



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, January 2, 2019 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 Margie Hardie called the meeting to order at 7:00 p.m.
 Roll call was taken by Charlotte Page. Commission members present were Chair Margie Hardie, Vice Chair Lance Schall and Henry Vincent. Scott Hudson was absent.
 Staff present were Charlotte Page, Zoning Administrator and Joni Savage, Deputy Clerk.

7:02 (2:15) ITEM 2: APPROVAL OF MINUTES: Minutes of Executive Session December 5, 2018

Ms. Page explained she did not have the copies prepared and asked that they be approved at the next regular meeting.
 Chair Hardie said they would be tabled until the February meeting.

7:03 (3:20) ITEM 3: APPROVAL OF MINUTES: Minutes of Regular Meeting December 5, 2018

Chair Hardie referred to Item 5 and said, "After reading through the minutes online, I found there were a lot of things not in the minutes but considering the importance of that discussion I would like to see them verbatim. That would include a motion made by Mr. Vincent that's not in the current minutes, it didn't go through, but I believe it is very important to show it." She would like to table this item and review at the February meeting.

Vice Chair Schall asked if they needed a motion to table.
 Chair Hardie responded she didn't think so but made a motion.

Motion to Table Item 3 Minutes of the Regular Meeting of December 5th to Table to Review and Approve at the February Regular Meeting.

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie	X		X			
Hudson					X	
Schall		X	X			
Vincent			X			

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7:06 (6:40) ITEM 4: PETITIONS FROM THE PUBLIC – There were no petitions from the public.

7:07 (7:12) ITEM 5: ADDITIONAL INFORMATION/DISCUSSION REGARDING PROPOSED ZONING CHANGE FROM R1-5 TO R-2 ALLOWING MULTIPLE FAMILY DWELLINGS.

The Commission may continue discussion for recommendations to Council about this matter. The Commission may act to extend or limit the boundaries of the proposed zone. The Commission may continue to review documents related to this proposed zone change any may set a date for a public hearing.

Ms. Page explained that the public hearing is to be rescheduled because there was an error in the notice. It had to be reposted.

Chair Hardie asked, "Would you like to explain how the posting worked, what happened there."

Ms. Page responded, "It was posted as Tuesday, January 2nd and today is indeed Wednesday. So legally that does not cover it, it's confusing and needs to be absolutely correct. At this point a notice in Sunday paper would have had to have been submitted today so the next regular newspaper is Wednesday and two weeks from then would be the earliest we could have a public hearing."

Chair Hardie asked, "While we're at it explain how that will affect Item 5, not having had a public hearing."

Ms. Page explained, "There will be no discussion since we're not having a public hearing and she would recommend they wait for the public hearing prior to making recommendations to the council."

Chair Hardie asked, "Legally can we vote on anything forward to the council without having had a public hearing."

Ms. Page explained she thought the only thing could be direction to staff.

Chair Hardie asked what new information she had.

Ms. Page explained she had asked Chief Muma for traffic studies. She did some legwork regarding voluntary down-zoning. There are eight landowners, eight people in the proposed zone and four additional applicants that wish to be included. She has a draft of waiver for prop 207. There is a handout included from the Arizona League of Cities.

Chair Hardie said we have quite a bit to discuss. And then asked Commissioner Vincent if he had anything.

Commissioner Vincent commented about the list Chair Hardie had forwarded to the zoning administrator, six questions, he is fine to discuss those.

Chair Hardie said she'd like to do that, but she's asking if he would like to start out with anything.

Commissioner Vincent said he's fine to discuss her questions.

Vice Chair Schall said he had nothing else to add.

Chair Hardie said, "I realized earlier today, is the fact that according to the Arizona Revised Statute, which they can trump ours. In the Arizona Revised Statute, we are told to, under ARS 9462.01 zoning regulations, on F. it says, "All zoning and re-zoning ordinances or regulations adopted under this article shall be consistent with and conform to the adopted General Plan of the municipality." We have a general plan that was passed in 2018 on how to deal with the Town's future and we're supposed to use it as our guide. The ARS says we should be consistent, and we haven't gone into that at this time in any of our discussions. She would like to say to the other commissioners to see how the General Plan relates to this re-zoning.

