AGENDA

TUSAYAN PLANNING AND ZONING COMMISSION
WORKSHOP AT 5:00 P.M.
PUBLIC HEARING AND REGULAR MEETING 6:00 P.M.

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

Tuesday, September 25, 2012

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, September 25, 2012 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.

WORKSHOP 5:00 P.M.

1. **ROLL CALL**

CHAIR GOSSARD
VICE CHAIR HEARNE
COMMISSIONER ANGAT
COMMISSIONER COOK
COMMISSIONER SANDERSON

2. **PRESENTATION ON PLANNING BASICS**

Presented by Richard Turner, Town Planner

PLANNING AND ZONING COMMISSION
PUBLIC HEARING AND REGULAR MEETING 6:00 P.M.

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

2. **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.

3. **CONSENT AGENDA**

4. OPEN THE PUBLIC HEARING

   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).

   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.

5. CLOSE THE PUBLIC HEARING

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).

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

   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.

   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.

   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.

   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.

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 _____ day of September, 2012 at _____ p.m. in accordance with the statement filed by the Tusayan Town Council.

DATED this _____ day of September, 2012

_____

Signature of person posting the agenda

Planning - History

- 1900 City Beautiful Movement
- 1909 Burnham's Chicago Plan
- 1909 Wisconsin Planning Act
- 1916 New York City Zoning Code
- 1925 Cincinnati Comprehensive Plan
- 1926 Village of Euclid vs. Ambler Realty
- 1928 Standard City Planning Enabling Act

Benefits of Planning

- Homeowners:
  - Some assurance of development
  - Property values
  - Lower taxes
  - Protection from incompatible uses
  - Safer environment

Benefits of Planning

Developers

- Project construction assurance
- Information

Utility & Service Providers

- Infrastructure planning

Benefits of Planning

- Businesses
  - Lower taxes
  - Higher quality
  - Traffic benefits
  - Minimize conflicts with residential uses

General Plan

- AKA, Comprehensive Plan, Master Plan, ect.
- Characteristics
  - Guide physical development
  - Long range
  - Comprehensive
  - Statement of policy
  - Guide for decision making
  - Implementation tools
  - Blueprint for the future

General Plan in Arizona

- ARS 9-461
- Manadatory
- Community Goals & Development Policies, Maps, ect.
- Good for 10 Years
- Plan Elements
  - LU & Circulation Required
  - Other Elements Optional for Tusayan

General Plan in AZ Continued

- Council adopts public participation procedures
- Consult with specified agencies
- Required Public Hearings & Notice
- 2/3 Vote for approval
- Major amendments at 1 hearing/year
- Ratification election not required in Tusayan

Zoning

- Division into districts to regulate land use
- Setback, coverage & other regulations
- Purpose – separate incompatible uses
- Primary tool to implement General Plan
- Rezoning is legislative act
- Regulations in Zoning Ordinance:
  - Signs, Landscaping, Off-street Parking, Overlay Zones, TUPs, CUPs, Telecommunications, Medical Marijuana, Home Occupations, Cottage industry, Group homes, Storage containers, Wind energy systems, Non-conforming uses, Site plan review

Zoning (Code) Enforcement

- Chapter 7 of the Z.O.
- Pro-active Vs. Complaint driven
- Necessary resources
- Preferred method of enforcement
- More than Zoning
- Hearing Officer

P&Z Commission

- Recommendations to Council
  - General Plan
  - Rezoning
- Deals with:
  - Preliminary Plats
  - Conditional Use Permits
  - Temporary Use Permits
  - Similar Use
  - Design review

Board of Adjustment & Hearing Officer

- Board
  - AKA, Town Council
  - Appeals of Hearing Officer decisions
  - Quasi-judicial
- Hearing Officer
  - Variances
  - Appeal of Zoning Administrator decision
  - Zoning Violations

Subdivision Regulations

- Needs to be done
- Preliminary Plat/ Final Plat
- Discretion in consideration?
- County vs. Town

Job of P&Z Commissioner

- Read General Plan and refer back to it
- Review relevant sections of Zoning Ordinance
- Read staff reports
- Questions of staff, before meeting if possible
- Know hearing procedure
- Go through the chair
- Reasons for motion
- What you say – tomorrow's newspaper

TOWN OF TUSAYAN STAFF REPORT

Date: **September 25, 2012**

To: **Town of Tusayan Planning and Zoning Commission**

From: **Richard Turner, AICP, Town Planner**

Subject: **Comprehensive Revisions to the Town of Tusayan Zoning Ordinance (Case No. ZOA2012-01) and Deletion of Design Review Overlay Zoning (Case No. ZOA2012-02)**

NOTE: NEW OR REVISED INFORMATION IN THIS REPORT SINCE THE LAST REPORT OF AUGUST 28, 2012 IS INDICATED BY AN ASTERISK*

ISSUES: Should the Town amend its Zoning Ordinance to provide correct references for review and approval authorities? Should changes be made to add and/or delete certain sections to be more consistent with state law? Should additional changes be made to reduce the number of uses subject to approval as Conditional Use Permits? Should new, updated outdoor lighting regulations be approved? Should the Design Review Overlay Zoning be removed and design review guidelines from the Design Review Overlay Zone be included in the Zoning Ordinance? Should regulations dealing with banner signs be included in the updated Zoning Ordinance?

BACKGROUND: The Town of Tusayan adopted the Coconino County Zoning Ordinance as its Zoning Ordinance after incorporation. In the time that has followed, the problems associated with using what is essentially a county zoning regulation for the purpose of a town zoning regulation have become evident. Accordingly, and with the support of the Council and Town Manager, staff has undertaken the task of revising the Zoning Ordinance to better suit the needs of a town and specifically, the Town of Tusayan.

This is the required public hearing by the Planning and Zoning Commission on the changes to the Zoning Ordinance. Prior to this meeting, a total of eight workshops were held on this topic either by the Town Council, the Council with the Planning and Zoning Commission (joint workshops) or by the Planning and Zoning Commission alone. Previous workshops were held on December 14, 2011, January 9, 2012, February 8, 2012, February 22, 2012, March 6, 2012, April 3, 2012, June 26, 2012 and July 24, 2012.

*On August 28, 2012, following a public hearing and comments from the Commissioners, the Commission acted to continue the hearing and consideration of these applications to this meeting for additional public input.

DISCUSSION AND ANALYSIS:

This staff report will provide an overview of changes proposed to the Zoning Ordinance. Included with the staff report is a version of the Zoning Ordinance that shows all of the proposed changes in legislative format (strikeouts and capital letters).

All sections of the Ordinance have been revised to reflect the fact that this will be a Town regulation and no longer a County regulation. These changes include the following:

1. "Director of Community Development" to "Town Manager or Designee"

2. "Coconino County" or "County" to "Town of Tusayan" or "Town"

3. "Board of Supervisors" or "Board" to "Town Council" or "Council"

4. "Coconino County General Plan" to "Tusayan Area Plan"

5. "Department of Community Development" to "Town Staff"

Other important changes to the Zoning Ordinance are briefly described below.

SECTIONS 1 THROUGH 6:

No significant changes are proposed to these sections.

*Section 4.A.5 the term "Mobile" was replaced by "Manufatured".

SECTION 7: ENFORCEMENT

This section has already been updated by the Town. Only a few additional changes are proposed. These include a clarification of the duties of the Hearing Officer (7.1.A) and corrected references to a Statute and other sections of the regulation (7.0.B, 7.3.A.2, 7.3.B.1, 7.4.C and 7.5.B).

SECTION 8: DEFINITIONS

The following definitions are proposed to be changed:

Campground: Changed to include long term use and use by tents, travel trailers and park models.

*The term "Campground" was changed as follows:

"CAMPGROUND shall mean a plot of ground, ~~with or without sanitation facilities or water~~, for overnight or limited camping. ~~May include the overnight parking of recreational vehicles.~~ A CAMPGROUND MAY BE OCCUPIED BY TENTS, RECREATIONAL VEHICLES OR TRAVEL TRAILERS."
The concept of long term use and occupancy by park models has been eliminated.

Manufactured Home: Changed to clarify that a park model is not a manufactured home.

Manufactured Home Park: Changed to include park models and delete reference to mobile homes.

Manufactured Home Space: Changed to include manufactured home park.

Mobile Home: Changed to clarify that a park model is not a mobile home.

*The term "Recreational Vehicle Park" was clarified to exclude manufactured home parks and travel trailer parks.

Structure: Changed to include manufactured homes.

Travel Park or Court: Changed to include park models.

Wholesale: Changed to clarify distinction between retail and wholesale businesses.

Zoning Administrator: This definition has been added.

SECTION 9: GENERAL, AGRICULTURAL RESIDENTIAL AND RURAL RESIDENTIAL ZONES

*Subparagraphs in Section 9.3.a have been correctly renumbered.

Changes are proposed to the "Purpose" section to be more consistent with a town ordinance (9.0).

The setback from the National Forest boundary (side or rear yard setback) is proposed to be reduced to 80% percent of the required setback, but not less than 5 feet (9.3.B).

Mobile home has been dropped from the list of permitted uses and park model has been added (as a conditional use) (9.1.A).

Some agricultural uses are changed from "permitted" to "conditional" uses and public parks are changed to a "permitted" use (9.1.B and 9.1.C).

The allowance for rehabilitated mobile homes in the G and AR Zones has been eliminated (9.3.A.3).

A park model has been added as an option for a temporary residence, subject to the issuance of a Temporary Use Permit (9.3.A.5).

*The change to Section 9.4.C.1 is not new, but has not, to date, been explained. This change would reduce the total amount of allowed outdoor storage of previously used material from 2,000 to 1,000 square feet on any lot zoned G, AR or RR. Staff believes that while the storage of what is essentially "junk" is more appropriate in a rural environment than in a town environment. The storage of up to 2,000 square feet of this type of material is not consistent with the Tusyan Area Plan . This change is also found in Section 10.3.C.1.

SECTION 10: RESIDENTIAL ZONES

Mobile homes will no longer be permitted in remote areas on large parcels (10.2.A.4).

The setback from the National Forest boundary (side or rear yard setback) is proposed to be reduced to 80% percent of the required setback, but not less than 5 feet (10.2.B).

SECTION 11: COMMERCIAL ZONES

Many changes are proposed to the "Permitted and Conditional Uses" Section (11.1). Commercial uses are either not allowed, permitted by right or require approval of a conditional use permit in one or more of the three commercial zoning districts. The proposed changes take many uses from a CUP classification to a permitted use classification.

There are other changes to this section including the following: Auction house is now listed twice, once with indoor sales/display and the second listing, allowing outdoor sales/display. Wholesale bakeries and ceramic studios with outdoor kilns will not be allowed in the CG zone. A solid waste haulers yard will only be allowed in the CH zone with a CUP. Self service laundries will be added to the list of uses as a permitted use in all commercial zones. Canopies over gasoline pumps will be eliminated as a use. A restaurant with outdoor dining will be permitted in the CG and CH zones and will require a CUP in the CN zone. Other added uses include apartments above the first floor and kennels with indoor and outdoor runs.

In the section on public and semi-public uses, day care centers and preschools will be a permitted use in the CN zone and prohibited in the CH zone. Churches will be allowed in all zones.

A market analysis will not be required to establish a CN zone (11.2.A.1).

A park model can be a temporary construction office, but a mobile home cannot (11.3.A).

A regulation on music emanating from an outdoor dining area was added (11.3.P).

*Many common commercial uses such as grocery store, drug store, retail bakery, art studio, beauty salon and hardware store are not found in the list of commercial uses in Section 11. This is because they are included in number 23 on the list. Use number 23 reads as follows:

"General retail business establishments, except for Large Retail Establishments as defined in Section 8, engaged in selling goods or services to the public provided that such uses are conducted entirely within an enclosed building"

Use number 23 is a "catch-all" for all retail businesses that do not have outdoor activity or storage.

*The list of commercial uses is deficient in that there is no use listed that captures a type of local business that is dependent on tourism. The commercial use "tour operator with associated outdoor storage or activity" should be included in the list of uses. A tour operator whose business is conducted

entirely within an enclosed building and has no related outdoor activity or storage would be captured by use number 23, "General retail business establishments....." Tour operator with outdoor characteristics should be added as a conditional use in the CG and CH Zoning Districts.

*Following the discussion at the August public hearing, staff has prepared a version of Section 11 that returns most of the commercial uses (those with a clear outdoor activity component) to a conditional use permit status. This version is a separate attachment to this report. The argument could be made that the determination of whether a commercial use should be permitted by right or allowed with the approval of a conditional use permit is better made after the approval of the General Plan. In the process of creating the General Plan, the community would have a discussion and establish goals that may give direction in this regard. That way, the community would have a firm foundation on which to determine which uses should be subject to the approval of a conditional use permit and which ones are more appropriate as permitted uses.

*In Section 11.3, Performance Standards, the new provision regarding music at outdoor dining areas was revised to clarify that the "outdoor" music would need to cease at 10:00 PM.

*Concern has been expressed about the establishment of single family housing in commercial zoning. The Ordinance currently allows a single family residence as an accessory use in commercial zoning and requires that it be an integral part of the commercial operation. The Ordinance presently requires conditional use permit approval for a single family residence in commercial zoning. This provision is proposed to be changed to allow this use by right. The concern is that a single family residence in commercial zoning could be an incompatible use and that the additional review afforded by the conditional use permit process is warranted.

SECTION 12: INDUSTRIAL ZONES

The maximum height of buildings in all industrial zones is proposed to be changed to 40 feet (12.2.B). This is a transfer to the Zoning Ordinance of one of the guidelines in the DRO.

*In Section 12.3 reference to the Tusayan Fire department was changed to the Tusayan Fire District. This same change occurs in Sections 13.2-3.O and 13.9-4.D.

SECTION 13: SPECIAL PURPOSE ZONES

In the Manufactured Home Park (MHP) Zone, a mobile home has been dropped from the list of permitted uses and park model has been added (13.1-4.A).

The setback from the National Forest boundary (side or rear yard setback) is proposed to be reduced to 80% percent of the required setback, but not less than 5 feet (13.1-5 and 13.2-3).

Credit will be given for existing landscaping on manufactured home spaces in manufactured home parks (13.1-6.E).

Provision to allow a rehabilitated mobile home in the MHP Zone has been eliminated (13.1-6).

With a commitment from the Sanitary District, the requirement for a wastewater system report in order to establish a manufactured home park will be waived (13.1-11).

*In this same section the term "Wastewater Treatment Agency" has been replaced by the more accurate description "Wastewater Treatment Provider".

A mobile home will not be an allowed use in the Planned Community, Resort Commercial, Mineral Resource or Residential or Manufactured Home Zones (13.3-2, 13.7-2, 13.9-2 and 13.11-2).

The Floodplain Management Overlay Zone is not proposed to be changed at this time. Further study is required before changes can be made. In the future, appropriate wording will replace the existing "County" wording.

Rather extensive changes are proposed to Section 13.10, the Design Review Overlay Zone. This zone will be converted to a design review regulation that will incorporate the design standards and guidelines from the Design Review Overly Zoning document. The DRO guidelines that will not be located in this part of the Ordinance will be found in other parts of the Ordinance. The sections of the DRO that are being transferred to other sections of the Zoning Ordinance are shown on an attachment to the staff report.

The design review section has also been changed to only require approval of development that constitutes a substantial change in the appearance of a site or building (13.10-2.B). Presently, any change requires the approval of a site plan.

*In Section 13.10-1 which is the purpose section of the new design review chapter, the type of development subject to design review should be clarified for consistency with later sections of this Chapter. It needs to be clear that all non-residential development is subject to design review. The language has been changed to read as follows (new changes are in blue):

"In order to protect and enhance the visual quality of ~~certain areas of the County, the Board of Supervisors, upon recommendation by the Planning and Zoning Commission, may~~ THE TOWN OF TUSAYAN, THE TOWN COUNCIL ~~HAS, in addition to an existing zone classificationS as specified in this Ordinance, apply APPLIED the Design Review Overlay Zone~~ REQUIRES THE APPROVAL OF A SITE PLAN FOR ALL DEVELOPMENT, EXCEPT SINGLE FAMILY DWELLINGS IN ~~to such~~ ALL ~~area~~ AREAS OF THE TOWN OF TUSAYAN to accomplish the following purposes:"

*In Section 13.10-2.A a conforming change was made to also clarify the type of development subject to design review as indicated above. Instead of listing what type of development requires design review, it would be clearer to list the type of development that would not qualify.

"A. The provisions of this Section shall be applicable ~~only~~ to ALL ~~multiple-family~~ developments, ~~commercial or industrial establishments, and public or semi-public uses~~ and all signing for such uses, EXCEPT SINGLE FAMILY DWELLINGS."

*Section 13.10-2 has also been revised. The concept of only requiring design review for redevelopment when the change is "substantial", has caused concern in that there is difficulty in measuring what would be considered "substantial". In an attempt to remedy this shortcoming, staff suggests that several examples of what would constitute a substantial change be included in the Ordinance as follows:

~~C~~. B. All development or redevelopment described in Subsection A above, including buildings, structures, signs, landscaping, site layout and use relationships, ~~to be located within the Design Review Overlay Zone~~ shall be first approved under the provisions of this Section by the Planning and Zoning Commission prior to the letting of permits for and/or initiation of such development. Redevelopment shall include, ~~but not be limited to,~~ any ~~remodeling or~~ SUBSTANTIAL change in appearance of the exterior of any structure, or A SUBSTANTIAL CHANGE IN the appearance of any site. A SUBSTANTIAL CHANGE WOULD INCLUDE, WITHOUT LIMITATION, ANY OF THE FOLLOWING:

1. MORE THAN FIFTY (50) PERCENT CHANGE IN THE FACADE OF A BUILDING.
2. ANY CHANGE IN THE SIZE OF A BUILDING
3. A CHANGE OF 250 SQUARE FEET OR MORE IN SITE LAYOUT.
4. A CHANGE IN THE COLOR OF A BUILDING ON MORE THAN FIVE PERCENT OF THE EXTERIOR.
5. ANY NEW SIGN OR CHANGE IN EXISTING SIGN SIZE OR LOCATION.
6. A CHANGE OF FIVE (5) PERCENT OR MORE IN THE NUMBER OF PARKING SPACES
7. A CHANGE IN LANDSCAPING, OTHER THAN REPLACING DEAD/DYING PLANTS OR LANDSCAPE MAINTENANCE, EFFECTING 200 SQUARE FEET OR MORE.
8. ANY NEW FENCING/WALS OR CHANGE TO EXISTING FENCING/WALLS.

*The Design Review Section (13.10-2.B) has also been amended to address the approval of changes that fall below the threshold of a significant change as follows:

"ANY CHANGE IN THE APPEARANCE OF THE EXTERIOR OF ANY STRUCTURE OR CHANGE IN THE APPEARANCE OF ANY SITE THAT IS NOT A SUBSTANTIAL CHANGE SHALL BE SUBJECT TO THESE DESIGN STANDARDS AND REVIEW AND APPROVAL BY THE TOWN MANAGER OR DESIGNEE. A DECISION BY THE TOWN MANAGER OR DESIGNEE WITH REGARD TO A NON SUBSTANTIAL CHANGE MAY BE APPEALED TO THE PLANNING AND ZONING COMMISSION IN THE MANNER OF A SUBSTANTIAL CHANGE."

*Section 13.10 was also updated to clarify how the design review reuiremenst would apply to manufactured home parks and the individual manufactured homes within those parks as follows:

A. The provisions of this Section shall be applicable ~~only~~ to ALL ~~multiple-family~~ developments, ~~commercial or industrial establishments, and public or semi-public uses~~ and all signing for such uses, EXCEPT SINGLE FAMILY DWELLINGS. THE SINGLE FAMILY DWELLING EXCEPTION DOES NOT APPLY TO NEW OR EXISTING MANUFACTUED HOME PARKS BUT DOES APPLY TO NEW OR EXISTING INDIVIDUAL MANUFACTURED

HOMES OR OTHER PERMITTED TYPES OF SINGLE FAMILY DWELLINGS WITHIN MANUFACURED HOME PARKS.

The allowance for rehabilitated mobile homes in the Residential and Manufacture Home Zone has been eliminated (13.11-3.A).

SECTION 14: SPECIAL USES AND CONDITIONS

The allowed frequency of special events has been increased from three times a year to five times a year (14.1.A).

The length of time that a security trailer can remain on a construction site has been clarified to be 12 months (14.1.F).

*In Section 14.1-2 the performance standard dealing with the review of signs has been changed to reflect the fact the DRO as an overly zone is proposed to be eliminated.

*A provision has been added to this section dealing with banner signs. It reads as follows:

N. TEMPORARY BANNER SIGNS NOT PERMITTED ELSEWHERE IN THIS ORDINANCE. THE MAXIMUM LENGTH OF TIME FOR ANY SUCH SIGN SHALL BE 60 DAYS. FOR GUIDANCE IN THE DETERMINATION OF SIZE, NUMBER OF SIGNS, HEIGHT, LOCATION AND OTHER CRITERIA, THE COMMISSION SHALL REFER TO THOSE PARTS OF SECTION 16 OF THIS ORDINANCE THAT DEAL WITH BANNER SIGNS.

SECTION 15: OFF-STREET PARKING

Credit will be given for tour bus parking provided at hotels and motels (15.2.C).

Landscaping in parking lots has been reduced by a change in the ratio of trees per square foot of parking area (15.3.B).

SECTION 16: SIGNS

A definition for a visitor information sign has been added (16.1). A visitor information sign will be allowed in commercial zones (16.7.A.5).

*Following the discussion at the August meeting, the above referenced changes have been omitted. A different solution will be sought for the Chamber of Commerce sign.

A property owner will have more time, six months, to remove a sign for a discontinued business. The owner will have the option of just removing the sign message, allowing the sign structure to remain (16.2.F).

Fluorescent signs will be prohibited (16.2.S).

The base of a freestanding sign will have to be landscaped (16.2.T).

Additional provisions from the Design Review Overlay Zone have been added regarding flags and the height of flag poles (16.4.D).

Language has been added to clarify that signs on corner lots will get the benefit of both street frontages in the computation of allowed sign area (16.7.A.1.c).

Increases in sign area for commercial free standing signs and wall signs have been added (16.7.A).

*One of the above referenced changes in signage (dealing with corner lots) was mistakenly placed in the wrong section. It has now been correctly added to the section dealing with wall signs, Section 16.7.A.2.g.

*The changes regarding banner signs have been incorporated into Section 16. These changes include a definition of banner, a definition of a temporary business identification sign (a type of banner), limitation on the illumination of banners, banners as a type of special sale sign, banners allowed on church property, banners for business grand openings and banners for changes in business ownership/management.

SECTION 17: LIGHTING

This section deals with outdoor lighting. The lighting section in the existing Ordinance (County) provides for 3 zones with each zone having its own regulations. The regulations in each zone differ by the distance from astronomical observatories. Tusayan is in the least restrictive zone. However, based on direction from the Council provided to staff early last year, a more rigorous regulation was drafted by staff for the revised Ordinance.

With a few exceptions, the proposed regulation is the same one that was reviewed by the Planning and Zoning Commission on March 24th of last year. That version of the regulation has been revised to reflect the comments and suggestions of the Airport Manager and a representative of the Naval Observatory. Specifically, the definition of airport lighting and the section dealing with the exemption for airport lighting systems have been changed (17.8.A). The changes made as a result of input from the representative of the Naval Observatory are of a more technical nature and facilitate administration of the regulation.

There is a statement in the "Purpose and Intent" that encourages a transition from high energy lighting to more energy efficient lighting (17.0.B).

Several definitions have been added to assist in the administration of the more technical aspects of the code (17.3).

Narrow spectrum amber LED will be added as a preferred light source (17.4).

The requirements for lamp source, shielding of light emissions and total outdoor light output will be revised based on input from the expert from the Naval Observatory (17.5.B and C).

The holiday lighting restrictions have been changed to be more flexible (17.8.B).

SECTION 18: LANDSCAPING

Parts of this section are proposed to be changed to be consistent with the Design Review Guidelines. These changes include "Purpose and Scope" (deleting drought tolerant plants), the definition of "drought tolerant", landscape material requirements and preferred materials (18.1, 18.3, 18.4.C, 18.5.B).

Credit will be allowed for existing landscaping (18.5.A).

Changes to require the use of effluent to irrigate landscaping have been included (18.5.A.5).

*The Commission asked staff to research native turf grasses. We contacted the Executive Director of the Flagstaff Arboretum. She indicated there were a number of native turf grass options including buffalo grass, blue grama and several varieties of fescue. These are "bunch" grasses and not like the more dense turf found on most athletic fields.

SECTION 19: NONCONFORMING SITUATIONS

Instead of the Board of Adjustment, the Hearing Officer will be able to grant a Variance from setbacks with regard to a nonconforming lot (19.4.B).

The ability to expand a nonconforming mobile home park has been eliminated (19.6.B).

The provision allowing the replacement of a non-conforming mobile home on an individual parcel with another mobile home, with the approval of a CUP, will be dropped from the Ordinance (19.6.C).

The section allowing 100 percent expansion of a nonconforming business use is based on a County statute and will be eliminated in the new edition of the Zoning Ordinance (19.7).

Another proposed change will eliminate the ability to exchange one non-conforming use for another with the approval of a CUP. This provision is not consistent with the idea that reducing the overall

number of non-conforming uses in a community is generally a good approach to community development (19.9).

SECTION 20: ADMINISTRATION

In sections that refer to the required notification of surrounding property owners, the distance has been changed from 300 feet to 150 feet, which is consistent with the distance in the legal protest provisions (20.3-2, 20.4-4, 20.5.B and 20.7-2).

The section that provides for a protest by adjacent property owners to a zoning amendment has been changed to reflect the law as it relates to cities and towns (20.4-11.C).

Notice provisions for zoning amendments have been updated to reflect changes in the state law (20.5.C).

Sections and subsections will be added and modified explaining the duties, responsibilities and procedures to be followed in matters considered by the Hearing Officer (20.7).

A section dealing with the purpose, membership, organization, and authority of the Board of Adjustment will be added (20.8).

A section will be added outlining the duties of the Zoning Administrator (20.9).

* Sections 20.3-2.E, 20.4-4.F, 20.5.B and 20.7-2.A.6 have all been changed. All of these sections originally included a reduction in the notification area from 300 feet to 150 feet. This change was consistent with the protest provisions of state law, but not consistent with the zoning amendment notice requirements in ARS 9-462.04.A.3. Staff believes that it would be appropriate to leave the distance requirement at 300 feet.

SECTION 21: GENERAL PLAN

In addition to a change in the title (proposed to be changed to "Tusayan Area Plan), there will be other changes reflecting the change from a County Plan to the Tusayan Area Plan. Additional changes to this section will be required in the future when the Town adopts a General Plan.

GENERAL COMMENTS

A member of the Commission commented that throughout the revised Zoning Ordinance the term Town Manager or designee was used and that sometimes only the term Town Manager was used. These terms generally replace Community Development Director. In most instances where the term Town

Manager is inserted without "or designee" it is in a situation where a more important decision is required.

DESIGN REVIEW OVERLAY ZONING

Design Review Overlay Zoning is proposed to be deleted as a separate zoning document and as an overlay zoning district. In its place will be an amended Section 13.10 that will include most of the actionable design guidelines from the DRO. Other parts of the DRO that are more logically located in other parts of the Zoning Ordinance have been placed in those sections. Efforts have been made to include all of the guidelines from the DRO somewhere in the Zoning Ordinance. The only standards that were not transferred were those that already existed in the Ordinance.

FISCAL IMPACT: The only direct fiscal impact of moving forward with the proposed revisions of the Zoning Ordinance would be the cost associated with the required legal notice and public hearings. Staff does not foresee any significant fiscal impact to the Town government associated with the approval and implementation of the proposed changes.

***RECOMMENDATION:** A total of 8 workshop meetings and one public hearing have been held on updating the Town's Zoning Ordinance and deleting the Design Review Overlay Zone. The proposed draft reflects the input staff received from the public, the Town Council and the Planning and Zoning Commission. The Planning and Zoning Commission will want to consider input received at this public hearing before forwarding the draft ordinance to the Council for consideration.

It is recommended that the proposed update of the Tusayan Zoning Ordinance, including the most recent changes and the addition of "tour operator" to the list of uses in Section 11, Case No. ZOA2012-01, be approved. By separate action, it is also recommended that Case No. ZOA2012-02 , deletion of Design Review Overlay Zoning be approved.

Attachments:

Draft of Zoning Ordinance, legislative format

Revised Section 11 (Commercial Zones)

DRO Amendments to the Zoning Ordinance (other than Section 13.10)

SECTION 11: COMMERCIAL ZONES

Section 11.0: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the Commercial Zones are included in the Zoning Regulations to achieve the following purposes:

A. To provide appropriately located areas for office uses, retail stores, service establishments, and wholesale business, offering commodities and services required by residents of the ~~County~~ TOWN and its surrounding market area.

B. To encourage office and commercial uses to congregate for the convenience of the public and for a mutually beneficial relationship to each other.

C. To provide adequate space to meet the needs of modern commercial development, including off-street parking and loading areas.

D. To minimize traffic congestion and to avoid the overloading of utilities.

E. To protect residential and other commercial properties from noise, odor, smoke, unsightliness, and other objectionable influences incidental to commercial uses.

F. To promote high standards of site planning architecture and landscape design for office and commercial developments within ~~Coconino County~~. THE TOWN.

CN-2/A - Commercial Neighborhood Zone

This zone is intended for neighborhood shopping centers which provide limited retail business, service and office facilities for the convenience of residents of the neighborhood. These shopping centers are intended to be compatible with a residential environment at locations ~~indicated on the General Plan or on an adopted Specific Plan for an individual community.~~ CONSISTENT WITH THE TUSAYAN AREA PLAN.

CG-10,000 - Commercial General Zone

This zone is intended for the location of general retail and wholesale commercial activities.

CH-10,000 - Commercial Heavy Zone

This zone is intended to provide appropriately located areas for establishments catering primarily to highway travelers, visitors to the ~~County~~ TOWN or such businesses or uses where direct access to major arterial highways is essential or desirable for their operation.

Section 11.1: Permitted and Conditional Uses

The following uses shall be permitted where the symbol "P" appears and shall be permitted uses subject to a conditional use permit where the symbol "C" appears in the column beneath each zone designation. All uses not listed are prohibited. For uses similar to those listed, see Section 20.1.

A. Office and Related Uses	CN-2/A	CG-10,000	CH-10,000
1. Administrative, professional executive offices	P	P	P
2. Financial institutions	P	P	P
3. Medical, dental and related health services for humans including laboratories and clinics; only the sale of articles clearly incidental to the services provided shall be permitted	P	P	P
4. Public utility service offices	P	P	P

B. General Commercial Uses	CN-2/A	CG-10,000	CH-10,000
1. Amusement arcades	-	P	P
2. Appliance and hardware stores	∈ P	P	P
3. Auction houses/stores, OUTDOOR SALES/DISPLAY	-	C	C
4. AUCTION HOUSES/STORES, INDOOR SALES/DISPLAY	-	P	P
5. Auto lubrication and oil change operation	-	C	C
6. Automotive repair garage	-	C	C
7. Automotive service station	C	C	C
8. Automobile sales and services, including rental agencies	-	C	C
9. Bakeries, wholesale	-	∈ -	C
10. Boat and camper sales and services	-	C	C
11. Bowling alleys and billiard halls	-	∈ P	∈ P
12. Campgrounds	-	C	C
13. Car washes	-	C	C
14. Ceramic studio with outdoor kiln	-	∈ -	C
15. Cocktail lounges and bars	-	∈ P	∈ P
16. Contractor's yards	-	C	C
17. Convenience market	∈ P	∈ P	P
18. Drive-in restaurants	-	P	P
19. Drive-in theaters	-	∈ -	C
20. Dry cleaners	-	P	P
21. Farm implement and machine sales, rental and repairs	-	C	C
22. Feed stores	-	C	C
23. General retail business establishments, except for Large Retail Establishments as defined in Section 8, engaged in selling goods or services to the public provided that such uses are conducted entirely within an enclosed building	P	P	P
24. Hotels and motels	-	∈ P	P
25. Large retail establishments as defined in Section 8 (establishments over 70,000 square feet are prohibited)	-	C	C

B. GENERAL COMMERCIAL USES (CONTINUED)	CN-2/A	CG-10,000	CH-10,000
26. Laundry pick-up and delivery agencies	~~C~~ -	~~C~~ P	~~C~~ P
27. SELF-SERVICE LAUNDRY	P	P	P
28. Mortuaries	-	~~C~~ P	P
29. Motorcycle, ATV, sales,~~and~~ service AND RENTAL	-	C	C
30. Nurseries and garden supply stores	C	C	C
31. Public storage facilities (mini-storages)	C	C	~~P~~ C
32. Recreational vehicle sales and service	-	C	C
33. Recreational vehicle and travel trailer parks	-	C	C
34. Restaurants conducted within a building including sale of alcoholic beverages	C	P	P
35. Skating rinks	-	C	P
36. Stone and monument yards	-	C	C
37. Theater	C	~~C~~ P	~~C~~ P
38. Tire sales and service	-	C	~~P~~ C
39. Truck and trailer rental, sales and service	-	C	C
40. Veterinarian office and small animal hospitals	-	C	P
41. Vehicular storage yards (not including auto wrecking yards)	-	C	C
42. Warehousing	-	P	P
~~41. Canopies over gasoline pumps~~	~~C~~	~~C~~	~~C~~
43. Solid waste hauler's yard	~~C~~ -	~~C~~ -	C
44. Wireless Tellecommunications Facilities subject to the provisions of Section 14.5	C	C	C
45. Medical marijuana dispensaries subject to the provisions of Section 14.9.	-	P	P
46. Medical marijuana cultivation and infusion facilities Subject to the provisions of Section 14.9	-	-	C
47. RESTAURANTS WITH OUTDOOR DINING	C	C	C
48. APARTMENTS, WHEN LOCATED ABOVE THE FIRST FLOOR OF THE BUILDING	C	P	P
49. ~~DOG~~ KENNEL, OUTDOOR RUNS/PENS	-	C	C
50. ~~DOG~~ KENNEL, INDOOR RUNS/PENS	-	P	P

C. Public and Semi-Public Uses	CN-2/A	CG-10,000	CH-10,000
1. Day care centers and preschools	~~C~~ P	C	~~C~~ -
2. Churches	- P	~~C~~ P	~~C~~ P
3. Clubs and lodges including YMCA, YWCA and similar youth group uses	- C	C	~~C~~ P
4. Commercial trade or vocational schools	C	P	P
5. Convalescent homes and hospital	-	C	C
6. Educational institutions, public or private	-	C	C
7. Libraries and museums, public or private	C	~~C~~ P	~~C~~ P

8. Parks and recreational facilities, public or private, including tennis, racquetball and handball clubs and facilities	C	~~C~~ P	~~C~~ P
9. Post office branch	P	P	P
10. Public/PRIVATE utility installations	C	C	C

D. Accessory Uses	CN-2/A	CG-10,000	CH-10,000
1. Accessory uses and structures located on the same site as a permitted use	P	P	P
2. Accessory uses and structures located on the same site as a conditional use	C	C	C
3. A single family residence established as an integral part of the commercial operation, for exclusive use by the owner/operator of the business	C	~~C~~ P	~~C~~ P
4. Accessory retail propane sales, tanks 2000 gallons or less, subject to the issuance of a building permit	-	P	P
5. Metal Storage Containers	See Section 14.7		

E. Temporary Uses	CN-2/A	CG-10,000	CH10,000
Temporary uses as prescribed in Section 14.1	P	P	P

F. Other Uses

Other commercial, office or service uses as may be determined by resolution of the Planning and Zoning Commission to be consistent with the purposes indicated in Section 11.0 and similar to and no more detrimental than existing permitted or conditional uses in any commercial zone. Such other uses shall meet the performance standards outlined in Section 11.3.

Section 11.2: Property Development Standards: Commercial Zones

The following property development standards shall apply to all land and buildings permitted in their respective commercial zones, except that, any lot shown on an official subdivision map that was duly recorded, or any lot for which a bona fide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this ordinance, may be used as a building site. For access purposes each building site shall have a minimum 30 foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement area except with written permission of all other property owners served by the easement. For any parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to ~~the standards found in Ordinance Number 95-1, the Ordinance for Road Standards.~~ AN ALL WEATHER STANDARD.

A. Special Requirements

1. Procedure for the Establishment of CN-2/A Zones

Preliminary Development Plans. The application for a CN-2/A Zone classification shall be accompanied by a preliminary development plan consisting of maps, drawings and such other materials necessary to show:

a. The approximate size, shape and location of all proposed buildings and the intended uses of all buildings;
b. The on-site parking arrangements and design, including loading areas;
c. The proposed signing policy for all proposed uses;
d. The location and treatment of required and proposed landscape areas;
e. The proposed off-site circulation pattern including right-of-way dedications, street improvements, traffic control measures, location and design of driveway openings, and acceleration/deceleration lanes;
~~(6) Market analysis showing the need for the shopping center at the location requested and the inadequacy of existing zoned sites to meet this need.~~

The preliminary development plan is required to enable the Commission and the ~~Board of Supervisors~~ TOWN COUNCIL to assess the impact of the proposed shopping center on surrounding uses, its relationship to the objectives of the ~~General Plan~~, TUSAYAN AREA PLAN its relationship to zoning patterns in the neighborhood, and to permit public agencies and utility services to review the adequacy of proposed improvements and the impact of the development on existing and proposed utilities and facilities.

Adoption of Development Plans. The development plans shall be approved by the ~~Board of Supervisors~~ TOWN COUNCIL and incorporated into the approval of the CN-2/A Zone.

The above procedures shall not apply to the establishment of a CN-2/A Zone classification at an existing neighborhood shopping center.

B. General Requirements: The following requirements are minimums unless otherwise noted.

	CN-2/A	CG-10,000	CH-10,000
1. Building site, square feet or acres	2 acres	10,000 sf	10,000 sf
2. Lot width, in feet	200	60	50
3. Lot depth, in feet	150	100	100
4. Front yard, in feet	20	20	20
5. Side yard-interior, in feet	10	-	-
6. Side yard-interior and rear yard, in feet, adjacent to G, AR, RR, RS or RM Zones	20	20	20
7. Side yard-street side, in feet	10	20	20
8. Rear yard, in feet	10	0	0

9. Lot coverage, maximum	35%		
10. Structure height, maximum, in feet	35	35	~~50~~ 40
11. Off-street parking	See Section 15		

All setbacks shall be measured from property lines. In situations where an access easement is located along a property line, the setback shall be measured from the interior edge of any access easement line. Where an access easement bisects any parcel of land, said easement shall be considered a street for setback purposes and street side setbacks shall apply.

Section 11.3: Performance Standards: Commercial Zones

A. Trailers, PARK MODELS, OR manufactured ~~or mobile~~ homes shall be permitted for temporary office use only during construction of a permanent building for a period not to exceed 12 months with an approved Temporary Use Permit. Modular homes built to UBC (Uniform Building Code) Commercial Standards shall be permitted.

B. In all commercial zones, required front and street side yards shall be landscaped to a depth of not less than ~~10~~ 6 feet. Remaining front and street side yard areas or setbacks may be used for required off-street parking.

C. Where a commercial or office use abuts property in any G, AR, RR, RS or RM Zone, a masonry wall six (6) feet in height as measured from the highest adjacent grade shall be erected and maintained between such uses and the residential zone. Alternatives to masonry, including double-sided solid wood fencing, stuccoed wood frame walls, native stone or rock veneered walls or an adequate vegetative buffer, may be approved by the ~~Director of Community Development~~ TOWN MANAGER, HIS/HER DESIGNEE or the Planning and Zoning Commission.

D. Wherever off-street parking areas are situated across the street from property in a G, AR, RR, RS or RM Zone, a masonry wall or berm three feet in height shall be erected between the required landscaped area and the parking area to adequately screen said parking areas from the residential properties.

E. All required landscaping shall be permanently maintained in a neat and orderly condition. In addition to front and street side yard landscaping requirements, additional landscaping requirements are contained in Section 15.3 - Site Development Standards for Off-Street Parking.

F. All mechanical equipment, including heating and air conditioning units, shall be completely screened from surrounding properties by use of a wall or fence or shall be enclosed within a building. Facilities for the operation of solar or alternate energy systems may be exempted from this requirement subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

G. Trash receptacles enclosed with solid masonry walls and with gates shall be provided for each commercial use. Said receptacles shall be set back a minimum of 20 feet from any G, AR, RR, RS or RM Zone boundary and shall be maintained in a neat and sanitary condition in order to

safeguard the health, safety and general welfare of adjacent properties subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

H. Noise shall not be KNOWINGLY generated by any use to the point of disturbing the peace, quiet and comfort of neighboring residences or the operation of businesses.

I. Methods of screening for outdoor storage may include acceptable wooden fencing, masonry walls, rock walls, landscaped berms or vegetative screening. All facilities for outdoor storage shall be subject to the review and approval of the Planning and Zoning Commission.

J. All outdoor area lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.

K. All lighting sources shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the light source.

L. The operation of searchlights or similar lighting sources for advertising display or any other commercial purpose is prohibited.

M. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise.

N. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration of change in use of any building or other structure.

O. The outdoor storage of any items, including but not limited to items for sale, unlicensed and/or inoperable vehicles, travel trailers, boats, recreational vehicles, or secondhand materials is prohibited, unless a conditional use permit is approved by the Planning and Zoning Commission for said outdoor storage.

P. OUTDOOR MUSIC IN AN OUTDOOR DINING AREA SHALL BE MAINTAINED SO AS NOT TO DISTURB THE PEACE, QUIET AND COMFORT OF NEIGHBORING BUSINESSES OR RESIDENTS. ALL OUTDOOR LIVE OR RECORDED MUSIC SHALL CEASE AT 10:00 PM.

Section 11.4: Signs: Commercial Zones

No sign or outdoor advertising structure shall be permitted in any commercial zone except as provided in Section 16.

Section 11.5: Accessory Structures: Commercial Zones

A. In any commercial zone, accessory structures shall not be located in front of the main building.

B. In any commercial zone, accessory structures shall meet all of the setback requirements for main buildings.

C. In any commercial zone, porches, steps, architectural features such as attached canopies or eaves, chimneys, balconies or stairways may not project more than four feet into any required yard area. Greater projections may be permitted when it is demonstrated that such additional projections are needed for solar or alternate energy purposes, subject to the approval of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

D. In any commercial zone, detached canopies shall be considered accessory structures and shall meet all of the setback requirements for main buildings. No portion of the canopy shall extend into the setback areas. Canopies may be located in front of the main building outside the required front and street-side landscape areas.

E. The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers, camper shells, or similar units as accessory structures is prohibited. Metal storage containers may be permitted, refer to Section 14.7.

F. For the purpose of this Section, swimming pools shall be considered to be a detached structure. Swimming pools including all accessory or appurtenant structures and equipment shall maintain a minimum setback of five feet from all property lines and buildings. As a precaution against unauthorized use, swimming pools shall be enclosed by a wall or fence not less than 5 feet in height ~~to the specifications of the Department of Community Development~~ IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN.

Section 11.6: Walls and Fences: Commercial Zones

A. In any required front or street side yard area, an opaque or solid wall or fence shall not exceed three (3) feet in height. Non-opaque fences, which are at least 50% transparent, may be established in any required front or street side yard area to a maximum height of six (6) feet.

B. A wall or solid fence not more than six feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided that such wall or fence does not extend into a required front or street side yard. Extensions of walls or solid fences into required front or street side yards may not exceed three (3) feet in height. Stacking firewood along a property line shall be considered a wall or fence and must meet height limits.

C. Walls or fences exceeding six feet in height may be permitted only through the variance procedure set forth in Section 20 and subject to the granting of a building permit.

D. A wall or fence adjacent to a driveway providing vehicular access to an abutting lot shall not exceed three (3) feet in height within fifteen (15) feet of the intersection of said driveway and the street right-of-way so as not to obstruct visibility.

E. The provisions of this Section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any agency thereof.

F. Barbed wire, electrical fences, glass or other similar hazardous objects on top of walls and fences in commercial zones may be permitted subject to the approval of the ~~Director of Community Development~~ TOWN MANAGER, HIS/HER DESIGNEE or the Planning and Zoning Commission.

G. Tires may not be used to construct walls, unless they are fully encapsulated so as to prevent the accumulation of water inside the tires, and subject to the granting of a building permit.

DRO AMENDMENTS TO THE ZONING ORDINANCE

The following suggested amendments will transfer specific development standards from the DRO to various sections of the Zoning Ordinance.

DRO Language:

From the Site Design Section

"Building height shall not exceed three stories above ground and 40 feet above existing grade."

Corresponding Changes to the Zoning Ordinance:

Commercial Zones, Section 11.2.B

	CN-2/A	CG-10,000	CH-10,000
10. Structure height, maximum, in feet	35	35	~~50~~ 40

Industrial Zones, Section 12.2.B

	MP-20,000	M-1-10,000	M-2-6,000
9. Building height, in feet	40	~~50~~ 40	~~50~~ 40

DRO Language:

From the Site Design Section

"Landscaping shall consist of indigenous plants. Exotic ornamental plants which could "escape" to the surrounding area and displace native vegetation shall be prohibited."

Corresponding Changes to the Zoning Ordinance:

Landscaping, Section 18.1

The purpose of this Section is to establish landscaping standards and guidelines in order to maintain and enhance the environmental qualities of the ~~County~~ TOWN; to mitigate the impacts of adjacent uses; and to enhance the quality and appearance of new or existing development in the ~~County~~ TOWN. By requiring adequate and environmentally compatible landscaping, the visual quality of the environment will be enhanced, and other environmental qualities will be improved by promoting conservation of water used for landscaping, addressing wildfire safety concerns, providing erosion and storm water runoff control, providing control of noxious weeds and invasive plants, requiring native ~~and/or drought tolerant~~ plants, and encouraging the preservation of existing trees and vegetation.

Landscaping, Section 18.2

DROUGHT TOLERANT shall mean non-native species that can survive extended periods of time with little or no water~~, and that are appropriate for a particular site without posing a threat of invasiveness or possessing characteristics of invasive species or noxious weeds.~~

Landscaping, Section 18.4

C. In all areas of the ~~County~~ TOWN the ~~preferred~~ REQUIRED landscaping materials are native plants as defined by the Native Plants for Northern Arizona Landscapes compiled by The Arboretum at Flagstaff. The use of specifically identified invasive species and noxious weeds is prohibited. ~~Some non-native species, which meet the definition of drought tolerant, may be used.~~

Landscaping, Section 18.5.B

1. All landscape plans must use native ~~and/or drought tolerant~~ plant materials appropriate for their location. Invasive plants and noxious weeds are prohibited. ~~Preferred~~ REQUIRED landscaping materials are native plants as defined by the Native Plants for Northern Arizona Landscapes compiled by The Arboretum at Flagstaff. A detailed plant list shall be included with all plans. The list shall include both the botanical and common names.

2. If turf areas are included, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site. The use of non-native and/or high water consumptive turf such as Kentucky Blue Grass is ~~discouraged~~ PROHIBITED. The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.

Landscaping, Section 18.10.A

2. If phasing is proposed, or if only a portion of the parcel is being developed, the undeveloped area shall be maintained in existing native plants. If the area has been disturbed or the existing vegetation consists primarily of weeds, the area must be successfully revegetated with a substantial mix of native ~~and/or drought tolerant~~ grasses and ground covers. The density of the re-established vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.

DRO Language:

From the Signs Section

"6. Flags shall be limited to one Arizona flag and one U.S. flag, maximum. Flag poles shall meet the 40 foot maximum height adopted through this DRO. This shall not apply to future public spaces such as transportation center, visitor center or roadway medians."

Corresponding Changes to the Zoning Ordinance:

Signs, Section 16.4

D. Other Special Signs

1. Flags, emblems, insignias and posters of any nation, state, international organization, political subdivision or other governmental agency; unlighted non-verbal religious symbols attached to a place of religious worship; and, temporary displays of a patriotic, religious, charitable, or civic character shall be exempt from the provisions of this section EXCEPT AS FOLLOWS:

A. ~~however, if~~ IF the height exceeds thirty (30) feet, such signs shall be subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

B.WITH THE EXCEPTION OF A PUBLIC SPACE SUCH AS A TRANSPORTATION CENTER, VISITOR CENTER OR ROADWAY MEDIAN, A MAXIMUM OF ONE U.S. AND ONE ARIZONA FLAG SHALL BE ALLOWED PER PROPERTY.

C. FLAG POLES SHALL NOT EXCEED 40 FEET IN HEIGHT.

D. The preceding shall not be construed as to permit the use of such flags, insignias, etc. for the purpose of advertising or identifying a product or business.

DRO Language:

From the Signs Section:

"Colors such as "day-glo" shall be prohibited."

Corresponding Changes to the Zoning Ordinance:

Signs, Section 16.2

S. FLUORESCENT SIGNS OR SIGNS WITH FLUORESCENT LETTERING, ILLUSTRATIONS OR FEATURES ARE PROHIBITED.

DRO Language:

From the Signs Section:

"11. The base of a freestanding sign shall be located in a planter box or landscaped area."

Corresponding Changes to the Zoning Ordinance:

Signs, Section 16.2

T. THE BASE OF A FREESTANDING SIGN SHALL BE LOCATED IN A PLANTER BOX OR OTHER LANDSCAPED AREA.

DRO Language:

From the Signs Section:

"10. Externally lighted signs may be permitted for signs constructed of natural materials providing such lighting is directed and shielded so that direct rays do not project above the horizontal or reflect onto adjacent properties or rights-of-way."

Corresponding Changes to the Zoning Ordinance:

Lighting, Section 17.6

A. A. Externally Illuminated Sign Standards: External illumination for signs shall BE LIMITED TO SIGNS CONSTRUCTED OF NATURAL MATERIALS AND SHALL conform to all provisions of this Code. In particular, such lighting shall be treated as Class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of Section 17.5. All upward-directed sign lighting is prohibited.

DRO Language:

From the Lighting Section:

"8. Ornamental luminaries with exposed light sources are not acceptable."

Corresponding Changes to the Zoning Ordinance:

Lighting, Section 17.5

J. ORNAMENTAL LUMINARIES WITH EXPOSED LIGHT SOURCES ARE NOT PERMITTED.

TOWN OF TUSAYAN STAFF REPORT

Date: **September 25, 2012**

To: **Tusayan Planning and Zoning Commission**

From: **Richard Turner, AICP, Contract Planner**

Subject: **1. Public Hearing and Consideration of Case No. CUP2012-01, a request for a Conditional Use Permit to allow an outdoor dining area, four on-site employee housing units and approval of a parking waiver (a reduction in the number of required parking spaces) in conjunction with an existing restaurant in the CG-10,000 (Commercial General) Zone.**

2. Consideration of Case No. DRO2012-04, 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.

ISSUE: Should the Town approve these applications and 1.) allow outdoor patio dining, the use of four apartments for employees of the restaurant, a waiver of the parking regulation for the uses at this location and 2.) permit the construction of the outdoor patio as represented on the applicant's site plan?

BACKGROUND: On May 26, 2009 the Coconino County Planning and Zoning Commission approved Conditional Use Permit application CUP-09-017 on this property along with a parking waiver. The approval of that application authorized the development of a western museum, retail uses and 4 employee housing units. The building has since been remodeled as a restaurant with regularly scheduled live entertainment and is known as the Grand Canyon Dinner Theatre.

On April 25, 2012 the Tusayan Planning and Zoning Commission determined that the use of the property was in fact a restaurant which is permitted by right (not a conditional use) in the CG-10,000 Zoning District. This decision was based on the Commission's review of similar uses allowed in this Zoning District. Accordingly, the number of parking spaces required for this use, which was primarily based on parking requirements for a restaurant, was validated.

On June 26, 2012, the Planning and Zoning Commission approved DRO2012-02, an application for approval of a wall sign on this building in accordance with the requirements of the Design Review Overlay Zone.

DISCUSSION AND ANALYSIS: Subject property is approximately one acre in size and is located on the east side of Highway 64, immediately south of a gasoline service station. The property has been developed with a restaurant which functions as a dinner theater. There are four employee housing units located on the second floor of the building. A copy of the site plan and floor plan are attached to this report.

Patio dining in association with a restaurant is not a listed use in the Zoning Ordinance. Coconino County permitted patio dining with the approval of a conditional use permit. Rather than prohibit this use, staff has decided to treat it the same way that the County did and allow it with the approval of a conditional use permit.

The proposed patio dining will take place in an area of approximately 1,000 square feet in front of the southern portion of the building. The distance from the front edge of the patio to the front property line will be 6 feet. A low wall will separate the patio from the surrounding area. The maximum height of the wall should not exceed three feet which is the limit established for walls in the front yard in this zoning district. Diners on the patio will be sheltered by a synthetic shade canopy that will be used intermittently to shade patrons during times of inclement weather or extreme heat.

The applicant states that there will be no live music provided on the patio. However, recorded music is proposed. The patio would be available for dining until 11:00 PM. Consistent with a proposed revision of the Zoning Ordinance, the recorded music should end at 10:00 PM.

No additional signage or landscaping is proposed with this application. Additional outdoor lighting will need to comply with the requirements of Section 17 of the Zoning Ordinance.

The four employee housing units on the second floor of the building were previously approved with the CUP for the museum. The applicant indicates that the employee housing is also needed for the restaurant use.

A waiver is being requested for parking. The required number of parking spaces for the use including the patio and employee housing is 85. The number of parking spaces on the property as indicated by the approved site plan is 66. The waiver request is 18 (10 for the patio and 8 for the employee housing). Granting the waiver would reduce the required parking to 67, which is one more than the number of parking spaces provided. The applicant will need to provide an additional parking space or request a Minor Modification pursuant to Section 20 of the Zoning Ordinance to reduce the required number of parking spaces from 67 to 66.

In support of the waiver request, the applicant has submitted a parking report that was done on seven consecutive evenings at approximately 8:00 PM each evening. The report shows the number of unused parking spaces to vary from 24 to 36. Assuming the patio was being used and those customers all drove to the site, the amount of unused parking would be reduced by 10. This still leaves a balance of unoccupied spaces of from 14 to 26 spaces. The parking study justifies the requested parking waiver.

The Zoning Ordinance requires that the Planning and Zoning Commission make certain findings before approving a Conditional Use Permit (Section 20.3-7). These findings, together with staff comments, are as follows:

a. That the proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.

The patio and outdoor dining are an extension of existing restaurant dining. The existing restaurant is a permitted use in the CG-10,000 Zoning District. The patio and employee housing are appropriately located with regard to the highway and other uses in the area.

b. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

The property is situated on a major highway. The patio and employee housing should not adversely impact other commercial businesses in the immediate area. There is no nearby residential use that would be negatively impacted by the proposed uses.

c. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance, except for approved variances.

Development of the site as proposed will comply with Zoning Ordinance requirements, except for the requested waiver.

d. That the proposed conditional use is consistent with and conforms to the goals, objectives and policies of the General Plan or Specific Plan for the area.

One of the goals of the Land Use section of the Tusayan Area Plan is "To minimize conflicts between adjacent land uses". This application is consistent with that goal. Other land use goals and policies in the Tusayan Area Plan do not specifically relate to this application.

Due to the change in the appearance of the site as a result of the construction of the low patio wall and shade canopy, an application for Design Review Overlay (DRO) Zoning is required. This means that the proposed structures must be reviewed against the provisions of the DRO. The DRO guidelines that apply include the following:

1. External building materials should be predominantly those that fit the natural landscape such as native stone, logs, wood, broken-faced block, exposed aggregate concrete, and stucco. The use of other materials such as synthetic or reprocessed stone and wood may be considered, but will require that information be provided regarding manufacturing specifications, product samples, and examples of where the product has previously been utilized.

The proposed split face CMU wall complies with the guidelines.

2. Earth tone colors that blend with local soils and vegetation are highly desirable. Various shades of browns and tans, subtle greens, as well as sandstone and limestone are encouraged. Bright colors such as oranges, limes, aqua blue, and white, which call undue attention to the buildings, are discouraged. Color schemes should be coordinated to complement the architectural style and mass of the buildings.

The wall will be tan or buckskin which would appear to be consistent with the guidelines.

3. Roofs must meet the color requirements of the building. Aluminum, white, or reflective roofs are not acceptable. Screening of mechanical equipment is encouraged to maintain desirable aesthetic quality from street level or from adjacent structures.

The shade canopy should match or compliment colors of the building.

Staff does not object to the approval of the patio and associated structures. The proposed construction substantially conforms to the applicable DRO guidelines.

FISCAL IMPACT: The additional dining opportunity should be expected to generate more revenue for the Town, County and State in the form of increased sales taxes.

RECOMMENDATIONS:

1. CUP2012-01: In accordance with the findings in this report it is recommended that this application for a Conditional Use Permit to allow an outdoor dining area, four on-site employee housing units and approval of a parking waiver (a reduction in the number of required parking spaces) in conjunction with an existing restaurant in the CG-10,000 (Commercial General) Zone be approved subject to the following requirements and conditions:

a. Development in accordance with the plan consisting of two 8 ½ by 11 inch sheets, undated and titled "Grand Canyon Dinner Theatre & Steakhouse".

b. Compliance with the provisions in the letter dated August 6, 2012 regarding "Application for Conditional Use Permit, Wild West Restaurants LLC dba Grand Canyon Dinner Theatre & Steakhouse Parcel #50217028".

c. The maximum height of the patio wall shall be three feet.

d. All future outdoor lighting shall comply with the provisions of section 17 of the Zoning Ordinancne.

e. Patio dining shall cease at 11:00 PM each evening.

f. Recorded music for the benefit of patio diners shall end at 10:00 PM each evening.

g. One additional parking space shall be provided or an application filed within 30 days of a final decision on this application for a Minor Modification to reduce the required number of parking spaces by one.

2. DRO2012-04: In accordance with the findings in this report it is recommended that this site plan application for a patio adjoining an existing restaurant in the CG-10,000 (Commercial General) Zone pursuant to the Design Review Overlay Zoning regulations be approved subject to the following condition:

a. That the color of the patio cover match or be compatible with the color of the building and the DRO Guidelines and approved by the Town prior to installation.

Attachments: Applications (CUP and DRO), Patio Plans (2 sheets), applicant's letter dated August 6, 2012, Community/ Citizen Participation Plan Re-Cap dated August 28, 2012, parking report – Grand Canyon Dinner Theatre & Steakhouse, approved site plan and approved floor plan.

Town of Tusayan **Office of Planning**

Willdan Engineering, 1440 E. Missouri Ave. Suite C-170, Phoenix, AZ 85014, 602.870.76[illegible]

DESIGN REVIEW OVERLAY APPLICATION

RECEIVED
AUG 3 0 2012
BY: L Matthews

APPLICANT

Name: Wildwest Restaurants LLC

Mailing Address: PO Box 3065
Grand Canyon AZ 86023

Contact Person: Clayton Cecil

Phone: 928 638 6353 Fax: 928 638 5379

Email: clayton@GrandCanyon DinnerTheatre.com

PROPERTY INFORMATION

Assessor's Parcel #: 50217028

Subdivision: ______

Unit #: ______ Lot #: ______

Address/Location: 375 State Route 64
Tusayan AZ 86023

Existing Zoning: CG 10,000

Existing Land Use: Restaurant

Proposed Land Use: Restaurant w/

Lot Size: Outside Dept Zoning

SUBMITTAL CHECKLIST

- ☑ $400 non-refundable filing fee.

  The purpose of this fee is to pay for application processing.

- ☐ Pre-application discussion with Town planner
- ☐ Fifteen copies of each of the following plans and drawings:
  (See next page for detailed requirements)
  - ☐ Site Plan
  - ☐ Signage Plan
  - ☐ Landscape Plan
  - ☐ Lighting Plan
  - ☐ Architectural Drawings
  - ☐ Grading and Drainage Plans

All materials must be folded to fit in a legal-size file (8"x14) and labeled so that the applicant's name and project location are visible.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Town access to the subject property during the course of project review.
No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant [signature] Date 8-30-12

Signature of Property Owner *(if not the applicant)*

[signature] Date 8-29-12

COMMISSION ACTION

☐ Approved with Conditions *(see attachments)* ☐ Denied

Resolution # ______ Date ______

BOARD ACTION

☐ Approved with Conditions *(see attachments)* ☐ Denied

Ordinance # ______ Date ______

OFFICE USE ONLY

Received By ______ Date ______

Receipt # ______ Fee ______

Case # ______

Related Cases ______

TOWN OF TUSAYAN

Contact Information
Willdan Engineering
P (602) 395-7532
F (602) 870-7601
E (rbrooks@willdan.com)
(jstump@willdan.com)

CONDITIONAL USE PERMIT APPLICATION

PROPERTY OWNER

Name MONARCH ENTERPRISES LLC

Mailing Address 12515 Willows Road NE
Suite 200
Kirkland, WA 98034

Phone/Fax 425 / 820-8800

E-Mail Clayton@GrandCanyonDinnerTheatre.com

APPLICANT (if not the property owner)

Name WILD WEST RESTAURANTS LLC

Mailing Address PO Box 3665
Grand Canyon AZ 86023

Contact Person Clayton Cook

Phone 928-606-0522 Fax 928-638-3279

Email Clayton@GrandCanyonDinnerTheatre.com

PROPERTY INFORMATION

Legal Description (attach additional sheets if necessary)

Assessor's Parcel # 502-17-028

Subdivision

Unit # Lot #

Address/Location 395 STATE ROUTE 64
TUSAYAN/GRAND CANYON

Existing Zoning CG/RD/OD

Existing Land Use RESTAURANTS

Lot Size

SUBMITTAL CHECKLIST

- ☑ Pre-application meeting with a staff planner
  Date met with staff for pre-application 8-6-12
- ☑ A citizen participation plan. *(See attached guidelines)*
- ☑ A non-refundable filing fee. *(See attached guidelines)*
- ☑ A *typewritten* narrative describing the request and conformance to the findings for a conditional use permit. Include the requested time limit of the CUP and justification any waivers requested from Zoning Ordinance *(See attached guidelines)*
- ☑ A *typewritten* list of names and addresses of all property owners within 300 feet of subject property.
- ☑ Fifteen copies of all plans and drawings as indicated by the staff planner at the pre-application meeting. *(See attached guidelines)*

  All materials must be folded to fit in a legal-size file (8"x14") and labeled so that the applicant's name and project location are visible.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Department of Community Development access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant Clayton Cook Date 8-3-12

Signature of Property Owner *(if not the applicant)*

Date

OFFICE USE ONLY

Received By Date

Receipt # Fee

Case # CUP 2012-01

Related Cases

Appeal Filed By Date

Receipt # Fee

COMMISSION ACTION

☐ Approved with Conditions *(see attachments)* ☐ Denied

Resolution # Date

BOARD ACTION

☐ Approved with Conditions *(see attachments)* ☐ Denied

Ordinance # Date

Bldg 395 Highway 64
PO Box 3665
Tusayan, AZ 86023

August 28, 2012

TO: Richard Turner – Tusayan Town Planner
Tammy Ryall – Tusayan Town Manager

RE: Application for Conditional Use Permit
Wild West Restaurants LLC dba Grand Canyon Dinner Theatre & Steakhouse
Parcel # 50217028

Community/Citizen Participation Plan Re-Cap

As planned and documented, on August 21, 2012 we held our open house to discuss our Conditional Use Permit application.

We sent out 10 "return receipt requested" letters to area landowners and business managers here in Tusayan. We extended the radius to include any landowner and business manager within basically a ¾ mile range.

We have received back (copies attached) 9 out of the 10 green receipt cards from mailings.

During the time of the meeting, we only 2 visitors responding to mailing and notification.

Clarinda Vail and Julie Aldaz.

We started out with them looking into the main dining room, as Clarinda had not been in the building since last September. She was complimentary about interior of building. As she asked the following questions we walked outside and I explained the necessity of the patio for additional dining seats. I explained that we had pretty much had to put Canyon After Dark to the side as we were seating guests in main dining room immediately after the dinner show each night. I walked off the area in topic for them.

Questions were as follows, with my responses.

1- Will you be operating the patio hours the same as bar hours – open until 2 am?

a. I stated we would be operating the patio hours the same as the kitchen hours, basically not later than 11 pm. This area is intended for overflow dining only.

2- Will you have live music in this area?
   a. I stated no --- we would have controlled volume speakers that would play Sirus "Roadhouse" – but no live music as that would take away from our Dinner Theatre musical production.

3- Do you have a plan for a cover/roof permanently?
   a. I stated no – we found an aluminum support system that would roll out only during inclement weather or extreme heat. The intent is for our guests to be able to dine outdoors comfortably.

4- Why are you asking for a waiver instead of a variance on parking?
   a. I stated that originally I had submitted for a variance and was told that I should be requesting a waiver.
   b. I indicated that I had done some parking counts during our heaviest occupancy evenings and we never even hit the 50% mark with over 130+ patrons in buildings.

Clarinda indicated that she had noticed that parking was truly not an issue as she had earlier thought it might be. We also discussed the agreement with Xanterra and the Trading Post next door on additional parking if needed. She was concerned that our employees were parking in that area and we did not have a formal agreement sharing in the liability. I agreed we should draft up something, but that the cars she was pointing to were all Trading Post employees and none of ours. We walked around the building to observe all the open places.

Clarinda was very complimentary on the signage and the landscaping.

The encounter was approximately 15 to 20 minutes. This again was only folks responding to mailings.

