

Planning & Zoning Meeting  
January 8<sup>th</sup>, 2018

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:01 p.m. Present were Chairman Rod Mink, Commissioner Randy King, Commissioner Dave Holley, Commissioner Carl McEntarffer, Commissioner Bill Allred. Commissioner Sheryl Gibbons and Commissioner Janey Miller were excused. Also present were Human Resource Manager Ida Clark, City Planner Esmeralda Chavez, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

**CONTINUATION OF A PUBLIC HEARING** to hear a request from Juan Gonzalez for a Special Use Permit for a Commercial Entertainment Facility (Indoor), on that parcel described as Lots 16 & 17 block 76 JT SE 13-8-16, more commonly known as 160 West Main, Jerome, Idaho.

Staff Report: Ms. Clark reminded the commission that the applicant is proposing a new use of a commercial entertainment facility (indoor) on the property at 160 West Main Street. She stated that when he previously met with the commission a couple of months ago, the commission had some questions about the parking. She stated the City code states the following regulations shall govern the location of off street parking spaces and areas: the parking spaces shall be located not more than seven hundred feet (700') from the principal use and the schedule of parking requirements of having one parking stall per 150 square feet of gross floor area. She continued that the commission asked for the square footage of the building and she did some research on public parking in the area.

Ms. Clark went over the general standards for Special Uses with the commission. She stated the Planning and Zoning code allows commercial entertainment facility (indoor) in the CBD zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan, specifically with Chapter 7. However, it does not appear to be in accordance with Title 17 of the Jerome Municipal Code and Chapter 4 of the Comprehensive plan, Transportation. Most buildings downtown do not have adequate off-street parking and have verbal agreements to use public parking lots. Chapter 4.6 Downtown Parking, is addressed in the Comprehensive Plan. It does state there is public parking on the Corner of 1st Avenue West and North Lincoln and there is a public parking lot on the corner of West Main Street and Alder. Both parking lots are less than 700 feet from the primary entrance as required in Title 17. Mr. Gonzalez spoke with Larry Webb, who owns the parking lots directly north of the building, and received verbal confirmation from him allowing parking on his property. Mr. Gonzalez has also obtained verbal permission to use the Annex public parking, located on West Main. The applicant noted the gross square footage of the building is approximately 6,000 square feet; however, this does include a basement for storage and small studio apartment. The approximate gross area for the event space is 4,500 square feet. They would need to provide, at a minimum, 40 off-street parking spaces to accommodate the event center and dance floor area. The applicant has indicated that there will not be any exterior modifications at this time. This will not have an impact on the character of the general vicinity. It is not anticipated that the proposed use will be hazardous or disturbing to existing or future neighboring uses. The

applicant did received some signatures from neighboring businesses and believes they are among like-minded businesses. The applicant has noted it will be served by existing services and is not adding additional services. There is no indication that a commercial entertainment facility (indoor) use will create excessive additional requirements at public cost. The applicant notes everything will be properly taken care of and addressed. There are no proposed changes to the vehicular approaches to the site. There is no indication that this use will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. The applicant states the building structure and outside appearance will remain as is.

If approved, Ms. Clark recommended the following conditions: Receive any and all required building department and/or fire department permits and inspections; Comply with all City, State, and Federal requirements; and Recommend special use permit be allowed for up to one year, renewable upon expiration.

Ms. Clark stated there is public parking at the corner of 1<sup>st</sup> Avenue West and South Lincoln, additional city public parking to the east of Mr. Webb's property, along with the verbal agreement from Mr. Webb. Mr. Gonzalez stated that once he finishes the back of the property, he would have an additional four parking spots.

Commissioner King inquired how many parking spots were found. Ms. Clark stated the City's parking lot along with Mr. Webb's property are not marked so she was not sure. She stated that between the City's public parking lot, Mr. Webb's lot, and the Annex parking lot, Mr. Gonzalez will meet the requirements.

