

## AGENDA

### TUSAYAN PLANNING AND ZONING COMMISSION

#### REGULAR MEETING 6:00 P.M.

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

Tuesday, January 22, 2013

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona 86023

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Planning and Zoning Commission and to the general public that the Commission will hold a meeting open to the public on Tuesday, January 22, 2013 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Planning and Zoning Commission, an executive session may be held immediately after the vote and will not be open to the public. The Commission may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Commission may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting Town Manager (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

#### PLANNING AND ZONING COMMISSION

#### REGULAR MEETING 6:00 P.M.

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

#### 2. ROLL CALL

CHAIR ROBERT GOSSARD  
VICE CHAIR BETH HEARNE

COMMISSIONER SANDI ANGAT  
COMMISSIONER CLAYANN COOK  
COUNCILMEMBER CRAIG SANDERSON

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

*Members of the public may address the Commission on items not on the printed agenda. The Commission may not discuss, consider or act upon any matter raised during public comment. Comments will be limited to three minutes per person.*

#### 4. CONSENT AGENDA

Approval of the Minutes of the Public Hearing and Regular Meeting held on 8/28/12 and the Regular Meeting held on 10/23/12

**5. ACTION ITEMS**

None

**6. DISCUSSION ITEMS**

**A. Presentation on Impact of Zoning Ordinance Adoption, Nonconforming Uses (Commission Training)**

**B. Update on the General Plan Process**

**7. FUTURE AGENDA ITEMS**

**8. MOTION TO ADJOURN**

**CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this 17th day of January, 2013 at 4:23 p.m. in accordance with the statement filed by the Tusayan Town Council.

DATED this 17th day of January, 2013

Melissa A. Malone

Signature of person posting the agenda

ITEM NO. 4

**TUSAYAN PLANNING AND ZONING COMMISSION**

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03  
Tuesday, August 28, 2012 @ 6:00 P.M.  
TUSAYAN TOWN HALL  
845 Mustang Drive, Tusayan, Arizona

**PLANNING AND ZONING COMMISSION PUBLIC HEARING  
AND REGULAR MEETING SUMMARIZED MINUTES**

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

Chair Gossard called the meeting to order at 6:06 p.m.

**2. ROLL CALL**

On roll call, the following were present:

<b>CHAIR ROBERT GOSSARD</b>	<b>VICE CHAIR BETH HEARNE</b>
<b>COMMISSIONER SANDI ANGAT</b>	<b>COUNCILMEMBER CRAIG SANDERSON</b>
<b>COMMISSIONER CLAYANN COOK</b>	

Also present were:

Tami Ryall, Interim Town Manager  
Richard Turner, Professional Planner  
Laura Matthews, Interim Town Clerk

Councilmember Craig Sanderson made a motion to open the Public Hearing. The motion was seconded by Vice Chair Beth Hearne and it passed on unanimous vote.

**3. PUBLIC HEARING**

- A. Public Hearing on comprehensive revisions to the Town of Tusayan Zoning Ordinance. Case No. ZOA2012-01 (Ordinance No. 2012-04).**
- B. Public Hearing on deleting Design Review Overlay Zoning. Case No. ZOA2012-02 (Ordinance No. 2012-05).**

Richard Turner, led the discussion using his staff report dated 8/28/12. He stated that he used the Coconino County Code as a template and changed all language referring to County Manager, County Attorney, etc. throughout the document to their Town of Tusayan counterparts.

Carolyn Oberholtzer with Rose Law Group, representing Red Feather Properties Limited Partnership, discussed a letter she sent to the Commission on August 23, 2012 outlining their concerns regarding a new zoning code. See attached letter.

The Commission discussed minor corrections and changes to the draft code. They will be incorporated into the next version.

Chair Gossard asked for the commission to consider Carolyn Oberholtzer's letter. Interim Town Manager Ryall and Planner Richard Turner will review all suggestions in her letter and give the commission recommendations.

**4. MOTION TO CONTINUE THE PUBLIC HEARING AND MOVE TO EXECUTIVE SESSION**

At 7:58pm Commissioner Clayann Cook moved to continue the public hearing to September 25, 2012 and move the Commission to Executive Session to consult with legal counsel regarding the Public Hearing. The motion was seconded by Commissioner Beth Hearne and it passed unanimously.

The Commission, Richard Turner, Manager Tami Ryall, Clerk Laura Matthews, and Attorney Bill Sims (via phone) entered Executive Session.

Commissioner Beth Hearne made a motion to adjourn the Executive Session at 8:43pm. The motion was seconded by Commissioner Sandi Angat and passed on unanimous vote.

**PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**

**1. THE COMMISSION RECONVENED IN A REGULAR MEETING AT 8:48PM**

**2. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

None

**3. CONSENT AGENDA**

**A. Consideration and possible approval of minutes of June 26, 2012**

Commissioner Angat made a motion to approve the Consent Agenda. Commissioner Hearne seconded the motion and it passed on unanimous vote.

**4. ACTION ITEMS**

**A. Consideration and possible action on comprehensive revisions to the Town of Tusayan Zoning Ordinance. Case No. ZOA2012-01 (Ordinance No. 2012-04)**

Commissioner Hearne made a motion to continue Action Item 5.A. to the meeting scheduled on September 25, 2012. Commissioner Angat seconded the motion and it passed on unanimous vote.

**B. Consideration and possible action on deleting Design Review Overlay Zoning. Case No. ZOA2012-02 (Ordinance No. 2012-05)**

Commissioner Hearne made a motion to continue Action Item 5.B. to the meeting scheduled on September 25, 2012. Councilmember Sanderson seconded the motion and it passed on unanimous vote.

**5. PLANNING AND ZONING OVERVIEW PRESENTATION**

Item 6 will be moved to the meeting scheduled on September 25, 2012.

**6. FUTURE AGENDA ITEMS**

Item 7 will be moved to the meeting scheduled on September 25, 2012.

**7. MOTION TO ADJOURN**

Commissioner Hearne made a motion to adjourn the meeting. Commissioner Angat seconded the motion and it passed on unanimous vote.

\_\_\_\_\_  
CHAIR ROBERT GOSSARD                      Date

ATTEST:

\_\_\_\_\_  
TOWN CLERK

**CERTIFICATION**

State of Arizona            )  
  ) ss.  
Coconino County            )

I, Melissa Malone, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Planning and Zoning Commission of the Town of Tusayan held on August 28, 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 16<sup>th</sup> day of January, 2012.

\_\_\_\_\_  
TOWN CLERK

**TUSAYAN PLANNING AND ZONING COMMISSION**

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03  
Tuesday, October 23, 2012 @ 6:00 P.M.  
TUSAYAN TOWN HALL  
845 Mustang Drive, Tusayan, Arizona

**PLANNING AND ZONING COMMISSION PUBLIC HEARING  
AND REGULAR MEETING SUMMARIZED MINUTES**

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

Chair Gossard called the meeting to order at 6:05 p.m.

**2. ROLL CALL**

On roll call, the following were present:

**CHAIR ROBERT GOSSARD  
VICE CHAIR BETH HEARNE  
COMMISSIONER SANDI ANGAT - excused  
COMMISSIONER CLAYANN COOK  
COUNCILMEMBER CRAIG SANDERSON**

Also present were:

Tami Ryall, Interim Town Manager  
Melissa Malone, Town Clerk

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

None

**4. CONSENT AGENDA**

**A. Consideration and possible approval of minutes of June 26, 2012**

Commissioner Hearne made a motion to approve the Consent Agenda. Commissioner Cook seconded the motion and it passed on unanimous vote.

**5. ACTION ITEMS**

None

**6. DISCUSSION ITEMS**

**Process for the upcoming General Plan**

Interim Town Manager Ryall gave an overview of the General Plan development process:

- Public Participation Plan
  - Arizona Revised Statutes require the adoption of a Public Participation Plan (PPP) as an initial step in the General Plan process
  - The proposed PPP encompasses all of the key features required by state law
  - One key aspect of the PPP is the creation of a web page for the General Plan. The web page will allow residents to view the schedule for upcoming plan meetings, see plan drafts, and provide comment.
- General Plan Review Committee
  - The General Plan Review Committee (GPRC) would consist of residents appointed by the Town Council to assist in the review of the draft components of the plan
  - A GPRC helps to ensure that a broad perspective on issues is included in the process.
  - One member of the Planning and Zoning Commission may serve on this committee.
  - All meetings of the committee would be subject to the requirements of the open meeting law
- Research
  - Review of various approved planning documents and a literature survey of all adjacent/overlapping governmental agencies & available GIS information
- Initial Issue Identification
  - Collect existing information, conduct stakeholder interviews, hold a public open house, etc.
- Plan Elements
  - Land Use Element (mandated)
  - (Transportation and Circulation Element (mandated)
  - Open Space and Recreation Element
  - Growth Areas Element
  - Public Services and Facilities Element
  - Housing Element
  - History
  - Plan Implementation and Amendment
  - Base Mapping
- Timeline
  - Month One
    - Discuss/approve Public Participation Plan
    - Appoint General Plan Review Committee
    - Research planning documents, site visits
    - Develop/refine Stakeholder interview questions
    - Design and post web page
    - Meet with GPRC
    - Begin stakeholder interviews
  - Month Two
    - Finish stakeholder interviews
    - Host an open house meeting
    - Meet with GPRC
    - Begin drafting Plan, including trail concepts
    - Begin drafting goals, objectives and policies
  - Month Three
    - Finish Plan draft



- Meet with GPRC
- Month Four
  - Host second open housing meeting
  - Circulate draft Plan for required review
  - Schedule a Planning & Zoning Commission workshop
  - Revise draft Plan based on feedback/input
  - Schedule a Town Council workshop
  - Revise draft Plan based on feedback/input
- Month Five
  - Notice for Planning & Zoning Commission Public Hearing
  - Conduct Planning & Zoning Commission Public Hearing
- Month Six
  - Notice for Town Council Public Hearing
  - Conduct Town Council Public Hearing
  - Final format and review of the General Plan

**7. FUTURE AGENDA ITEMS**

None

**8. MOTION TO ADJOURN**

Commissioner Cook made a motion to adjourn the meeting. Commissioner Hearne seconded the motion and it passed on unanimous vote.

\_\_\_\_\_  
**CHAIR ROBERT GOSSARD**                      **Date**

**ATTEST:**

\_\_\_\_\_  
**TOWN CLERK**

CERTIFICATION

State of Arizona        )  
                                  ) ss.  
Coconino County        )

I, Melissa Malone, do hereby certify that I am the Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Planning and Zoning Commission of the Town of Tusayan held on October 23, 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 16<sup>th</sup> day of January, 2013.

\_\_\_\_\_  
TOWN CLERK

ITEM NO. 6A

# TOWN OF TUSAYAN MEMORANDUM

**Date:** January 14, 2013  
**To:** Chairman and Members of the Planning and Zoning Commission  
**From:** Richard Turner, AICP, Town Planner  
**Subject:** Impact of Zoning Ordinance Adoption, Nonconforming Uses

The newly adopted Zoning Ordinance is now effective. It became effective on January 5<sup>th</sup>, 2013, 30 days from the date it was approved. A question has come up regarding the status of existing development under the new zoning regulations.

The question about how existing development is impacted by the new zoning ordinance is really a question about nonconforming uses. I believe that the vast majority of uses that exist in the town today will comply with the new zoning ordinance and as such, will be conforming uses. However, there may be some land uses that in one way or another will not comply with the newly adopted regulations. Those uses would be considered nonconforming uses.

A nonconforming use is one that does not comply with the zoning ordinance. The class of uses that is considered "nonconforming" uses can be further broken down into two categories; legal nonconforming uses and illegal nonconforming uses. A legal nonconforming use is one that is legally established prior to the date the new regulations go into effect. An illegal non conforming use was never a legal use insofar as the previous zoning regulations or the new zoning regulations are concerned.

Examples of changes in the new regulations that would create a nonconforming situation would be things like the elimination of a use from a zoning district, an increase in building setbacks, a reduction in building height or lot coverage, an increase in minimum lot area, a decrease in minimum lot width, an increase in landscape standards and more restrictive sign regulations. For the most part, I believe there will be very few nonconforming situations that will be the result of the changes the Town has made to the Zoning Ordinance.

## Continuation/Expansion/Renovation of Legal Nonconforming Uses

Legal nonconforming uses are allowed to continue into the future as they currently exist. While the Ordinance does not permit the expansion of a nonconforming use, it allows and encourages minor repairs and maintenance. In the event that a nonconforming use is damaged, the Ordinance permits repair up to 50 percent of its value. In the event that the damage exceeds 50 percent of value, the new use and structure must comply with the new zoning regulations.

Major renovation of a legal nonconforming use that exceeds 25 percent of its value may be undertaken with the approval of a conditional use permit issued by the Planning and Zoning Commission.

### Nonconforming Signs

With regard to nonconforming signs, the message component of a nonconforming sign may be changed. Any relocation or change in the size or height of a nonconforming sign must be in conformance with the new regulations.

### Nonconforming CUPs

The new ordinance addresses nonconforming uses that have conditional use permits (CUP). A nonconforming CUP may continue until it expires. It may even be renewed by the Planning and Zoning Commission if all of the original conditions of approval have been met.

Finally, it is conceivable that there may be a use whose legal status may benefit from the adoption of the new zoning regulations. This would be true for a use previously considered an illegal nonconforming use. This would be a use that prior to the adoption of the new code, did not conform to the zoning regulations, but due to a favorable change in the new code, is now in compliance.

Please let me know if there are other aspects of this topic that I need to address or if you have any questions about the contents of this memorandum.