



# 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, February 7, 2018 TIME: 7:00 pm

PLACE: JEROME CIVIC CENTER

600 Clark St., JEROME, ARIZONA 86331

### MINUTES

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission and to the general public that the Planning & Zoning Commission will hold the above meeting in Council Chambers at Jerome Town Hall. Members of the Planning & Zoning Commission will attend either in person or by telephone, video or internet conferencing. The Planning & Zoning Commission may recess the public meeting and convene in Executive Session for the purpose of discussion or consultation for legal advice with the Town Attorney, who may participate telephonically, regarding any item listed on this agenda pursuant to A.R.S. § 38-431.03 (A)(3).

#### ITEM 1: CALL TO ORDER/ROLL CALL

Chair Lance Schall called the meeting to order at 7:04 p.m.

Roll call was taken by Kyle Dabney. Commission members present were Chair Lance Schall, Mike Parry and Margie Hardie.

Staff present were Kyle Dabney, Zoning Administrator, and Joni Savage, Deputy Clerk/Minute Taker.

Chair Schall noted that three members were present, so they have a quorum. He went on to discuss the changes to the original agenda, noting that the original Item 5 was for a conditional use permit that had been pulled.

#### ITEM 2: APPROVAL OF MINUTES

Minutes of November 1, 2017

**Mike Parry moved to approve the minutes of November 1, 2017, Margie Hardie seconded. The motion passed with three votes in favor of approval.**

#### ITEM 3: PETITIONS FROM THE PUBLIC

-There were no petitions from the public.

#### ITEM 4: GRADING CHANGE ON PREVIOUSLY APPROVED NEW CONSTRUCTION PLAN

Property owner is seeking approval for raising the elevation on previously approved construction plan to match elevations on neighboring properties.

OWNER OF RECORD: JERRY PATE

APN: 401-11-012H

APPLICANT: JERRY PATE

YEAR CONSTRUCTED: N/A

ADDRESS: 160 NORTH DR

ZONE: R1-5

Ms. Hardie would like to make a motion to table this item until they receive a completed application with engineering plans indicating the changes. We do have to have an engineering plan anyway and she would like to have all of the documents in the packet. She doesn't believe this request will hold up the project.

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**Ms. Hardie made a motion to table this item.**

Chair Schall asked what is our action here, we're looking at the elevation. This packet doesn't have architectural or engineered drawings. It is nicely done, but just preliminary. He went on to say that it is not clear to him that the proposed structure will actually be taller than it's supposed to be. It is a rough sketch, it doesn't show where the foundation will be.

Ms. Hardie said, "I've made a motion and are we discussing my motion or are we discussing the item. I made a motion to table the item."

Chair Schall responded that the motion is still on the floor. We're talking about it.

Mr. Dabney said he believes Chair Schall would need to make a recommendation for a second.

Ms. Hardie said okay, fine, she just wanted to know the sequence.

Chair Schall explained, "Until it is seconded we can talk about the whole issue. I'm actually talking about the same thing you commented about and I want to be specific about what I'm not clear about. Until there is a second we can get input from the audience."

Mr. Parry said he would like to see how it impacts the house next door. If you're asking to raise it 4 and ½ feet, he would like to see how it impacts the house next door, we have no reference. This is all just conjecture. I think we have to worry about how we impact the house next door. He asked the representative if they were lower than the house next door.

The **unidentified representative** for Mr. Pate said, "According to Mr. Pate our structure sits 2 feet above the surface of the road that is directly in front. The houses directly to the east and west sit at 6 and 8 feet. We are substantially lower and our new proposal is to raise the elevation 4 to 6 feet so that it would be more uniform."

Mr. Parry asked do we know if those others were approved for those elevations. Or don't we have records.

Mr. Dabney said yes we do have records, but who knows if it was followed.

Mr. Parry would like to see how it would fit in to the relation of the neighborhood. Basically the house next door, if you were below it he could see it would be annoying.

The **unidentified representative** said, "We don't want to be higher, we just want to fit in."

Mr. Parry said there is nothing really here to look at other than the dimensions, the distance from the property line back. You have a couple different numbers, but we don't know if those are real engineering numbers. An engineer can move it on the lot before you even start. Then you can go for a variance, because right now you're not sure, this is just a sketch to give us an idea. At that time we can figure it in relation to the neighbors. At this point he can't really tell, this is all just an estimate. If you're going to get a variance you want the facts.

Chair Schall commented his fellow commissioners all seem to have the same question. He had a question about a location. He doesn't see a plan view of the pitch, slope, foot print and point C and how it got there on the drawing. This is a little hazy on what we're deciding.

Mr. Parry said you're going to have to get an engineer to draw it and then we can slide it if we need to in order to fit in with the neighbors.

Mr. Dabney said he would look and see what we have on the record.

Mr. Parry commented again it is a very nice project.

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Chair Schall said an engineer can give you the facts.

Mr. Parry said this is a nice drawing, but there is no certification on this.

Ms. Hardie said she would hope that prior to looking into anything other than making the project accommodate the zoning ordinance, not aiming at how can I make an exception. Originally, she thought you had a different configuration as far as median height. She hopes the goal of the project is to stay in the confines of the zoning ordinance. She has looked at the land and she can visualize things when looking at the property. She doesn't see the parking definitions on the drawings. There were a lot of things missing on this (drawing) in order for her to make a decision.

Mr. Parry asked if we had to vote on it.

Chair Schall responded only if we have a second, we just have a motion.

Mr. Parry asked that they come back with engineered drawings and other documents that may be requested by the Zoning Administrator. Mr. Dabney can see how it would fit into the neighborhood. If the houses in the neighborhood are traditionally higher, which I don't see, but if they are he probably deserves a variance.

Ms. Hardie said as a point-of-order we are not here to discuss variances. She doesn't think it is a good idea to indicate that there is an option out, in this case.

Mr. Parry said he didn't say there was an option, he thinks we should have engineered drawings.

Ms. Hardie said she agreed with him 100%.

Chair Schall replied the applicant always has the right to ask for a variance, but we'd rather have it meet the zoning code. That's the goal.

Mr. Parry said everything is floating in the air until an engineer shoots it and calls it what it is. It's a delicate neighborhood over there. He asked should we table it and come back with drawings.

**Ms. Hardie restated her motion to set aside these plans and ask that they come back with engineered drawings and other documents that the Zoning Administrator may request.**

Ms. Hardie went on to say more indications on the site plans and the application is not complete.

Chair Schall added that they should come back with a street scape.

Ms. Hardie asked towards what end, just curious.

Chair Schall responded he wants to see it in relation to the houses around him.

Ms. Hardie asked what about the depth, there is a definite change in depth. The more information the better.

Chair Schall said the requirements are in the ordinance

**Chair Schall seconded the motion and called the question, the motion passed unanimously.**

## **ITEM 5: HOME OCCUPATIONS – Zoning Ordinance 502.M 7:19**

Direction from Planning and Zoning Commission to discuss potential changes to the Zoning Ordinance for Home Occupations – Any decision to move forward with a change requires the Planning and Zoning Commission to establish a time for a Public Hearing

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Mr. Dabney presented the information that he had compiled from different towns and what we have currently. He has no recommendation but would like to open it for discussion.

Ms. Hardie said, "I had made comments on each of the applications, the different discussions, definitions like three or four different communities as well as looking at our definition on page 17 in the zoning ordinance, home occupation." She asked if she should read the short definition in the ordinance and she did, "Any occupation or profession which is incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and in connection with which there are no employees other than a member of the immediate family residing in the dwelling unit." That's the short definition in the book, but there are other items listed in Mr. Dabney's staff report. It gives further details with different examples.

Mr. Schall said he did see the examples. His general opinion is there is too much detail. What we want in a nutshell is in his opinion he needs to say, "I don't want to be able to tell what's going on inside a house when standing on the outside of the house."

Mr. Parry asked what about fumes and odors.

Chair Schall repeated himself, and said he doesn't want to be able to tell.

Mr. Parry said he liked the Bisbee Home Occupation ordinance. It is simple and it's like our sister city.

Ms. Hardie referred to the Bisbee ordinance and added she liked where it talked about uses don't exceed 25% of the house. She thinks there may have been an occurrence where the home occupation took up half the house. She can see that being a detriment to the whole idea, it defeats the purpose of fitting into a residential neighborhood. Number 4 talks about everything needs to be stored inside the dwelling. Maybe that's already, she doesn't mind having a few rules, she wants to keep it simple. Stored inside, screened from sight of adjacent properties.

Chair Schall added that he doesn't like #7 on the Bisbee ordinance; he would eliminate that completely.

Ms. Hardie said, "Oh no, the only two I like are #1 and #4, and none of the rest of it."

Mr. Dabney said our ordinance is covered under the sign ordinance.

Ms. Hardie referred to a sign in the residential neighborhood and there are three listed and said she would only recommend 1 about the sign a certain size, F1 which says a sign can be 2" x 12" period, otherwise they can get out of hand. Our description could say 509 F1 only. She thinks it would be a good idea because who wants to see people wandering around looking for something.

Ms. Hardie said, "On the Prescott Valley one, the Sedona one had a peculiar title on it, 'Home Occupancy'," then she added, "A little sign, that wouldn't be obnoxious, but I have no right to say what is obnoxious." She mentioned item #6 on Prescott Valley's form.

Mr. Parry read item #6: "No on-site sales or public display of items for sale shall be permitted on the premises."

Ms. Hardie responded is that a given already.

Chair Schall said put it on Bisbee's list.

Ms. Hardie went back to the Prescott Valley form and referred to the second page, number 15. In the new parking ordinance there has not been, as far as she knows, for any authorized clients.

Mr. Dabney said the parking ordinance is not solid yet.

Ms. Hardie retorted, "But it's passed."

Mr. Dabney explained that there will be problems as we go through it, and we will address them. Police Chief Muma said just keep open communication with him so that he can address those things.

Ms. Hardie said, "So for now we won't think about that. We'll wait and see how it plays out and adjust accordingly."

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Chair Schall said his general impression, the parking he would expect from a home occupation would be indistinguishable from a guest coming to visit. He doesn't know if we have to address that in the ordinance.

Ms. Hardie said it could be because some already require off-street parking. It may have to be addressed because as it will be, somebody could get a ticket. Number 15 she marked it off in thinking about the parking situation, but at this point she can't see requiring off-street parking. That would inhibit anybody from having a home occupation in a lot of ways.

Chair Schall said you couldn't be retail or service. Your home-based business could be manufacturing where you make paper weights in your garage.

Ms. Hardie doesn't see that as a big issue right now. She moved on to Sedona Home Occupancy. "On letter B where it says... "nothing can be altered or the conduct of the occupation within the structure be reasonably recognized as serving a non-residential use"...and all those things .... "color, materials, construction, lighting, signs, sounds, vibrations"...smells, do we have that somewhere, we don't do we. I'm saying we need to have smells."

Chair Schall said yes, we should.

Ms. Hardie said we should have smells. That came up one time with a specific suggested occupation that would have put off fumes.

Chair Schall mentioned painting and cooking smells.

Ms. Hardie said, "I don't believe we have any phrases that talks about you can't have anything that will see, smell, fumes, sounds; it's in more than one of these and I really want to see something like that in there."

Mr. Parry read letter i. from the Sedona form; "No smoke, odor, liquid or solid waste shall be emitted."

Ms. Hardie referred to number 10 from Prescott Valley has even more.

Chair Schall said we can look at all of these and make a laundry list, we want everything in it.

Ms. Hardie said, "Under Sedona I like D, "The use shall not generate more pedestrian or vehicular traffic than typical to the district in which it is located."

Chair Schall responded favorably, he doesn't expect to see any more traffic, if it's more than that it shouldn't be there.

Mr. Parry asked how can you quantitate the use does not generate more pedestrian or vehicular traffic.

Ms. Hardie responded, where I live if I have more than three cars that's traffic.

Mr. Parry asked how do you keep track of that.

Mr. Dabney asked, "How could someone look at that and actually enforce it."

Chair Schall said, "I think this gives you another tool to address an abuse of the system." If you have a home-based business that violates more than four items on the list, that would be the one you go after.

Ms. Hardie, referred to G, "There shall be no use of utilities or community facilities beyond that typical to the use of the property for residential purposes." This is an issue that came up one, an occupation would have required a heavy-duty motor running during the day. Something that stood out beyond a normal utility use.

Chair Schall mentioned a home-based business using a lot of power, nobody would no. We have a problem with water, that could be a problem if there was a business using a lot of water.

Ms. Hardie thought we could move this entirely into a conditional use permit in the residential neighborhood. That way we could work individually with each different case.

Mr. Parry said, "I think I have to agree with her." Everything is getting to be more home occupational type things. And if we don't monitor them it could affect the neighborhood.

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Chair Schall said he can see the need for it, but he would want some categories for home-based business that wouldn't need a conditional use permit.

Ms. Bassett said she would be really tweaked if she needed to get a conditional use permit for painting in her house.

Chair Schall explained, "There are some things, for example, my wife has a home-based business, she works from home forty hours a week. She sits at a computer and is on the phone for eight hours a day. I'm not getting a conditional use permit for that. I don't care what ordinance we pass, I'm not going to get one and I wouldn't expect Anne too."

Ms. Hardie said it is truly invisible, but Anne's you don't know. There could be paint supplies and customer's coming. It can't be individualized, but she doesn't see that really. She wouldn't have people to spend a lot of money on a Conditional Use Permit, but what Mr. Parry said, right now we have a hundred businesses in this Town.

Mr. Dabney added that doesn't include home occupations.

Ms. Hardie said, "Looking ahead at this is my concern, because something weird is going to pop up, for sure. Not necessarily weird, maybe a whole bunch of nice things. We don't know, so to be proactive on this."

Mr. Parry said we have to be very careful not to invade the sanctity of a person's home, just a pretty simple guideline.

Chair Schall said most of what we're talking about the home-based occupation is largely how you don't annoy the neighbors, and he thinks that has to be thought of.

Ms. Hardie thinks that all can be controlled within reason.

Chair Schall referred to his wife and said you wouldn't know if she was cruising the internet or whether she was working.

Mr. Parry said, "I've noticed that about her."

Ms. Hardie asked does she own her business or does she work for someone else. She said she's doing a remote occupation.

Chair Schall determined it is a remote worker.

-A discussion ensued about the difference between a remote worker and a home occupation in accordance to the ordinance.

Mr. Parry would like it to be more simplistic.

Chair Schall would like to keep it at one page.

Ms. Hardie brought up hours of a home business. Specifically, the hours should be between 7 a.m. to 9 p.m. She doesn't think we need that detail.

Chair Schall said if it's noisy, he doesn't want it anyway.

-It was decided that statement was not necessary.

Chair Schall said if we're going to require a conditional use permit then we will have to be thoughtful and specific about when we might ask for that. When there is additional complexity then ask for a conditional use permit.

Ms. Hardie said give them a little bit of latitude or we may want to add something to, whatever there, each home occupation can be so different.

Chair Schall talked about a home-based occupation being a massage therapy and you could put it in that you only have one a day and none after 9:00 p.m. and you could put that in a conditional use permit.

Mr. Parry asked who's going to enforce this.

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Chair Schall interjected, "You know who's going to enforce this, the neighbor next door neighbor who's tired of you giving massages at 10:00 o'clock at night."

Mr. Parry asked Mr. Dabney how many times you have had to enforce home business occupations.

Mr. Dabney said, "I have never yet."

Mr. Parry said this is why I would like to keep it simple. If we have a problem we need to narrow it down. These other communities are way larger than ours. What we have now is simple and it works him, if it turns up to be a problem then we'll review it.

Ms. Hardie said it was a problem, there was a big problem.

Mr. Parry said, "That's past tense." I just asked Mr. Dabney.

Ms. Hardie said, "And he's been here how long?"

Mr. Parry continued how many he has had to enforce.

Ms. Hardie referred to the B & B that wanted to have a brewery, that was a problem.

Mr. Parry responded, "No it was really good beer."

Ms. Hardie said it was a problem and it went through a lot of work to find out they couldn't do it.

Mr. Parry remarked it went away.

Ms. Hardie said, "Exactly, so why not nip it in the bud. I don't want a lot of regulations."

Mr. Parry said it is nice to review it, but he would prefer not to make any changes right now.

Chad Hembrough, a local resident, asked about business licenses a given, an assumption or part of a requirement for a home occupation.

Mr. Dabney speculated it is not required for home occupation.

Mr. Hembrough asked so is it or is it not.

Ms. Hardie said it is a different issue altogether.

Chair Schall said as far as he knew it wasn't.

Ms. Basset said she thinks it is required if there are sales to the public.

Chair Schall said that makes sense.

Ms. Hardie said she's concerned with the zoning ordinance and she feels we could use a little bit more to it.

Chair Schall asked could we make direction to staff be to take basically the Bisbee one, along with our comments and come up with a proposed home-based occupation. Draft some language. When we come back again we will have a proposed Jerome home-based occupation.

Mr. Dabney said to change it we'd have to have a public hearing first. "Do you want to review my draft before a public hearing?"

-The commission agreed they would want to see it prior to a public hearing.

Chair Schall said next time we will have something that we can tune up.

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## ITEM 6: CERTIFICATES OF NO EFFECT

Recommendation from staff for Certificates of No Effect include discussion on minor work or projects that will not diminish, eliminate or adversely affect the historic character of a subject property or historic status of the Town of Jerome – Any decision to move forward with a change requires the Planning and Zoning Commission to establish a time for a Public Hearing



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Mr. Dabney explained that he wants to clarify this, he doesn't want any misconception. He's not trying to take power away from either of the boards, his goal is to provide better service to the town. Things like paint, doors, like for like, shingles, a stair case no change of design; there is no need in his eyes to take it to DRB and waste the time of the applicant and the Board, sometimes they have to wait a month. If the commission feels he can handle it, he will. His goal is to provide better service to the Town.

Mr. Parry agreed, if something is being maintained or like the existing he doesn't think it needs to come before the board.

Chair Schall said he thought it didn't have to go to the board and would only if something was going to be changed.

Mr. Dabney said maybe other zoning administrators didn't bring forward.

Mr. Parry asked how do we effect the zoning ordinance to let that be a part of the administrator's job. For example, I'm going to put a new door on my house, the same as before, would you make a decision.

Mr. Dabney said they would still have to fill out the application, he would review it, but instead of taking it to the board he would review it himself.

Mr. Parry thought it was a great idea to streamline it and not tie up resources.

Chair Schall said he had no objection, we've had to consider if the roof type was changed.

Ms. Hardie said in this example she saw this as samples. She needs a new roof and she can't change it otherwise she would lose her status. She doesn't see where there is anything wrong with you saying, "like to like." This seems to her to be along the lines of DRB not necessarily P&Z. The part about minor work, the only part I could see as "go right ahead and do this," (Ms. Hardie was referring to the handout from Mr. Dabney entitled 'Project Eligible for Certificates of No Effect') she read, Minor restoration or repair work(such as repairing/rebuilding a deteriorated front porch in kind), she went on to say, "Nothings changing, she can see that as being very helpful and expedite things. But then there are going to be a lot of things that are not going to be able to be devolved to you instead of the boards, especially there are these subjective, because in the end you don't want to have to make subjective decisions."

Chair Schall said that's fine, if he doesn't want to make the decision he will bring it to the board and make us do it.

Ms. Hardie said, "He should make real tight definitions of what he can decide on. I don't think this will have much to do with Planning and Zoning. You're not going to be addressing set-backs and decks, all the nuances that we get in P & Z, percentages of this and that kind of stuff."

Chair Schall said unless somebody changes something, you would still need a building permit.

-There was an abstract conversation about someone turning a balcony into a porch.

Ms. Hardie wants to see specific ideas and definitions that would come under this Certificate of No Effect.

Chair Schall stated he (Mr. Dabney) could add some bullet points to this.

Ms. Hardie replied, "No there's stuff on here that I don't want, most of this I wouldn't want on the Certificate of No Effect; except that minor restoration, I would put that in there, but the others I would leave out."

-The board perused Mr. Dabney's document. Random comments were made about items on his document, but no clear reference was made as to what they were addressing.

Chair Schall asked about accessory buildings, is that garden sheds and greenhouses.

Mr. Dabney said yes and anything under the 200-foot requirement for a permit.

Ms. Hardie asked what is 200?

Mr. Dabney responded 10 x 20, that would be 200 square feet.

-The board spoke about accessory buildings being garden sheds.



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Mr. Parry stated his garden shed is 10 x 16 and it says it can't be on a corner lot. But he is on a corner lot with visibility from a side street.

Mr. Dabney said this just means that if this meets the requirements he could review it and not take it to P&Z. This is not from our zoning ordinance.

Ms. Hardie thought temporary signs would be good for one for a Certificate of No Effect. They're going to go away right.

Mr. Dabney said he'd like to bring that up for future agenda items.

Ms. Hardie said that's fine, she just thought it would be a perfect fit. She asked if Mr. Dabney would do up a sample one.

Chair Schall confirmed that Mr. Dabney would make some changes to this document and bring it back.

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## ITEM 7: COMMERCIAL BUILDING SPACE USAGE – Zoning Ordinance 501.C.2

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Council direction to staff for a discussion on discontinued commercial building space by the Planning and Zoning Commission. Any decision to move forward with a change requires the Planning and Zoning Commission to establish a time for a Public Hearing

Mr. Dabney said this has been brought to his attention by several people in town. After review, he feels this is a problem for business and building owners. He continued, "I have tried to take this to Council a couple of times and it did not turn out well with my recommendations, so I am bringing it to Planning and Zoning and would like their input on what he considers to be a problem. The zoning ordinance states that any space or building that has a discontinued use for six months or more must comply with the zoning ordinance. That means that those businesses or buildings must provide parking, and this is where the problem falls, it is impossible for a lot of buildings and businesses that are in town. As an example: Echo Winery vacated that space on December 15<sup>th</sup>, if by June they don't fill that space and they can't provide parking, then that space can never be used again. That's the way the zoning ordinance reads."

Ms. Hardie said, "No it doesn't have to be that way, they can find parking."

Mr. Dabney tried to explain they can't find parking.

Ms. Hardie said, "That's an if, that's an if."

Mr. Dabney said, "Sure, but there are five businesses operating right now that shouldn't be."

Ms. Hardie responded, "That's a totally different issue, that's people violating the zoning ordinance, what five out of a hundred."

Mr. Dabney tried to explain what could happen, if he enforces this we could have a lot of empty store fronts.

Mr. Parry said that's not what we want, people don't come here to see that. He asked Mr. Dabney what his suggestion is.

Mr. Dabney said he had a couple, one was to drop it completely and remove the parking ordinance and that certainly didn't fly.

Mr. Parry said we've always looked at that as being our protection.

Mr. Dabney said he understood that. But to remove the parking ordinance and change of use policy and all of that would be a great mistake. He realized that after speaking with the attorney and some other people and studying it. His second suggestion would be to lift the historic building parking requirement. It wouldn't lift the change of use policy, which really prevents a chain restaurant from coming in. If he lifted the change of use clause that could happen, so we left that alone. Just lifting the parking requirement does not allow a chain restaurant to come in.

Ms. Hardie said, "I don't get it, if there's a restaurant there what's stopping anybody else, a chain restaurant, coming in? I'm not worried about it anyway."

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Mr. Parry asked about the discussion with Council. He understood they want to do away with the parking ordinance.

Mr. Dabney said, "My understanding was three voted no and two voted yes on his second recommendation, which was just to lift the parking requirement for those historic buildings. Some of the arguments were it's unfair to non-historic buildings, water usage, restaurants operating out of a space that had been vacant for six years. Also, going against the general plan."

Mr. Parry said so that got voted down.

Mr. Dabney said they requested him to do more research. But that's only temporary, what happens in fifteen years from now when different spaces are vacant. He encouraged them to look at the big picture. There is a possibility of empty store fronts if he enforces this.

Chair Schall doesn't like to see any storefronts unused. Then he asked what the comprehensive plan says about it.

Mr. Dabney said mostly for resources.

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Chair Schall added to protect our resources.

Ms. Hardie said, "The general plan isn't going to tell us what to do with an ordinance. The main thing is can be the maxing out of our resources, a potential. I have done a lot of research on this. The only change I would make would be to possibly extend the abandonment use. For example; you've tried everything for 6 months, you've put adds in the newspaper or you have trouble with the contractor and you have documentation to that affect. Documentation showing real specific reasons why your empty store should be allowed to be open, empty for an additional three months and if it's still a problem after nine months give them another three, up to, and finally a year. That gives somebody a lot of time to overcome any kid of rental, finding parking, no I'm taking parking out, but it could be. All the way up to a year to satisfy the conditions that will allow a continuation of use, wait then you don't need parking."

Ms. Bassett wanted to repeat what Ms. Hardie had said at the last Council meeting. She suggested a conditional use permit and she whole-heartedly favored her idea. Because our attorneys had allowed us to bring properties back into use that had been unopened longer than six months, that they could prove why it was extenuating. She thinks it would be a huge mistake to get rid of the six-month requirement because then. She gave an example of apartments in the Hotel Jerome, each apartment would have one more car parking in Jerome as well as the impact on the water system. She said impact of 30 or 50 more cars would be huge. She thinks Ms. Hardie is correct to make it a conditional use permit.

Ms. Hardie said, "I didn't call it a conditional use permit, if I did I'm taking it back, it would just be an extension, of the clerical things, just an extension of the six-month abandonment of use. I feel like other than that I wouldn't touch anything else to do with the parking ordinance, because the ordinance has protected us really well, in my opinion, for many years. It hasn't inhibited growth in anyway, in my opinion from what I can see a hundred shops thriving up town, from what I can see. Additional stress on our water and sewer could be a mistake. Also, we could sell this without changing the ordinance. My thought is we have the old town yard and it is kind of adjacent to Hill Street, I don't know the legalities, Council can do what they want. Take that piece of property and turn it into rental parking for the businesses, the town could make money, they could lease parking, that would fulfill the parking requirement. In regard to Hill Street you could have a walkway and bam you're in the commercial district. I think there could be other ways of creating off-street parking if you work at it. If it was me trying to open a business, I'd become creative. As far as other solutions to preventing empty store fronts, because she doesn't like it either, it's ghost-townish, but anyways my thought is to leave it alone accept to extend the abandonment of use under certain circumstances and then ask the Town to provide parking and make money off of it."

Chair Schall discussed that area and turning it into a parking lot and whether it would be available to businesses or residents.

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-A point of order should have been called. They began discussing residential parking on Clark Street.

Chair Schall asked if we could do a conditional use permit if a business in C1 had space they couldn't use because they didn't have parking. Could we do a conditional use permit and waive the requirement for a parking space.

Ms. Hardie replied, "That's called a variance and you can't get one in the commercial district to make money, so that wouldn't work." She believes the Town could come up with some solutions to assist the business people. She asked the other commission members what they thought of her suggestion, what do you think of the extension of abandonment of use of three-month increments, up to a full year. We could approve it on the zoning administrator's recommendation."

Mr. Parry added, "Upon analysis of the zoning administrator it would be brought before the P&Z commission after a six-month period to be reviewed as to why the building is not being used and give them an extension."

Chair Schall said he doesn't have a problem with that. The commission agreed on a three-month extension on approval.

Ms. Bassett thinks giving them up to two years wouldn't be outrageous. (Ms. Bassett later withdrew her comment.)

Ms. Hardie replied, "I wouldn't do that, we'd be looking at an empty store front for two years."

Mr. Dabney said there are businesses spaces that are vacant because they can't find parking.

Ms. Hardie responded, "They say they can't, they say they can't, where's your proof (not you)?"

Chair Schall said we're walking a narrow line, we're trying to keep Wal-Mart out, but we want the businesses to succeed.

Mr. Parry proposed that we look at these empty spaces at six months and see why they aren't opening.

Chair Schall asked him if he knew how many businesses in Town aren't doing what they want because they can't provide parking.

Mr. Dabney responded, "Approximately five buildings."

Ms. Hardie interjected one of those don't have a plan, they are not all actively seeking to open shops.

Mr. Dabney said, nobody has brought any plans to him.

Chair Schall asked what incentive is there to restore something if they knew they couldn't use it.

Ms. Hardie thinks that some of the people aren't even aware that they might have off-street parking. She thinks five is not enough by any means to justify a change.

Chair Schall said perhaps not, but it's too bad if a business owner is going to allow it to sit vacant when they could restore it.

-The commission discussed possible scenarios for a few minutes.

Ms. Hardie feels it is a total speculation.

Chair Schall said we don't see five business owners sitting here and shouting at us.

Ms. Hardie said, "I don't see the motivation to change this. I think the Town could put out an effort to come up with parking.

We don't have empty spaces because of the parking, but maybe give people a little leeway based on hard facts, but it can't be money. That's not a reason to give them a pass."

Mr. Parry said, "Are we going to go with the 'if it isn't broke don't fix it' attitude. Can we move on."

Chair Schall said we could move on, he's not inclined to suggest we should invent something about the parking situation without direction from the Council.

Mr. Dabney said this was direction from Council to bring it before P&Z for a written recommendation.

Mr. Parry said, "Our recommendation is 'if it isn't broke don't fix it'."

Ms. Hardie said, "That would be my recommendation, leave it alone accept for my additional, accept for those whatever."

Chair Schall said Mr. Dabney can take back whatever he wants to say to Council.

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Mr. Dabney asked for clarification as to what P&Z would like him to do. What is your recommendation.

Chair Schall said "Do nothing." He went on to say he didn't go to the Council meeting, but he would like to see really specific, how many empty store fronts we have and ask these business owners what they want. He really doesn't have an idea of how many businesses are affected.

Mr. Dabney summarized, "Do nothing for now. I can reach out to the businesses in town and get exact numbers and situations and if they want to come back, then maybe we can do something."

Ms. Hardie would recommend the Town working on off-street parking.

Mr. Dabney said they already are. They have approved the Town Yard parking, but they don't know what they're using it for.

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## **ITEM 8: INTERIOR LIGHTING OF SIGNS – Zoning Ordinance 509.E.7**

Council direction to staff for a discussion on interior lighting of signs. Any decision to move forward with a change requires the Planning and Zoning Commission to establish a time for a Public Hearing

Mr. Parry said, "His understanding that Council was not very happy that Design Review couldn't make a decision on lighting for the Mile High restaurant. Is that what this is about."

Mr. Dabney responded, "In short."

Mr. Parry went on to say, "I think we got snookered, the signs on the Haunted Hamburger were not brought properly before any of the boards."

Ms. Bassett interjected, "Which is typical for that business, they've done all kinds of work on town property without bringing it before the board. All the work they've done under the deck, none of it got approved."

Mr. Parry said, "I think I was on Design Review and I don't believe those signs were on the building, nor the skeletons were on that building."

Mr. Dabney said that Mr. Parry had been absent at that specific meeting. When that sign came forward to Design Review, there was a small discussion on it. One of the board members asked if it was an interior-lit sign, the response was yes. Then there was a motion to approve it knowing that it was an illegal sign.

Ms. Hardie asked Mr. Dabney to explain about setting things right.

Mr. Dabney explained that there is case law study that says the Town has the right to correct its wrongs. According to our legal representation we do have a right to correct a wrong and say no, but in this case the applicant had already spent money on designing the sign. They could win in a court battle because of incurred damages.

Mr. Parry asked wouldn't we just pay the damages for this sign or would it be beyond that.

Mr. Dabney explained that because the applicant had already incurred those damages and spent money there could be...

Ms. Hardie interrupted and said, "That's self-inflicted though."

Chair Schall asked what does it say about lighted signs.

Mr. Dabney said, "It says internally lit signs shall be prohibited."

Ms. Hardie said, "As it is now, a sign like the one at Haunted Hamburger and the New State car are both illegal signs. But what Mr. Dabney said it could be made right, from this point forward though, nobody has to be allowed, I guess, based on the zoning ordinance, to have that type of sign. In my opinion if it's not broke, leave it alone. I don't see, I don't have the attorney's document, I'm talking as a P & Z person, I say leave the ordinance alone, period."

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Mr. Dabney said, "The issue with this particular case, this would make three instances that the board has passed, well not three but two, the Council made the decision."

Ms. Hardie said that's a different story.

Mr. Dabney said, "No it's not a different story, this is the third instance where an illegal sign has been approved. If we don't change the zoning ordinance then the next time it happens, and it might it would be the fourth time."

Ms. Hardie said, "But we have recourse with that type of thing in so far as."

Mr. Dabney said, "Let me finish, this would be the fourth time, do you think that would win a court battle, it's not going to go through."

Ms. Hardie interjected, "Okay but that's still speculation and we have the option in the zoning ordinance to appeal any decision made by a board within a month if a poor or incorrect decision were made. You, I believe can appeal that decision. You can independently appeal a decision made by the board to approve an illegal sign. Now we're not stuck with just their decision. It's in the zoning ordinance, how to make appeals."

Mr. Dabney responded, "I understand that and that's not what happened here, and we need to stick to what happened."

Ms. Hardie said, "I don't want to talk about what happened there because this is a change to a zoning ordinance. Once again, you're saying to me we're being threatened legally. I don't have that in front of me, I don't know anything about that. All I know is what we have so far seems to be what the town wants is how the Town looks."

Chair Schall asked, "So what is the proposal here, we should change the lighted sign ordinance to allow internally lit signs?"

Ms. Hardie added, "So anyone can have an ugly old sign."

Mr. Dabney said he has included language he drafted, and it is in your packet.

Ms. Hardie asked what the zoning ordinance said currently.

Mr. Dabney read Section 509. E.7:

Lighting shall be directed at the sign from an external incandescent light source and shall be installed so as to avoid any glare or reflection into any adjacent property, or onto a street or alley so as to create a traffic hazard. Internally lighted signs shall be prohibited.

Ms. Hardie asked, "If a person, like this latest situation, the individual came to you and wanted to bring that sign to the DRB and you said you can't, it's illegal. What happened then. She should have gone to the Board of Adjustment."

Mr. Dabney responded, "This person wanted to move forward, she felt she had a right because a decision was made in the past for the exact same type of sign. She felt she had a case, she wants that type of sign on her building, so she wanted to move forward. I have no power to stop her from doing this."

Ms. Hardie replied, "I thought you had a right to say no, that's why the Board of Adjustment exists. When you say no, you can say no."

Mr. Dabney stated, "In this particular case, I did not. His recommendation was to approve because of past decisions."

Ms. Hardie said, "But there was a second option, to say no based on the zoning ordinance. So why change it."

Mr. Parry said, "An example existed, a like sign that we gave to someone else."

Ms. Bassett talked about state law stating when a Town makes a mistake that does not, a mistake does not establish precedence.

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Mr. Dabney said according to legal advice, because she incurred damages, she could have won in court. Council approved the sign and now I would like to change the ordinance.

Mr. Parry asked what did the Town Lawyer think.

Mr. Dabney said yes, the Town attorney has approved the change.

Mr. Parry said he'd like to see it changed.

Chair Schall responded he likes the stuff in blue, he'd like it changed.

It reads:

*May only be permitted if the sign is constructed of opaque materials that block the transmission of light except through apertures in the sign that constitute no more than \_\_\_\_% of the area of the sign. For example, a sign with internal lighting that is constructed of steel and has apertures designed to form the image of letters would be permitted if the area encompassed by the apertures is less than \_\_\_\_% of the sign.*

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Mr. Dabney said to change it, we will have to have a public hearing, we can't do it now.

Chair Schall wanted to make a point about lit signs. What we have instead are signs with floodlights, the intent is soft lighting, however in practice you see the floodlights and he doesn't find that particularly wonderful. He doesn't like neon or blinking lights. He likes the Haunted Hamburger sign to his eye is not objectionable

Ms. Bassett would like lighted signs off during closed hours. When she was on Council they had talked about the dark sky ordinance.

Chair Schall added that he would like the street lights shut off at night too. He then added go back to Council and tell them that at least two of us like the change.

Ms. Hardie would like to see some samples of what he's talking about.

Mr. Dabney said the sample is the Haunted Hamburger. He doesn't know how to get her samples.

Ms. Hardie said get pictures from online. She said the statement is vague. She would like something definite. The design, the look, the verbiage and then bring it all back.

Chair Schall said maybe say something about the lumens and the temperatures of the lights and not mention incandescent. He doesn't think you want to talk about light source. You want to address the intensity of the light.

Ms. Hardie added, "In the future, wattage, electric usage, environmentally sound lighting. Samples and the goal and all that and percentages. I don't want to rely on just the Haunted Hamburger for an example.

Mr. Dabney will go back to council and let them know what the P&Z is thinking. At some point, further down the road we can look at this again.

Ms. Hardie added that now we're opening this up to any shop to get this type of sign. But you can only have so many signs right.

Chair Schall added that almost everyone in town has a sign smaller than what they're allowed.

## ITEM 9: FUTURE AGENDA ITEMS

Mr. Parry would like to explore tiny houses and talk about allowing smaller houses. Young people can't afford larger houses and he'd like to see if we could move something along. He'd like to see what other communities are doing about it. He thinks are minimum is 850 square feet and that's too big for some people. Large homes are becoming dinosaurs in his opinion.

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## ITEM 10: ADJOURN

*Mr. Parry moved to adjourn. Ms. Hardie seconded. The motion carried unanimously and the meeting adjourned at 9:02 p.m.*

*Approval on next page.*



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

DATE: Wednesday, February 7, 2018 TIME: 7:00 pm

PLACE: JEROME CIVIC CENTER  
600 Clark St., JEROME, ARIZONA 86331

Respectfully submitted by Joni Savage on March 7, 2018

Approved:

  
Planning & Zoning Commission Chair

Date:

4/4/2018

Attest:

  
Planning & Zoning Commission Vice Chair

Date:

4/4/18