Applicant Testimony: Juan Gonzalez, testified there will be an additional four parking spaces behind the business. He stated he is having a hard time finding parking spaces on Main Street as he also owns two other businesses. He stated there is more parking on the west side of Main Street. He stated the County would allow him to use the Annex parking lot as long as they knew when the events would take place and that he would clean up the trash from his event. Upon inquiry from Chairman Mink, Mr. Gonzalez stated most of their events will be on the weekends and the Annex has asked that they are given notice of the event so they can be aware of who needs to take care of the garbage if it is a problem. Upon inquiry from Chairman Mink, Mr. Gonzalez stated he would let the clients know where to park for the event so they will not take up all of Mr. Webb's parking. Chairman Mink suggested having employee's park in the City's public parking lot so the customers would be able to park closer to the business. Mr. Gonzalez stated he would let the customer know, when they lease the property, where to park for the event.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:12 p.m.

**CONSIDER** a request from Juan Gonzalez for a Special Use Permit for a Commercial Entertainment Facility (Indoor), on that parcel described as Lots 16 & 17 block 76 JT SE 13-8-16, more commonly known as 160 West Main, Jerome, Idaho— action item

Commissioner McEntarffer stated with the facts that Staff brought forward about the downtown parking, he thought that it was great of Mr. Gonzalez to come and seek other parking. Upon inquiry from Commissioner King, Ms. Clark stated she spoke with the street department and they will be looking into putting up larger parking signs and the lots will be striped come spring. Commissioner Allred inquired how the City would regulate the parking lots. Ms. Clark stated the public parking lots are open for anyone to use at any time. She stated the City maintains those lots as they are publicly owned by the City. Discussion was held on maintenance and policing of the public parking lots. Commissioner McEntarffer stated the only parking lot that the city can enforce would be the public parking lots. Mr. Larsen stated the commission could have a condition on the permit on the terms of the verbal commitments of the parking and if the condition was not complied with, it could be addressed at his renewal hearing. Commissioner Allred agreed with this. Discussion was held on conditions of the Special Use permit. Commissioner Holley stated he believed the commission is adding too many restrictions to the Special Use permit as no one else has to report to the city if they use the public parking lot now. Commissioner Allred stated he would like to have something in the conditions that states he would make sure the parking lot is clean. Chairman Mink stated it is hard to say that one person is responsible for cleaning up when there are many others that use the public parking also. Discussion was held on cleaning of the parking lot. Commissioner McEntarffer stated they need to address all of those businesses that use the public parking lots. Chairman Mink stated they would address them, as they come up. Commissioner Holley stated Mr. Gonzalez has more than one business in Jerome so he has a vested interest in how the area and properties look.

Commissioner McEntarffer made a motion to approve a request from Juan Gonzalez for a Special Use Permit for a Commercial Entertainment Facility (Indoor), on that parcel described as Lots 16 & 17 block 76 JT SE 13-8-16, more commonly known as 160 West Main, Jerome, Idaho with the following conditions: Receive any and all required building department and/or fire department permits and inspections; Comply with all City, State, and Federal requirements; Complete a parking lot inspection within 24 hours of an event; and Recommend special use permit be allowed for up to one year, renewable upon expiration.

Second to the motion by Commissioner King and carried.

Unanimous “ayes”

Commissioner Holley abstained from voting.

**PUBLIC HEARING** to hear a request from Michael Taylor for a Special Use Permit renewal, allowing an in-home occupation, in-home firearms sales, on that parcel described as Lot 2, Lanum Subdivision #1, NW 18-8-17, more commonly known as 309 16th Avenue East, Jerome, Idaho.

Staff Report: Ms. Clark stated Mr. Taylor received a special use permit for a home occupation, firearm sales in February 2017. The application noted Mr. Taylor's work is not hazardous or disturbing to existing or future neighboring uses and does not cause excessive production of traffic, noise, smoke, fumes, or odors. It was noted he does not manufacture at this location. He only expects approximately two to four customers per year. There is no signage or exterior modifications. Mr. Taylor would like to request a renewal of the special use permit.

