

Planning & Zoning Meeting
February 12th, 2018

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m. Present were Chairman Rod Mink, Commissioner Sheryl Gibbons, Commissioner Randy King, Commissioner Dave Holley, Commissioner Carl McEntarffer, and Commissioner Bill Allred. Commissioner Janey Miller was excused. Also present were Human Resource Manager Ida Clark, City Planner Esmeralda Chavez, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

PUBLIC HEARING for a request from Herman Bennett for a Special Use Permit for a wrecking yard, on that parcel described as Tax 5 and 6 of Block 115 Jerome Townsite NE 24-8-16, more commonly known as the Southeast corner of South Alder and West Avenue D Streets, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, the southeast corner of South Alder and West Avenue D, is currently zoned Light Industrial (M1). The proposed use, a wrecking yard, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 25', Rear- 25', Interior Side- 20', and Side Street- 20'.

Ms. Clark stated Title 16 has no bearing on this request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in compliance with the Comprehensive Plan as defined in the following section: Chapter 7, Policy 8 which states, "Continue to provide an atmosphere for successful business development"; and the Comprehensive Land Use Plan Chapter 5 – Community Design, "The community design element addresses the "fit" and compatibility of development with the content of its surroundings environment both visually and functionally.

Ms. Clark stated the request is NOT in compliance with the Comprehensive Plan as defined in the following section: Chapter 5, Objective 3, "Stress city maintenance and upkeep of public and private property to enhance the attractiveness and characteristics of the community"; Chapter 5, Objective 10, "Encourage development design that is aesthetically pleasing and that will reduce the impact on neighboring properties"; and Chapter 5, Policy 1, "Require buffering of light industrial use from adjacent land uses devoted to other uses."

As pertains to Title 17 of the JMC, the ordinance addressing Off Street Parking, Ms. Clark stated the parking of a disabled vehicle within a residential or commercial district for a period of more than two (2) weeks shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building. Addressing the parking requirement, Ms. Clark stated an automotive wrecking yard or salvage is required to have 1 per 1,000 square feet gross storage area, plus 1 per 300 square feet office or sales area; and it appears this would be met by utilizing the property to the north and would be within 700 feet from the principal use of the wrecking yard.

Regarding the General Standards for Special Uses, Ms. Clark stated it will, in fact, constitute a special use as established in section 17.60.060 of this chapter for the zoning district involved. The Planning and Zoning code allows a wrecking yard in the M1 zone with an approved special use permit.

It will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title. The request appears to be harmonious with the objectives of Chapter 7 of the Comprehensive Plan. However, it does NOT appear to be in accordance with Title 17 of the Jerome Municipal Code and Chapter 5, Community Design. Mr. Bennett has had 12 contacts with Code Enforcement since February of 2018 regarding the maintenance and upkeep of his property. The request may NOT be able to meet Title 17.18.030 Visibility At Intersections: On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the height of two and one-half (2 ½') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the right of way lines of such corner lots and a line joining points along said street right of way lines twenty five feet (25') from the point of intersection. Ms. Clark continued to state that under 17.80.050, Unique Land Uses, O. Wrecking Yards: the request would require the following: Will be completely enclosed by a solid six foot (6') high or higher sight obscuring fence; Will not result in the storage of automobile, junk or salvage material that is visible from any public right of way; Will not result in the storage of automobiles that exceed the height of the fence; and Will have such landscaping that is appropriate with the surrounding area. Ms. Clark stated if Mr. Bennett will be parking and storing commercial vehicles, he will need to have a sight-obscuring fence that is at least six feet or higher ensuring the stored items will not be visible from any public right of way. Putting a sight-obscuring fence on a corner lot will impact visibility and is NOT in compliance with Chapter 5 of the Compressive Plan in that it is not an aesthetically pleasing buffer between the current residential and commercial business. Chapter 5 also addresses the upkeep up private property to enhance the attractiveness and characteristic of the community. A wrecking yard in this location of the community may not enhance the attractiveness.

It will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. Ms. Clark stated the application notes they have been operating there for 15 years and a fence was installed per Dave and the Mayor. The current fence does not meet the regulations outlined in Title 17. The surrounding area to the north has a commercial use; however, there are homes located directly south and west of the proposed property. The Comprehensive Plan land use map designates the site as commercial. Existing land use on site and adjacent areas is a combination of residential and commercial. The existing zoning around the property is M1, however the existing land use is as follows: North-commercial, South- residential, East- commercial, and West- residential.

It will not be hazardous or disturbing to existing or future neighboring uses. The application notes it will not be hazardous. The residential neighboring uses to the south and west of the

proposed site may find a wrecking yard to be disturbing. If oil and other fluids are spilled in the area, that is hazardous to existing uses and can be hazardous to future neighboring uses.

It will be served adequately by essential public facilities and services. The application has noted it will be served by existing services.

It will not create excessive additional requirements at public cost for public facilities. There is no indication that a wrecking yard will create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. It will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. The application notes there will be no fumes, smoke, glare or odors from this yard. If fluids and oils are not properly disposed of, odors and fumes can be a product from the yard.

The vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. The application states two roads in and out do not cause any traffic problems, and the traffic in and out will only be for Bennett's Truck Repair.

Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. 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.

