



TOWN OF JEROME

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

SPECIAL MEETING OF THE TOWN OF JEROME PLANNING AND ZONING COMMISSION

DATE: Wednesday, October 11, 2017 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 7:00 p.m.

Roll call was taken by Kyle Dabney. Commission members present were Chair Lance Schall, Mike Parry and Margie Hardie. Zachariah Runyon was not present.

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

ITEM 2: APPROVAL OF MINUTES: Minutes of June 7, 2017 and August 2, 2017

Ms. Hardie commented on the February 1, 2017 minutes referring to section 104D which says we need three votes to approve however, they were approved with two votes. (Ms. Hardie admitted that she did not have those minutes in front of her.) At that time she said she was referring to the June minutes.

Mr. Dabney explained they had called the attorney.

Ms. Hardie said something about a book requiring three votes, she then asked if she was making any sense.

It was determined that the members of the commission did not have the minutes in front of them.

Chair Schall said they had the town attorney make a call on that for us, he had been under the impression that it always took three votes to pass something. He read from his notes, "where the majority of the quorum is allowed." So there is the conclusion.

Ms. Hardie said if you have two and one abstains that is a yes vote, according to the Council. She assumed that was for this commission also.

Mr. Dabney confirmed that was only for the Council. You can have two people vote, three must be present and if one abstains, the two people can vote and if they both say yes then it passes. This is according to the town attorney.

Ms. Hardie added that she wasn't present for the meeting of August 2nd, however in the roll Mr. Parry is not listed as present in the minutes. It was determined that Mr. Parry needed to be added as "present telephonically."

Mike Parry moved to approve the minutes of June 7 and August 2, 2017 with revisions. Chair Schall seconded. The motion passed with three votes in favor of approval for the June 7, 2017. Ms. Hardie was not present for the August 2, 2017 meeting so she abstained. The minutes of August 2, 2017 were approved with revisions.

ITEM 3: PETITIONS FROM THE PUBLIC - This time is NOT for discussion on Agenda items. Please make comments when that item is on the floor. Please complete a request form with your name and subject and submit to the Chair. When recognized by the Chair, please come to the front and state your name. Please observe the three minute time limit per speaker pursuant to the Town Code. The P&Z Commission may not discuss or take action on any comments under this agenda item other than to ask questions

-There were no petitions from the public.

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ITEM 4: REQUEST FOR CONDITIONAL USE PERMIT REGARDING THE USE OF THE PATIO SPACE AND TO OPERATE AS A SPIRITUOUS LIQUOR TASTING FACILITY AT 301 MAIN ST.

APPLICANT: PASSION CELLARS-JASON DOMANICO YEAR BUILT: 1913
ADDRESS: PO BOX 25, 301 MAIN ST., JEROME ZONE: C-1
OWNER OF RECORD: ABOVE APN: 401-06-149

The applicant is seeking a conditional use permit to utilize the patio space as well as a conditional use permit to operate as a Spirituous Liquor Tasting Facility.

Mr. Dabney presented again and asked for a Conditional Use Permit for the patio space to serve as a liquor tasting area. The location of off street parking should be the responsibility of the property owner, the off-street parking should be located within the C1 zone. The Town acquired legal advice on this and he has a copy of the corrected lease that the attorney had written. As far as the indoor use, the Conditional Use Permit is just to operate as a spirituous liquor tasting facility.

Chair Schall asked about the additional parking and for clarity on the lease and parking requirement.

Mr. Dabney only had one copy of the lease.

Chair Schall read the line on page five aloud for the commission to hear. He read it *(off-street parking) was in one of the Town owned properties in Middle Park. He assumed if the attorney wrote the lease it is allowed per ordinance. If the Town attorney is happy with that then he is fine with it.

Mr. Dabney said his interpretation is that since the Town owns the building and the parking they can do that. If someone else owned the building this wouldn't work.

Ms. Hardie doesn't understand, in the past we've used legal advice to help us make a decision, but she agrees that it is unusual. She thinks it is very questionable. In her opinion the Town is double-dipping. Dedicated parking is one thing and public parking is another, one or the other. There is no dedicated spot, if the lot's full I guess that doesn't matter because that applies to any off-street parking. Her opinion is it is not dedicated to the off-street parking requirement but because we have received legal advice she has to take it into consideration. Otherwise, the way she sees it if it weren't the Town this wouldn't be happening.

Chair Schall talked about on-street parking whereas a parking lot is different. Who owns the parking lot, the Town and if the Town wanted to devote six parking spaces in Middle Park to a restroom, they could do that.

(Going forward, Conditional Use Permit will now be referred to as a CUP.)

Ms. Hardie said her point is, if the Town continues to use its properties for various uses we'll begin seeing our public parking lots being used for off-street parking. She is not using these to vote against the CUP, she just has concerns.

Chair Schall said since we have two CUP's will we have two separate motions and votes.

Mr. Dabney replied yes two separate CUP's.

Ginger Mackenzie, the representative for Passion Cellars, said they're just moving their location they aren't a brand new business.

Ms. Hardie explained the tasting room needs a CUP as does the patio needs a CUP.

Ms. Hardie directed some questions to Ms. Mackenzie. What are the hours of operation?

Ms. Mackenzie responded, 11:00 to 6:00 daily except on Saturday until 7:00 p.m.

Ms. Hardie asked about the security as far as the patio and no minors allowed?

Ms. Mackenzie responded: Not the patio, we will not allow minors on the patio. The fence will be to code, a sign that says "no leaning," will be placed on the fence and a sign that says "no children on the patio," will be placed on the gate. A minor can come inside, but they cannot sit at the bar. We usually don't have too many kids that come in.

Ms. Hardie stated parking would be in the C1 zone. She asked the diagram of the liquor license you have resubmitted and that's a question?

*This was not actually said during the meeting, however Ms. Hardie wanted to include it and the other commission members did not object.

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Ms. Mackenzie replied yes it had been resubmitted and the Arizona Department of Liquor and Licenses had approved it. Ms. Hardie referred to the diagram, it indicates there is a party room, is that right?

Ms. Mackenzie explained that it could be used for a private party if they needed to use it. Teaching would be someone coming up to put on a class from Yavapai College.

Ms. Hardie was just concerned about how that space was going to be used. Two things in the lease say what you're allowed to use the building for and would that be that same.

It was confirmed that it would be.

Ms. Hardie asked about the documents of pictures, she feels as part of the CUP, that it should not change.

Ms. Mackenzie asked what she meant.

Ms. Hardie explained as far as the quantity of the chairs.

Ms. Mackenzie said we'll have the exact same number of seats as the other location. Outside we will have four tables, eight chairs and no counters. Inside there are eight seats and four couches.

Ms. Hardie requested that we make that the maximum in there. She asked for an explanation from the original application, it indicates it is a type of retail, will you have a wait staff. Retail includes no dining tables and chairs.

Ms. Mackenzie said at the new place we won't have seating at the bar. Customers will pretty much have to go to the bar for service.

Ms. Hardie wanted to mention that the patio will be used for sitting, viewing and customer will be served, and there is no mention of basic retail. If she is sitting and someone is serving wine could that be explained to her as she thinks that is a different direction. It would appear that people will be sitting there for she doesn't know how long. You don't have any way to enforce that.

Ms. Mackenzie explained the process of wine tasting. If we have 20-25 people in a day it's rare that they would order by the glass. We don't leave a bottle on the table. We talk about the wine and how it's made. They taste, they buy the bottle and then go back to Phoenix.

Commissioner Hardie moved to approve the CUP for the 301 Main Street patio as an outdoor tasting room with conditions. The conditions are: signage regarding minors on the patio, number of tables and chairs will remain the same and that the Zoning Administrator will review the CUP in three months. Chair Schall seconded it. All were in favor and the motion passed unanimously.

Commissioner Parry moved to approve the CUP for 301 Main Street inside tasting room as submitted. Ms. Hardie amended the motion and added conditions including the quantity of seating remains the same, it is in the lease but she believes it should be in the CUP that the Town is providing parking in a Town-owned parking lot and the Zoning Administrator will review the CUP in three months. Commissioner Parry amended his motion to include those provisions by Ms. Hardie. Ms. Hardie said her second was an amended second. All were in favor and the motion passed unanimously.

Ms. Hardie wanted to add conditions to hours opened to this CUP and Mr. Dabney told her it was irrelevant. She wanted to amend the first motion conditions and Chair Schall told her it was too late.

ITEM 5: FUTURE AGENDA ITEMS

Mr. Parry commented that the noise from motorcycle radios is annoying. He used to ride a Harley, but the radios are annoying.

Ms. Hardie called a point of order it's in the Town code, not a Zoning ordinance.

Chair Schall said perhaps it would be a petition from the public at a regular council meeting.

Mr. Parry asked Mr. Dabney to look into that.

Ms. Hardie suggested discussing an amendment to the zoning ordinance regarding attendance at meetings.

Mr. Dabney said he believes Council is looking into it.

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Ms. Hardie said we initiate it through the Council.

Chair Schall said let's see what the Council comes up with first.

Ms. Hardie wanted to talk again about home occupations.

Chair Schall said let's wait until Ms. Hardie gets her voice back and then we'll discuss it.

ITEM 6: ADJOURN

Mr. Parry moved to adjourn. Chair Schall seconded. The motion carried unanimously and the meeting adjourned at 7:45 p.m.

Approval on next page.

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DATE: Wednesday, October 11, 2017 TIME: 7:00 pm

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Respectfully submitted by Joni Savage on November 1, 2017

Approved: _____

[Signature]
Planning & Zoning Commission Chair

Date: _____

11/1/2017

Attest: _____

[Signature]
Planning & Zoning Commission Vice Chair

Date: _____

11/1/17