Ms. Clark stated the property in question, 309 16th Ave East in Jerome, is currently zoned Residential 1 (R1). The proposed use, home occupation, firearm sales, requires a Special Use Permit from the Planning and Zoning Commission.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated this request is in compliance with Chapter 7.

Ms. Clark stated she reached out to a few of the departments and received the following comments: Police – Large quantities of ammunition or explosive components, such as gun powder and primer, shall be stored in a manner approved by the fire department. It is recommended that Mr. Taylor provide a safe or take other preventative steps to prevent theft of firearms; Fire – Will need to conduct a new fire inspection; and no other departments had comments.

If approved, Ms. Clark recommended the following conditions: Receive any and all required fire department permits and inspections; Take preventative steps to prevent theft of firearms; Special use permit shall be allowed for up to three years, renewable upon expiration; and Comply with all City, State, and Federal requirements.

Upon inquiry from Commissioner King, Ms. Clark stated she had not received any complaints or concerns as of the date of the meeting. Chairman Mink inquired about the previous conditions. Ms. Clark stated the previous conditions were as follows: two year term, comply with any required inspections and conditions from City departments, and comply with all city, state and federal requirements.

Applicant Testimony: Michael Taylor, 309 16<sup>th</sup> Avenue East, Jerome, testified he is wanting to renew his Special Use permit. He stated he just renewed his Federal License and it is good until April of 2021. He stated he has everything locked up and only sold three guns last year. He stated he only sells to those he knows. He stated he mainly got the license because it was cheaper for him to buy guns. Upon inquiry from Commission Holley, he has not had any complaints from the neighbors, he also stated he does not buy them to sell. He only does the private selling. Upon inquiry from Chairman Mink, Mr. Taylor stated he does not sell any re-

loading supplies. He stated it is for his personal use and he does not sell it. He does not have the license to sell ammunition. Upon inquiry from Commissioner Allred, Mr. Taylor stated the customer comes to his home and he has to call in if the customer does not have a weapons permit. He stated he keeps all of his paperwork and records in a safe.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:36 p.m.

**CONSIDER** a request from Michael Taylor for a Special Use Permit renewal, allowing an in-home occupation, in-home firearms sales, on that parcel described as Lot 2, Lanum Subdivision #1, NW 18-8-17, more commonly known as 309 16th Avenue East, Jerome, Idaho— action item

Commissioner Holley, King, and Allred stated they had no comments.

Commissioner Holley made a motion to approve a request from Michael Taylor for a Special Use Permit renewal, allowing an in-home occupation, in-home firearms sales, on that parcel described as Lot 2, Lanum Subdivision #1, NW 18-8-17, more commonly known as 309 16th Avenue East, Jerome, Idaho with the following conditions: Receive any and all required fire department permits and inspections; Take preventative steps to prevent theft of firearms; Special use permit shall be allowed for up to three years, renewable upon expiration; and Comply with all City, State, and Federal requirements.

Second to the motion by Commissioner McEntarffer and carried.

Unanimous “ayes”

**PUBLIC HEARING** to hear a request from Magdalena Perez for a Special Use Permit renewal, allowing an in-home occupation, an in-home tax preparation and notary service, on that parcel described as Tax 9 of Block A-202, JT SE 18-8-17, more commonly known as 312 North Fillmore Street, Jerome, Idaho.

Staff Report: Ms. Clark stated Ms. Perez received a home occupation special use permit for tax preparation and notary services in January 2014. The application noted Ms. Perez’ work is not hazardous or disturbing to existing or future neighboring uses and does not cause excessive production of traffic, noise, smoke, fumes, or odors. She has no additional employees and clients are usually there for 15-20 minutes. There is no signage or exterior modifications. Ms. Perez would like to request a renewal of the special use permit.