Ms. Clark stated she sent the application to the various departments and received the following comments: Streets - No wrecked vehicles to be parked in or on the Right of Way (ROW) including the street. No fluids, oil, antifreeze, etc., spillage in or on the ROW including the street; Code Enforcement - Concerns over granting this SUP when Mr. Bennett has been talked to for several code violations due to the operations of Bennett Truck Repairs; Engineering: Engineering and Code Enforcement went out to mark the City's ROW due to him working on vehicles and parking vehicles in the ROW. It was noted by Engineering there appeared to be several trucks and equipment in the ROW. When marking the lines, they could smell oil and it appeared oil and other fluids may have leaked or spilled in the City ROW. We recommend that all driveways unto City streets from this business construct a minimum of 8" thick of 3" minus gravel (either crushed or pit-run) 12 feet wide minimum at each drive from the edge of city street pavement to the ROW line. This is recommended due to the wear and tear caused by truck traffic to the asphalt pavement edges and the mud that is carried by tires unto the pavement; Wastewater - No comment; and Fire - Keep all fire department access open, no parking in the streets. No flammable or combustible liquids and no chemicals stored on site.

If approved, Ms. Clark recommended the following conditions: All current code violations must be resolved in a satisfactory manner; Fence must comply with Title 17.18 sections "A" and "O"; Receive any and all required building department and/or fire department permits and inspections; No flammable or combustible liquids and no chemicals stored on site; Comply with

all city, state, and federal requirements, more specifically municipal code Chapter 8 – Health and Safety; and Special use permit to be allowed for up to one year, renewable upon expiration.

Ms. Clark received a phone call from Paul Schvaneveldt located at 106 West Avenue G. She stated he inquired why Mr. Bennett was requesting a wrecking yard as there is already one there. He stated he did not think a wrecking yard should be allowed in city limits. He also stated he was required to comply with code on weeds and keeping all of his cars out of the right of way and thinks the same should be required of Mr. Bennett.

Ms. Clark stated she did not receive any other phone calls or letters from the public.

Applicant Testimony: Herman Bennett, 200 West Avenue C, testified they repair trucks from the facility and they buy trucks from drivers that cannot fix them to use the parts to fix other trucks. He stated he did not know about the right of way until today when Mike came and explained it to him and stated it will be resolved tomorrow. He stated he assumed the right of way was right by the road. He stated it is to his building and halfway through his property. He stated there will be no fluid or chemicals at the wrecking yard. He stated it will mostly be shells of trucks. He stated once they get the engine, transmission and rear-ends out, he takes them to Underwood's to get cut up. Mr. Bennett stated that the Mayor and Dave approached him about having a fence and he stated Dave picked the height and color of the fence. He stated once he got the okay, he built the fence. He stated he is trying to comply with everything and has made Jerome home for the last 20 years.

Commissioner Holley inquired from Mr. Bennet where the wrecking yard would be located. Mr. Bennett showed the commission the boundaries. He stated the property is zoned as Light Industrial and it was zoned that way before he purchased the property. He stated he was not aware of any wrong doings until three months ago. He stated he thought everything was okay since no one had said anything for 14 years. Upon inquiry from Chairman Mink, Mr. Bennett extensively went over the use of his property. Upon inquiry from Commissioner McEntarffer, Mr. Bennett stated he has had a couple of trucks for a couple of years. He stated it depends on how much of the truck is usable. He stated he does a lot of over the road trucks. Upon inquiry from Commissioner Holley, Mr. Bennett stated he does not have any other use for the property besides what he is doing now. Upon inquiry from Commissioner King, Mr. Bennett stated the fence is taller than 6'4", chain link with brown privacy slats that are feed through. Mr. Bennett showed the commission where the fence was located on the property and explained why the fence was built. He stated Mr. Huber helped build the fence to keep the cotton seed from blowing across the lot. Mr. Bennett explained the property is not for public use or access. Upon inquiry from Commissioner King, Mr. Bennett explained that he uses forklift and loaders to move the trucks around the property. Ms. Clark stated the fence is chain link that will need some maintenance as some of the fencing is not sight obscuring. Upon inquiry from Commissioner Gibbons, Ms. Clark stated the black lines on the map show the property lines.

Mr. Bennett stated it is hard to get customers to not park in the road. He stated he has cleaned up and was not aware that the Right of Way was that deep. He stated most of the property has been cleaned. He stated the oil that was brought up is used for a waste oil furnace that heats the shop. He continued to state that they do a lot of services on trucks and each truck holds 11 gallons of oil. He stated that they store the oil in 300 gallon totes. Upon inquiry from Commissioner Holley, Mr. Bennett explained the code enforcement issues in extent and stated they are not related to the property they are discussing in the application. Chairman Mink stated parking is allowed in the Right of Way. Mr. Bennett expressed his frustration with other vehicles nearby that are parked the wrong way and have been there for a couple of years. He stated he feels like he is being harassed as there are other places in the city that have cars and trucks that Code Enforcement drives by to ticket him. Ms. Clark explained that the vehicles that were disabled were getting tickets and there has been some improvement. She stated that Code Enforcement is also working with other property owners in the area.

