

FINAL MINUTES

TUSAYAN TOWN COUNCIL STUDY WORKSHOP

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

JANUARY 9, 2011 @ 5:00 P.M.

Best Western Squire Inn, Zuni Conference Room
74 State Route 64, Tusayan Arizona

TOWN COUNCIL STUDY WORKSHOP MINUTES

1. ROLL CALL

Mayor Bryan opened the meeting at 5:00pm and the Pledge of Allegiance was recited. Upon roll call, the following were present:

MAYOR BRYAN
VICE MAYOR MANIACI – Not present

COUNCILMEMBER MONTOYA
COUNCILMEMBER RUETER
COUNCILMEMBER FITZGERALD

Also Present: Town Manager Ochoa
Town Clerk Sutton
Assistant Clerk Garver
Richard Turner

2. STUDY WORKSHOP

Richard Turner presented the following information.

Sections 1 – 6:

In the title paragraph, the date of the Town's initial adoption of the Zoning Ordinance was added, June 9, 2010.

Section 7:

The enforcement section was recently approved by the Town Council by separate action. Only a few minor changes were made to that version after the Dec 14, 2011 meeting: a corrected statutory reference, a corrected zoning ordinance reference and elimination of a duplicate paragraph.

Section 8:

The following revisions are proposed:

- a. A travel trailer will be an allowed use in a campground.
- b. The term "Park Model" is addressed in the definition of manufactured home, mobile home and manufactured home park.
- c. A manufactured home will be an allowed use in a manufactured home park.
- d. Definition of manufactured home space has been clarified to indicate that it is allowed in a manufactured home park.
- e. Definition of structure will include manufactured home.
- f. A Park Model will be an allowed use in a trailer park or court.

The Town Attorney does not recommend regulating mobile homes or manufactured homes by the age of the unit. Mobile homes were replaced by manufactured homes on June 15, 1976; the Ordinance no longer defines mobile home parks. These are now manufactured home parks. Mr. Turner researched whether any other major changes have been made to add a newer date and there are no specific dates. Council Member Rueter said he disagreed with the Town Attorney as he had spent time to rehab older mobile homes to meet HUD Standards. They were not built to handle the improvements as the weight is too much for them. Council Member Montoya agreed and was concerned the mobile homes would run down the property. The mobile homes that are currently located in Tusayan would be grandfathered in. Mr. Turner said that the ordinance could minimize mobile homes use and remove it from the list of definitions.

Section 9:

A proposed change to Chapter 9 would allow a Park Model as a permanent residence in the G and AR Zones with a Conditional Use Permit. A Park Model would also be permitted as a temporary residence in the G, AR and RR Zones with a Temporary Use Permit. Since a travel trailer is permitted in these zones under the same circumstances, a Park Model, which is essentially an upgraded travel trailer, should also be allowed.

Section 10: Reference to Section 20.2-7 at the very end of this Section has been changed to Section 20.3-7.

Section 11:

Two versions of Section 11, the commercial regulations, have been provided for review. The main difference between the two versions is the categorization of land uses. Uses are prohibited, allowed by right or allowed with the approval of a CUP in one or more of three different commercial zoning districts. In the first version of Section 11, fewer commercial uses are proposed to require approval of a CUP; while in the second, the uses that require CUP approval remains about the same. The reasoning behind changing several of the uses from requiring a CUP to uses allowed by right in the first version is as follows:

1. All commercial uses are subject to site plan review and approval by the Planning and Zoning Commission by virtue of the fact that the entire town is within the Design Review Overlay Zone. Review of certain commercial uses using the CUP process is not necessary or appropriate.
2. Certain commercial uses are of a permanent nature and should not be subject to a time limit and expiration.
3. Reducing the number of uses subject to CUP approval is a more customer friendly approach to development review, reducing the time it will take for approval of these commercial land uses.

The maximum building height in the CH-10,000 Zoning District is shown as 50 feet. This is also the maximum building height in two of the three industrial zones, M-1-10,000 and M-2-6,000. Staff consulted with the County Community Development Department to determine if the greater height had anything to do with the possible need for a steeper slope on a roof in climates where it snows more in the winter months. That is not the case. In fact, it was determined that the Tusayan Design Review Overlay Zone restricts building height to 40 feet. Accordingly, it would be appropriate to revise the maximum building height in these three zones to 40 feet.

At the request of Council member Rueter, apartments, when located above the first floor of a building, has been added to the list of commercial uses. It appears as Number 47 in the alternative version of Section 11.

In Section 11.3A a Park Model was added to the list of dwelling types that can be used as a temporary office during construction of a permanent building.

Council Member Rueter asked about why a campground is a CUP while a hotel is a permitted use. After some discussion, Mayor Bryan requested that the Council go through line by line of version 2 and forward to the Town Manager and Mr. Turner their summarization of considerations on the CUPS. The Town Manager reminded the Council that they will have to go through this for the DRO.