Ms. Clark stated the property in question, 312 North Fillmore in Jerome, is currently zoned Residential 2 (R2). The proposed use, home occupation, tax preparation and notary services, requires a Special Use Permit from the Planning and Zoning Commission. As pertains to the City of Jerome's Comprehensive plan, Chapter 7.

Ms. Clark stated she did not reach out to the other departments due to the nature of the business. She stated the city has not received any complaints or comments from the neighbors and this is the third renewal request from Ms. Perez.

If approved, Ms. Clark recommended the following conditions: Receive any and all required permits or inspections; Special use permit shall be allowed for up to five years, renewable upon expiration; and Comply with all City, State, and Federal requirements.

Applicant Testimony: Magdalena Perez, 312 North Fillmore, testified this is her third request and her business is seasonal. Upon inquiry from Chairman Mink, Ms. Perez stated the customers come over and she meets with them in her office. Ms. Perez went over the layout of her home for the commission. She stated her customers sometimes drop the paperwork off and she will deliver it back to them. She stated those are mostly seniors. Upon inquiry from Commissioner Holley, Ms. Perez stated she has had some clients stacked but the customers park in her driveway or in front of her house. She stated she has not had any complaints from neighbors. Upon inquiry from Chairman Mink, Ms. Perez stated on her busiest day she has helped around 11 customers. She stated most customers will come back if she is busy. She stated February is her busiest time of the year.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:48 p.m.

**CONSIDER** a request from Magdalena Perez for a Special Use Permit renewal, allowing an in-home occupation, an in-home tax preparation and notary service, on that parcel described as Tax 9 of Block A-202, JT SE 18-8-17, more commonly known as 312 North Fillmore Street, Jerome, Idaho – action item

Commissioner Holley, King, and McEntarffer stated they had no comments.

Commissioner Allred made a motion to approve a request from Magdalena Perez for a Special Use Permit renewal, allowing an in-home occupation, an in-home tax preparation and notary service, on that parcel described as Tax 9 of Block A-202, JT SE 18-8-17, more commonly known as 312 North Fillmore Street, Jerome, Idaho with the following conditions: Special use permit shall be allowed for up to five years, renewable upon expiration;

Second to the motion by Commissioner McEntarffer and carried.

Commissioner Holley made a motion to amend the motion to include comply with all city, state and Federal requirements.

Second to the motion by Commissioner King and carried.

Unanimous “ayes”

### **Consent Agenda**

*The consent calendar consist of items that are considered to be routine in nature and will be enacted in the form of one motion. Any item can be removed from the consent calendar and heard in its regular order at the request of any commissioner or the chairman.*

- A. Approve the minutes from the December 11<sup>th</sup>, 2018 regular meeting.
- B. Approve the minutes from the December 27<sup>th</sup>, 2018 special meeting.
- C. Consider/Approve Finding and Facts for Bruce Coburn for a variance allowing a reduced lot size on Lot 5, of that parcel described as Lots 1-5, Block 155 JT NE 24-8-16, more commonly known as 219 West Avenue G Street, Jerome, Idaho.

### **FINDINGS AND CONCLUSIONS ON A REQUEST FROM BRUCE COBURN FOR A VARIANCE ALLOWING A REDUCED LOT SIZE ON LOT 5, OF THAT PARCEL DESCRIBED AS LOTS 1-5, BLOCK 155 JT NE 24-8-16, MORE COMMONLY KNOWN AS 219 WEST AVENUE G STREET, JEROME, IDAHO**

A public hearing at the request of Bruce Coburn, as Trustee for Tilton River Trust, Yakima LLC, for a variance to allow a reduced lot size on Lot 5, of that parcel described as Lots 1-5, Block 155 JT NE 24-8-16, more commonly known as 219 West Avenue G Street, Jerome, Idaho.

