

**FINAL**

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

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03  
TUESDAY, MARCH 6, 2012 @ 5:00 P.M.  
Tusayan Town Hall BLDG  
845 Mustang Drive, Tusayan Arizona

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

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

The Mayor called the meeting to order at 5:09pm and the Pledge of Allegiance was recited.

**2. ROLL CALL**

Upon roll call, the following were present:

**MAYOR BRYAN  
VICE MAYOR MONTOYA**

**COUNCIL MEMBER RUETER – joined at 5:45pm  
COUNCIL MEMBER FITZGERALD  
COUNCIL MEMBER SANDERSON**

**COMMISSIONER ANGAT  
COMMISSIONER COOK  
COMMISSIONER GOSSARD**

**COMMISSIONER HEARNE  
COMMISSIONER TOWNSEND - absent**

Also Present: Town Manager Ochoa  
Town Clerk Sutton  
Town Planner Turner  
Town Hearing Officer Jacobs  
Assistant Clerk Garver

Council Member Fitzgerald asked at what point the Council would turn the process over to the Commissioners. It was decided by all that they would continue to work together to finish up what had been started.

**3. WORKSHOP TOPICS**

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

- **SIGN ORDINANCE**
- **PARKING ORDINANCE**

**SECTION 8: DEFINITIONS**

Based on discussion at the most recent workshop, staff has revised the definition of "campground". A campground now includes long term camping by any of the allowed means of occupancy, including park model travel trailers. The term "wholesaling" has been replaced by "wholesale" and language has been added to distinguish a wholesale business from a retail business.

## SECTION 11: COMMERCIAL ZONES

1. Auction houses/stores was broken out into 2 categories, one with inside activity and the other with outdoor activity.
2. Laundry was broken out into 2 categories, one is a pick-up and delivery service and the other is a self-service laundry.
3. The term “canopies over gas pumps” was eliminated from the list of uses. This use will be considered with the review of automobile service stations.
4. The term “private” was added to “Public utility installations”.
5. ATVs and rentals were added to the “motorcycle sales and service” listing.
6. Staff has added the use “kennel” to the list of uses, with both indoor and outdoor facilities. It was suggested to change dog to animal kennel.

Staff was asked to contact the Town Attorney regarding its recommendation to allow churches by right in all of the Commercial zones. In an e-mail dated February 28, 2012, Bill Sims, Town Attorney, advises that he agrees with the position staff has taken on this issue. Unless the Town can create an entertainment district, there is little control a Town can exercise over a church.

If existing facility has a liquor license, a new church can't force out the previous business.

There was discussion regarding the inclusion of the use “bicycle shop”. Staff believes this use could be considered to be a “general retail use” and as such, a use allowed by right in any of the three commercial zones.

Commissioner Cook offered some additional changes to Section 11. At the very end of Section 11.2.B there is a paragraph regarding setback measurement. Commissioner Cook raises the issue of the setback from dwellings where the adjacent property is under the jurisdiction of the National Forest Service. In the past, the County has administratively approved a reduction in this setback. The required setback is different depending on the zoning, the yard (side or rear), the type of dwelling and whether or not the use is subject to an existing conditional use permit. The Zoning Ordinance (Section 20.8) gives staff the authority to approve a reduction of 20 percent in the required setback on a case by case basis. The Council and Commissioners would like to place a 20 percent reduction set back if the land adjoins National Forest land.

Council Member Rueter joined the meeting.

With regard to Section 11.3.B, Commissioner Cook recommends that the depth of landscaping be reduced from 10 feet to 6 feet. She states that “Parking is so critical in our area that landscaping with a possibility of 10' border around each parcel is a huge impact”. The Council and Commission agreed to reduce the parking landscaping depth to 6 feet.

With regard to Section 11.3.H, Commissioner Cook offers the following comments: “Outdoor music in an outdoor dining area shall be maintained as to not disturb the peace, quiet and comfort of neighboring business. Sound curfew would be 10 pm. Temporary Special Use permits for outdoor events will have same criteria for music levels past 10 pm”. It was decided to add in Outdoor language specific to noise and the term “knowingly” disturbing the peace.

