

## **DRAFT MINUTES**

### **TUSAYAN PLANNING & ZONING COMMISSION WORKSHOP SESSION**

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

October 5, 2011 @ 3:00 P.M.

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

### **TOWN PLANING & ZONING COMMISSION WORKSHOP SESSION - DRAFT**

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

Chairman Bryan opened the meeting at 3:01pm. The Pledge of Allegiance was recited.

#### **2. ROLL CALL**

Upon Roll Call, the following were present:

**CHAIRMAN G. BRYAN**

**COMMISSIONER MANIACI**

**COMMISSIONER MONTOYA**

**COMMISSIONER RUETER**

Also present: Town Manager Ochoa  
Town Attorney Bill Sims  
Town Clerk Sutton  
Office Assistant Garver  
Richard Turner, Zoning Planning Staff

#### **3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

No Public Comments were made.

#### **7. ITEMS FOR WORKSHOP**

Commissioner Rueter wanted to verify that all discussions at the meeting would be general items and nothing specific to the Stilo developer's plans. It was confirmed that this is just a work study session.

Town Attorney Sims wanted it on record that if Commissioner Rueter would recuse himself, it would be because of his employment with Camper Village. He had noticed that in the regular Council Meeting minutes the reason had been stated the first time but not in any subsequent meeting minutes. He requested that it should be stated in all meeting minutes.

Town Manager Ochoa introduced Richard Turner of Wildan who would be doing some generic planning and zoning training and the processes that are necessary. Mr. Turner clarified that he was not the planner working with the three applications, but the general information and oversight engineer.

#### **Annexation Processes and Parameters**

The Ten X Ranch application for annexation is a private property and currently is mostly under the National Forest Department. A successful annexation would bring it under the Town's authority.

The question has been raised as to why the Town needs so much National Forest. It has to do with the State Annexation Law requirements. Historically, many communities would strip annex along a highway for many miles. State Law mandates that the annexation must be 300 feet from town, be no less than 200 feet at any one point and must meet a ratio.

Part of the National Forest will be in Town and it will be under Federal jurisdiction as it is owned by a higher level of Government. Their building codes will be stiffer than the Towns and any permits request will be subject to theirs.

#### Process

Map of area to be annexed

Plan for services infrastructure in ten years.

Get information on ownership and assessed value of property to be annexed from County Assessor and AZ Department of Revenue.

Town files blank annexation petition with City Recorder. It will have map and description, but no signatures. Copies sent to County Board & Supervisors and Assessor – begins the 30 day waiting period.

Town advertises the proposed annexation in local newspaper and posts notice of public hearing. Notices will be sent to Chairman of B&Sup and owners of real and personal property within the property to be annexed.

Town holds public hearing on annexation.

Signatures are obtained from real and personal property owners – representing more the half the number of owners and assessed value.

Petition to be filed with County Recorder.

Town posts notice of Town Council meeting for reading of annexation ordinance and

Town Council adopts the ordinance.

Protest period ends thirty days after annexation ordinance was adopted and annexation is final.

Sixty day later, a copy of the annexation ordinance is filed with the County Clerk.

For a brief period, the annexed property will have a municipal zoning equivalent to the zoning the County had put it in. The Town has adopted the Counting Zoning Ordinances and the advantage is that the rules are the same for the property owners. In the long term, the County Zoning Ordinances could become cumbersome and so Richard is currently working on a straight conversion process from County Ordinances to Town Ordinances

State law requires a Town to adopt a general plan. Tusayan has adopted a Tusayan Area Plan. A general plan will be similar to a TAP but will have more definition on what is needed and wanted. Zoning is a way for the community to implement its plans. It divides a town into districts and within each district there will be similar uses, development standards, i.e. maximum building heights, minimum distances from property lines to building, minimum distances between buildings, lighting, off street parking, landscaping and non-conforming uses.

Many of the zoning districts have uses that are “by right” as well as only allowed with the approval of a CUP (Conditional Use Permit). CUPs require the a Planning and Zoning hearing, plans, the same Citizen participation process required for zoning changes and it allows the P&Z Commission to grant waivers from certain zoning ordinance requirements. In approving a CUP, the P&Z Commission must agree with four statements that are in the zoning ordinance that relate to how the use meets the objectives and purposes of the ordinance, that it would not harm its neighbors and it would comply with zoning ordinance requirements and the

General Plan or Specific Plan.

### **Zoning Changes, Processes, and Parameters**

Much of what is in the zoning ordinance is prescribed by State Law as it sets the requirements for notice of hearings, parameters for protest, notification of adjacent owners to inform them of the substance of the application and the surrounding owners given an opportunity to express concerns before public hearing.

#### Zoning Change Process in Tusayan

Consult with Staff

Neighborhood meeting, as called for in Citizen Participation Plan

Application filed – basic information on property owners, agent, location of property, authorization to file, and list of property owners within 300 feet.