Staff Report: Human Resource Manager, Ida Clark provided a report upon this request. Ms. Clark stated the applicant would like to purchase Lots 1-5. There is currently four structures placed across the five lots and the applicant would like to have one structure on each lot. Currently there is one structure on lot 5 and another structure placed across the lot line for lots 4 and 5. Both structures are legal nonconforming. Current code does allow structures to be build or placed across lot lines if they are owned by the same person. However; code only allows one structure. In order to have one structure per lot, lot 5 must be reduced below the minimum lot area requirement of 5,000 square feet. The applicant is requesting a variance for lot size.

As pertains to Title 17 of the JMC, Ms. Clark stated the property in question, Lot 5 of Lots 1-5, Block 155 JT NE 24-8-16, more commonly known as 219 West Ave G St., Jerome, is currently zoned Residential (R3). Regardless of use, setbacks for this property are as follows: Front: 25', Rear 20', Interior Side 7', and Side Street 15' with a minimum Lot Area: 5,000 Sq. Ft.

Ms. Clark stated the Jerome Municipal Code defined a variance as:

“A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other provisions of this title affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest.”

Regarding the variance standards, Ms. Clark stated the commission shall review the particular facts and circumstances of each proposed variance request in terms of the following standards. The first standard states that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. Ms. Clark stated the application notes the current homes were placed without a proper survey to delineate the lot lines and without meeting setback requirements. The second standard states that a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title. Ms. Clark stated a literal interpretation would mean that the property cannot be reduced in size and therefore it should not have a structure placed on it. It is noted the current manufactured home on lot 5 is not set on a permanent foundation; therefore, it could be moved from lot 5. The third standard is that special conditions and circumstances do not result from the actions of the applicant. Ms. Clark stated the application notes the current condition and circumstances are existing from a previous owner. Previous owner complied with city code at that time, which allowed manufactured homes to place without meeting current setbacks. The fourth standard states that granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district. Ms. Clark stated that variances are typically granted when the applicant proves undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest. It does not appear the variance would be in conflict with the public interest. Granting this variance will not confer any special privileges to the applicant. The applicant is trying to clean-up the property lines and have one home per lot.

Ms. Clark stated she sent the application out to the different departments in the city, and received the following comments: Fire, Engineering, Water, Streets and Wastewater Department all had no concerns; Building Department stated the current structures may remain under legal nonconforming, however, if any of those structures are removed then the new structures shall meet current setbacks.

If approved, Ms. Clark recommended the following conditions: The variance shall be contingent upon the purchase of the property by the Tilton River Trust; Current structure may remain under the City Code 17.30, Nonconforming Uses; however, if at any time the current structure is removed, then the new structure shall conform to current City Code; Receive any and all required building department and/or fire department permits and inspections; and Comply with all City, State and Federal requirements.

Commissioner Allred inquired about the property lines and wanted to know how they arrived at this point. Ms. Clark stated she met with Mr. Coburn and the Building Department and she researched

the property and what she found was that the previous City code allowed a property owner, if they had a certain amount of property, to have a certain amount of homes on said property and could place them as they wished. Ms. Clark stated Mr. Coburn did go and speak with some of the residents and has a few signatures as well as the City sent out the required public notice to all of the surrounding neighbors. She stated there were no letters or comments received.

Applicant Testimony: Bruce Coburn, PO Box 825 Jerome, testified, he is the trustee for Tilton River Trust. He stated he is working with Freddy Garcia to see if the city will approve a variance so all of the homes would be on individual lots. He wants to shorten the lot down to match with the fence on the property. He stated they are wanting to change a couple of lot lines but it would be done at a different date. He stated he is wanting everything to be right. Ms. Clark stated they are wanting the variance and if it is approved, then they would be looking at a lot line adjustment or a lot split depending on what they decide to do with the property. Commissioner McEntarffer stated the applicant is looking to have a smaller lot size. Ms. Clark stated the property is currently legal non-conforming. Commissioner Holley inquired about the lot size. Ms. Clark stated it would be 4,535 square feet. Upon inquiry from Commissioner Holley, Mr. Coburn stated the current mobile home will remain in place

Testimony in Favor: None

Testimony in Neutral: Randy Suter, 426 East 330 North, Jerome, testified, he is handling his brother's estate and it has been a mess. He stated they have a bunch of mobile homes. He stated they are selling them as a group. Because of where it is now, they are selling the property as a block. He thinks, it will be an improvement if they can sell each house separately.

