

**ORDINANCE NO. 2011-11-02-04**

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWN OF TUSAYAN, BY AMENDING SECTION 4.B, THE ZONING MAP OF THE TOWN OF TUSAYAN, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (ZONE CHANGE CASE NO. Z2011-08-05-001) FROM RM/10A (RESIDENTIAL MULTIPLE FAMILY ZONE) AND CG-10000 (COMMERCIAL GENERAL ZONE) TO PC (PLANNED COMMUNITY ZONE).

**WHEREAS**, on August 4, 2011, the Town of Tusayan received, in compliance with the requirements of Section 20.4 of the Town of Tusayan Zoning Ordinance, a written request for a zone change from Stilo Development Group USA LP, having authorization to represent the respective owners, Logan-Luca LLC and Tusayan Ventures LLC, of an approximate 17.5 acre property and an approximate 1.8 acre property located in a portion of Section 24, Township 30 North, Range 2 East, Gila and Salt River Meridian, Coconino County, Arizona, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

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ZS 11-2-11

**WHEREAS**, pursuant to A.R.S. § 9-462.04, the Planning Commission, held public hearings on October 13 and 17, 2011, and at the October 24, 2011 meeting recommended the Town Council approve this zone change request with recommended staff stipulations, as modified; and,

**WHEREAS**, the Town Council held a public hearing to review and consider the recommendations of the Planning Commission, and the Town Council at its scheduled meeting held on November 2, 2011, has determined that, in accordance with A.R.S. § 9-462.01.F, this zone change request, with the appropriate site specific requirements provided in Section 2, and in accordance with the Pre-Annexation and Development Agreement by and between the Town of Tusayan and Stilo Development Group USA, LP dated as of July 1, 2011, is consistent with and conforms to the Tusayan Area Plan, which acts as the General Plan for the Town of Tusayan, and will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN**, as follows:

SECTION 1: The zoning of an approximate 19.3 acre property located in a portion of Section 24, Township 30 North, Range 2 East, as described more specifically in Attachment "A", is hereby changed from 17.5 acres of RM/10A (Residential Multiple Family Zone) and 1.8 acres of CG-10000 (Commercial General Zone) to 19.3 acres of PC (Planned Community Zone) and that the Town Manager is instructed to modify The Zoning Map of the Town of Tusayan to reflect this zone classification as shown in Attachment "B".

SECTION 2: The specific nature of the subject property and of the zone change request is more particularly described in case file Z2011-08-05-001, on file with the Town of Tusayan. Due

to the site's physical conditions and the use district applied for by Stilo Development Group USA LP, this zone change request is subject to the following stipulations, violation of which shall be treated in the same as a violation of the Town of Tusayan Zoning Ordinance:

1. If the current water service provider (Tusayan Water Development Association) is unable to adequately serve the development for any reason, prior to the first phase of development, the Applicant must provide assurance of an adequate water supply to serve the entire property. Required water infrastructure to serve the property shall be provided on a phased basis as development occurs. All required engineering reports and improvement plans shall be reviewed and approved by the Town Engineer and applicable regulatory agencies.
2. If the current wastewater service provider (South Grand Canyon Sanitary District) is unable or unwilling to serve the entire development with sewer service and/or reclaimed water service, prior to the first phase of permanent development, the Applicant must provide an alternate means of providing permanent sewer and reclaimed water service to the property. All required engineering reports and improvement plans shall be reviewed and approved by the Town Engineer and applicable regulatory agencies.
3. Prior to or concurrent with the first phase of permanent development, the Applicant must submit a Drainage Master Plan for the entire property to address on-site and off-site drainage for the property, including impacts to the existing mapped floodplains on the property. The Drainage Master Plan shall be reviewed and approved by the Town Engineer and applicable regulatory agencies.
4. Prior to or concurrent with the first phase of permanent development, the Applicant must submit a Traffic Impact Analysis to determine the on-site and off-site roadway improvements required to serve the development. All required rights-of-way and/or access easements must be dedicated at the time of development. The TIA must be prepared by a registered traffic engineer and approved by the Town Engineer.
5. The Applicant shall remove the proposed modified definition for Building Height within Part Two, Section B.1 of the application narrative and utilize the Town's definition as defined within Section 8 of the Tusayan Zoning Ordinance.
6. The Applicant shall remove the proposed Amendments procedures within Part Two, Section B.3 of the application narrative and utilize the Town's Amendment Procedures as defined within Section 13.3-7 Amendments to the Development Plan-PC Zone of the Tusayan Zoning Ordinance.
7. In order to ensure a mix of uses on the ground floor, a maximum of 30% of the total ground floor area can be used for hotel and conference uses.
8. The Applicant shall remove the provision that permits detached accessory structures within 3 feet of the north, south, east and west property lines, and shall comply with the perimeter building setback and landscape standards for all detached accessory structures.

