

**TUSAYAN TOWN COUNCIL AND PLANNING AND ZONING COMMISSION  
JOINT WORKSHOP**

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

FEBRUARY 8, 2012 @ 5:30 P.M.

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

**TOWN COUNCIL AND PLANNING AND ZONING COMMISSION  
JOINT WORKSHOP MEETING MINUTES**

**1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Bryan called the meeting to order at 5:34pm and the Pledge of Allegiance was recited.

**2. ROLL CALL**

Upon roll call, the following were present:

**MAYOR BRYAN  
COUNCIL MEMBER MONTOYA**

**COUNCIL MEMBER RUETER  
COUNCIL MEMBER FITZGERALD**

**COMMISSIONER ANGAT  
COMMISSIONER COOK  
COMMISSIONER GOSSARD**

**COMMISSIONER HEARNE  
COMMISSIONER TOWNSEND**

Also present:      Town Manager Ochoa  
                         Town Clerk Sutton  
                         Town Planner Turner  
                         Town Attorney Sims - telephone  
                         Assistant Town Clerk Garver

**3. WORKSHOP TOPICS**

Town Attorney Sims spoke to the Council and the P&Z Commissioners. If serving as the Board of Adjustment, Commissioners would be responsible for granting variances from zoning regulations. A Board of Adjustments also hears appeals from decisions made by the Zoning Administrator. The Council can appoint a Board of Adjustments and a Hearing Officer to hear the appeals. Town Attorney Sims recommended appointing someone to serve as a hearing office at the next meeting and follow up with appointing a Board of Adjustments.

**A. REVIEW OF PROPOSED CHANGES TO ZONING ORDINANCES**

Section 9 - Based on discussion at the January Workshop, staff eliminated mobile home from the list of permitted uses in this Chapter (Section 9.1.A). We also eliminated reference to rehabilitated mobile homes (Section 9.3.A.3).

Section 10 - Mobile home an allowed use has been eliminated from this Section as well (Section 10.2.A.4). Any current mobile homes are grandfathered in. Repairs can be made to them and they can be sold, but not moved from one lot to the next.

Section 11 - A mobile home was eliminated as an option for a temporary office during building construction (Section 11.3.A).

The Mayor requested that the Council and Commissioners forward their opinions on the commercial and industrial CUPS to the Town Manager and Town Planner. A new town zoning map or plat was requested with as much CUP information as could be added.

Section 13 - The following sections were revised to eliminate the future use of mobile homes: 13.1-4.A, 13.1-6.M, 13.3-2.A, 13.7-2.A, 13.9-2.I.2, 13.11-2.A.3 and 13.11-3.A.4. Section 13.1-6.E was amended to give credit for existing landscaping when providing landscaping on manufactured home spaces.

Section 14 - In reply to the Council's questions regarding personal and commercial use of marijuana, the Town Attorney advises as follows: "The terms "commercial" and "personal" don't even appear in the statute, but I think your question relates to the restrictions on medical marijuana dispensaries and an individual's right to grow his/her own medical marijuana. Under ARS Section 36-2804.03 if there is no medical marijuana dispensary within 25 miles of a patient's home, the patient or someone designated by the patient may grow medical marijuana for the patient's medical use.

If, however, there is a medical marijuana dispensary authorized by and registered with DHS, then persons residing within 25 miles from the dispensary would not be allowed to grow their own medical marijuana. The dispensary would (using the terms you used) be a commercial use regulated by DHS and by the local jurisdiction, if the local jurisdiction has adopted zoning classifications dealing with medical marijuana dispensaries. "

Section 15 - In Sections 15.3.J and 15.3.K the responsibility for requiring bus parking and allowing compact car spaces was changed from the Planning and Zoning Commission to the Town Manager or designee.

An additional modification was made to Section 15.3.B that changes the ratio of trees to be planted in the interior portions of a parking lot from 1 per 2,000 square feet to 1 per 10,000 square feet.

The Council may also wish to consider a provision that would require the review of parking lot plans in the event of a change in the use of the building on a site. Specifically, a review of plans with consideration for the addition of bus parking, parking lot landscaping and substitution of compact parking spaces may be appropriate.