Section 12:

Mayor Bryan requested the Council go through the industrial CUPS and forward their thoughts to the Town Manager and Mr. Turner. Council Member Rueter suggested that research needed to be done into what State Law says about Stone quarries, gravel pits, mines and stone mills because he understood that if they were over 5 acres, they were exempted and precluded from municipal zoning.

Section 13:

In Section 13.1-11, language is proposed to be added that would allow for a waiver of the requirement to submit a report from a registered sanitary engineer if a commitment for sewer service could be obtained from the sanitary district.

In Section 13.2-3, the responsibility for fire hydrant specifications and locations is proposed to be changed from the Planning Commission to the Tusayan Fire Department. At the request of the Council, staff contacted the Fire Department regarding this change. Robert Evans, speaking on behalf of the Department, indicated to staff that he was in agreement.

In Section 13.3-3, the minimum acreage for a PC Zone will be changed from 25 acres to 10 acres which is consistent with a recent text amendment approved by the Town Council.

In Section 13.4-2, it is proposed that the construction of public buildings and grounds be allowed as a use by right instead of a use requiring a CUP.

Changes to Section 13.6, the Floodplain Management Overlay Zone regulations include the following:

1. The statutory authorization paragraph should be revised to include a reference to the state law that relates to cities and towns and floodplains.
2. The Town Manager is proposed to be the Floodplain Administrator.
3. The Town Council is proposed to be the Floodplain Board.

In Section 13.1-4.A a Park Model was added to the list of allowed uses in a Manufactured Home Park.

In Section 13.1-6.F, the minimum size of a manufactured home in a manufactured home park is proposed to be changed from 12 feet by 50 feet to 400 square feet. This is closer to the minimum size of a manufactured home as defined by HUD and the State.

In Section 13.1-6.E, Council Member Rueter suggested that a credit be given to existing landscape and native plants; foliage, bushes and trees.

Section 14:

In Section 14.1, Temporary Uses, the maximum number of times an event can be held in a calendar year is proposed to be increased from 3 to 5 times.

In Section 14.5, references to features and facilities that make little sense in the context of Tusayan are proposed to be omitted.

In Section 14.1.F, the time limit for the use of a manufactured home or trailer for security purposes on construction sites has been changed from 6 months to 12 months to be consistent with a similar provision in Section 11 (Section 11.3.A).

A suggestion was made to set the amount of the bond required for cleanup found in Section 14.1-1. Because different events will have differing cleanup needs, staff believes the amount of the bond should be determined on a case by case basis.

A question was asked about whether or not the Town could prohibit any and all medical marijuana growing, processing and/or sales. In an e-mail dated 12/23/11, the Town attorney had the following comments on this issue:

“The problem is that without an ordinance, the applicant does not have to verify zoning compliance.” “As a result, if a dispensary was located in Tusayan – doubtful given the low number of dispensaries and the likelihood that Flagstaff would get the one for Coconino county—it would end up being a prior, legal nonconforming use.”

The Council requested Mr. Turner consult the Town Attorney about the difference between commercial and personal use.

Section 15:

In Section 15, Off-Street Parking, “outdoor dining areas” is proposed to be added to the area used in the calculation of the required number of parking spaces. The parking lot sketch (a separate attachment labeled Parking Lot Plan) is proposed to be replaced by a cleaner, easier to read parking lot plan (also a separate attachment labeled Parking Lot Plan new).

Council Member Rueter suggested that the requirement for 40% compact spaces in parking lots was too much as most visitor drive larger vehicles. Mayor Bryan and Council Member Montoya thought that rentals which are more compact are the most used. As land is limited in Tusayan, Council Member Rueter agreed that creating reasonable parking was best.

In Section 15.2.A.3 reference to “Director of Community Development” will be changed to “Town Manager or designee.” In Sections 15.3.J and 15.3.K should also be changed from “Planning and Zoning Commission” to “Town Manager or Designee” for consistency.

Section 16:

Changes proposed to the language in Section 16 are similar to the changes found in other sections of the Zoning Ordinance. Staff is proposing to replace the sketch drawing of signage found at the back of this section (the attachment labeled “Sign Drawings”) with two pages of photographs of actual signage (attachments labeled “Sign Page 1 new “ and “Sign Page 2 new”).

The Mayor asked if there was any way to provide greater awareness to the Visitor Center sign. Mr. Turner suggested a definition and design allowance for a group with similar existence.

Council Member Rueter asked if directional signs could be exempted if they were under a minimum size. He also suggested that in Section 16.2.F that a sign is an asset value and should be preserved with the land or business and the time frame should be liberal. Mr. Turner was asked to look into what would be a good solution.