9. The Applicant will modify the Exhibit 6 to clearly show a second point of legal access to the property from publicly dedicated right-of-way, such as Highway 64.
10. The Applicant will modify Exhibit 6 to remove the note that indicates "Additional Seasonal Parking" within the Coconino Wash.
11. Any land donated to the Town shall not be located in the floodplain or floodway.
12. All uses shall utilize reclaimed water for non-potable uses, such as toilet flushing, landscape irrigation, and fire protection. Appropriate storage facilities must be provided to accommodate the reclaimed water requirements.
13. The temporary housing provisions shall include, at a minimum, the standards set forth in the application narrative, plus gravel roads, minimal landscaping, and compliance with all the regulatory agencies including Arizona Department of Environmental Quality, Northern Arizona Council of Governments, Coconino County Flood Control District, and any other applicable regulatory agencies as required in the development agreement.
14. A comprehensive landscape inventory plan shall be submitted for the entire property prior to the first phase of development. A landscape salvage plan shall be submitted and approved by the Town on a phased basis prior to the development of each applicable phase.
15. Applicant agrees to sign and record a Proposition 207 Waiver within 45 days of Town Council approval of the zoning.
16. A revised application narrative and exhibits must be submitted to the Town within 45 days of Town Council approval of the zoning to reflect all required revisions per the stipulations of approval, and all minor errors and corrections throughout the document. The application shall also provide the list of approved stipulation within the final document.
17. Remove the Floodplain and Floodway definitions from Part 2, Section B.1 of the zoning narrative and utilize the definitions as listed within Section 13.6 of the Tusayan Zoning Ordinance.
18. Modify the definitions for Hostel, Hotel and Motel to reduce the maximum duration of occupancy from 180 days to a maximum of 30 days.
19. Remove "Entertainment and Leisure Attractions" from the permitted use table to prohibit amusement parks, casinos, convention centers and regional malls.
20. In lieu of school land set aside, that the Council encourage the Applicant to execute a Memorandum of Understanding with the Grand Canyon School District for a donation to the District from the Applicant.

21. Concurrent with the first proposed site plan for permanent development on the property, a conceptual master site plan for the entire property shall be submitted if the initial site plan does not include the entire property and/or the plan is not in substantial conformance with Exhibit 6. The conceptual master site plan shall show, at a minimum, general internal circulation routes, general parking locations, conceptual building footprints and open space location in accordance with the approved plan.
22. The existing RV Park use on the property shall be terminated at the time development plans are approved and construction commences for the first phase of permanent development.
23. The zoning of Camper Village is effective pursuant to the development schedule set forth in the Pre-Annexation and Development Agreement between the Town of Tusayan and Stilo Development Group USA, LP dated as of July 1, 2011.

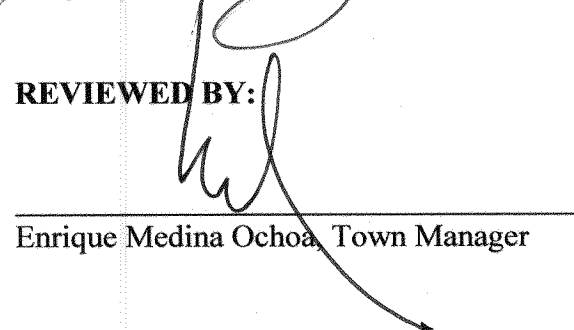
SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Tusayan, November 2, 2011.

**FOR THE TOWN OF TUSAYAN:**

  
\_\_\_\_\_  
Greg Bryan, Mayor

**REVIEWED BY:**

  
\_\_\_\_\_  
Enrique Medina Ochoa, Town Manager

**ATTESTED TO:**

  
\_\_\_\_\_  
Bill Sutton, Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
William J. Sims, Town Attorney

Attachments:

A – Legal Description

B – Ordinance Location Map

ATTACHMENT A

LEGAL DESCRIPTION FOR ZONE CHANGE CASE NO. Z2011-08-05-001

PC ZONING AREA

A parcel of land situated in Homestead Entry Survey 401, Section 24, Township 30 North, Range 2 East, Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

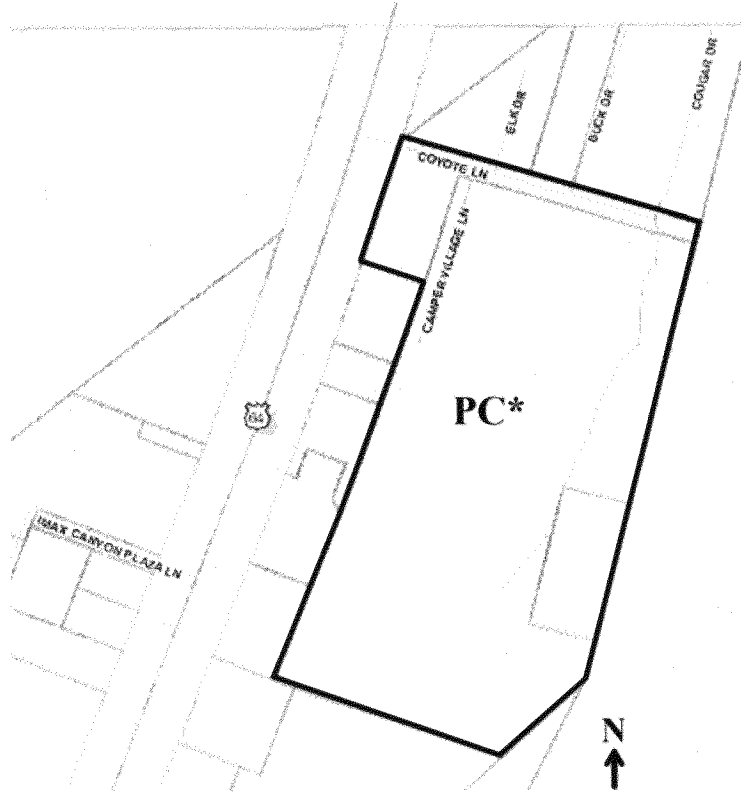
Those parcels of land described as Parcel 1, Parcel 2 and Parcel 3 in Instrument No. 3194896, Records of Coconino County, Arizona (RCC);


AND that parcel of land described as Parcel 5 in Instrument No. 3194906, RCC.

ATTACHMENT B

ORDINANCE LOCATION MAP

ZONE CHANGE CASE NO. Z2011-08-05-001



-  SUBJECT AREA
- PC** PLANNED COMMUNITY ZONE
- \*** ZONING SUBJECT TO STIPULATIONS