Commissioner Vincent asked, "Are you saying that the General Plan takes exception to this zoning request?"

Chair Hardie explained, "Not specifically, no. It says we should, whatever we wrote in the General Plan is supposed to be used as our guide."

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Commissioner Vincent said, "Does this re-zoning request conflict with the General Plan adopted by this municipality?"

Chair Hardie said, "It could be considered in conflict in certain areas, it could also be considered a big plus."

There was further discussion regarding the General Plan and rezoning.

Vice Chair Schall doesn't believe there will be a problem, however they should do their due diligence and take a look at the General Plan.

Ms. Page added, Chair Hardie asked her to add information about the General Plan and she did include a couple of pages. She compared the R1-5 and R-2 zones. On page 40 of the General Plan she quoted it said, "We encourage affordable housing."

Chair Hardie referred to the "Land Use Element" within the General Plan that will give them a guide. She asked for an outline and asked staff to reference the items corresponding to the General Plan.

7:21 (21:28) Carol Anne Teague, a Jerome resident said, "You have twice said the word commercial. We're confused about your use of the word commercial in the text of this rezone."

Chair Hardie said in the conditional uses there's a number of uses which could be considered commercial.

Ms. Teague asked her to please elaborate.

Chair Hardie asked Ms. Page to read the R1-2 current description. At this time, she informed the audience that she had not opened it up to the public.

Ms. Page read hospitals, clinics, medical and dental offices, nursing homes and convalescent homes.

Chair Hardie said you're right and that's what I am referring to.

7:22 (22:55) Heather Doss, one of the petitioners spoke. "To elaborate, when you say commercial are you referring to across the street commercial/industrial at the high school that is currently there."

Chair Hardie responded, "I am clearly referring to exclusively your request to do rezoning."

Ms. Doss asked, "For R-2."

Chair Hardie responded, "According to the current R-2 description."

Ms. Doss said, "Because I think, us petitioners, the way that we look at it is, across the street, what your concerns and fears are can already happened..."

Chair Hardie interjected, "I don't really have concerns, don't call them fears, they're not."

Ms. Doss said, "Okay, then concerns; they can do nightclubs, hotels, daycare, there possibilities are huge. If we're still doing the limitations do you still need all this information from her (Ms. Page?)."

Chair Hardie responded, "I need to have further discussion with the attorney, I can't answer all of your questions. I'm trying to be objective."

7:24 (24:35) Ms. Doss said it's happening right now, furniture factory, conditional use on an apartment, there is so much going on around us.

7:25 (25:01) Robert Doss said across the street we have a furniture factory, a cell phone tower, a sewage plant behind us a cemetery beside us. He doesn't understand what the issue is. There are three vacant lots in our area, saying hospitals, these are 50 x 100 lots, it's a far stretch to build a hospital. This is crazy.

Ms. Doss said we feel like there is just always something new and different.

Mr. Doss interjected, "A little to thorough on this particular subject. We're not talking about mega-structures."

Ms. Doss said they're frustrated

Mr. Doss stated this is crazy. "You're being a little to thorough on this. We're not talking about mega structures here."

Chair Hardie read her questions:

- 1) Review and discuss Prop 207 waiver.

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Chair Hardie asked if the commissioners had reviewed this and they confirmed they had, and they didn't have comments. She had comments about it. Her changes should be, where it says, "Petitioning owners who have requested the town to rezone property in the R-1." add the word "ZONE." "Whereas in order to allow petitioning owners," she asked, "How many family dwellings will be in the waiver?" Next page where it says...this agreement applies to property located at such and such...her thoughts are, Section 6 answered the questions. If the waiver does or does not go through, it goes with the land, not the owner.

Ms. Page noted it was to be recorded with the county and attached to the deed.

Chair Hardie asked Mr. and Mrs. Doss, when you sell your home would that run with the new owner.