Section 17:

This is the section dealing with outdoor lighting. With a few important exceptions, this is the same regulation that was reviewed by the Planning and Zoning Commission on March 24th of 2011. On March 24th, the Planning and Zoning Commission acted to continue the consideration of the regulation for more information on “airport operations and security”. Since that time, the regulation has been revised to reflect the comments and suggestions of Mr. Mike Halpin, Airport Manager. Specifically, the definition of airport lighting and the section dealing with the exemption for airport lighting systems have been revised. Other changes that have been suggested by the Naval Observatory have also been included. One of these updates provides that lighting used in the maintenance/repair of aircraft is classified as Class 1 lighting. Lighting in this class must be fully shielded, but there is no limit on the intensity of the lighting. In Section 17.8.B, it was suggested that the dates be changed to 45 days prior and after the holiday. Commercial and residential would have to comply as they become a fire hazard if left up year around. Mr. Turner will speak to a lighting expert as it was suggested that LED or low wattage lights be recommended and grandfathered in the next 2 to 3 years.

Section 18:

Changes proposed to the language in Section 18 are similar to the changes found in other sections of the Zoning Ordinance. As well as adding in the language for existing landscaping as suggested by Council Member Rueter in Section 13.

The Town Manager said that Mr. Anderson thought that requiring so many islands in the parking lots could cause a problem as they would attract elk and cause visibility issues. It was suggested that parking lot islands should be required at 10,000 sq. ft.

In Section 18.4.B, it was suggested that a permanent means of irrigation and reclaimed water be required unless a waiver is granted by the Town Manager on the advice of the Sanitary District because of undue financial impact.

Section 19:

In Section 19.6, a provision allowing the replacement of a non-conforming mobile home on an individual parcel with another mobile home, with the approval of a CUP, is proposed to be dropped from the Ordinance. According to the definition of a mobile home in Chapter 8 of the Zoning Ordinance, all mobile homes were built before 1976. Housing units similar in appearance built after 1976 are classified as manufactured homes. The Town may not want to support the continuation of the use of mobile homes since they are 35 years old and older.

Section 19.7.D is proposed to be eliminated since it is based on statutory authority granted to Counties. Another proposed change would eliminate the ability to exchange one non-conforming use for another with the approval of a CUP. This provision is not consistent with the idea that reducing the overall number of non-conforming uses in a community is generally a good approach to community development.

In Section 19.5.G, non-conforming signs, it should be considered if consistency with Section 16 is important. The Town Manager asked if historical signs should be exempted.

Section 20:

The language in Section 20.4-11, the protest petition provisions that apply in the case of rezoning, is proposed to be changed to reflect the requirements of state law as it relates to cities and towns.

New Sections 20.5.C, 20.5.D, 20.5.E and 20.5.F have been added. These new sections pertain to public notice requirements and are also based on state law for cities and towns.

The last sentence in Section 20.7-6 refers to a statute for Counties and is proposed to be eliminated.

To be consistent with new language and procedures in the Enforcement Section, Section 7, Section 20.7-10 is proposed to be changed to provide for an administrative review by the Town Council of a decision by the Hearing Officer on a Variance.

Alternative language to parts of Section 20.4, Amendments, is available for consideration. This is a separate attachment which is labeled "ZO Sec 20 No TC Hearing". State law allows the Town Council to adopt the recommendation of the Planning and Zoning Commission without holding its own public hearing, provided the Planning and Zoning Commission held a duly noticed public hearing on the item. The Town Council would only have to hold a public hearing if there was an objection or a request for a public hearing (or if the Planning and Zoning Commission has not held a public hearing).

A second option to Section 20.3, Conditional Uses, is also offered. This is the attachment labeled "ZO Sec 20 TC CUP Approval". This alternative places the authority for approval of a CUP with the Town Council. As the Ordinance is currently written, the Planning and Zoning Commission has the authority to approve CUPs. The Council would only hear a CUP on appeal. In the alternative proposal, the Commission would hear a CUP and make a recommendation to the Town Council.

In Sections 20.3.2.E and 20.4.4.F, to remain consistent, should be changed to 150 ft. and Section 20.7.F, the wording should change to a hearing officer. Clarity from the Town Attorney is needed for Sections 20.3-9 and 20.6. It was decided by the Council to go with Section 20 Admin and not change the procedures.

Section 21:

Changes proposed to the language in Section 21 are similar to the changes found in other sections of the Zoning Ordinance. The Section title was changed to Tusayan Area Plan. When the General Plan is done, the title will change again.

To aid the reader in locating sections of the Zoning Ordinance and at the request of the Council, reference to the various Ordinance Sections will be added to the bottom of each page. This will be done on the final draft.

There are places in the revised Ordinance where the term "Reserved" is found next to a Section number. These are places where entire sections or subparagraphs are proposed to be deleted. This was done to avoid having to renumber all of the sections that follow the deleted section.

All Council Members are to go through the CUPs and forward their suggestions to the Town Manager and Mr. Turner. Review of signage uses, abandonment, non-conforming and conforming, needs to be done so that either there is consistency or an understanding of what is wanted. The next meeting was scheduled for 2/8/12 and place the DRO for review at that meeting as well.

3. MOTION TO ADJOURN

Council Member Montoya moved to adjourn the meeting.

Council Member Rueter seconded the motion.

The meeting adjourned 8:26pm.

ATTEST: On this date, January _____, 2012.

Enrique Medina Ochoa, Town Manager

Greg Bryan, Town Mayor

Bill Sutton, Town Clerk