

MINUTES

TUSAYAN PLANNING AND ZONING COMMISSION REGULAR MEETING

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03
Tuesday, October 17, 2017 at 6:00 pm
TUSAYAN TOWN HALL BUILDING
845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Planning and Zoning Commission, the Tusayan Town Council, and to the general public that the commission will hold a meeting open to the public on Tuesday, June 27, 2017 at the Tusayan Town Hall Building. 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 the 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 SUMMARIZED MINUTES

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

CHAIR ROBERT GOSSARD

COMMISSIONER CLAYANN COOK

VICE CHAIR JANET ROSENER

COMMISSIONER ANAVON HARRIS

Present were Robert Gossard, Janet Rosener, and Anavon Harris. Absent was Clay Ann Cook. Present from City Staff were Town Manager Eric Duthie and Interim Town Clerk Susan Kerley. Lawrence Tomasello, contracted Town Planner from Willdan Engineering, was also present.

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.

Bob Petzoldt, Superintendent of the Tusayan Sanitary District, reviewed a letter he sent to the Town on behalf of the Sanitary District, regarding zoning laws being inapplicable to district utility system improvements. The District's governmental function is to collect, treat, and dispose of wastewater. The District's position is that the Town's zoning laws do not apply to the District's utility system construction or repairs designed to collect, treat, and dispose of wastewater. The letter's specific request is to the P & Z Commissioners to make certain the Town's zoning ordinances are consistent with current law and, as they revise the Code, to strike references that purport to regulate the District's construction, operations, and maintenance of its utility system.

Manager Duthie noted that this matter is in attorneys' hands on both sides right now.

4. CEREMONIAL AND/OR INFORMATIONAL MATTERS - NONE

5. CONSENT AGENDA

Approval of the Minutes of the Meeting held on 4/18/17

Commissioner Rosener made a motion to approve the minutes, and Commissioner Harris seconded the motion. It carried unanimously 3-0.

6. CONVENE TO PUBLIC HEARING

Chairperson Gossard made a motion to convene to public hearing. Commissioner Rosener seconded the motion, and it carried 3-0. The public hearing began at 6:14 p.m.

The Commission will hear public comment concerning revisions to the following:

Sections of the Town's Zoning Ordinance:

Section 1 (Purpose and Scope)

Section 5 (Effects and Zoning)

Section 7 (Enforcement)

Section 20 (Administration)

Section 21 (Tusayan Area Plan)

Town Manager Duthie clarified this meeting's purpose. A request was received several months ago to start the process of reviewing and revising the Code. Lawrence Tomasello has prepared updates to bring the Code into current standards. Rather than trying to complete the whole process in 10 hours, we will take it in little chunks. That will also allow many opportunities for public comments and business comments. There is no intention of going all the way through the Code in less than multiple sittings. There will be a resolution to approve on each section; however, we will not approve by section, but after all of the process is completed, then resolutions will be presented for all of the Code. Ignore the resolutions in the packets for now.

In Section 20 – Administration is about process, how things are handled by the P & Z Commission. We may find things to put into effect immediately, like "Tusayan Area Plan" being replaced by "Tusayan General Plan." If there are issues with the Administration section to address, we will come back at the next meeting and identify areas of administration process and create a resolution just for these areas.

Section 1 (Purpose and Scope)

Lawrence Tomasello noted the only change of "Tusayan Area Plan" to "Tusayan General Plan."

Sections 2-4 - No Changes

Section 5 (Effects and Zoning)

Suggests adding a Section C. Adoption of Zoning Maps. This will make the official zoning map part of the official ordinance.

Section 7 (Enforcement)

7.0 Here several positions are listed to enforce the provisions of the Code. The change is to show only the Town Manager or his/her designee to act as the Zoning Enforcement Officer.

7.1 A person or firm will be appointed as Hearing Officer and be restricted to enforcement only.

Section 21 (Tusayan Area Plan)

Change "Tusayan Area" to "General Plan"

21.2-B.1. c. The Town Manager can call for general plan amendment by taking it to the P & Z Commission.

Chairman Gossard asked Commissioners and the public if there were any questions. The Commissioners were o.k. with the suggested changes in Sections 1, 5, 7, and 21.

Section 20 (Administration)

The crossed-out sections have been replaced. Sometimes, changes are made only to sentence structures to make the statements read better, clearer, or easier.

20.2-2 "Citizen Participation Plan" changed to "Citizen Participation."

20.2-3 Citizen Participation Report deleted.

20.2-2-B Insert B. Zoning, including items 1-4.

20.2-3 Insert new section on Clarification of Ambiguities

Clarinda Vail, 120 Shimmy Lane, referenced a letter of October 17, 2017, from attorney, Carolyn K. Oberholtzer, to the P & Z Commission. Property owners in Tusayan have concerns that the Code may not require enough notice from adjacent property owners when construction or a project is planned. Property owners would also like to know what's happening with things that will affect parking on adjacent property, like CUPs and TUPs.