Commissioner Holley clarified they are only discussing the portion of land that will be used for the wrecking yard. Ms. Clark affirmed that is the only property in the discussion. Upon inquiry from Commissioner McEntarffer, Ms. Clark stated the fence was on his property line. Mr. Bennett stated Dave from the Building Department, helped to know where to put his fence and there is not a problem with the stop sign or visibility. Chairman Mink inquired where the smell of oil came from. Ms. Clark stated they marked the Right of Way on West Avenue C and a little ways down South Alder. Mr. Bennett stated they may have been smelling the oil that was next to the building. Upon inquiry from Commissioner King, Mr. Bennett showed the entrances and exits of the property that would need to have gravel. He stated Mr. Huber is the only person that uses the entrances. Upon inquiry from Ms. Clark, Mr. Bennett stated there is not an entrance on West Avenue D. He stated that he does not drive any semis on the portion of the property so the mud would not be from his uses. But it is his property and he allows Mr. Huber to use the property as he always had. Mr. Bennett stated he has bent over backwards for 14 years. He stated he has only had this complaint since February. He stated he needs the use of the property.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Janet Reece, 231 West Avenue D, testified she has lived in their home for 30+ years. She said the main reason she is having a hard time with this application is because she has tried making her yard nice and a place where she can relax. Ms. Reece stated she can see the property from her house and it always looks junky, dirty and grungy with all the old junk cars, parts of trucks and weeds. She can see through the fence as the strips are missing. Upon inquiry from Commissioner Holley, she pointed out where her home is in relation to the property. Upon inquiry from Mr. Larsen, Ms. Reece stated she can see because the slats are missing and she can see all of the cars and junk. Upon inquiry from Chairman Mink, Ms. Reece stated she can still see everything even if the slats are in because the trucks are a lot taller than the fence. She stated there is a lot of times that they can't drive down C Street but

thinks it may be cleaned up now. Upon inquiry from Commissioner Holley, Ms. Reece stated she wants the property to be nice and clean. She stated she has lived in Jerome her whole life and wants to make Jerome nice and clean but thinks this side of town is kind of looking sad. She stated if it could be hid so she would not have to see it all, she would like that.

Rebuttal Testimony: Mr. Bennett stated he understands the concerns and will address the privacy slats. He stated the trucks are tall and it would be hard to build a fence tall enough and thinks it would be an eyesore. Upon inquiry from Mr. Larsen, Mr. Bennett stated he has the trucks parked close to and away from the fence. He stated when the property is muddy, it is hard to get trucks parked and sometimes has to just place them somewhere. He stated the ground is higher and thinks someone was storing soil which has made it worse. Mr. Larsen stated it is hard when you need to have something screened when it is butting up to another zone. Mr. Larsen reminded Mr. Bennett that Ms. Reece also brought up West Avenue C. Mr. Bennett stated he works on it daily and is trying to keep the street clear of trucks and cars. He stated he is trying to control it and he has told his employees not to park on the street. He stated it is hard to park an 80 foot vehicle and if he comes to work and sees a truck that is his customer's truck, they move them. He stated he does not park on the street but it is hard with the truck route running right next to his property which the City designated.

There being no further testimony, Chairman Mink closed the public hearing at 7:40 p.m.

CONSIDER a request from Herman Bennett for a Special Use Permit for a wrecking yard, on that parcel described as Tax 5 and 6 of Block 115 Jerome Townsite NE 24-8-16, more commonly known as the Southeast corner of South Alder and West Avenue D Streets, Jerome, Idaho. – action item.

Chairman Mink inquired if the size of the yard is relevant. Ms. Clark did address the parking in the staff report. Chairman Mink stated the size will not be relevant. Commissioner McEntarffer stated he was glad that it is getting cleaned up and moved back. He stated Mr. Bennett has done what has been asked. Extensive discussion was held on the General Standards. Mr. Larsen clarified the language in Chapter 5 of the Comprehensive Land Use Plan for the commission, Chapter 5 in the Comprehensive Plan. He stated Section B "*Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title;*" he stated it does not have to meet 100 percent with the general objectives but it does need to meet with one. He stated it is pretty broad and suggested having the guidelines guide the discussion. More extensive discussion was held on the general standards. Topics of the discussion were berms, sight obscuring fencing, hazardous or disturbing to existing or future neighboring uses, current uses for neighboring properties, public facilities and services, access to properties, possible conditions, and fencing around the railroad. Mr. Larsen cited the code for Wrecking Yards are under 17.18.050 N. He stated the four requirements are as follows: Will be completely enclosed by a solid six foot (6') high or higher sight obscuring fence; Will not result in the storage of automobile, junk or salvage material that is visible from any public right of way; will not result in the storage of automobiles that exceed the height of the fence; and will have such landscaping that is appropriate with the surrounding area.

Commissioner Holley inquired what the required landscaping for the area would be. Mr. Larsen stated there was not any landscaping code for the area. Discussion was held on what would be considered site obscuring and trucks behind the fence. Commissioner McEntarffer stated it is hard to have a business that has been in the area for 13 to 14 years and try to make it the best lot in town. He commended him for what he has done. Commissioner Allred stated with this application, no one will be happy with the outcome. Extensive discussion was held on city code. Commissioner McEntarffer suggested tabling the request. Commissioner Allred stated he is having a hard time with the requirements. Mr. Larsen encouraged the commission to only look at what the application is requesting. More extensive discussion was held on the difficulties of the request regarding current code.

Commissioner Holley made a motion to table the discussion for 30 days to get some information about fencing and other requirements from other cities to make a more informed decision.

Second to the motion by Commissioner King and carried.

Unanimous "ayes"

Commissioner Holley made a motion to take a five minute recess.

Second to the motion by Commissioner Allred and carried.

Unanimous "ayes" will return at 8:23 p.m.

Chairman Mink recalled the meeting to order at 8:24 p.m.