7:30 (30:25) The Dosses responded yes, absolutely, whatever the new owners would want to do.

Chair Hardie said if the Council were to approve a change then you would present that area as a duplex. That's what your application says, is there any change to that application?

7:31 (31:32) Ms. Doss explained, "Actually we are applying for an R-2, a zone change. We are not allowed to apply for a duplex yet.

Chair Hardie asked, "If and when that R-2 is applied what would happen to your application if it hasn't been completed and you sell the house, will you cancel it?"

7:32 (32:21) Mr. Doss responded no. Ms. Doss continued and said, "This is not about us this is for everyone in the neighborhood. This is there plan B to get income, plan A was to sell it."

Ms. Page said, "It seems almost that this process would still be completed. It seems if there was a new owner and this petition was not processed, it's possible the new owner could say they didn't want to be involved, but we still have seven other land owners."

Chair Hardie asked when the Doss family sells there home, even without their petition there is a sufficient percentage for it to go through.

Ms. Page said if this commission advances it to Council it will continue, she doesn't see it stopping.

Chair Hardie referred to page 2 of the document. "On the final page is referencing the two bys: would be the owner of the property and the Town. It's on the last page."

Ms. Page said she didn't believe that the Town would sign. It is recorded and attached to the deed of the land.

Chair Hardie believes she may have more questions.

Commissioner Vincent asked, "Are you saying that your questions posed have been answered adequately in the zoning administrator's memorandum she submitted to us."

Chair Hardie responded she would probably have more questions, and this is not our last discussion.

Ms. Page asked if they would like to set a date for a public Hearing.

The Commission agreed to schedule it at the next regular meeting.

Ms. Page commented, "There are members in the audience that are representing properties that are not in this zone but are asking to be considered. At least one of them doesn't live in town so you may want to open the floor to those people before you move on."

Chair Hardie responded, "Not at this time."

Vice Chair Schall asked if there was a difficulty to expand the zone for the additional new applicants.

Ms. Page read from the zoning code, "As part of the procedure the commission may, on its own motion may limit or extend the boundaries of such area so as to constitute a more reasonable zone district boundary."

Vice Chair Schall said if he didn't have an objection to the R-2 zoning, he wouldn't have an objection to expanding it slightly.

Ms. Page said that we are asking them to voluntarily down-zone and we would expect them to sign the 207 waiver. She believes there would need to be another neighborhood meeting.

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Commissioner Vincent asked if they should hold a neighborhood meeting prior to the public hearing in order to embrace these folks.

Ms. Page questioned why they would add more people when we don't have a clear expectation of the recommendation this body will give to council. She believes the original proposal should be addressed and forward it to council with recommendation that adjacent properties be allowed to petition later.

Vice Chair Schall is inclined to look favorably on expanding the rezoning.

Chair Hardie said, "There is an item in the agreement that says at this time, with this application it says: "Before rezoning property to allow multiple-family dwelling in the town's residential district, the town desires to determine what the impact such dwellings would have on the Town and to determine impact could take the town considerable time." That's the attorney's words." She believes they should finish what they have in front of them first. She believes we could continue this after the public hearing in February. She's sorry about people wanting to make comments and are unable to come to the public hearing, they may send in a letter.

Commissioner Vincent referred to item 5. "You asked for feedback from a public safety personnel, the police chief wrote back, did we hear anything from the fire chief? And I'd like to place on the record that the fire chief is married to the Chair."

Ms. Page said she had not received a response from Chief Blair.

Chair Hardie said you could remind the fire chief.

Ms. Page said the police chief said there has never been an accident, the speed has been reduced from 35 mph to 20 mph. Since the speed limit has been lowered there has not been an accident.

Chair Hardie gave direction to staff to set up the public hearing for rezoning and discussion subsequent to the public hearing.

7:47 (47:50) ITEM 6: 728 EAST AVE., JEROME

APPLICANT: Jamie & Darryl Williams

ADDRESS: PO Box 1295

ZONE: R1-5

OWNER OF RECORD: Darryl & Jamie Williams

APN: 401-07-090K

Applicant will present preliminary plans for outdoor deck, exterior stairs for access to lower guest rooms. Proposed project includes landscaping and exterior accessory structures.

Ms. Page introduced the preliminary proposed plans. She directed the Commission to look at the site plan.

7:51 (51:29) Jamie Williams, the applicant, approached the podium and explained the project. This new project would remove what is existing and build a structurally sound deck and stairway. She showed the commission her drawings and explained them.

Vice Chair Schall asked if the building inspector had seen the spiral staircase yet.

7:54 (0:54:36) Ms. Williams said no, if they didn't use a prefabricated spiral staircase, they would use a stairway that would take up more space.

Vice Chair Schall asked if the elevations on the topographical map were accurate.

7:55 (0:55:35) Ms. Williams said the dimensions and surveys were done from the topographical survey.

Vice Chair Schall said they sometime make those elevation numbers up.

7:55 (0:55:57) Ms. Williams said she didn't know, she would assume, but she can't answer.

Vice Chair Schall said it really wasn't relevant, he was just wondering.

Chair Hardie said the zoning administrators report mentions a discrepancy or rather a conflict with the setback.

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7:56 (0:56:52) Ms. Williams said the draftsman said it was 5-foot 9-inches from the lot line. We will get clarification and if we need to make scale adjustments that is not a problem.

Ms. Page referred to an area where the neighbors lot line is close to the deck.

7:57 (0:57:55) Ms. Williams said she would have her person reach out to Ms. Page and she will make sure there are setbacks on the drawings.

Approval of Preliminary Plans for an Outdoor Deck and Exterior Stairs.

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie			X			
Hudson					X	
Schall	X		X			
Vincent		X	X			

Chair Hardie asked if they would go to DRB preliminary as well. Ms. Page confirmed they would.

8:00 (1:00:35) ITEM 7: R-2 ZONE INITIAL REVIEW ZONING ORDINANCE CHANGE, ARTICLE V R-2 ZONE AND POSSIBLE CREATION OF ADDITIONAL ZONES

Commission may discuss how to modify the Zoning Ordinance to represent future residential zones that may be specific to duplex, triplex, fourplex and apartment dwellings.

Ms. Page explained this is a chance to change it and perhaps consider adding new zones. You can't eliminate fourplexes and apartments unless you create another residential zone that incorporates duplex, triplex, fourplex. Correct the definition with multi-family.

Chair Hardie said you included the Article II definitions. You included the "i.e." She doesn't know why we do that. If we're actually changing this, she doesn't know why we would have "i.e." in there.

Ms. Page said prior to this a multi-family says four or more families.

Vice Chair Schall said he doesn't care one way or the other.

Chair Hardie said she would rather those specific words be included everywhere. Her idea is to strike duplex, triplex and fourplex. Her suggestion is to strike it or define it. In the definition it would read two, three, four or more families living together and no "i.e."

Chair Hardie said scratch duplex, triplex and fourplex and just leave apartment. She likes the word apartment there, it is there, and she would like to keep it there.

Commissioner Vincent said she's speaking of the amendments to the R-2 zone on the next page.

Ms. Page said they were talking about definitions. In the use regulations for Section 506 R2 zone, strike multiple and multifamily. If we do consider opening this R-2 zone to triplex, we might consider adding this Chair Hardie referred to "Permitted Uses" number two (2), she was under the impression we were producing a zone to accommodate people wanting duplexes. That was the initial petition, right?

Ms. Page explained the initial petition is for the R-2 zone.

Chair Hardie said, "They presented a petition to develop into a duplex, that's in writing, all over the place."

Ms. Page said, "In the tentative development plan they did state that they were wanting to add a separate kitchen." The draft agreement from Mr. Sims does say, one, two or three families. We're trying to write an R-2 zone that will fit the needs of the town in the future.

Chair Hardie said we've talked about this before and she believes everyone was working toward a new R-2 zone that would allow for a duplex. Now, we've expanded that to include a triplex in this new R-2 zone.