## SECTION 13: SPECIAL PURPOSE ZONES

Based on comments offered by the Town Attorney, staff has developed some changes to Section 13.10-2, Design Review Overlay Zone – DRO Zone, Special Provisions. The change would serve to limit applications for DRO approval to new construction and redevelopment where a substantial change was being made to the exterior of a building or site. The idea is not to require a lengthy approval process for minor modifications to already approved projects.

**SECTION 14: SPECIAL USES AND CONDITIONS**

There was discussion at the workshop about noise and the regulation of noise. Staff has proposed changes to Section 14.1-2, Performance Standards, to require the identification of all potential sources of excessive noise by an applicant on an application for a temporary use permit. The applicant shall also propose measures to control said noise. Those measures may be augmented by the Town through the use of various methods including a curfew. A more generally applied noise ordinance that would apply to the generation of excessive noise by other sources in other circumstances should also be developed for the Town.

It was suggested to leave as is.

**SECTION 15: OFF-STREET PARKING**

At the February 8<sup>th</sup> Workshop, the Council asked for some information on required parking for uses in other communities to see how that compares with the parking requirements in the Tusayan Zoning Ordinance. Here are the results of this limited research:

	<u>Tusayan</u>	<u>Camp Verde</u>	<u>Sedona</u>	<u>Estes Park, CO</u>
<u>Restaurant</u>	1/100 sq. ft. GFA	1/50 sq. ft. public floor area + 1/employee	Primarily on-site consumption & > 16 seats = 1/100 sq. ft. GFA; <16 seats & primarily off-site consumption = 1/200 sq. ft. GFA	1/100 sq. ft. of customer service area
<u>General Retail</u>	1/200 sq. ft.	1/200 sq. ft.	1/250 sq. ft	1/200 sq. ft.
<u>Hotel</u>	1/ guest rm.	1/guest rm. +1 per 2 employees	<60 guest rms=1/rm +5; >60 guest rms= 1/rm + 10 spaces	1/rm<750 sq. ft; 2/rm>750 sq.ft.+ 1 per 3 empls +75% pkg req'd for other uses

The Town Planner will return with some additional information and recommendations regarding bus parking

**SECTION 16: SIGNS**

Section 16.3.F - In response to feedback received at the February 8<sup>th</sup> Workshop, staff has changed this section so that visitor information signs provided by non-profit community based organizations are exempt from the sign regulations. The Council and Commission requested that Mr. Turner do some more research on tourism based communities and see what languages they use.

Staff has included some changes suggested by Mr. Robb Baldosky of Robbco Construction on behalf of the Imax Theater.

Section 16.7, Signs in Commercial Zones. With regard to free standing signs, the suggested changes would increase sign height by 3 feet, increase the maximum square footage of a single business sign by 25 square feet and increase the size of a multiple business sign by 50 square feet. With regard to wall signs, the changes suggested would double the total allowed square footage to 300 square feet. Businesses with more street frontage will be allowed to have a 175 square foot wall sign where 75 square foot is the maximum currently allowed. Finally, additional wall signage may be approved in the design review process. It was agreed to not add 3ft in height to signs keeping it at 15 feet, allow for up to 175 sq ft maximum for longer linear frontage and that Wall signs have 300 sq ft maximum. It was requested that the definition of frontage be made clearer. Remove 16.7.A.2.g. Staff suggestions to look further into corner lots.

The Council and Commissioners took a break from 7:41pm to 7:49pm. The Mayor suggested that the P&Z needed to elect a Chairman at a separate meeting.

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

The DRO can be considered somewhat of a hybrid of a plan and a regulation. It reads and is formatted like a planning document. However, in its title is the term “Overlay Zone” and Section 13.10 of the Zoning Ordinance provides authority to use and enforce the DRO as regulation. Although the term “design guidelines” is used in the “Purpose” section of the DRO, it is clear that it is intended to be a land use regulation for all but single family residential uses.