PUBLIC HEARING for a request from Jerome School District for a zoning map amendment, changing the zone from Residential 1 (R1) to Public/Semipublic (PS), on those parcel described as the following:

All of Block 2 and Falcon Court and a portion of Block 3 and East Avenue D as shown on that certain map entitled "Glen Eagle Subdivision", recorded April 5, 2006 as Instrument No. 2061868, in the office of the County Recorder of Jerome County, lying in the SE 1/4 NE 1/4 Section 19, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said map;

Thence, along the North Boundary of said map, North 89°31'50" West 40.00 feet to a point on the Western Right-of-Way line of Tiger Drive South and being the REAL POINT OF BEGINNING;

Thence, along said Western Right-of-Way line, South 00°12'58" West 615.45 feet;

Thence, continuing along said Western Right-of-Way line, South 45°12'58" West 28.28 feet to a point on the Northern Right-of-Way line of Glen Eagle Drive as shown on said map;

Thence, along said Northern Right-of-Way line, North 89°47'02" West 95.00 feet;
Thence, continuing along said Northern Right-of-Way line, along the arc of a tangent 20.00 foot radius curve to the right, through a central angle of 90°00'00", an arc distance of 31.42 feet and a chord distance of 28.28 feet that bears North 44°47'02" West to a point on the Eastern Right-of-Way line of East Avenue D as shown on said map;
Thence, leaving said Eastern Right-of-Way line, North 89°47'02" West 50.00 feet to a point on the Western Right-of-Way line of said East Avenue D;
Thence, along said Western Right-of-Way line, South 00°12'58" West 53.28 feet to a point on the Northeastern Boundary of Lot 13, Block 3 as shown on said map;
Thence, along said Northeastern Boundary, North 44°40'46" West 53.51 feet to the Northern corner thereof;
Thence, along the Northwestern Boundary of said Lot 13, Block 3, South 45°19'14" West 125.00 feet to a point on the Northeasterly Right-of-Way line of East Avenue E;
Thence, along said Northeasterly Right-of-Way line, North 44°40'46" West 456.87 feet;
Thence, continuing along said Northeasterly Right-of-Way line, along the arc of a tangent 275.00 foot radius curve to the left, through a central angle of 45°00'47", an arc distance of 216.05 feet and a chord distance of 210.53 feet that bears North 67°11'09" West;
Thence, continuing along said Northeasterly Right-of-Way line, North 89°41'33" West 246.31feet;
Thence, continuing along said Northeasterly Right-of-Way line, along the arc of a tangent 20.00 foot radius curve to the right, through a central angle of 89°54'30", an arc distance of 31.38 feet and a chord distance of 28.26 feet that bears North 44°44'18" West to a point on the Eastern Right-of-Way line of said Glen Eagle Drive;
Thence, along said Eastern Right-of-Way line and its Northerly prolongation, North 00°12'15" East 298.96 feet to a point on said North Boundary of "Glen Eagle Subdivision";
Thence, along said North Boundary, South 89°31'50" East 1094.44 feet to said REAL POINT OF BEGINNING.

Staff Report: Ms. Clark stated the Planning & Zoning Commission approved the Glen Eagle Subdivision preliminary plat on October 2005. The City Council approved the annexation and zoning of Residential 1 in October of 2005. The final plat for the subdivision was also approved during the October 2005 meeting. Phase 1 of the subdivision has been constructed. The Jerome School District is requesting a rezone of the undeveloped portion of the subdivision as shown on the attached map. A portion of phase 2 will keep the current zone of Residential 1. The application indicates the rezone is necessary to allow the use of a school within that area.

Ms. Clark explained the existing land as the following: North is residential with the zoning as Residential 1 (R1) and area of impact residential; South, the land use is residential with the zoning as R1; East, the land use is agriculture with the zoning of area of impact light Ag; and West, the land use is residential with the zoning being Residential 2 (R2) and Residential 3 (R3).

Ms. Clark stated the Comprehensive Plan land use map designates the site as residential low property. Existing land use on site and adjacent areas is a combination of residential, commercial and agricultural. It is noted that other school sites are surrounded by residential

uses. Currently there are no Public/Semipublic zones that can accommodate this request, therefore any selected location within the City limits would require a rezone.

As pertains to Title 17, Ms. Clark stated the parcels involved, as described above, are currently zoned Residential 1 (R1), which allows single family dwellings and parks or recreation facilities. She states the proposed zone, Public/Semi Public (PS), would allow for Schools, public or private, and other public facilities as detailed in the code.

As required by 17.80.040, General Procedures for Amendments, Ms. Clark stated the application for a rezone shall be reviewed by the Commission to determine if the request; Is in accordance with the Comprehensive Plan; Will create a demand for public infrastructure that is not currently available, including municipal sewer and water services; Is compatible with the zoning uses in the surrounding areas; and no non-conforming uses will be created.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with the following chapters. Chapter 1 "Property Rights," There is no "taking" and the request does not require property owners to dedicate any portion of property or grant an easement and the request appears to meet the checklist of the Attorney General. Chapter 2 "Population", the application states the School District has increased enrollment from approximately 3,450 in 2011 to over 4,100 in 2018. There is a need to construct a new elementary to accommodate anticipated growth. Chapter 3, "To offer a harmonious blend of opportunities for living, working, recreation, education, shopping and cultural activities by protecting natural amenities. To provide coordinated, efficient and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design and proactively reinforcing downtown Jerome's role as the urban core." It is also in accordance with Chapter 3, Objective 1, "explore the growth patterns of the city and plan and prepare for growth opportunities" and 5, "protecting the character of single-family neighborhoods".