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Ms. Page explained again, "Right now we have an R-2 zone that allows hospitals and large apartment buildings. This is the only zone option they have. We have people petitioning for a zoning change, we are asking, trying to negotiate where the Town and petitioners agree and move forward with a better R-2 zone and possibly other zones.

Chair Hardie said right now we need to focus on the definitions for R-2. She referred to Permitted uses number 2, she would like it to read two or three family dwellings and leave apartment houses. She would like to remove the words duplex, triplex and fourplex. If the council should decide to incorporate a definition of a new zone there are all sorts of possibilities. They can tear down their house and build an apartment building. On the next page Article V use regulations, section 507 is commercial, are you aiming at making a new 508.

Ms. Page responded yes.

Chair Hardie said 507 shouldn't be there. Under permitted uses instead of multi-family she wants to put two and three family, she would like it to match the definitions. Scratch multi-family. Use two, three and not four.

Ms. Page said this would be a new zone and it is necessary that we offer that. She explained to the commission when you remove something from one zone you must offer it in another zone. We cannot eliminate any of the other options. She explained again, the new zone is basically the old R-2.

Vice Chair Schall explained it again.

Ms. Page said if we take conditional uses out of one zone they needed to be added to another zone. We cannot take opportunities away.

This was discussed in further detail.

Chair Hardie said the Property Development standards, having a 5000 square foot lot and to say you could have a hospital, it doesn't seem to equate. She would like to review this Article V again and research how other Towns zone that. She asked Ms. Page to research it and come up with examples. So, we're going to clean up R-2, do we have to add a new zone at this time.

Ms. Page explained yes, it's the best idea.

Vice Chair Schall said, basically the attorney says we can't eliminate an opportunity in town, we can't make something disappear.

Chair Hardie said she would like to have a big discussion on that. She would like to see more options and property development standards from other towns.

Ms. Page explained how Prop 207 protects the property owner from the town taking away their opportunities, so if the town no longer allows apartment buildings, then we could be held liable for the property owner if they lose their rights.

Chair Hardie gave direction to staff, prep for the next meeting, a new zone and what property development standards are for other towns.

8:23 (1:23:29) Ms. Doss said in her research a lot of other towns with industrial/commercial, they define it as "combined zoning."

Chair Hardie asked Ms. Page for more information on adding a new zone. It was determined that the Property Development Standards had not been changed.

8:26 (1:26:58) Mr. Doss asked if you develop a new zone, what happens to our progress? We put in for an R-2. Chair Hardie said it is simultaneous, two different processes entirely. The R-2 we're working on is to allow for a duplex, triplex and that's what you're petitioning for. At the same time, we don't want to prevent, under the right circumstances, people from having a hospital, nursing home or boarding house. It's a different zone. We will have a public hearing at the next regular P & Z meeting.

8:28 (1:28:45) Mr. Doss asked how many meetings are we looking at?

Chair Hardie responded she couldn't tell him that.

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8:28 (1:28:55) Mr. Doss said we're looking at loss of revenue now.

Chair Hardie responded she didn't know what could come up at the public hearing.

8:29 (1:29:03) Mr. Doss said, "It's been your concern Marge, every time."

Chair Hardie said she would like to move on. She doesn't mean to shut him down, but she can't honestly answer his questions. She is not alone, this is a commission. "You're addressing your questions to me, I'm one person on a five-person commission."

8:30 (1:30:30) Mr. Doss said, "I understand where you're coming from Marge, but at the last meeting they tried for a motion and you shut it down."

Chair Hardie told him it wasn't an allowed motion. The item would have had to say "Public/Possible Action" and it didn't therefore we couldn't entertain a motion.

Commissioner Vincent asked, "And how is it that that was stricken from the agenda?"

Chair Hardie said, "And if you read the ordinance, we have to have a public hearing, it's the law."

8:31 (1:31:05) Mr. Doss said we had a public hearing.

Chair Hardie said, "No we didn't, it got cancelled, ask Charlotte about that."

Commissioner Vincent asked again how that item was stricken from the agenda.

Chair Hardie said she would move on. That public hearing will be next month, unfortunately there was a clerical error and it had to be cancelled.

8:32 (1:32:45) ITEM 8: INITIAL REVIEW ZONING ORDINANCE CHANGE, ARTICLE III, PROCEDURES, WITH REGARD TO PUBLIC HEARING

Commission may discuss how to modify the Zoning Ordinance to consider adding a reference to require the Zoning Administrator to review current A.R.S. 9-462.04 to assure compliance with current and future state public hearing statutes.

Ms. Page explained there is a problem with a text amendment that had been forwarded to Council that the public hearing had not been advertised correctly in the newspaper. She explained how she had not advertised a recent pending ordinance change in the newspaper. She wants to add a statement that the zoning administrator will review the procedures to concur with State statutes.

Chair Hardie said, "I think that is a very good idea."

Vice Chair Schall thought it would be a good reminder to a future zoning administrator.

None of the Commission had an objection with it.

Chair Hardie said her only concern is, does that bind her to do everything that is listed in there. "You've read the whole thing, right?"

Ms. Page said, "Yes, of course. We just don't want to be out of compliance with notification to the public, for instance."

Chair Hardie said, "Just make sure it says 9-462.04 and then the title, because they may change the number. I am still worried about all the other things it wants us to do. How about if you were specific to the posting, the posting part of it. Do you know what I mean?"

Ms. Page responded, "No, I'm not sure what you're asking."

Chair Hardie said, "In that particular ARS as you go down here it talks about what type of things you have to have special notifications for, like you said. Like for instance with this you had to have a big ad, right."

*Ms. Page interjected, "The 'big ad' was specifically because it was a 10% or more increase in the height of an accessory building."

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Chair Hardie went on to say, "That was to do with the accessory building. Would you say you want the whole thing as something you could refer to and have to follow?"

*Ms. Page interjected, "Yes."

Chair Hardie continued, "Or would you rather be specific about just the posting, which is, number 3 or 4. I think it's a good idea."

Ms. Page believes it to be just a band-aid.

Chair Hardie interjected, "Go for it. It's a good idea to cover all the bases. She asked how does the ARS trump our zoning ordinance?"

Ms. Page said she did not know. When they are more specific we are supposed to follow them.

Chair Hardie asked for a motion to add. "How would that be done, is it a text amendment. Do we need a motion?"

Vice Chair Schall asked do we forward a recommendation to Council.

Chair Hardie said, "I have direction to staff. Have you had Mr. Sims review this?"

Ms. Page responded, "Not this specific thing."

Chair Hardie said, "My direction to staff to have the attorney review this and set up so that we could vote and then forward on to the council."

Ms. Page asked, "So should we schedule a public hearing?"

Chair Hardie responded, "Sure, sure."

Vice Chair Schall said, "The Public Hearing will have the exact text of the proposed revision."

Chair Hardie asked, "What kind of Public Hearing, what kind of notice will you put out?"

8:37 ITEM 9: FUTURE AGENDA ITEMS

Chair Hardie would like to know how the recommendations to council stand. Anything we've forwarded to council, if we could be informed where they are at, even by email.

Ms. Page summarized, member absences, home occupations, height of accessory buildings, signs to be reviewed again by DRB and Solar Guidelines are with Planning and Zoning. It should have been on a public hearing this month; however, she did not advertise in the paper.

ITEM 10: ADJOURN

The meeting adjourned at 8:39 p.m.

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hardie		X	X			
Hudson					X	
Schall	X		X			
Vincent			X			

Approval on next page.

**Items were interjected during a statement and I have transcribed to the best of my ability. -J. Savage*

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PLANNING AND ZONING COMMISSION
DATE: Wednesday, January 2, 2019 TIME: 7:00 pm
PLACE: JEROME CIVIC CENTER
600 Clark St., JEROME, ARIZONA 86331

Respectfully submitted by Joni Savage on February 6, 2019

Approved: Margie Hardin
Planning & Zoning Commission Chair

Date: 2/6/19

Attest: [Signature]
Planning & Zoning Commission Vice Chair

Date: 2/6/2019