Lawrence Tomasello explained that, usually, if developers want to come in with a project, they meet with neighbors before going to a public hearing. You want exposure if you have a big development going in next to an existing neighborhood. Maybe there needs to be a separation in the Code for large and small projects.

All locations in Arizona have a specified public hearing process. Because we have no less than 15 days and no more than 30 days to advertise a public hearing, he usually places public notices to appear 21 days before hearings.

20.2-4. D. A Temporary Land Use Permit can be issued initially for up to 12 months, and there can be up to four 12-month extensions, not to exceed five years total. Lawrence will clean this up a bit.

Commissioner Rosener asked about the temporary housing at Camper Village. Manager Duthie responded, saying that there is no final answer on this – it is still a question mark. The Town Attorney is providing direction.

Lawrence Tomasello differentiated between a temporary land use permit, which has a time constraint, and a conditional use permit, which has no time limit and stays with the land. In other words, when the property is sold, it conveys to the purchaser.

20.4-10. The schedule for alternate classification in lieu of proposed classification has been removed. If Commissioners reject a proposed change within one classification, the applicant would apply for an alternate zone as a separate action if they chose.

20-5 A lengthy discussion followed on how much time property owners would like between notification to the public and the first public hearing. Arizona requires at least 15 days and no more than 30 days. Some questions arose: Is there a way we can require an applicant to notify landowners or hold neighborhood meetings? Can we clarify the timetable on the 1st and 2nd public hearings? Can we require neighborhood meetings as a town, or does this responsibility rest with the applicant? Town Planner

Tomasello said he has never seen a town requirement – developers usually seek out adjacent landowners on their own. He thought that maybe a longer notice could be required for major projects, like increased height.

Commissioner Harris asked if a neighborhood meeting and public hearing were the same. The response was "no." Clarinda Vail said that, in the past, neighborhood meetings, even if only five people attended, sometimes served to work out potential issues. Commissioner Harris suggested requiring a 30-day notice for letters or visits to adjacent property owners by an applicant and a 15-day notice for temporary use permits, like a marathon. Lawrence Tomasello pointed out that a marathon is actually a special event and that Conditional Use Permits, Temporary Land Use/Occupancy Permits, and Temporary Use Permits need a clear separation so there's no confusion. Manager Duthie recommended cutting the following permits into separate sections: Temporary Use Permit, Conditional Use Permit, Temporary Land Use Permit, and Special Event Permit. Planner Tomasello added that more towns are allowing Town Managers to approve special event permits for temporary use permits. He needs to look at separating the two.

20-3.9 Variances and appeals need to be reviewed by the Board of Adjustment. In the new section on the Board of Adjustment, 20.6, definitions were moved to another area.

20.6 Usually, in small towns. The Board of Adjustment is made up of the Town Council. Its purpose is to review only variances and appeals. Within a town, this Board is the ultimate authority. If desired, the applicant would then take the matter to court. Conditional Use Permits and Temporary Use Permits go to P & Z for approval. Any decision made by P & Z can be appealed.

20-3.6 In existing Code, it is unclear whether a CUP goes to P & Z or to Council. They are usually approved by P & Z.

20-3.12 Put a star on this section to give it consideration.

20-4.10 Since it serves no purpose, the table showing Alternate Classification in Lieu of Proposed Classification was deleted. This section will be shown as "Reserved." The Commission cannot make zone changes in a meeting without the appropriate notification advertisements indicating which zones. New legal notices must be given in the prescribed time frame before another meeting.

20.7-2 "Maps" was deleted and "Exhibits" inserted.

20.7-4 "Hearing Officer" was deleted and "Board of Adjustment" inserted. Decisions made by P & Z, or Hearing Officer or his/her designee can be appealed.

20.11.B We need to make certain we are clear on items 6 and 7 on the issues and responsibilities. Even though the County has no zoning authority in Town, they do have personnel that could handle issues arising with animals.

RECONVENE TO REGULAR SESSION

A motion to reconvene to regular session was made by Commissioner Harris and seconded by Commissioner Rosener. It carried 3-0.

Manager Duthie suggested that the next meeting be started with talking about Section 20, and reviewing and updating previous sections. There should be no more than one

section with substantive change at any meeting. The next agenda might list six sections, and we might focus only on one. The intent is to go slowly and do one section at a time.

A date specific was set for the next meeting: Tuesday, December 12th at 4:00 p.m.

7. ACTION ITEMS - NONE

8. MOTION TO ADJOURN

Commissioner Rosener made a motion to adjourn that was seconded by Commissioner Harris. The motion carried, 3-0. The meeting ended at 8:41 p.m.

Robert Gossard, Chair

Date

ATTEST:

Susan Kerley, Interim Town Clerk

CERTIFICATION

State of Arizona)
) ss.
Coconino County)

I, Susan Kerley, do hereby certify that I am the Interim 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 17, 2017. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 19th day of October 2017

Susan Kerley, Interim Town Clerk