Council Member Rueter was concerned with not knowing current CUPS that the standards for parking may be too restrictive and with the new Hwy project taking up about a third of the parking gone, he desired that the zoning be carefully decided. Staff was asked to provide parking standards from some other jurisdictions for purposes of comparison.

Section 16 - In response to the request to address visitor information signage, staff has added a definition for this type of a sign in Section 16.1. This sign type has been added to Section 16.4.D as a kind of special purpose sign which would be allowed in any zone as a wall sign or a portable, sandwich board sign.

In response to comments regarding the removal of signs where a business has been discontinued, the time period to effect the removal has been changed from

90 days to 6 months. Also, the Town Manager is now authorized to allow just the removal of the sign message, leaving the sign structure in place. The Council directed a change in the visitor information sign to possibly list non-profit, community based organizations as being exempt.

Section 17 - There was discussion at the January 9 Workshop regarding phasing out of high energy use lighting over time. Being primarily a land use regulation, the Zoning Ordinance is perhaps not the best means to accomplish this objective. A better approach might be a separate ordinance that focuses on energy use from a broader perspective. However, respecting the views expressed by the Council, staff has provided some language at the beginning of this section that encourages the use of energy efficient lighting. There was discussion at the workshop regarding holiday lighting and a general desire to relax regulations regarding the times when holiday lighting is allowed. Section 17.8.B has been changed to allow more time before and after the Christmas holiday for holiday lighting. A provision was also added to permit holiday lighting around other nationally recognized holidays.

Section 18 - Section 18.5.A has been changed to provide credit for existing landscaping. Section 18.5.A.5 has been changed to require consultation with the Sanitary District by the Town Manager before a waiver is granted to the requirement to use treated effluent for landscaping purposes.

Section 19 - In response to comments at the Workshop, the ability to expand a nonconforming mobile home park has been eliminated (Section 19.6.B).

Section 20 - At the January Workshop, Councilmembers indicated a preference to leave Section 20 as is with regard to the approval of CUPs (by the Planning and Zoning Commission) and having the Town Council conduct its own public hearing on items forwarded to it by the Planning and Zoning Commission. The 300 foot distance requirements in Section 20 for public notice, Sections 20.3-2.E, 20.4-4.F, 20.5.B and 20.7-2.F, have been changed to 150 feet which is consistent with the protest petition provisions in this same section. Staff consulted with the Town Attorney regarding the appeal provisions in Section 20. The issue was who could appeal a decision of the Commission to the Council. State Law states that any member of the public can appeal a decision to the Council. The Town Attorney advises that this has been "carved back" so that the person appealing must show "particularized harm".

## **B. REVIEW OF DESIGN REVIEW OVERLAY**

The Council has expressed a desire to begin the review of the Design Review Overlay. A copy of the document is included with the e-mail transmitting the staff report.

The Tusayan Design Review Overlay (DRO) was approved by the County Board of Supervisors on October 16, 1995, which is nearly 17 years ago. The document was prepared with involvement from the Tusayan Planning Committee and with reliance on the National Park Service Architectural Guidelines for the Grand Canyon National Park (1994). The guidelines relate to all development within the community with the exception of single family residential.

The DRO deals with architectural style, materials and color, site design, sign, lighting and environmentally sensitive development. Within each main topic area

are numbered guidelines which are intended to be used in the evaluation of development projects. Some of these guidelines are easier to use than others; meaning that some are too subjective to be of practical use while others are very specific.

A additional workshop was scheduled for February 22, 2012 to finalize the Zoning changes and begin review of the DRO. It was asked if a DRO is required and it was suggested that it be part of the P&Z ordinances. The Town Planner was requested to give his opinion on what he thought worked in the DRO and what did not.

### **C. BOARD OF ADJUSTMENT; ROLE, RESPONSIBILITIES AND DUTIES**

#### **4. MOTION TO ADJOURN**

Council Member Montoya moved to adjourn the meeting.

Council Member Rueter seconded the motion. All were in favor. The motion passed. The meeting adjourned at 7:01pm.

---

**ATTEST:**      On this date, March \_\_\_\_\_, 2012.

---

Enrique Medina Ochoa, Town Manager

---

Greg Bryan, Town Mayor

---

Bill Sutton, Town Clerk