The Zoning Ordinance could be amended to eliminate all reference to the DRO and the DRO itself could be rescinded. The Town would then operate without a public site plan review process for all uses except those that needed approval of a conditional use permit. If this were to happen, staff would have the responsibility of ensuring that all new development complied with the requirements of the Zoning Ordinance prior to the issuance of building permits.

The Town could also substitute a design review chapter for Section 13.10 of the Zoning Ordinance. Logically, this would also involve the elimination of the DRO. The concepts contained in the DRO would be formatted as a zoning regulation to be placed in the Zoning Ordinance.

Caution should be used in translating guidelines into regulations. Regulations should be specific and measurable. Terms and phrases such as “respectful and compatible with the unique location of this community...” and “high aesthetic quality” are acceptable and appropriate for purpose and goal statements, but not as criteria for judging a site plan. The content of a design oriented zoning regulation for the Town of Tusayan is best determined by the community through its elected and appointed representatives, i.e. the Town Council and the Planning and Zoning Commission. The existing DRO is a good place to start to develop such a regulation

### **Architectural Style**

1. The Town Planner would not include language from this guideline in the Zoning Ordinance regulation unless the Town wishes to establish a design review board or retain the services of a qualified architect who is able to judge architectural style. The wording in this section is too general to be useful in the review of a site plan.

2. Most of the wording in this guideline is also too general to be of use in a regulation. However, the statement “All sides of a structure shall receive design considerations” is something that can be determined in reviewing a site plan.

## **Materials and Color**

1. Examples of acceptable materials are easily translated to regulation. Not as easy to translate to regulation is the second part of this guideline which provides little guidance for evaluation.
2. Terms used in this guideline such as “highly desirable” “encouraged” and “discouraged” are difficult to use effectively in regulation. If the Town would like to regulate the color of buildings, and the Town Planner is not sure if that is something the Town wants to do, the Town Planner suggests using terminology such as “acceptable” and “unacceptable” instead.
3. The Town Planner recommendation would be to not allow white or aluminum roofs and to require the screening of roof mounted mechanical equipment.
4. This language to too general to be used as regulation.

## **Site design**

1. Use and development of the Highway 64 right-of-way is ultimately the purview of ADOT. Landscaping of that area is desirable, but must be subject to ADOT’s approval. The comment on setbacks is not transferable to regulation.
2. Locating service and delivery areas such that they are screened from view and don’t interrupt the flow of traffic should be included in the regulation. Pedestrian paths and sidewalks should be clearly delineated.
3. The Zoning Ordinance includes standards for parking lot landscaping (Section 15.3). Those criteria could be transferred to a design review section or they could be repeated there.

The Council and Commission wanted to eliminate a separate DRO but retain some regulatory Design Guidelines in the document. The Town Planner will return with a revision that is applicable to the Town and add it as a DRO chapter in the Zoning Ordinances. The Council and the Commission all decided that they wanted to proceed with further meetings together and not separate.

## **C. HEARING OFFICER DUTIES AND RESPONSIBILITIES**

Ray Jacobs from Joan Jacobs and Associates introduced himself to the Council and the Commission. He has experience as a Hearing Officer and has worked for the City of Glendale and is presently the Hearing Officer for the City of Phoenix.

Steps taken:

Code Enforcement Officer

Will contact individual to cure violation

Written letter of violation if not taken care of

Render a decision

If individual is not in agreement with decision it goes to appeal to Hearing Officer.

The Council and Commission scheduled the next workshop on April 3 at 5:00pm. The mapping process and the design review overlay will be reviewed.

## **4. MOTION TO ADJOURN**

Council Member Rueter moved to adjourn the meeting.

Council Member Sanderson seconded the motion. All were in favor.

Meeting adjourned at 8:44pm.

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

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Town Clerk