Ms. Clark stated the Commission must consider that if the proposed rezone is approved, this development must comply with Chapter 3, Section 4. These objectives state that any land use decision must consider "Protecting the character of single-family neighborhoods" while at the same time, "Developing a variety of densities that support a mixed land use." The application notes the playground area of an elementary school preserves open space land as described in the comprehensive plan. The request also meets the blend of civic and government land use.

Continuing with the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with Chapter 4, "Transportation", the application notes this location will allow more students to walk to and from school, as the plan would incorporate the current walking/biking path that exists to the east of the property. Chapter 5, "Community Design", the application notes they work closely with other community organization to make the facilities available for events that benefit the public which meets section 5.5 Civic Center. The application also notes the district has gone to great lengths to improve the landscape on each

campus and the new school will meet or exceed landscaping requirements. The landscaping and open space will enhance and improve Jerome's visual identity and community pride. The green space will buffer and provide separation between conflicting land uses. Chapter 7, "Economic Development", The application notes strong public school are a crucial component of recruiting new business development to the surrounding area. A new school will also sustain and provide new jobs to the community. Chapter 11, "School facilities and transportation", The Commission must consider with the proposed rezone, if approved, Chapter 11, Public Safety Issues which states that, "As additional facilities are planned, the following should be considered: Are there adequate city services (streets, sewer, water and others) to accommodate this land use? As stated below, there appears to be adequate water and sewer to supply the land use. The property can be accessed from Tiger Drive to the east. Are there any special considerations needed for constructing at this site? They will need to take the same precautions as they have with the other school sites being developed near residential areas. Will the future school site be located in an area that is currently developed or in the direction of the city's natural growth? The area is currently developed to the south the west. It appears this is in an area of natural growth for the City and is surrounded by Area of Impact. Will the site of the new school accommodate the most students and what percentage of the students will be bussed? The application states the addition of a new school in the southeast area of Jerome will alleviate some of the congestion which the City and School District now experience north of Main Street. This location will help improve traffic distribution and with the location being surrounded the south and west by homes, less children will need to be bussed.

Ms. Clark stated as pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services she received the following comment from the Engineering Department: Engineering sees no problems with the reuse of the property as a school site. There appears to be no water or sewer mains within the parcel; however, the site is surrounded by water mains and gravity sewer exists on adjacent streets to the west. JUB Engineers have been contacted to run a water model on this site for a potential school, and it appears that there is sufficient water available. A sewer model has not been run; however, it looks like there should be adequate gravity sewer to the west. A model should be run to determine if any upgrade of the sewer main is required. As pertains to the compatibility with the zoning uses in the surrounding areas: As mentioned, the property in question is adjacent to residential areas to the south and west. Currently, the property is undeveloped. It appears that the proposed zone change to Public/Semipublic (PS) would be compatible with the surrounding areas. As pertains to the creation of non-conforming uses. The property in question is not developed. Therefore, no non-conforming uses would be created with the rezone.

As pertains to the Comprehensive Plan Chapter 3, Section 4, "Land Use Component" a. "Protecting the character of single-family neighborhoods", Ms. Clark stated it should be noted that other school locations like Jefferson and Horizon are surrounded by single-family neighborhoods.

Ms. Clark stated Title 16 has no bearing on this request.

Regarding the Department Comments, Ms. Clark stated she received the following comments: Building has no concerns with the rezone but does requests that the Jerome Recreation District is contacted; Public Works has no concerns with the rezone; Wastewater has no concerns with the rezone; and Fire has no concerns at this time with the rezone. The school district will need to work closely with Fire as the project moves forward if approved.

Ms. Elliott read the following letter that was sent to the Planning and Zoning office.

City of Jerome Planning and Zoning

To whom it may concern,

I am concerned about the prospect of an elementary school in my neighborhood. Glen Eagle subdivision and East Avenue C are of some of the nicest areas of Jerome. There is land all around Jerome, even across the street from the proposed area, that is better land with room to expand later.

There is a lava rock area in the land that will have to be blasted. I am concerned about the underground movement effecting our foundations. Also there will be so much earth movement to level this land that the present residents will be miserable with the dust. The expense to prepare this land will be huge.

Please consider leaving the zoning as residential. Please consider how you would think if you owned one of the homes surrounding this area.

Thank you,

Gloria Carlson

831 East Ave C

Upon inquiry from Chairman Mink, Ms. Clark stated the sewer model was not relevant but they wanted it noted. She stated there is not a sewer line that runs through the property. Mr. Larsen stated it was premature and reminded the commission that this is a recommendation that will be sent to the City Council.

Applicant Testimony: Tim Vawser, EHM Engineers, 74 Birch St, Kimberly, testified the School District has researched a couple of sites in the city for future growth. He stated part of the due diligence for looking at new sites is to make sure the property is close to utilities and they can be served by those utilities as it can cut down costs. He stated he understands about the need for a sewer model. He stated the site will meet the responsibility of the model. He stated the school district would be acquiring all of the parcels. He stated they would not be using all of the property and may sell the other property to offset cost for the roads. He stated it would be an elementary school and is comparable to the other elementary schools in the district. Mr. Vawser continued to state that the School District has done a great job landscaping their properties and integrating them into the community. He addressed a comment in the letter regarding complying with dust mitigation and storm water pollution prevention and erosion

sediment control, he stated the school district will be held at a higher standard than most individual home builders are held to. He stated they will be installing less utility mains than you would with numerous homes so there would be less disturbance of the substructure as they dig specific trenches in the few lots. He stated this project would be an asset to the City of Jerome and asked the commission to approve for the rezone. Upon inquiry from Commissioner Holley, Mr. Vawser stated there are about 12.25 acres for the rezone which is the appropriate size for a school. Upon inquiry from Chairman Mink, Mr. Vawser stated the size will give the school a good play ground and open space for retention areas but if you have larger areas, there is more maintenance and may lose kids easier. Upon inquiry from Chairman Mink, Mr. Vawser stated there are safety measures that are in place when they blast in town and are in neighborhoods. He stated there are good people that can blast and there are some that are not as good. He stated it is more cost effective to rock saw or rock hammer the trenches in this area. He stated the samples that he saw were better than most areas. He stated some of the samples showed rock about seven feet with the shallowest being three feet.

Testimony in Favor: Dale Layne, Jerome School District, testified they have been looking at property on the South side of town to help spread schools out. He stated they look for areas that have utilities close to the properties, and close to residential areas for kids to walk. He stated this property has access to the bike path for kids that walk. He stated there are houses to the north, west and south. Upon inquiry from Commissioner Holley, Mr. Layne stated they do not want to buy property just to sell it. He stated they are in the position to build a new school as all of the new buildings they just built are now full. He stated the next step after acquiring the property, is getting the community input. He stated it is not being used for farming at this time and it is just sitting as a bare lot. Upon inquiry from Commissioner McEntarffer, Mr. Layne stated the building may be about the size of Summit with about 600 plus students.

Upon inquiry from Commissioner McEntarffer, Mr. Vawser stated an expansion to the school would depend on the footprint of the building. He stated they may be able to add one or two additional class rooms.

Upon referral from the letter by Chairman Mink regarding the property to the east, Mr. Layne stated they tried to inquire about the property and they were told the owner would never be selling the property. Mr. Larsen stated that the other property is in the County and with regard to the City Comprehensive plan, schools need to be within city limits. Mr. Layne stated it would be harder outside city limits because they need to be close to utilities and as you get further south of town, they start to run into industrial areas. Upon inquiry from Chairman Mink, Mr. Layne stated they will be working with the community but there is potential on grade arrangements that would overall help with school traffic. He stated that as of right now the school busses stop at every school but if the grade configuration changes, they may not have to stop at every school. Depending on the community input, Mr. Layne stated the parents may not have to drive to different schools. Mr. Layne gave an example of having a school with grades K thru 5. Upon inquiry from Chairman Mink, Mr. Layne stated there may be an increase on South Tiger but as of now the buses already go through South Tiger.

Testimony in Neutral: Travis Arbaugh, 815 East Main Street, testified he lives at 815 East Main and he sees the traffic caused by the High School on Main and South Tiger. He stated his concern is about harvest time on South Tiger. He stated it is a busy road and there are a lot of crops that come off that road. He stated the ground was unkempt but he knows they run a mower across the property at least once a year to keep fire fuel levels down. He stated he is concerned that it will not be maintained.

Testimony in Opposition: none

Rebuttal Testimony: Dale Layne clarified the property is not watered or farmed but the weeds are kept down. He stated if they owned the property they would keep the weeds down.

Mr. Vawser stated they will be reviewing the plans with the City Engineer but they would have the playground to the east and would have the drop off and uploading area on the sub street into the subdivision. He stated there may be some access from South Tiger but that would only be for emergency vehicles and buses. Upon inquiry from Chairman Mink, Mr. Vawser stated safety is their first thought when planning for a school and traffic concerns.

There being no further testimony, Chairman Mink closed the public hearing at 8:59 p.m.

CONSIDER a request from Jerome School District for a zoning map amendment, changing the zone from Residential 1 (R1) to Public/Semipublic (PS), on those parcel described within – action item.

Commissioner Holley inquired if the commission would need to put conditions or if they are just approving the request and sending it to City Council. Mr. Larsen affirmed this request would be going in front of City Council for the final approval. Mr. Larsen reviewed with the commission what they needed to consider for this request. He stated the staff reports gives the key points the commission needs to discuss and they would either approve the request. Extensive discussion was held on the analysis of the request. Items discussed were Comprehensive Plan, available Services, public safety, etc. Commissioner Holley stated he does not see any issues.

Commissioner McEntarffer made a motion to recommend to City Council the request from Jerome School District for a zoning map amendment, changing the zone from Residential 1 (R1) to Public/Semipublic (PS), on those parcel described as the following:

All of Block 2 and Falcon Court and a portion of Block 3 and East Avenue D as shown on that certain map entitled "Glen Eagle Subdivision", recorded April 5, 2006 as Instrument No. 2061868, in the office of the County Recorder of Jerome County, lying in the SE 1/4 NE 1/4 Section 19, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said map;

Thence, along the North Boundary of said map, North 89°31'50" West 40.00 feet to a point on the Western Right-of-Way line of Tiger Drive South and being the REAL POINT OF BEGINNING;

Thence, along said Western Right-of-Way line, South 00°12'58" West 615.45 feet;

Thence, continuing along said Western Right-of-Way line, South 45°12'58" West 28.28 feet to a point on the Northern Right-of-Way line of Glen Eagle Drive as shown on said map;

