



# TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331  
(928) 634-7943 FAX (928) 634-0715

## REGULAR MEETING OF THE TOWN OF JEROME PLANNING AND ZONING COMMISSION

DATE: WEDNESDAY March 5, 2014 TIME: 7:00 pm

PLACE: Jerome Town Hall  
600 Clark St., JEROME ARIZONA, 86331

### Minutes

#### **ITEM 1: CALL TO ORDER at 7:04 pm by Chair Lance Schall**

Roll call by Zoning Administrator.

Commissioners Present: Lance Schall, Ellen Smith, Frank Vander Horst, Leo Shakespeare, Mike Parry.

Staff: Zoning Administrator, Rebecca Borowski

**ITEM 2: APPROVAL OF MINUTES:** *Upon motion by Commissioner Parry and second by Commissioner Smith, the minutes of February 5, 2014 were approved unanimously.*

**ITEM 3: PETITIONS FROM THE PUBLIC:** There were no petitions from the public.

**ITEM 4: APPOINTMENTS AND ELECTIONS** - Staff recognized Commissioner appointments. *Lance Schall was nominated for Chair by Mike Parry. Second by Ellen Smith. Motion carried unanimously. Ellen Smith was nominated for Vice Chair by Mike Parry. Second by Frank Vander Horst. Motion carried unanimously.*

Commissioner Parry would like to be the Planning and Zoning Commission representative on Design Review Board. Discussion ensued regarding the process to select the representative. Chair Schall gave Direction to Staff to ascertain proper procedure.

#### **ITEM 5: APPLICATION FOR CONDITIONAL USE PERMIT – THE JEROME KEEP BED AND BREAKFAST**

APPLICANTS: Jaime and Darryl Williams

ZONE: R1-5

ADDRESS: 728 East Avenue, Jerome

APN: 401-07-090H

OWNER OF RECORD: Gilbert and Judy Robinson

The applicants request a Conditional Use Permit for a second room at The Jerome Keep Bed and Breakfast, request to sell self-produced alcoholic beverages to guests, and request adding the term "Bed & Brew" to the business name. The Commission will review the request for compliance with the Zoning Ordinance, and may recommend approval or conditional approval, or deny the request. Prior to reaching a decision, the matter may be continued to a specified date, or set for Public Hearing. Prior to holding a Public Hearing, a Neighborhood Meeting may be required by the Commission. If approved, the Commission's recommendation will be submitted to the Town Council for final action.

Zoning Administrator introduced the application and reported on conflicts of interest. Commissioner Parry has a conflict of interest as the owner of a Bed and Breakfast. Commissioner Vander Horst, who lives in the vicinity of the subject parcel, is among a class of 10 or more property owners, therefore



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does not have a conflict. There was concern from the public that Commissioner Smith's daughter is in residence at the subject parcel. The Zoning Administrator confirmed with Commissioner Smith that her daughter does not live at 728 East Avenue, in which case there is no conflict.

Prior to discussion Commissioner Parry recused himself and left the dais.

The Commission discussed the general practice of Bed and Breakfasts offering guests complimentary beverages, including beer, wine and spirits. Commissioners agreed that the applicant's home-brewing of beer and hard cider is a home occupation, a permitted use.

Commissioner Shakespeare voiced concern regarding fact that the microbrew license requires a minimum production of 5,000 gallons per year. Mrs. Williams explained that the State Liquor Board offers only one type of microbrew license, with a minimum of 5,000 gallons. She assured the Commission that her liaison at the State Liquor Board indicated that the license will allow a lower minimum quantity. The applicant then requested that the Commission, or Council, set production limitations as part of the Conditional Use Permit. She went on to explain that, under home-brew law, they were allowed to produce up to 200 gallons of beer for personal use, but they could not sell the alcohol. A complaint was called in to the Liquor Board when the Jerome Keep was advertising as a Bed and Brew. According to state laws, advertising as a bed and brew is essentially selling alcohol.

Resident Jane Moore asked if it is legal to sell alcohol in a residential neighborhood. Mrs. Williams responded that, according to the liquor board, it is legal, as long as the Town approves the use. She then reiterated their intent to offer guests complimentary bottles with the option to purchase additional units. The state license will allow on-site sales with on- or off-site consumption.

Mr. Williams presented annual production estimates based on bookings. Based on 2 rooms and 4 adults, they would offer 4 complimentary 22 oz. bottles. At 50% occupancy this would be 500 gallons. If all four guests want to buy an additional bottle it equates to 1255 gallons per year. The capacity of existing production equipment would not exceed 1200 gallons per year.

Commissioner Vander Horst questioned the applicants about the winery license they are seeking in order to produce hard cider. The application included documentation on both types of licensing, which specifies that a winery and a microbrewery cannot occupy the same building. Mrs. Williams responded that their contact at the State said they could.

The Zoning Administrator recommended holding a Public Hearing and Neighborhood Meeting before making a decision about the alcohol portion of the CUP application.



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Commissioner Smith said she did not see a need to schedule a Public Hearing for an additional room at an existing Bed and Breakfast, and noted the State Liquor Licensing process has Public Hearing requirements that will be met if the applicants get to that point.

*Commissioner Smith made a motion to recommend granting an additional room at The Jerome Keep with the stipulation that they provide the required parking and any on street parking will be considered a violation. Second by Commissioner Shakespeare. Motion carried with 4 yes votes.*

Resident Jane Moore asked about the lower parking space and stairs leading to the house. Her concern was with accessibility and safety of guests, Town's liability and setting precedence for other properties. Chair Schall explained that the parking requirement is fulfilled by on-site parking in the garage and driveway. Mrs. Williams clarified that the lower parking and stairs are not used.

Chair Schall began discussion about setting limitations upon production of beer and hard cider. Commissioner Smith suggested that the Commission make a recommendation to Council, who will ultimately approve or deny the application. She went on to say that it would be appropriate for Council to hold a Public Hearing in relation to the Liquor License.

Commissioner Vander Horst questioned the appropriateness of the request for a name change being sent to Planning and Zoning Commission. Commissioner Shakespeare agreed that the name change should be tied to the Liquor License and not to the Conditional Use Permit. Chair Schall explained that the name implies use, which is within the purview of the Commission. The Commission took no action regarding the name change.

Commissioner Vander Horst voiced concerns with issuing a recommendation without having documentation from the state that the 5,000 gallon minimum does not have to be met and that having a microbrewery and winery on the same property is allowed.

Resident Doug Freund asked the Commission if the notion of a Neighborhood Meeting had been abandoned. He suggested that it precede any recommendation. Chair Schall explained that the Commission's recommendation to Council will include holding a Public Hearing.

*Chair Schall made a motion to recommend limiting combined total production to 1,500 gallons per year contingent upon Town Council approval and meeting State Liquor Board requirements and approval, and also to recommend that Town Council hold a Public Hearing. Second by Commissioner Smith. Motion carried with 4 yes votes.*



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**ITEM 6: FUTURE AGENDA ITEMS**

Chair Schall would like to have the Commission vote whether or not to give further consideration to the proposed changes to definitions for 'Bed and Breakfast', 'Boarding House', 'Hotel' and 'Motel'.

**ITEM 7: ADJOURNMENT at 8:05pm**

*Motion by Commissioner Smith. Second by Commissioner Parry. Motion carried unanimously.*

Respectfully submitted by Rebecca Borowski on the 2<sup>nd</sup> day of April, 2014.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Planning and Zoning Chair

Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
Planning and Zoning Vice Chair