



# TOWN OF JEROME

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## Planning and Zoning Commission via videoconference (Zoom) Wednesday, June 3, 2020 Time: 6:00 pm MINUTES

### 6:00 (0:21) Item 1: Call to order/roll call

Chair Jessamyn Ludwig called the meeting to order at 6:00 p.m.

Roll call was taken by Rosa Cays, Deputy Clerk. Commissioners present were Vice Chair Joe Testone, Lance Schall, Chuck Romberger, and Henry Vincent. Also present was John Knight, Zoning Administrator.

### 6:01 (1:12) Petitions from the public – Possible Direction to Staff

Zoning Administrator John Knight announced that he had received email from Jerome resident and homeowner Jera Peterson, then reminded the commissioners of the rules regarding petitions from the public.

(2:13) Ms. Peterson introduced herself and gave her address. She said she was concerned about construction of a new house next to her property. She said she was initially told her northern view would be partially obstructed, but this has now changed and her view will be completely blocked. Ms. Peterson said she was contesting the approval of the site plan and is hoping something can be worked out. She expressed a few other concerns regarding the new homeowners and would like to see the town preserve the views for existing houses. Chair Ludwig asked Mr. Knight if permits had been granted for the project.

Mr. Knight said yes and reminded Chair Ludwig that the item could not be discussed since it was not on the agenda. He informed the commission that this project had been previously approved by P&Z. Direction for staff could be initiated if the commission wanted more information to be added to the next meeting agenda or sent via email, but no action was required.

Lance Schall suggested that perhaps staff could be directed to review the project and approvals from DRB and P&Z.

Vice Chair Joey Testone said he understood Ms. Peterson's position, but the project has been approved (audio was difficult to hear).

Mr. Knight suggested what the commission could do to move forward on the petition and stated he has met and talked with Ms. Peterson several times about the project.

Mr. Schall suggested that staff review the project to make sure the approved site plan had not changed and to add it to the next agenda.

### 6:12 (12:16) Item 3: Approval of Minutes: Minutes of the meeting of May 20, 2020 Discussion/Possible Action/ Possible Direction to Staff

#### Motion to Approve the Minutes of May 20, 2020

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig			X			
Romberger			X			
Schall	X		X			
Testone		X	X			
Vincent			X			

### Continued Items from Previous Meetings:

### 6:14 (14:12) Item 4: Reapproval of Site Design for an apartment building and parking structure

Applicant: Steve Knowlton/Nancy Robinson

Address: 446 Clark Street

Zone: C-1

Owner of record: Ideas-a-plenty, LLC

APN: 401-06-032, -033, and -026Q

Applicant is seeking Preliminary and Final Site Design approval of a previously approved apartment project and adjacent parking structure.

### Discussion/Possible Action – P&Z Reso. 2020-9

Mr. Knight briefly reintroduced the situation regarding this project, which had been discussed at the previous P&Z meeting (see May 20, 2020 P&Z minutes) and summarized that the commission was basically being asked to reapprove the approved project.

Mr. Schall said that since the item had been discussed at the previous meeting and they were simply waiting for the posting period to pass, he motioned for approval. Mr. Knight reminded everyone that this item would also be going before DRB.

**Motion to Approve P&Z Resolution 2020-9**

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig			X			
Romberger			X			
Schall	X		X			
Testone			X			
Vincent		X	X			

**6:16 (16:53) Item 5: Work session on code amendments to residential lodging**

Applicant: Town of Jerome

Updates to the Jerome Zoning Ordinance related to residential lodging. Updates may include but are not limited to the definitions for *boarding house*, *rooming house*, *bed and breakfast*, *hotel* and *motel*. Amendments may also include modifications to the permitting process for each type of residential lodging.

**Discussion/Table to next P&Z Meeting**

Mr. Knight started by asking that anyone on the commission who had a conflict or potential conflict to please recuse themselves from discussion of this item; he also pointed out that it was solely up to them and it could not be recommended they do so.

Mr. Knight said the last discussion was productive and went over the types of lodging. He shared what a few other local municipalities are doing and said Clarkdale and Cottonwood have similar ordinances. He stated that the commission was to consider the definitions of the lodging terms and the permitted uses in town. Mr. Knight then proceeded to go through the terms, referring to his staff report, and suggested perhaps the number of rooms at a B&B could be increased. He also said a neighborhood meeting will need to be scheduled and that this discussion would not be the final word on the code amendments.

Mr. Schall said that the number of rooms for B&Bs would likely not need to change. Two places currently going by "B&B" are in the C-1 district and are more like hotels than B&Bs even though they call themselves B&Bs. Mr. Schall said it would probably be more desirable to have B&Bs rather than short-term rentals in the residential zones. Discussion ensued.

Chair Ludwig asked if anyone else had comments regarding the B&B definition. Mr. Knight reminded her that if members of the public wanted to speak, commissioners had the opportunity to speak first. He said resident Margie Hardie was standing by to speak.

(26:26) Ms. Hardie introduced herself and expressed concern about a possible conflict of interest for Mr. Testone (B&B owner) and Mr. Schall (in process of building a B&B) and asked, because she was not familiar with the process, if there should be some kind of recusal. Ms. Hardie acknowledged that it was up to the commissioners to respond to her concern. She also asked why any changes to B&Bs was being discussed.

Commissioner Chuck Romberger recused himself—he said he was planning to build a B&B in the future with three bedrooms, which is the current limit per the ordinance. He pointed out that it was in the C-1 zone.

Mr. Knight told Mr. Romberger that if he did choose to recuse himself, he would be asked to please leave the meeting while the item was being discussed, and Mr. Romberger complied.

Chair Ludwig asked if anyone else was going to recuse themselves.

Commissioner Joe Testone said he had planned to abstain from voting; Mr. Knight clarified that this was just a work session.

Mr. Testone asked why time was being wasted on this discussion if it was not up for a vote.

Chair Ludwig asked if Ms. Hardie had her hand up to speak, then asked Mr. Knight if the public is allowed to continue to speak.

(30:53) Ms. Hardie said she had said her piece and was only going to include more information about "the law." She said she was done for now.

Mr. Knight explained to Chair Ludwig that since it was an informal work session, it was up to her how she wanted to conduct it. Chair Ludwig then asked Mr. Knight to answer Ms. Hardie's question as to why the discussion was taking place.

Mr. Knight explained that initially definitions for boarding house and rooming house were being reviewed, which led to looking at other lodging definitions.

Mr. Schall said there is a need to make sense of the ordinance and/or explanations for parts that no longer make sense. Mr. Schall then directed his next statement to Ms. Hardie and told her he was not recusing himself since this was only a discussion and his B&B won't likely be built for another five years. He also said the definition for B&B will probably be revised four times by the time it is built. Mr. Schall also pointed out that his B&B would only ever be two rooms and that he had "no horse in the race."

Mr. Knight stated once again that the commissioners decide, not the staff or public, if they have a potential conflict of interest.

Mr. Schall said this was an opportunity to address the lodging definitions to make the ordinance work for the town in dealing with the "new" definition of short-term rentals, which are really outside the control of the town. Mr. Schall said the goal is to make the ordinance work for Jerome, and this is why the commission was discussing lodging definitions.

Mr. Knight said he had enough material to revise the definitions to return to the commission with a staff report. He then said the permitting

process also needs to be addressed and gave examples of how the ordinance currently reads does not make sense and posed different scenarios.

Mr. Schall said that the ordinance regarding CUPs and business licenses needs to be written in such a way that the town can make sure to collect a bed tax from B&Bs and short-term rentals. Discussion continued about taxes paid to the state for these types of lodging.

(44:01) Ms. Hardie said that according to the ordinance, any residential use in the C-1 zone requires a CUP. She said she felt it was important to continue this "tradition" as a form of control, B&Bs included.

Mr. Knight clarified that "residential use" does not include hotels or motels. As an example, he said someone could open a three-room boarding house and it would require a CUP, but a 100-room hotel would not require a CUP.

Mr. Knight moved on to the boarding/rooming house definitions. He suggested removing them from the ordinance altogether. [Mr. Testone left the meeting at this point.]

Mr. Schall agreed with Mr. Knight, as did the other commissioners.

Mr. Knight asked how the lodging above the Clingsdale (formerly the Mile High) would be classified. In this case it is a preexisting business, but for future consideration, this would need to be addressed; that is if the parking issue is ever resolved.

Mr. Knight addressed the permitting process and said Ms. Hardie had brought up a good point.

Mr. Schall said he would like to keep the CUP requirements for residential use in the C-1 as they are and wants the town to have control over prime commercial space and not reduce that real estate. Mr. Schall suggested limiting this for the C-1 district and perhaps keep it to upper levels, not the street level. A short discussion ensued.

Mr. Knight moved on to the definition of motel/hotel and suggested simplifying it (like Cottonwood). He suggested eliminating motel and just going by hotel, and instead of the number of rooms, define it as "transient lodging for pay."

Mr. Schall agreed with eliminating motel, but if the number of rooms was to stay in the definition, he suggested adding one more room than a B&B.

Mr. Knight said he would schedule a neighborhood meeting in July.

#### **6:55 (55:23) Item 6: Work session on code amendments related to temporary signs**

Applicant: Town of Jerome

Updates to the Zoning Ordinance related to temporary signs. Amendments may include but are not limited to the following types of temporary signs: real estate signs, contractor signs, political signs, temporary banners, and A-frame signs. Amendments may also include modifications to the permitting process for each type of sign.

##### **Discussion/Table to next P&Z Meeting**

Mr. Knight said temporary sign ordinances have become a controversial topic and that the town ordinance needs to be revised so that it can be enforced. Mr. Knight talked about the information in the agenda packet, including the Supreme Court case that involved the town of Gilbert. He then went over the types of signs and said the ordinance needs to clarify temporary signs in a single category and that size, location/zone, and setbacks can be regulated but content cannot be regulated. Mr. Knight referred to the staff report in the packet and said he had also included Gilbert's sign ordinance, which has been amended to follow the law. He pointed out that Gilbert allows flying banners and sign walkers and thought the town would probably want to prohibit them. He said flags should also be addressed in the ordinance.

Chair Ludwig said she is against flying banners and that flag dimensions should be restricted.

Mr. Knight said there are currently size restrictions for signs in the residential zone, which could be applied to flags as well.

Mr. Schall asked about a maximum number of signs—for example, what about real estate signs all over town for, say, an auction

Mr. Knight said this is exactly why the ordinance needs to be updated. Does the town want to allow these types of temporary, A-frame signs?

Mr. Knight said they could be regulated as "off-premise" signs.

Mr. Schall said he would rather not see sign walkers in town. As for flags, he thought the ordinance addressed limiting the length of the pole but not the size of the flag. He suggested limiting flags to 6 to 8 square feet.

As for the number of signs, Mr. Knight said Gilbert gives a total square footage that is allowed. He said Jerome could have a larger limit for the commercial zone than residential zone. He threw out a few ideas of how the ordinance could address this without restricting the content.

Mr. Schall commented that he did not want to restrict homeowners to having to choose between a 6-square-foot political sign and a real estate sign, but agreed that the simplest way to deal with this would be to limit the total square footage of signage on someone's property.

Mr. Knight suggested 6 square feet for the residential zone and 8 square feet for the commercial zone. The discussion continued.

Mr. Schall said he wants the local organizations to have some freedom, e.g., the fire department picnic, the humane society flea market, etc.

Chair Ludwig asked if these would be considered flying banners. She suggested this be clarified in the ordinance.

Mr. Schall said he did not want to see flying or wiggling banners like the ones at car lots, which Mr. Knight said could be lumped into one category.

(1:08:18) Ms. Hardie said she has done a lot of research on political signs in Arizona. She mentioned the town attorney, "William Sims, for example ... I'm referring to him ... because the concern about what's coming from Gilbert I believe has been represented to us by him." She also wanted to point out that he is the town attorney for Camp Verde and Tusayan, Arizona. Ms. Hardie went on to say that Tusayan's political sign ordinance mimics Jerome's although it is stricter about the size; Camp Verde's political sign ordinance is also similar to Jerome's but is more detailed. The larger difference is that they have these ordinances in their town codes under elections rather than their respective zoning ordinances. Ms. Hardie said she has also researched Arizona revised statutes and believes Jerome's is stricter regarding political signs. She gave examples of time restrictions in other townships. She said she didn't notice anything in the agenda packet comparing political sign ordinances in other towns. Her main concern is that the town does not restrict anyone yet keeps a fair playing field, especially this year. Ms. Hardie said why Jerome was being equated with Gilbert she has no idea, and that as far as she knew, she has been the only person to complain about a political sign. She said other local towns have not had any complaints that come from the Gilbert court case and suggested that Jerome "liberalize" the ordinance slightly and completely mimic the state ordinance about political signs.

Mr. Knight said the Arizona revised statute deals with signs specifically in right of ways—it's a state not a local statute, so it's different, and that other towns have not updated their sign ordinances to be in compliance with the Supreme Court decision (i.e., the Gilbert case), which reached the Supreme Court at the federal level. Mr. Knight said he appreciated Ms. Hardie's comments, but he was inclined to go with Mr. Sims on this matter. He said the current town ordinance needs to be cleaned up so that it is enforceable. He also mentioned that Councilmember Mandy Worth had brought up similar concerns at the last council meeting regarding the Supreme Court case and the need to update Jerome's temporary sign ordinances. Mr. Knight said that a neighborhood meeting will need to be done for this item as well.

### **7:13 (1:14:00) Item 7: Work session on code amendments related to a sidewalk encroachment policy**

Applicant: Town of Jerome

Updates to the Zoning Ordinance related to encroachments onto or over the public sidewalks. Amendments may address benches, trash cans, newspaper racks, projecting signs, awnings, and other miscellaneous encroachments.

#### **Discussion/Table to next P&Z Meeting**

Mr. Knight share background on the recent narrative regarding a sidewalk encroachment policy and how it's been passed between the boards and Council. He felt it was a good opportunity to bring it back to the commission since it hadn't been discussed since November. He referred to the table in the agenda packet showing items on local sidewalks. Mr. Knight mentioned hostess stands and benches and shared his concerns. He asked if they should be prohibited altogether or allow them in certain areas.

Chair Ludwig said that if A-frame signs are prohibited from being displayed directly on sidewalks then hostess stands should also be prohibited.

Mr. Schall said he agrees with the information in the table and pointed out a typographical error in the staff report (i.e., 36 feet instead of inches).

Mr. Knight went on to discuss benches and said some in town did not seem to obstruct the sidewalk while others are in tighter areas and do infringe on the pathway. He said he does not see a need to ban benches but perhaps to set a minimum width where a bench could be placed and/or a design restriction. Mr. Knight brought up the benches donated to the town by the Yavapai-Apache Nation.

Chair Ludwig supported the idea of regulating benches and that it was important to keep space wide enough for wheelchairs and strollers.

Mr. Schall talked about width restrictions and what would be feasible to allow room for traffic flow. A short discussion followed.

Commissioner Henry Vincent said the town just needs to provide enough room to not create a public hazard in line with ADA requirements.

Mr. Knight said he would set up a neighborhood meeting in July.

### **New Business:**

#### **7:23 (1:23:26) Item 8: Community Garden Site Plan Review**

Applicant: Town of Jerome

Location: Middle Park

Owner of record: Town of Jerome

Zone: C-1

APN: 401-06-015

The Town of Jerome is requesting a "courtesy review" of the proposed site design for the community garden.

#### **Discussion/Possible Action**

Mr. Knight said the Council had asked to get input from P&Z and DRB, so comments were welcome.

Mr. Schall said the garden plan looked beautiful. He recollected that a time capsule was buried in that area at the foot of a tree. He suggested they find out if it's still there so it is left undisturbed.

Mr. Vincent said Lew Carrier or Bob Bouwman may know where it is. Chair Ludwig suggested placing a marker.

Mr. Vincent asked if the community garden was within P&Z's purview.

Mr. Knight said it was more a courtesy review and that the only concerns expressed have been about the fencing concept.

**Informational Items (Current Event Summaries):**

**7:27 (1:27:45) Item 9: Potential items for upcoming P&Z agendas**

- **Wednesday, July 1, 2020** – Ordinance amendments for a sidewalk encroachment policy, ordinance amendments for temporary signs, ordinance amendments for residential lodging  
**Discussion/Possible Direction to Staff**
- **Future Items** – Telecommunications ordinance (work session scheduled for June 11, 2020, at 5pm)

**Item 10: Adjournment**

**Motion to Adjourn at 7:29 p.m.**

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Ludwig			X			
Romberger			X			
Schall	X		X			
Testone			X			
Vincent		X	X			

Approved:  Date: 8-6-20  
Jessamyn Ludwig, Planning & Zoning Commission Chair

Attest:  Date: 6 Aug 2020  
Rosa Cays, Deputy Clerk