Thence, along said Northern Right-of-Way line, North 89°47'02" West 95.00 feet;

Thence, continuing along said Northern Right-of-Way line, along the arc of a tangent 20.00 foot radius curve to the right, through a central angle of 90°00'00", an arc distance of 31.42 feet and a chord distance of 28.28 feet that bears North 44°47'02" West to a point on the Eastern Right-of-Way line of East Avenue D as shown on said map;

Thence, leaving said Eastern Right-of-Way line, North 89°47'02" West 50.00 feet to a point on the Western Right-of-Way line of said East Avenue D;

Thence, along said Western Right-of-Way line, South 00°12'58" West 53.28 feet to a point on the Northeastern Boundary of Lot 13, Block 3 as shown on said map;

Thence, along said Northeastern Boundary, North 44°40'46" West 53.51 feet to the Northern corner thereof;

Thence, along the Northwestern Boundary of said Lot 13, Block 3, South 45°19'14" West 125.00 feet to a point on the Northeasterly Right-of-Way line of East Avenue E;

Thence, along said Northeasterly Right-of-Way line, North 44°40'46" West 456.87 feet;

Thence, continuing along said Northeasterly Right-of-Way line, along the arc of a tangent 275.00 foot radius curve to the left, through a central angle of 45°00'47", an arc distance of 216.05 feet and a chord distance of 210.53 feet that bears North 67°11'09" West;

Thence, continuing along said Northeasterly Right-of-Way line, North 89°41'33" West 246.31feet;

Thence, continuing along said Northeasterly Right-of-Way line, along the arc of a tangent 20.00 foot radius curve to the right, through a central angle of 89°54'30", an arc distance of 31.38 feet and a chord distance of 28.26 feet that bears North 44°44'18" West to a point on the Eastern Right-of-Way line of said Glen Eagle Drive;

Thence, along said Eastern Right-of-Way line and its Northerly prolongation, North 00°12'15" East 298.96 feet to a point on said North Boundary of "Glen Eagle Subdivision";

Thence, along said North Boundary, South 89°31'50" East 1094.44 feet to said REAL POINT OF BEGINNING and recommend the rezone to City Council.

Second to the motion by Commissioner Gibbons 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 January 8th, 2019 regular meeting

- B. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION AND CONTINUATION OF THE PUBLIC HEARING OF 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

A continuation of the public hearing on the application of Juan Gonzalez, concerning the use of real property located at 160 West Main, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, January 8, 2019, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Human Resource Manager, Ida Clark provided a report upon this application and continuation hearing. 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 Juan Gonzalez 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 receive 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: (1) Receive any and all required building department and/or fire department permits and inspections; (2) Comply with all City, State, and Federal requirements; and (3) 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 1st 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, 154 1st Avenue East, 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, 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. 160 West Main Street is in the City of Jerome and is currently zoned Central Business District (CBD).
- B. The proposed use, a commercial entertainment facility (indoor), requires a special use permit to operate in CBD.
- C. Jerome Municipal Code provides the standards for special use permits.

II. Conclusions

- A. A special use permit is required for the applicant for a commercial entertainment facility in a CBD zone in the City of Jerome.
- B. The Planning and Zoning Commission allows entertainment facilities in the CBD zone by Special Use Permit.
- C. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in a residential zone.
- D. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior appearance of the property or any buildings thereon.
- E. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring businesses.
- F. No additional public facilities will be necessary for the proposed use.
- G. The applicant has obtain verbal agreements for the use of additional parking lots and spaces in the downtown area during scheduled events.
- H. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors.
- I. The vehicles approaching to the property will not create an interference with traffic on surrounding public thoroughfares.
- J. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.
- K. The Commission approves the application of Juan Gonzalez, allowing a commercial entertainment facility (indoor) located at the common address of 160 West Main, Jerome, Idaho 83338, subject to the following conditions:
 - a. It shall obtain any and all required building department and/or fire department permits, inspections and occupancy permits;
 - b. Must comply with all City, State and Federal Requirements;
 - c. Must complete parking lot inspections within 24 hours of an event; and
 - d. This permit is valid for a period of one (1) year from the date of this decision, at the conclusion of such time, Applicant must present himself for consideration of renewal of this special use permit.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 8th day of January, 2019 in support of the decision of the Planning and Zoning Commission on the 12th day of February, 2019 to approve the application as specified herein is hereby made final this 8th day of January, 2019.

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

- C. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF MICHAEL TAYLOR FOR RENEWAL OF A SPECIAL USE PERMIT ALLOWING A HOME OCCUPATION FOR FIREARMS SALES ON THE PROPERTY LOCATED AT 309 16TH STREET IN JEROME, ID.

A public hearing on the application of Michael Taylor concerning the use of real property described herein within the City of Jerome, Idaho, for renewal of the special use permit was held, pursuant to notice, commencing at 7:25 p.m. on Tuesday, January 8, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Human Resource Manager, Ida Clark provided a report upon this application. 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. Mr. Taylor 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, a home occupation for 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: (1) Receive any and all required fire department permits and inspections; (2) Take preventative steps to prevent theft of firearms; (3) Special use permit shall be allowed for up to three years, renewable upon expiration; and (4) 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 16th Ave East, 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Clark'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 property described in the heading herein is in the City of Jerome and is currently zoned Residential 1 (R-1).
- B. The proposed use, home occupation, requires a special use permit to operate in R-1.
- C. Jerome Municipal Code 17.60.030 provides the standards for special use permits.

II. Conclusions

- A. A renewal of the special use permit is required for the applicant to be able to use the above described property for a home occupation in the R-1 zone for the City of Jerome.
- B. A special use permit promoting a home occupation is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows home occupations in R-1 zones by Special Use Permit.

- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in an R-1 zone.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior appearance of the property.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring residences.
- G. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors.
- H. The vehicles approaching to the property will not create an interference with traffic on surrounding public thoroughfares.
- I. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.
- J. The Commission approves the renewed application of Michael Taylor for a home occupation located at the above described real property subject to the following conditions:
 - a. The applicant shall obtain any and all required fire department permits and inspections;
 - b. Take preventative steps to prevent theft of firearms;
 - c. The applicant shall at all times comply with all City, State and Federal requirements; and
 - d. The permit is valid for three (3) years, expiring February 28, 2022, upon which time the applicant must apply for a renewal if he intends to continue business in this location.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 8th day of January, 2019, in support of the decision of the Planning and Zoning Commission on the 12th day of February, 2019 to approve the application as specified herein is hereby made final this 8th day of January, 2019.

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

- D. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF MAGDALENA PEREZ FOR THE RENEWAL OF A SPECIAL USE PERMIT ALLOWING A HOME OCCUPATION FOR A 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**

A public hearing on the renewed application of Magdalena Perez concerning the use of real property described herein within the City of Jerome, Idaho, for a renewal of the special use permit was held, pursuant to notice, commencing at 7:38 p.m. on Tuesday, January 8, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Human Resource Manager, Ida Clark provided a report upon this application and continuation hearing. 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: (1) Receive any and all required permits or inspections; (2) Special use permit shall be allowed for up to five years, renewable upon expiration; and (3) 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 customer's 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Clark'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 property described in the heading herein is in the City of Jerome and is currently zoned Residential 2 (R-2).
- B. The proposed use, home occupation, requires a special use permit to operate in R-2.
- C. JMC 17.60.030 provides the standards for special use permits.

II. Conclusions

- A. A special use permit is required for the applicant for a commercial entertainment facility in a CBD zone in the City of Jerome.
- B. The Planning and Zoning Commission allows entertainment facilities in the CBD zone by Special Use Permit.
- C. The proposed use is harmonious with the general objectives of the comprehensive plan in that allowing a home occupation such as this one promotes economic development and growth. This particular occupation allows Ms. Perez to provide tax preparation and notary services with no noticeable impact on the neighborhood.
- D. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that according to description of the business, Ms. Perez will not make any changes to the exterior of her residence and further, the appearance of the existing and intended character of her property and of the neighborhood will not be disturbed by this home occupation.
- E. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- F. No additional public facilities will be necessary for the proposed use.
- G. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors. The business will promote the economic welfare of the community and will have no adverse impact by the involvement of materials, equipment or conditions that will create excessive traffic, noise, smote, fumes, glare or odors.
- H. The vehicle approaches to the property will not create an interference with traffic on surrounding public thoroughfares. There are no changes anticipated in this regard.
- I. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance. The Commission is not aware of any natural

scenic or historical features of major importance that will be remotely impacted by the proposed use.

- J. The Commission approves the application of Magdalena Perez for a home occupation located at the above described real property subject to the following conditions:
- a. Must obtain any and all required permits or inspections;
 - b. Must comply with all City, State and Federal Requirements; and
 - c. The permit is valid for five (5) years expiring February 28, 2024, upon which time the applicant must apply for a renewal if she intends to continue business in this location.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 8th day of January, 2019, in support of the decision of the Planning and Zoning Commission on the 12th day of February, 2019 to approve the application as specified herein is hereby made final this 8th day of January, 2019.

ROD MINK,
Chairman Jerome City P&Z Commission

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

Commissioner McEntarffer stated he was confused about Mr. Bennett's request. Commissioner Holley inquired if the commission could meet to discuss the findings without anything else on the agenda. Ms. Chavez stated they may be able to but most meetings do not last as long as the one tonight. Commissioner Holley inquired if they could meet in a closed session to discuss the findings. Mr. Larsen stated all meetings have to be open to the public. Chairman Mink stated some things are about codes and if we wanted to change codes, they would have to take those changes in front of Council. Ms. Chavez stated staff can present what other jurisdictions have but Mr. Bennett would need to follow the City code. She stated the commission could change the code with City Council at another date. Commissioner Holley stated he needs more information to make a more educated decision. Commissioner McEntarffer stated there is a property within three blocks of Mr. Bennett that is doing the same thing. He stated they were told they needed to put up a sight obscuring fence so they built a six foot chain link fence and covered the fence in black plastic. The property in question is at the corner of Date and D. He stated it has been that way for about seven or eight years. Commissioner Allred stated he would like to have more information. Mr. Larsen stated they can provide the information to the

commission via a Memo but there cannot be any discussion unless it is at the meeting. The Commission held discussion on code, possible requirements, other properties with impound yards, previous condition of the property, and previous encounters with Code Enforcement. Ms. Clark stated she would send them an email with her findings.

Ms. Clark stated there is one open position on the commission. She stated Janey Miller resigned from the commission. She stated if the commission knew of anyone that was interested, to direct them to her. She stated the next meeting will be March 12th.

There being no further discussion, Chairman Mink closed this regular meeting at 9:21 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary