

TUSAYAN PLANNING AND ZONING COMMISSION

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

Tuesday, September 25, 2012 @ 5:00 P.M.

TUSAYAN TOWN HALL

845 Mustang Drive, Tusayan, Arizona

**PLANNING AND ZONING COMMISSION WORKSHOP (5:00PM) AND
PUBLIC HEARING & REGULAR MEETING (6:00PM) SUMMARIZED MINUTES**

WORKSHOP 5:00PM

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Gossard called the meeting to order at 5:00 pm.

2. ROLL CALL

Upon roll call, the following were present:

**CHAIR ROBERT GOSSARD
COMMISSIONER SANDI ANGAT
COMMISSIONER CLAYANN COOK**

**VICE CHAIR BETH HEARNE - excused
COUNCILMEMBER CRAIG SANDERSON**

Also present were:

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

3. PRESENTATION ON PLANNING BASICS

Richard Turner, Tusayan Town Planner, gave a presentation on Planning Basics covering:

- History
- Benefits
 - o For homeowners
 - o Developers
 - o Utility and Service providers
 - o Businesses
- General Plan
- Zoning
- Zoning (Code Enforcement)
- Planning & Zoning Commission
- Board of Adjustment and Hearing Officer
- Subdivision Regulations
- Job of Planning & Zoning Commissioner

The Workshop adjourned at 5:30pm.

PUBLIC HEARING & REGULAR MEETING 6:00PM

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Gossard called the meeting to order at 6:00pm.

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

Upon roll call, the following were present:

**CHAIR ROBERT GOSSARD
COMMISSIONER SANDI ANGAT
COMMISSIONER CLAYANN COOK**

**VICE CHAIR BETH HEARNE
COUNCILMEMBER CRAIG SANDERSON**

Also present were:

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

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

None

4. CONSENT AGENDA

None

5. OPEN THE PUBLIC HEARING

Vice Chair Hearne made a motion to open the Public Hearing on Items A and B listed below. Commissioner Angat seconded the motion and it passed unanimously.

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

Richard Turner, Tusayan Town Planner, reviewed his Staff Report in which he recommends that the proposed update of the Tusayan Zoning Ordinance, including the most recent changes, be approved by the Commission. He also recommends that the deletion of the Design Review Overlay Zoning be approved.

Carolyn Olberholster of the Rose Law Group, on behalf of Red Feather Properties spoke in favor of Alternate Chapter 11. She requested modification to language to allow up to 3 dwelling units per lot. Mr. Turner stated that he could make modifications to the language.

The Commission discussed:

- Conditional Use Permits for bars
- Convenience Markets (with and without gas pumps)
- Theaters (traffic and noise)

- Duplexes/Triplexes
- Tour Operators
 - John Tatham - owner of a tour company operating in Tusayan for the last 19 years, expressed his concern about the possibility of the streets being lined with advertising by way of tour vehicles. He requested that the Commission not allow display vehicles on streets.
 - Robb Baldosky - owner of RobbCo operating in Tusayan expressed his support of Pink Jeep Tours working in Tusayan. He stated that they have created jobs and pay taxes in Tusayan.

Since there was no additional public comment, Commissioner Hearne made a motion to close the Public Hearing on Items 4A and 4B. Councilmember Sanderson seconded the motion and it passed unanimously.

Councilmember Sanderson made a motion to open the Public Hearing on Items 4C. Commissioner Hearne seconded the motion and it passed unanimously. Commission Chair Gossard and Commissioner Cook recused themselves from this discussion since they are both employed at the property in question.

C. Public Hearing and Consideration of Case No. CUP 2012-01, a request for a Conditional Use Permit for an outdoor dining area, four on-site employee housing units, and approval of a parking waiver (a reduction in the number of parking spaces) in conjunction with an existing restaurant in the CG-10,000 (Commercial General) Zone

Richard Turner, Tusayan Town Planner, reviewed his Staff Report in which he recommends that the Conditional Use Permit, CUP 2012-01 be approved by the Commission with certain requirements and conditions.

Carolyn Oberholtzer of the Rose Law Group, on behalf of Red Feather Properties, spoke of concerns of:

- Noise from the patio (She requested the patio be closed and music stopped at 10pm and that the number of people on the patio be restricted.)
- Parking (She stated that there may not be enough parking. If a parking waiver is granted, she requested that it only be granted for one year and that it be re-evaluated before it could be renewed.)

