour parking demands and the variety of land uses to be covered by the application.
- (2) Approval of the proposed Plan or modification will not increase traffic congestion on public or private streets near the included properties or on any property containing a residential land use within 300 feet of the included properties.
- (3) Approval of the proposed Plan or modification will not result in any property becoming nonconforming with regard to required off-street parking, unless that property owner consents in writing to the creation of that nonconformity.

## **14.04.09: OPERATION AND MAINTENANCE STANDARDS**

### **A. MAINTENANCE STANDARDS**

#### **4. PARKING AND LOADING AREA MAINTENANCE**

Parking and loading areas shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly, and broken or splintered wheel stops shall be replaced so that their function will not be impaired. Painted parking space boundaries, handicap designations, and directional symbols shall be maintained so as to be easily distinguishable.

## **Other Actions to Parking in Common;**

Here is a list of all known actions taken changing or reducing Parking in Common since its inception in 1964.

### **Amendment**

1997, Salvation Army Lot Exclusion;  
PICA-95-004; Request to amend the Uptown Master Parking in Common plan to remove the parking requirements for tract 1056, block 4, lots 1 through 5 for development by Salvation Army.

### **Amendment**

2006, Schlotzsky's amends their specific section of the Master Plans in order to be allowed to build a drive through which is now operated by The KAWS & Wild Coffee.

### **Exclusion**

Pre-1994, Entirety of the Mesquite Medical district not included in the Parking In Common district area, this area is subject to the normal parking standards of Lake Havasu City and is not included in a Parking in Common agreement area.

# Exclusion

Pre-1994, Selberg & Associates @ 2130 Mesquite, pre-emptive exclusion from Parking In Common Area of lot located north of the unnamed grass parcel on Querio. The lot is subject to normal parking standards of Lake Havasu City.

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