Citizen Participation Plan – to be implemented prior to public hearing – requires involving and notifying “residents, property owners, interested parties and public and private agencies”. Neighborhood Community meetings prior to filing application.

Citizen Participation Report – Prior to the public hearing notice – Information about meetings held, efforts made to notify, location of those who were notified and the level of participation, any issues raised and how the applicant has or has not addressed those issues.

Notice of the Public Hearing – Newspapers and posting need to be done 15 days in advance of hearing and notices mailed to owner within 300 feet.

Staff Report needs to state if it meets requirements and conditions.

Planning and Zoning must find, in order to approve, that the application is consistent with Planning and Ordinances, it is in the interest of “health, safety, comfort, convenience and welfare of the community and it will not adversely affect the neighborhood or adjacent properties.

The Town Council hearing has the same notices as the P&Z hearing. If the Council agrees with the P&Z findings, then an ordinance making the change is approved. They can also change the zoning requirements. The Council can approve of a zoning change conditioned on a schedule for the development of the proposed uses and if the developer does not comply, the Council may revert the zoning with the action taken at a public hearing.

A change to the zoning regulations is subject to the same notices and public hearing requirements, but no Citizen Participation Plan or Report is required. This can be initiated by the P&Z Commission or the Town Council.

### **Planning and Zoning Concepts**

Overlay Zones are provided in the Statutes. The Town Ordinance has two zones - Flood Plains and Design Review. The County has adopted the TAP along with the Tusayan Design Review Overlay Zone. Section 13 of the Zoning Ordinance states that when a Design Review Overlay Zone is applied to an area, design guidelines shall be established and they have been approved.

The Town is subject to the Site Plan Review. Applications are made by the P&Z Committee and they do not go to the Town Council. There is no Public Participation Process and no public hearings.

Because the Town is covered by the Design Review Overlay and most uses are subject to site plan review before approval, there should be a reduction of the number of uses needed for a CUP.

The Planned Community Zoning is not an overlay zone. Its provisions are not to be combined with any other underlying zone. It is a primary zone. Section 13.3 of the Zoning Ordinance state that it is designed for the development of “coordinated, comprehensive projects”, a diversification of land uses and they are subject to a set of development standards. There are no rules regarding its permitted uses. It is whatever the applicant proposes and the Town approves. It will be shown on a development plan for the entire property.

There is currently an application for a zoning ordinance change to reduce the 25 acre requirement. One option is to require a CUP for any proposed use.

Development standards for the property can be established by:  
Application with approval of the Town Council  
CUP approved by the P&Z Committee  
Reference to any Zoning Districts in the Zoning Ordinance  
Approval of the Platt Plot

There are certain requirements for information to be provided:  
Type and design of buildings or structures and number of units, gross acreage for each residential area.  
Standards of population density for residential land uses  
Location of public use site – i.e. schools, parks and are of each  
Location of major, primary, secondary and local collection streets  
Land Use Map of acreages  
Text of Land Use regulations  
Topography Map and concept of grading plan  
Preliminary report and plan for infrastructure  
Standards for allocation of land to all proposed Land Uses

The process is like any other zoning change. All future development that is considered multi-family, commercial, industrial, public or semi-public and all signing for such uses would be subject to site plan review.

Applications for variances come before the Board of Adjustments or a hearing officer. Variances cannot be because of lack of finances, but because the land is incapable of allowing the specific zoning to happen.

A waiver goes through the same process as a CUP and it is appealed to the Planning Committee or the Town Council.

A non-conforming zoning use can be changed to another non-conforming zone use as long as it is not worse. Owners can continue with a non-conforming zoning until such a time that a situation arises to allow it comply.

## **8. ITEMS FOR DISCUSSION**

### **Training**

Arizona of City and Leagues has some workshops  
Conferences with the Arizona Chapter of APA

### **Manuals and Materials**

There is an older handbook on file but it is still valid.  
APA Technical Brief – “Zoning, Processes and Variances”  
“How to Become an Effective Planning and Zoning Commissioner”

**Educational and Civic Strategies**

Chairman Bryan suggested that some training sessions be held in town so that town folks could participate and eventually take over the P&Z committee positions. It was suggested by Town Manager Ochoa to have some youth involvement, those who were interested in becoming architects or engineers.

**9. TOWN MANAGER'S AND STAFF REPORTS**

No Reports were given.

**10. SET AGENDA AND ACTION ITEMS FOR NEXT MEETING**

Various Items were suggested for the next meeting.  
The next meeting is scheduled for October 13, 2011 at 6:00pm.

**11. ADJOURNMENT OF PLANNING AND ZONING COMMISSION MEETING**

Commissioner Montoya moved to adjourn the meeting.  
Commissioner Rueter seconded the motion. All were in favor.  
The meeting adjourned at 4:12pm.