We understand that the parking is a variable that needs quantified. We are hiring a person to do occupancy and parking counts each night between 8 and 9pm (our busiest time) to demonstrate the availability for this application.

Outdoor lighting fixtures have not been determined at this time. We will be in compliance with Tusayan Lighting ordinance Section 17, when fixtures are chosen.

There will be no additional landscaping for this project.

Distance to the west property line from Patio wall is 6 feet. There is additional 35' of landscaping (by us) in the ADOT right-a-way immediate adjacent to the property line.

We currently have 3 disabled parking places, 1 motorcycle and 61 regular spaces.

Property Owners (within 300' radius)

Red Feather Properties
Attn: John Thurston
Chris Thurston
Bess Foster
Clarinda Vail
PO Box 1460
Grand Canyon, AZ 86023

Logan Luca LLC
Attn: John Rueter
PO Box 3392
Grand Canyon, AZ 86023

Boomerang LLC
12515 Willows Rd NE
Suite 200
Kirkland, WA 98034

GLC Restaurants
Attn: Greg Cook
PO Box 3026
Grand Canyon, AZ 86023

Just outside the 300' radius

Destination Cinema
Attn: Janet Rosner
PO Box 3309
Grand Canyon, AZ 86023

GRAND CANYON Dinner Theatre
& STEAKHOUSE

DATE	TIME	OCCUPANTS IN BUILDING		VACANT PARKING SPOTS	
8/30-12	8:10	15+19=34	(44)	36	56%
8/31-12	8:15	49	64	32	50%
9/01-12	8:06	64	79	26	41%
9/02-12	8:04	78	93	24	38%
9/03-12	8:04	83	98	32	50%
9/04-12	8:00	68	83	34	53%
9/05-12	8:00	52	67	34	53%

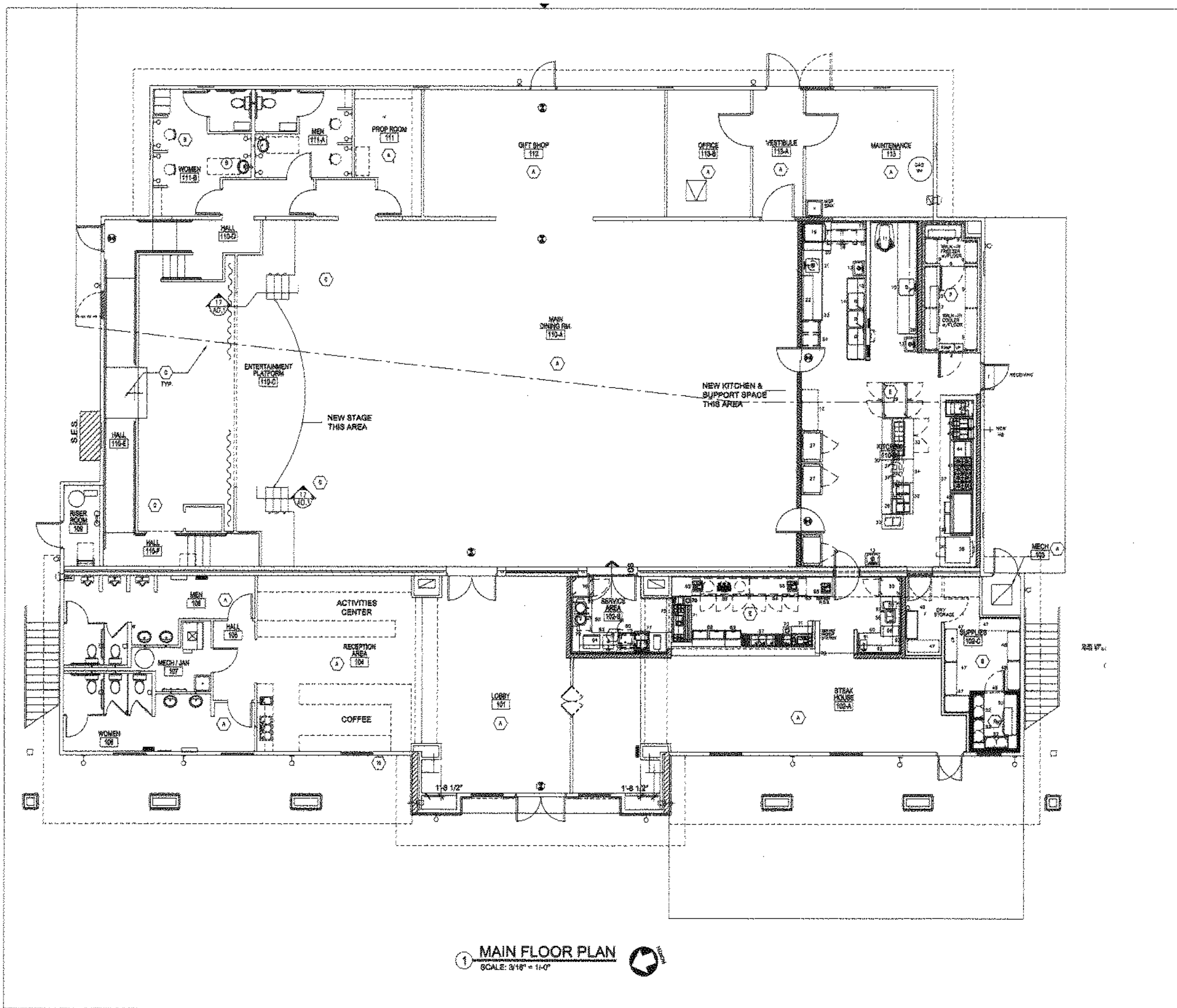
ADD (15-18) Employees to each Day in building

JUAN ARIAZA
McDONALDS Supervisor

(64x7)

occupancy
928 230 used

~~448~~ 218 49%
Avail open unused



1 MAIN FLOOR PLAN
SCALE: 3/16" = 1'-0"

KEY NOTES

- (A) EXISTING FLOOR FINISH TO REMAIN
- (B) REMOVE EXISTING VINYL FLOORING AND INSTALL NEW SHEET VINYL FLOORING WITH INTEGRAL 6" HIGH SHEET VINYL BASE w/ ALUM 'J' CAP MOLDING
- (C) 1-1/8" OCX STAINED PLYWOOD ENTERTAINMENT PLATFORM FLOORING. REF. DETAIL 17 & 18 ON DRAWING AD.1.
- (D) NOT USED
- (E) REMOVE EXIST. VINYL FLOORING AND INSTALL NEW "STRONGHOLD 30" RESILIENT 1/8" THK. SAFETY FLOORING, w/ 6" MIN. INTEGRAL COVED BASE, BY ALTRO FLOORS, U.N.O.
- (F) NO FINISH FLOOR REQUIRED BELOW COOLER AND FREEZER - COORDINATE WITH KITCHEN EQUIPMENT SUPPLIER.

GENERAL NOTES

1. REMOVE ALL EXISTING FLOOR FINISHES AS REQUIRED, AND PATCH AND REPAIR ALL SURFACES PRIOR TO INSTALLING NEW FINISHES
2. COORDINATE ALL PLUMBING FLOOR PENETRATIONS WITH PLUMBING CONTRACTOR. PROVIDE ALL REQUIRED FLASHING AND SEALANTS w/ MINIMUM SLOPES TO FLOOR DRAINS.

STOWE ARCHITECTURE
1129 WEST PALM LANE
PHOENIX, AZ

© Copyright

Grand Canyon Wild West Experience

TUSAYAN, ARIZONA

Revisions

Date: 10-31-11

Project No: 10311

FLOOR FINISH PLAN

A1.5

Bldg 395 Highway 64
PO Box 3665
Tusayan, AZ 86023

August 6, 2012

TO: Richard Turner – Tusayan Town Planner
Tammy Ryall – Tusayan Town Manager

RE: Application for Conditional Use Permit
Wild West Restaurants LLC dba Grand Canyon Dinner Theatre & Steakhouse
Parcel # 50217028

The Grand Canyon Dinner Theatre & Steakhouse has now been open since the 18th of May, 2012. We have been pleased with the business levels in both of our dining venues thus far.

By this application we are requesting the approval on the three (3) following items.

1. Approval to add an outdoor dining area to service our Grand Canyon Steakhouse guests/diners.
2. Approval to occupy four (4) upstairs studio apartments for employee housing.
3. Issuance of a waiver of parking requirements to accommodate both the outdoor patio and to serve the upstairs employee studio apartments (4)

Outdoor Dining:

As we talked about early on, we were in hopes of putting in additional seating in an outdoor patio area. We chose to take the wait and evaluate approach before doing this. It is evident that we are in need of the additional seating capacity that this area would bring to us.

Over the past couple of months we have experienced a large growth in our Steakhouse business and due to lack of seating, we are seating diners in the main dining room after the Dinner Show is over.

We are asking for the area of 21'2" deep and 48' wide that is directly in front of the Steakhouse. We will offer drawings that show a low walled area and an aluminum canopy framing for covering this area during weather days. We plan on seating approximately 45

people in this area at peak times. This area will have a one way gate for exit only, as we do have a class 12 restaurant liquor license.

This additional dining space will add approximately 1008 square footage and would require an additional 10 parking places per parking matrix.

Employee Housing Units:

We are requesting the ability to occupy the 4 studio apartments that are above the Steakhouse and Coffee area. These are limited in living space and can accommodate no more than a couple in each unit, preferably only 1 person.

Parking Waiver:

We are requesting a waiver of the parking requirements due to the addition of the outdoor dining and the employee apartments. We would be required to add 10 additional for dining and 8 for the 4 apartments, for a total of 18.

To date we have experienced many nights of 150 plus people in our building and each time I have walked our property and counted empty parking places. On June 18th at 11:15 pm, I counted 115 guests in main dining room, 32 guests in Steakhouse and another 20 or so outside talking. For a total of 167 – I then counted empty parking places, which there were 41 left available.

Our guests come to us by walking from area hotels or ride the shuttle from the Park. Very few of our guests actually drive to and park here for either of the dining options. During our time open, I have never seen are parking lot even close to the 50% full mark, and that includes are employees on duty.

Community Participation Plan:

Attached is copies of the letters sent out today (Return Receipt Requested) to all area business owners/managers. As there is only 3 actual property owners within the 300 feet, we have included all business as well.

Community Participation meeting is scheduled on August 21st, 2012 from 12 to 4 pm. We will a sign in sheet and comment sheet available for all to sign and provide their comments.

Attached is a listing of all names and addresses of actual property owners within the 300' radius.

Attached is 2 drawings – 1 side elevation showing canopy usage – 1 is overhead showing the overall dimensions.

Property Owners (within 300' radius)

Red Feather Properties
Attn: John Thurston
Chris Thurston
Bess Foster
Clarinda Vail
PO Box 1460
Grand Canyon, AZ 86023

Logan Luca LLC
Attn: John Rueter
PO Box 3392
Grand Canyon, AZ 86023

Just outside the 300' radius

Boomerang LLC
12515 Willows Rd NE
Suite 200
Kirkland, WA 98034

GLC Restaurants
Attn: Greg Cook
PO Box 3026
Grand Canyon, AZ 86023

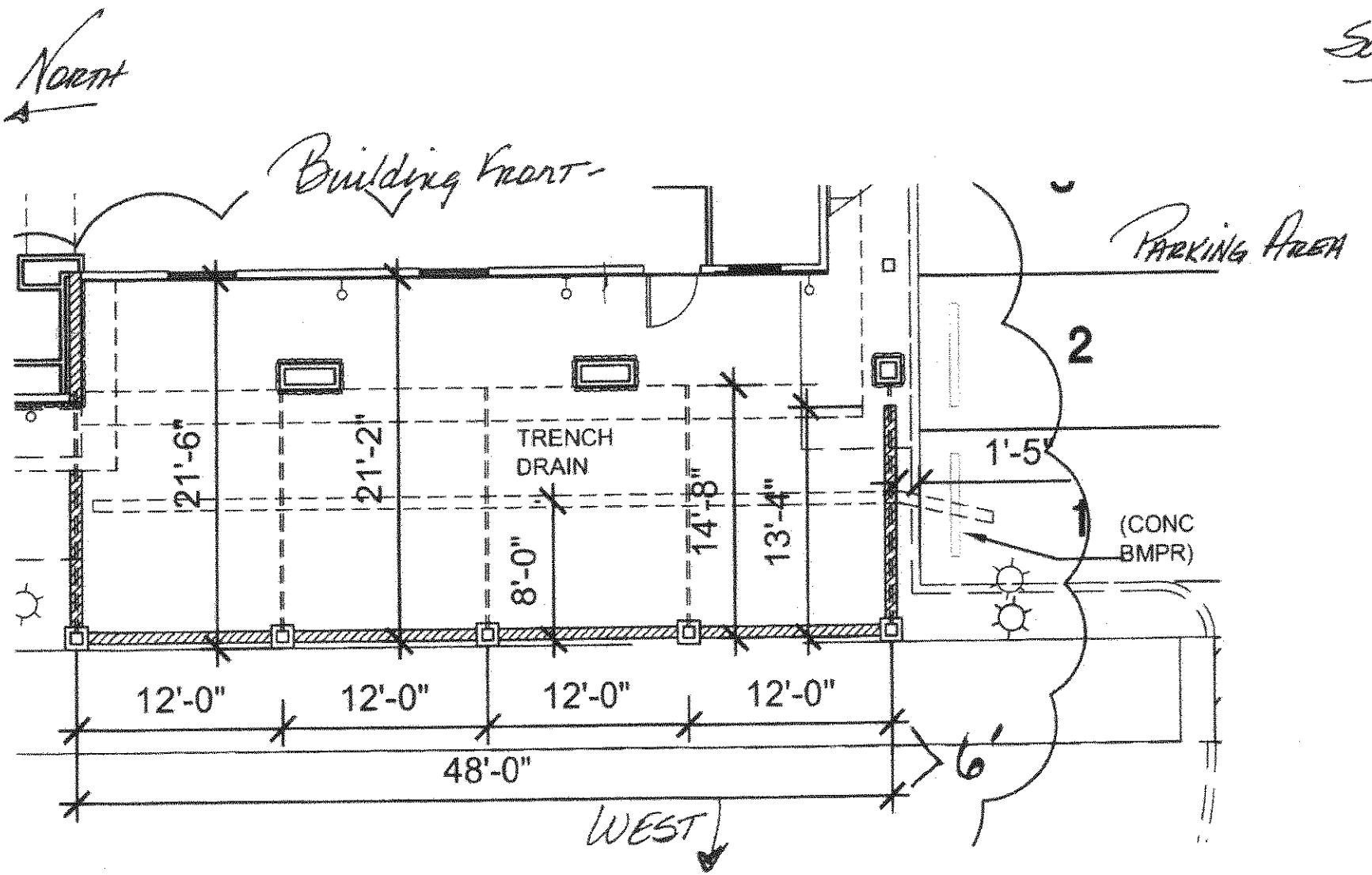
Destination Cinema
Attn: Janet Rosner
PO Box 3309
Grand Canyon, AZ 86023

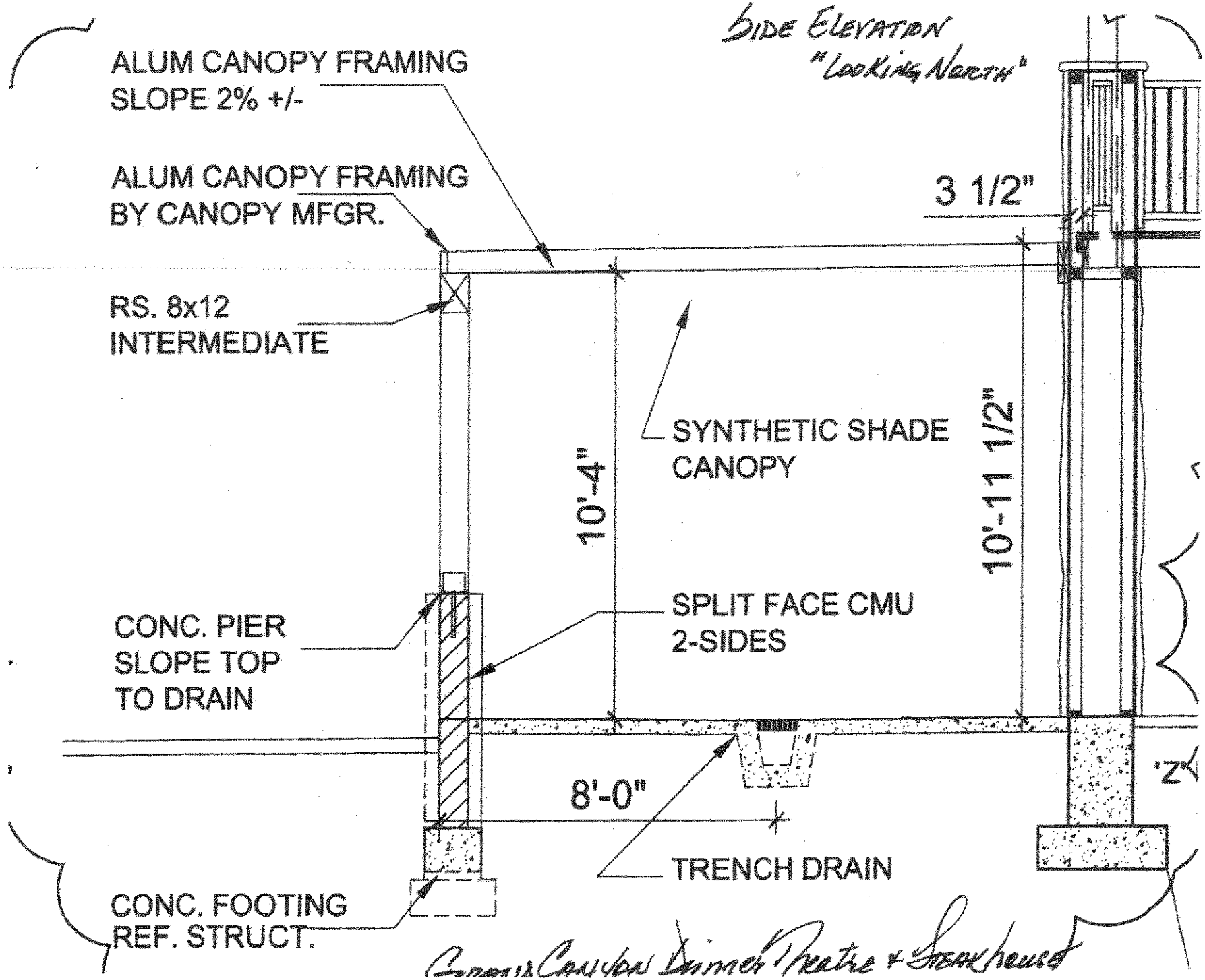
Grand Canyon
Dinner Theatre &
Steakhouse

EAST

North

South




SIDE ELEVATION
"LOOKING NORTH"
ALUM CANOPY FRAMING
SLOPE 2% +/-
ALUM CANOPY FRAMING
BY CANOPY MFGR.
RS. 8x12
INTERMEDIATE
3 1/2"
SYNTHETIC SHADE
CANOPY
10'-4"
10'-11 1/2"
CONC. PIER
SLOPE TOP
TO DRAIN
SPLIT FACE CMU
2-SIDES
8'-0"
TRENCH DRAIN
CONC. FOOTING
REF. STRUCT.
Cowboy Dinner Theatre & Steakhouse

TOWN OF TUSAYAN STAFF REPORT

Date: **September 25, 2012**

To: **Tusayan Planning and Zoning Commission**

From: **Richard Turner, AICP, Contract Planner**

Subject: **Use Determination , Pink Jeep Tours**

ISSUE: 1. Is a tour business with outdoor tour vehicle parking similar to other commercial uses and should it be considered a permitted or conditional use in the CG-10,000 Zoning District? 2. Is a tour business with outdoor tour vehicle parking similar to the uses listed in the temporary use section of the Zoning Ordinance and eligible for a temporary use permit?

BACKGROUND: The applicant has submitted applications for a Conditional Use Permit and a Temporary Use Permit for Pink Jeep Tours on the property of the National Geographic Visitor Center (IMAX Theater). The applicant is also requesting a determination by the Commission that the use is permitted in the CG-10,000 Zoning District. If the Commission decides that it is not, the applicant is requesting that the use be included in the revised Zoning Ordinance subject to the approval of a conditional use permit. If the Commission cannot make the determination that the use is permitted by right in this zone, but agrees that the ordinance should be changed to allow it, the applicant is requesting consideration of a temporary use permit until the Zoning Ordinance can be revised to include the use. The applicant also states that other, seasonal tour operators could take advantage of a temporary use permit if this were available.

Attached to this report in support of this request is the applicant's e-mail which summarizes his request. Also attached are the applicant's narrative report, site plan and photos of the parked tour vehicles.

A determination on the questions before the Commission is provided for in Section 20.1 of the Zoning Ordinance, "Determination As To Uses Not Listed". This section provides a process whereby the Planning and Zoning Commission is authorized to determine "whether a use not specifically listed as a permitted or conditional use in any zone shall be deemed a permitted use or a conditional use in any one or more zones on the basis of similarity to uses specifically listed."

The following item on this agenda is the consideration of a temporary use permit for this use. That application should only be considered if the Commission determines that the use is similar to other uses listed in the temporary use section of the Zoning Ordinance (Section 14.1).

The property has been developed with a theater and ancillary uses, including the subject tour company business. The vehicles used for the tours are parked in front of the building.

DISCUSSION AND ANALYSIS:

Staff agrees that "tour operator" is a permitted use in the CG-10,000 Zoning District, provided all related use and activity is within an enclosed building. Below is item number 23 from the list of commercial uses allowed by the Zoning Ordinance.

"23. General retail business establishments, except for Large Retail Establishments as defined in Section 8, engaged in selling goods or services to the public provided that such uses are conducted entirely within an enclosed building"

Tour operator is included in the general description of "general retail business establishments". The uses covered by this category are permitted uses in the CG and CH zones. Accordingly, if the tour vehicles were garaged on site, this would be a permitted use on this property.

The use "tour operator with outdoor activity or uses" is not found in the Zoning Ordinance. Staff agrees that it should be included in the list of commercial uses and has made that recommendation in the staff report on the revised Zoning Ordinance, another item on this agenda.

The tour operator use with outdoor parking of tour vehicles is not similar to other listed uses in Section 11 of the Zoning Ordinance. Accordingly, an application for a conditional use for the Pink Jeep Tour business should not be processed at this time.

The other question to be determined by the Commission concerns the temporary use permit application. Specifically, can this use be allowed on this property with a temporary use permit?

Included below are the uses allowed by temporary use permit in Section 14.1 of the Zoning Ordinance.

"A. Special events shall include such outdoor activities as:

1. Transient amusement activities (carnivals, circuses)
2. Tent revivals, seasonal festivals
3. Outdoor sales events (sidewalk, parking lot sales)
4. Outdoor art and craft shows, exhibits (art, craft, RV, boat)

Events shall be limited to a maximum of three (3) times per calendar year not to exceed a maximum duration of five (5) days per event.

B. Christmas tree sales lots, subject to not more than 40 days of site occupation and operation per year.

C. Campaign offices subject to not more than 70 continuous days of site occupation and operation.

D. Religious, patriotic, historic, or similar displays or exhibits within yards, parking areas, or landscaped areas, subject to not more than 30 days of display in any one year period for each exhibit.

E. Contractor's office and storage yards on the site of an active construction project.

F. Manufactured home residences or trailers for security purposes on the site of an active construction site of major development projects but for not more than a total of six months in any 12 month period.

G. Stands for the sale of jewelry, furs, rugs and similar home-type products subject to not more than 30 days per year.

H. Stands for the sale of produce subject to not more than 30 days per year. The provisions of this subsection do not apply to the sale of produce raised on the premises.

I. Temporary retail food sales subject to not more than 30 days per year. This shall include stands for sales at one (1) day special events.

J. Establishment of batch plants in conjunction with road construction projects subject to Planning and Zoning Commission approval.

K. Temporary occupancy of a recreational vehicle or a travel trailer in the G, AR, RR, or MHP Zone for a period not to exceed 100 consecutive days per calendar year, provided that the lot or parcel is not already occupied by a dwelling or other residential structure.

L. Upon the issuance of a building permit, temporary occupancy of a recreational vehicle or a travel trailer in the G, AR, or RR Zone for a period not to exceed six months, provided that the lot or parcel is not already occupied by a dwelling or other residential structure. The temporary use permit may be renewed only if the building permit is issued for a dwelling, and if the building permit remains active.

M. Metal storage containers, refer to Section 14.7.

N. Additional uses determined to be similar to the foregoing in the manner prescribed in Section 20.1 (Determination as to Uses Not Listed) may be granted permits by either the Director of Community Development or Planning and Zoning Commission."

Item "N" above states that additional similar uses can be allowed as temporary use permits if determined to be similar to the listed uses by the Planning and Zoning Commission. This agenda item is that process.

In reviewing the list of uses, staff does not find one similar enough to tour operator with outdoor vehicle parking to permit the applicant to file a temporary use permit application for this use.

FISCAL IMPACT: No fiscal impact is anticipated as a result of a decision in this matter.

RECOMMENDATION: It is recommended that **the Planning and Zoning Commission make the following determinations:**

a. Tour operator as a use conducted entirely within an enclosed building, is a permitted use in the CG-10.000 Zoning District

b. Tour operator as a use with outdoor tour vehicle parking is not similar to other uses listed in Section 11 of the Zoning Ordinance and is neither a permitted or conditional use.

c. Tour operator with outdoor vehicle parking is not similar to other uses listed in Section 14.1 of the Zoning Ordinance (temporary uses) and cannot be permitted by temporary use permit.

Should the Planning and Zoning Commission disagree with staff and determine that the use "tour operator with outdoor tour vehicle parking" is a conditional use in the CG-10,000 Zoning District; staff will begin processing the application for a conditional use permit submitted by the applicant. In this eventuality the temporary use permit allocation should logically be withdrawn.

Should the Planning and Zoning Commission agree with staff with regard to recommendations "a" and "b" above, but determine that the use "tour operator with outdoor tour vehicle parking" is similar to a listed temporary use, the Commission should act on the temporary use application which is the next item on this agenda.

Attachments: E-mail from Applicant Dated 9/14/12, Narrative Report (one page), Site Plan, Photos of Parked Vehicles.