Clayann Cook, speaking as the applicant, not as a Commissioner, stated that there are 179 seats in dining rooms and theater/steakhouse. She stated that the patio would strictly be for dining with no loud music or bar. It would mainly be for overflow customers. The kitchen closes at 10pm and would not take dinner orders after that time.

Ms. Oberholtzer stated that if the patio is just for dining, they do not oppose the request, as long as it closes at 10pm and the parking waiver requires an automatic review after one year.

5. CLOSE THE PUBLIC HEARING

There being no additional public comment, Commissioner Angat made a motion to close the Public Hearing on Item 4C. Councilmember Sanderson seconded the motion and it passed on unanimous vote.

The Commission took a five-minute break then reconvened and was rejoined by Chair Gossard and Commissioner Cook.

6. ACTION ITEMS

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

Commissioner Hearne made a motion to approve the comprehensive revisions to the Tusayan Zoning Ordinance. Commissioner Angat seconded the motion and it passed on unanimous vote.

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

Councilmember Sanderson made a motion to approve the deletion of the Design Review Overlay Zoning. Commissioner Cook seconded the motion and it passed on unanimous vote.

The Commission moved to Item E:

E. Consideration and possible action on a request by the National Geographic Visitor's Center for a similar use determination for, a) a tour business with outdoor tour vehicle parking in the CG-10,000 Zoning District (permitted or conditional use), and b) a tour business with outdoor tour vehicle parking as a temporary use in the CG-10,000 Zoning District

Richard Turner, Tusayan Town Planner, reviewed his Staff Report and outlined his recommendations that the outdoor parking of tour vehicles not be allowed as permitted or conditional use since the request is not allowed by the Zoning Ordinance.

John Tatham spoke in favor of following staff recommendations.

Robb Baldosky spoke on behalf of Pink Jeeps and the National Geographic Visitors Center. He stated that the Pink Jeeps are parked in legal parking spaces and are licensed by the State of Arizona.

There was discussion of whether the issue may be covered under the Sign Ordinance which would allow the Jeeps (as signs) to be parked as long as they are not in the same place for 24 hours or more.

Robb Baldosky and Janet Rosener from the National Geographic Visitors Center stated that the Jeeps are moved during tours and are not in the same spot for 24 hours. They believe they are not currently in violation of the Ordinance.

Councilmember Sanderson voiced concern about 7 parking spaces being designated for Pink Jeep Tours.

Commissioner Hearne made a motion to follow the Staff recommendation on Item 6E. Commissioner Cook seconded the motion and it passed on unanimous vote.

F. Consideration and possible action on a request by the National Geographic Visitor's Center for a temporary use permit for a tour business with outdoor tour vehicle parking in the CG-10,000 Zoning District, TUP2012-04, Assessor's Parcel No. 502-17-012-E

Commissioner Hearne made a motion to remove Item 6F from the Agenda. Councilmember Sanderson seconded the motion and it passed on unanimous vote.

Commission Chair Gossard and Commissioner Cook recused themselves from the discussion and vote on Items 6C and 6D since they are both employed at the property in question.

C. Consideration and possible approval of Case No. CUP 2012-01, a request for a Conditional Use Permit for an outdoor dining area, four on-site employee housing units, and approval of a parking waiver (a reduction in the number of parking spaces) in conjunction with an existing restaurant in the CG-10,000 (Commercial General) Zone

Councilmember Sanderson made a motion to approve Item 6C providing seating of guests stops at 10pm and that the parking waiver will be reviewed after one year at which time the waiver could be revoked. Commissioner Angat seconded the motion and it passed on unanimous vote.

D. Consideration and possible action on Case No. DRO 2012-04, a request for approval of a site plan for a patio adjoining an existing restaurant in the CG-10,000 (Commercial General) Zone pursuant to the Design Review Overlay Zoning regulations

Richard Turner, Tusayan Town Planner, reviewed his Staff Report and his recommendation that the patio be approved with the stipulation that the color of the patio match or be compatible with the current color of the building and the Design Review Overlay guidelines and approved by the Town prior to installation.

Councilmember Sanderson made a motion to approve Item 6D as per the Staff recommendation. Commissioner Angat seconded the motion and it passed on unanimous vote.

7. FUTURE AGENDA ITEMS

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

8. MOTION TO ADJOURN

At 9:28pm Councilmember Sanderson made a motion to adjourn the meeting. Commissioner Angat seconded the motion and it passed on unanimous vote.