Testimony in Opposition: None

There being no further testimony, Chairman Mink closed the public hearing at 12:20 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Coburn's report, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

**I. Findings**

- A. The proposed lots are located in an area zoned as R-3 in the city of Jerome.
- B. The R-3 zone pursuant to Title 17 of the City of Jerome Municipal Code requires setbacks of Front- 25', Rear 20', Interior Side 7' and Side street 15' with a minimum Lot area of 5,000 sq. feet.
- C. The purpose of the variance is to reduce the size of Lot 5 below the minimum lot area size of 5,000 sq. feet.
- D. Variances are typically granted when the applicant proves undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest. It does not appear the variance would be in conflict with the public interest.

- E. The application notes the current homes on Lots 1-5 were places without a proper survey to delineate the lot lines and without meeting setback requirement.
- F. The property cannot be reduced in size. The current manufactured home has been placed on a foundation and cannot be moved.
- G. When the current manufactured home was placed, the previous owner complied with the city code in effect at that time. Specifically, manufactures homes were placed without meeting the current setback requirements.
- H. The application and the requested variance will not confer any special privileges upon the applicant.

**II. Conclusions**

- A. The application is consistent with development standards and objectives for R-3 Zone.
- B. Not granting the variance as requested in the application would result in an unnecessary hardship—as referenced in Title 17 of the City of Jerome Municipal Code—to the applicant.
- C. This variance is granted and contingent upon the following:
  - a. the purchase of the property by applicant, Tilton River Trust;
  - b. if the current structure is removed, then any new structure placed upon the Lot shall conform to current City Code;
  - c. applicant shall receive any and all required building department and/or fire department permits and inspections; and
  - d. shall conform with all city, state and federal requirements.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 8<sup>th</sup> day of January, 2019, in support of the decision of the Planning and Zoning Commission on the 27<sup>th</sup> day of December, 2018, to approve the application for a variance is hereby made final this 8<sup>th</sup> day of January, 2019, subject to appeal by an interested party within the prescribed period under Idaho law.

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ROD MINK, Chairman of the Board  
Jerome City Planning and Zoning

Commissioner King made a motion to approve the consent agenda as presented.

Second to the motion by Commissioner McEntarffer and carried.

**CITIZEN CORRESPONDENCE**

None

**DISCUSSION PERIOD & STAFF REPORTS**

Ms. Clark stated she followed up with code enforcement about the trash containers being left on the road after trash pick-up. She stated code enforcement has been out trying to enforce the code which does address them being out after trash pick-up day. Commissioner

McEntarffer stated he noticed a new business with a new sign on South Lincoln. Ms. Clark stated she approved the signs through the Sign Design Review process. Ms. Elliott stated she has not sent out the email to notify the commission of new Sign Design Reviews. She apologized for the inconvenience. Discussion was held on Sign Design Review. Ms. Chavez stated with the new Design Review guidelines, sign design reviews would be approved administratively even if they are a new business. Ms. Elliott stated she would send the email out.

Commissioner King inquired what other business would be going into the old Ridley's building. Commissioner McEntarffer stated the commission has only seen the Design Review for Pizza Hut and they are not sure what other business will be in the building. Ms. Clark stated the next meeting will be February 12, 2019. Ms. Chavez stated Ms. Clark will remain on with the Planning and Zoning Commission. She stated she thought the monthly meetings were working great and that they would remain with that schedule. Ms. Clark stated her and Ms. Chavez are working on a few updates to the code.

Commissioner McEntarffer discussed attendance of the commission. Discussion was held on the matter. Commissioner McEntarffer suggested looking into how many days a commissioner can miss so everyone can know.

There being no further discussion, Chairman Mink closed this regular meeting at 8:02 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary