

MINUTES

TUSAYAN PLANNING AND ZONING COMMISSION REGULAR MEETING

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03
Tuesday, December 12, 2017 at 4:00 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 Robert Gossard called the meeting to order at 4:04 p.m.

2. ROLL CALL

CHAIR ROBERT GOSSARD

VICE CHAIR JANET ROSENER

COMMISSIONER CLAYANN COOK

COMMISSIONER ANAVON HARRIS

Present were Robert Gossard, Janet Rosener, Anavon Harris and, Clay Ann Cook. Present from Staff were Town Manager Eric Duthie, Town Clerk Bruce Northern, and Zijun Liang, Town Assistant. Lawrence Tomasello, contract 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.

None presented.

4. CEREMONIAL AND/OR INFORMATIONAL MATTERS – *Town Manager Eric Duthie introduced new Town Clerk, Bruce K. Northern.*

5. CONSENT AGENDA

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

Commissioner Harris made a motion to approve the minutes, and Commissioner Rosener seconded the motion. It carried unanimously 4-0.

6. DISCUSSION ITEMS –

A. Review and discussion of revisions made during the October 17, 2017 Commission meeting concerning Tusayan Zoning Code sections 1, 5, 7, 20 and 21.

Manager Duthie began by explaining that we were engaging in a process of amending the entire zoning code for the town. The process involves discussion and review of the entire code prior to this Commission taking any action. Entire code will be adopted as a single resolution at the end of the process.

Manager Duthie also noted receipt of a Carolyn Oberholtzer, representing Red Feather providing suggestions and other input into the code sections from the October meeting, which will be addressed by Engineer Tomasello during the meeting. Town Manager then asked if any commissioners had questions, none had questions.

Manager Duthie then turned the floor to Engineer Tomasello for review of last meetings discussed changes to Sections 1,5,7, and 20.

Engineer Tomasello began a review of changes to Sec. 20.2 1 & 2- Citizen Participation, which allows for the submitted zoning changes to be put into a staff report for review prior to presentation at a public hearing.

Then Engineer Tomasello went into the points contained in the Red Feather comment letter. The first point was regarding 20.3-6 stricken verbiage about Conditional Use Permits that should be included in order that decision makers understand their authority under the process. Engineer Tomasello replied that although the authority sections are scattered through the code, it might be a little redundant, but he agreed that it should be included in the final language, in order to make it easier to understand.

Variances- comment was that Sec. 20.7 should specifically refer to ARS Sec 9-462.06 and state that the section is meant to comply with state law. Engineer Tomasello agreed that it should and corrected that section accordingly.

Board of Adjustment- Engineer Tomasello stated that was a mistake. In the staff report, it states merge 20.6 with 20.8, when it should state "merge 20.8 with 20.6". The reason given is that at the last meeting he was having trouble finding it because of the error. States that the language is in there in 20.6 on page 21 of the staff report.

TUP's, Temporary Land Use, and Special Event- Have created a form for a special event permit with all pertinent information needed for Town Manger to process. Before this was listed under Temporary Land Use permit, which requires a public hearing approval, special use can be decided by Manager.

Engineer Tomasello discussed elimination of the reference to a 5-year term. Has been changed to 1-year term. The letter also mentions clarification of term in calendar days, rather than consecutive days. Manager Duthie asked commission if there were any commentary on this change. Commissioner Harris was in favor of retaining consecutive days with a 365-day year in the definition. Manager Duthie asked for a clarification of the issue- Engineer Tomasello, stated that the term would be 365 consecutive days from the issue date, ie; if permit is issued on March 15, then the term would be for 365 consecutive days following March 15. Engineer Tomasello felt this made sense and would be simple to keep track of, and there was agreement from the Commission that this would be the proper method.

Manager Duthie mentioned that the letter addresses provision of 20.2-6(A) allowing only one TUP being allowed on a parcel at a time, and asked whether that issue was

addressed. Engineer Tomasello mentioned that a different section allows a process to extend a TUP. He gave an example where a TUP would be issued for a temporary office on a site, and a change in the site would not allow for an additional TUP issuance. Would like to have direction from the Commission on whether a change would be made to allow more than one TUP.

Clarinda Vail asked to speak on the issue and request was granted by Chair Gossard. Ms. Vail recounted issues in the past where a need would have occurred requiring multiple, lengthy temporary uses on a parcel, citing a Native American Weekend Art fair that was held in the past, in addition to some building projects that would have seen a need for multiple permits. Engineer Tomasello stated that putting in language that would allow PZ to grant additional TUP as they saw fit, in special circumstances.

Chair Gossard asked if Engineer Tomasello had begun work on a "glossary" for the code. Engineer Tomasello replied that he had begun a "glossary", an overall Table of Contents, and a Table of Contents for each code section. Hasn't gotten too far with that as we are making changes as we go and it would be confusing to try to continuously update at this point in the process.

Engineer Tomasello also noted the letter mentioned inconsistency with use of "Temporary Land Use Permit" and "Temporary Use permit", through 20.2-6. He will clarify that portion for consistency.

Commissioner Cook mentioned that the Native Fair brought up by Ms. Vail ran for a few months during the summer, but for less than 30 days total. How does that fit with this new language? Engineer Tomasello replied that that would be covered by the new "Special Event Permit", and would be covered later in the discussion. Engineer Tomasello mentioned that it was confusing the way it was done in the past, and by defining the "Special Event Permit" would lessen the confusion. Commissioner Cook mentioned that the current language in the Temporary Land Use section under (F) gives a not more 30-day per year term for sale of "Rugs, Jewelry, Furs, etc..". Commissioner Cook says this is confusing as to which permit would be required for the Native Fair mentioned. Engineer Tomasello says he can refine that portion. Commissioner Cook said that it is still unclear to her which is required under that section. Engineer Tomasello said none of that language should remain in "H". Commissioner Cook asked if it all could be under "Special Event" for those types of events? Commissioner Cook feels that it should be clear that TUP is for something more substantial than a sale stand, or semi-permanent, something you can touch or feel, for a while, not just a place to grab a hot dog tomorrow. Engineer Tomasello will make those corrections.

Commissioner Cook asked a question regarding "L"- Temporary Banner Signs". It would seem to prohibit these items. Discussion occurred over whether that should refer to the signage section of the code which will be reviewed at the next meeting.

Engineer Tomasello went on to Sec. 20.5- original had a 15-day notification to interested parties, Commission want more lengthy notification requirement of 21 days, so this was the main change in this section. As a matter of practice, he has tried to go with a 21-day window, this is in line with standard practice.

Animal Husbandry, Sec. 20-11- Previous had left most authority to the county, want more control back to the town, so a lot of new language in this section which is now in Sec.14.

Manager Duthie tells Commission that this completes the review of the changes from the last meeting, wants to make sure we are all on the same page at this point, and if there are any questions. Chair indicated that we were ready to move to Item "B".

B. DISCUSSION OF AMENDING TUSAYAN ZONING CODE section 14.

Accessory Structures- Engineer Tomasello explained that verbiage in italics was new language. Engineer Tomasello clarified that the requirement that any permitted activities on the property must conform with principal use of parcel zoning. Other requirements will keep additional structures and equipment installation within side yard or setback areas in conformance with the purposes of those designations. Variations are pretty much the same as previous.

Commission and Engineer Tomasello engaged in brief discussion of requirements for home based businesses to conform with the residential look and character of the area. Commissioner Cook asked about child care in the home as a business. Engineer Tomasello pointed out that there is a section dealing with that in the Code as well as state requirements, but if any businesses are operating outside of town ordinance or have not received a license that would be an illegal use. This section also prevents storage of explosive and flammable materials, and requires adherence to all applicable state and federal laws. The section also limits the number of commercial visits to the property to no more than 5 each day, excepting home based lessons such as piano or art lessons. New section also restricts any activity from the home-based business that detracts from the neighborhood such as storage, odors, dust or other evidence of the business. Commissioner Cook asked about the complications of most town housing being owned by employers. Some discussion occurred about the current definition of family unit, and consensus was reached that it was generally the owner's responsibility to keep activities in conformance with code. Commissioner Cook asked for a definition of "boarder" vs. a business use such as "Air B&B". Also, whether Sec. 14.4 was even needed given most of our housing being owned by employers. Manager Duthie explained that future development or changes may make it more pertinent and that's why it's important to get through the process, as some of these items may be important in the future.

Lengthy discussion occurred about adult oriented businesses, and medical marijuana facilities, and modular or mobile housing issues. Chair directed Engineer Tomasello to bring some language regarding these to next meeting. At this point, Manager Duthie pointed out the time and suggested we move discussion of 14.11 and 14.5 to the next meeting, but would need to post a public hearing since we are discussing possible action on some items on the agenda.