NATIONAL GEOGRAPHIC

VISITOR CENTER
GRAND CANYON

Town of Tusayan
Planning & Zoning Commission
845 Mustang Dr.
Tusayan, AZ 86023

September 12, 2012

National Geographic Visitor Center Citizen Participation Plan

On September 4th NGVC mailed letters to property owners within 300' of APN: 502-17-012E stating the intent to apply for a CUP for (Tour Operator) and the meeting will take place at the property between 10am – 11am.

List of property owners within 300' of APN: 502-17-012E

- Red Feather Properties LTD Partnership
- South Grand Canyon Hospitality Group
- Elling Halvorson
- Boomerang LLC
- Halvorson & Seibold

There was no participation from the listed property owners in this meeting and/or comments written or verbal given.

I have attached the citizens participation meeting sign-in, a site plan, a description of the tour operations, and photos showing the location of the vehicles used for the tours.

If you need additional information, feel free to contact me at 928-638-2468.

JRosener

Janet Rosener
National Geographic Visitors Center
General Manager

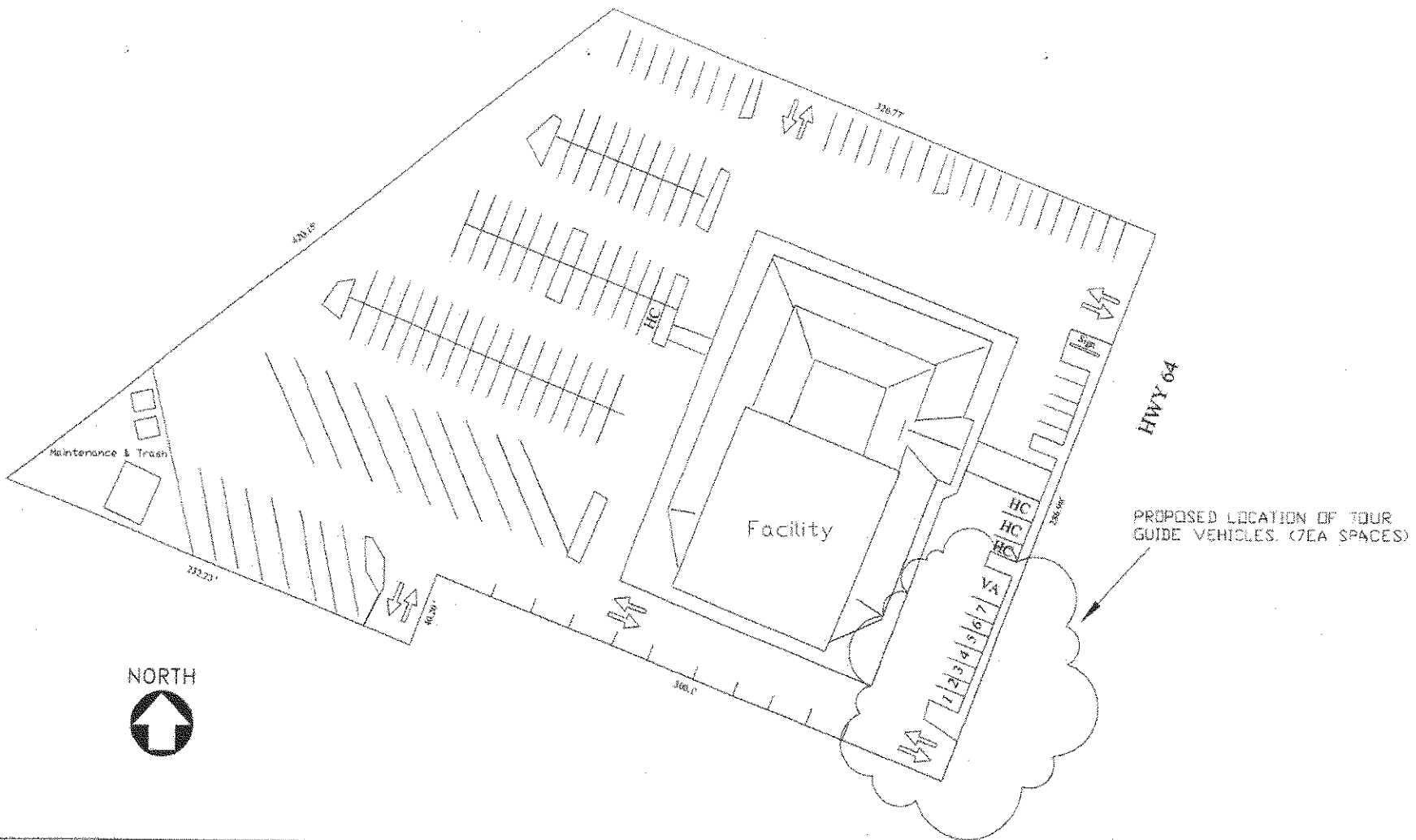
GRAND CANYON
IMAX MOVIE

Citizens Participation Meeting
Sign-in

Citizens Participation Meeting September 11, 2012
Sign-In

Name	Address	Comments
Robb Bobkoky	275 Memory Lane	Good IDEA
Irina Ermakova	Canyon Pines #20	Sounds great!
[illegible]	[illegible]	[illegible]

Site Plan



National Geographic Visitor Center

APN: 502-17-012E

Site Plan

RobbCo Construction

Tour Operation Narrative

Grand Canyon Theater Venture DBA National Geographic Visitor Center (NGVC) entered into a contract with a tour operator to operate out of NGVC's facility. We are requesting clarification as to the classification of this business.

How the business operates:

- Tour Operator sales desk is located in the facility's main lobby.
- Individuals/groups visiting the facility can purchase a guided tour of the Grand Canyon South Rim's many attractions.
- All sales are conducted entirely within the building; once tickets are purchased the clients are escorted to the guide vehicle where they depart from property to their destination; upon completion of the tour the clients are then returned to the facility to depart from there.
- All guide vehicles are commercial vehicles and adhere to ADOT requirements; all vehicles are used daily and parked in designated "approved" parking spaces and do not occupy any one space for more than a 24 hour period.
- There is no maintenance and/or storage of vehicles "of any kind" conducted on property.

In closing, marketing studies indicate that it is crucial for business viability to strategically display guide vehicles to vehicular and/or pedestrian traffic. In this case, the display of the vehicles in the front of the building exponentially increases the number of guests who take tours.

We interpret the best classification of the use in Sec. 11 that resembles the above use to be:

Under Sec. 11.1 (B) General Commercial Uses for CG -10,000 Zoning
Line 23. *"General retail business establishments, except for Large Retail Establishments as defined in Section 8, engaged in selling goods or services to the public provided that such uses are conducted entirely within an enclosed building."*

If the commission feels that an additional line or amendment in part (B) of Sec. 11.1 is needed; NGVC suggests the following:

The Commission to consider amending Sec. 11.1 (B) General Commercial Uses for CG-10,000 & CH-10,000:

- to allow "Tour Operator" as a new line in part (B) of Sec. 11.1
  OR
- to be included in line 23 of part (B) of Sec. 11.1. and to be considered under conditional use or permitted use.

NGVC would also suggest the Commission to consider including Tour Operator as a TUP.

Tour operations are an essential part of Tusayan's history and economic growth and need to be recognized for their importance to the town's future growth.

Photos of Tour Operations
Jeep Parking

TOWN OF TUSAYAN STAFF REPORT

Date: **September 25, 2012**

To: **Tusayan Planning and Zoning Commission**

From: **Richard Turner, AICP, Contract Planner**

Subject: **Temporary Use Permit No. TUP2012-04, Tour Operator with Outdoor Tour Vehicle Parking**

ISSUE: This is a request for approval of a temporary use permit (TUP) for a tour business with outdoor vehicle parking at the National Geographic Visitors Center.

BACKGROUND: The application and supporting documentation are included with this report. The request is for approval of a tour operator with outdoor parking of tour vehicles (pink jeeps) in front of the building. The applicant is the National Geographic Visitors Center. The contact person is Robb Baldosky.

This is the second of two items on this agenda regarding the applicant's proposal. The first item is the determination by the Planning and Zoning Commission of whether this use can be allowed as a temporary use by means of a temporary use permit. This item, TUP2012-04 is the consideration by the Commission of the application for a Temporary Use Permit for a tour operator with outdoor tour vehicle parking and should only be considered if the Commission has determined that the use is similar to other temporary uses and can be allowed by temporary use permit in CG-10,000 Zoning .

ANALYSIS: A TUP for banner signs, TUP2012-03, was approved on this property on June 26th of this year by the Planning and Zoning Commission. That approval expires on October 9, 2012. Due to the 15 day appeal period that is part of the similar use determination with regard to tour operator with outdoor veicle parking (the preceding item on this agenda), the effective date of a temporary use permit approved at this meeting would be October 11, 2012. This is important because Section 14.1 of the Zoning Ordinance states that only one temporary use permit is to be issued for a parcel at any one time and permits shall not have overlapping time frames.

Staff has determined that as a temporary use, this request would not be subject to a formal DRO approval process.

The most significant visual impact of this proposal is parking the pink tour jeeps in front of the building, along Highway 64. The site plan shows 7 spaces reserved for pink jeep parking. The applicant states that the visibility of the jeeps is very important to the success of the business.

The name of the business is painted on the vehicles and as such, the vehicles would be considered a type of sign. Section 16.4.G of the Zoning Ordinance deals with this type of signage as follows:

"G. Vehicle Signs

1. Signs painted on or attached to vehicles parked on public or private premises that are displayed in view of vehicular or pedestrian traffic for a period in excess of twenty-four (24) hours shall be prohibited."

Accordingly, tour vehicles with the business name painted on them are not allowed to be parked in front of the building for longer than 24 hours at a time.

One of the performance standards for temporary use permits states that adequate parking shall be provided. Staff is concerned that the jeeps may occupy parking spaces otherwise required for other established uses on the property. If this TUP is approved, it should be subject to a report from the applicant that demonstrates the parking requirements of the zoning ordinance will still be met with the loss of seven spaces devoted to use by tour vehicles.

While staff is sympathetic with the applicants desire to maximize the number of customers through the use of up to seven pink jeeps parked in front of the building, this need must be balanced against community aesthetic considerations. Staff would suggest that parking a single pink jeep in the front of the building should be adequate to attract customers. The other jeeps should be parked toward the rear of the building, out of site of the motoring public. To meet the requirements of the sign regulation, the "display" jeep should be parked at the rear of the building each evening.

The applicant has not requested a specific period of time for this TUP. He has indicated that it should be in effect until the Zoning Ordinance is amended to allow this use as a condition use in this zoning district. At that time, his application for a CUP would be considered. In consideration of the applicant's reasoning, staff would recommend a 90 day term for this TUP.

FISCAL IMPACT: There is no fiscal impact to the Town with regard to this request.

RECOMMENDATION:

If the Commission has determined that this use is eligible for consideration as a temporary use, then it is recommended that this application, TUP2012-04, a request to permit a tour operator with outdoor vehicle parking as a temporary use in the CG-10,000 Zoning District be approved subject to the following requirements and conditions:

a. Only one pink jeep shall be parked in front of the building in any of the parking spaces shown on the site plan. All other tour vehicles shall be parked behind the building. The one display vehicle shall not be parked in front of the building for longer than 24 hours at a time.

b. Prior to the effective date of the TUP, the applicant shall submit a report to the Town that demonstrates that the parking requirements for all existing uses on the property will still be met even with the use of parking spaces by tour vehicles.

c. The effective date of the temporary use permit shall be October 11, 2012 and it shall expire on January 11, 2013.

d. The property owner shall be responsible for maintaining the property in good condition.

Attachments: Application, Site Plan, Narrative Report and Photos of Pink Jeep Parking

Contact information
Willdan Engineering
P (602) 395-7532
F (602) 870-7601
E (nbernoski@willdan.com)
(rbrooks@willdan.com, lstump@willdan.com)

TEMPORARY USE PERMIT APPLICATION

APPLICANT

Name National Geographic Visitors Center

Mailing Address PO Box 3309, 450 State Rt 64
Grand canyon, AZ 86023-3309

Contact Person Robb Baldosky

Phone 928-607-4597 Fax 928-638-2807

Email Robb@robbcousa.com

PROPERTY INFORMATION

Assessor's Parcel # 502-17-012-E

Subdivision 502

Unit # 17 Lot # 12E

Address/Location 450 State Rt 64
Grand Canyon, AZ 86023

Zoning CG10000

Existing Land Use

Lot Size 126565.00

TEMPORARY USE PERMIT REQUEST

Please provide a detailed description of the request, including proposed dates and times of operation.

Request a TUP to allow for a tour operator until an ordinance is adopted and in place to address tour operators.

SUBMITTAL CHECKLIST

☒ $40 non-refundable filing fee.

A $100 fee is required for requests necessitating a hearing before the Planning and Zoning Commission.

N/A ☐ Two copies of the proposed site plan—*scaled and adequately dimensioned*—detailing property boundaries; existing improvements and uses; proposed improvements and uses; method of sewage disposal; and any proposed signs.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Department of Community Development access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

Date 9/7/12

Signature of Property Owner *(if not the applicant)*

Date

OFFICE USE ONLY

Received By Date

Receipt # Fee

Case #

Related Cases

DIRECTOR ACTION

☐ Approved with Conditions *(see attachments)* ☐ Denied

Action By Date

Expiration