

Planning & Zoning Meeting  
March 13, 2018

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

**PUBLIC HEARING** to hear a request from Maria E. Juarez for a Special Use permit allowing automotive sales on that parcel described as Lots 1 & 2, Tax 2, Block 125 Jerome Townsite NE 24-8-16, more commonly known as 501 South Lincoln Avenue, Jerome, Idaho.

Staff Report: Ms. Chavez stated at the previous meeting, the Commission heard a proposal from the same applicant and at the time, the Commission asked for more information. She stated she spoke with the applicant and they decided not to pursue the previous special use application and instead submitted another application. She stated the application is similar except they are now proposing to have the car lot on the east side of the property instead of the north side. She stated the property in question, 501 South Lincoln in Jerome, is currently zoned Central Business District (CBD), as detailed in 17.14.010 of the JMC. The proposed request, automotive sales, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front: 0', Rear 0', Interior Side 0', and Side Street 0'.

Ms. Chavez stated Title 16 has no bearing on this Special Use request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Chavez stated the request IS in accordance with Chapter 7 "Economic Development", which addresses the need and objective for business retention and expansion; the request IS in accordance with Chapter 7, Objective 1, and Chapter 7, Policy 8, which is to "continue to provide an atmosphere for successful business development".

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Chavez explained the definition of abandoned, wrecked and junked vehicles. She stated a wrecked or junked vehicle is one that does not carry a current valid state registration and license plate; and cannot be safely operated under its own power. She also stated vehicles placed on the property shall not be wrecked or junked.

Regarding the Special Use Permit Criteria, Ms. Chavez stated Title 17 of the Jerome Municipal Code allows automotive sales in the CBD zone with an approved special use permit. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code and the Comprehensive Plan. The application proposes to have vehicles parked on the east portion of

the property. The materials note the exterior of the building will not be modified to ensure the character of the general vicinity is maintained. The materials note the area east of the building measures approximately 90' x 31', with a total area of 2,790 square feet, which would accommodate the vehicles without the use being hazardous or disturbing to existing or future neighboring uses. The application notes the property will be served by existing utilities. The materials note the automotive sales will not create excessive additional requirements at public cost for public facilities and services or be detrimental to the economic welfare of the community. The application notes the proposed use will not involve materials, equipment or conditions of operation that would be detrimental to the general welfare. There are no proposed changes to the vehicular approaches to the property. The property is currently accessed off of South Lincoln. There is no indication that the sales of vehicles will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Chavez stated she received the following comments from staff: Building – Building is concerned with the amount of customer parking provided for the three businesses operating out of the property; Fire – No concerns with the special use permit as long as proper fire apparatus access is maintained; Streets, Wastewater, and Water had no concerns.

If approved, Ms. Chavez recommended the following conditions: Comply with all City, State and Federal requirements. Ms. Chavez stated she did not recommend a time frame for the special use permit as it is up to the Commission. Commissioner Allred inquired about the time frame. Ms. Chavez stated she left it open to the Commission. She stated the first time a special use permit is granted, the Commission usually approves the application for one (1) to two (2) years and the second time the applicant comes back, the Commission typically extends the time as they deem fit. Commissioner King inquired how many spaces, if any, were required for a business. Mr. Larsen stated he knows there is a required amount of spaces based on the use and will continue to look up the information as more testimony is given.

Applicant Testimony: Efrain Ortega, 2326 E 3300 S, Jerome, testified he is coming back with the same application as before but wanted to change the location of the vehicles on the property. He stated they will have more space than on the north side of the business. Commissioner Holley inquired how many cars they would be having. Mr. Ortega stated he was not sure but he has 120' of frontage. Commissioner Holley inquired how they would be getting the cars out of the parking lot with the other businesses. Mr. Ortega stated they would not allow parking in front of the cars. Commissioner Holley inquired from staff if the applicant can prohibit parking in front of the business. Mr. Larsen stated they would have the same rules as other businesses along South Lincoln. He stated they have to have one (1) parking space per 500 square feet of outdoor display. He stated they would need to have 5 ½ parking spaces for vehicles. Mr. Ortega explained the parking on the map. He stated he was not aware of the rule for parking spaces. Commissioner Allred inquired where they would be parking the cars for sale. Mr. Larsen stated there would need to be about six (6) parking spaces plus one (1) for each employee. Commissioner Miller inquired from staff if the 5 ½ parking spaces were for the cars for sell or for customers. Mr. Larsen explained the business had to have at minimum, 5 ½ parking spaces

for customers and one (1) per employee per the size of the property. Commissioner Miller inquired if there was a specific rule on how many parking spaces were allowed at the restaurant. Mr. Larsen affirmed the restaurant had to have one (1) parking space per 150 square feet of interior space. Mr. Ortega stated he was confused and he owns lots of building and he does not see other businesses with parking. Mr. Ortega presented a picture to the Commission of a parking lot at 133 West Main. Mr. Larsen stated the application was for 501 South Lincoln and the Commission can only discuss the property in question. Mr. Ortega stated parking has been placed all around his parking lot and he does not have an entrance or an exit and has tried to contact someone to fix it but he has not had anyone return his call. Acting Chairman McEntarffer reminded Mr. Ortega the property on the application was for 501 South Lincoln not 133 West Main. Mr. Ortega stated there was space on the property.

Commissioner Holley inquired if he had concerns with customers tripping on the slight grade if they walked behind the cars. Mr. Ortega stated it used to be a tire store so it has been there for a while. He stated he does not have concerns with them tripping. Commissioner Miller inquired how many total parking spaces were available. Mr. Ortega stated there was 90 feet for the restaurant and store. Mr. Larsen stated parking spaces are nine (9) feet wide. Commissioner Holley inquired if the food truck would remain in the front of the parking. Mr. Ortega stated it would not. Commissioner Gibbons inquired if they would still have customer parking in front of the building. Mr. Ortega stated they would leave some space for parking at the café.

Commissioner Miller inquired of the square footage of the market. Mr. Ortega stated the restaurant was about 200 square feet with the market being about double. Mr. Larsen stated there is one (1) parking space required for 150 square feet of interior space for the restaurant and one (1) parking space for 150 square feet of outdoor display for automotive sales. He continued to state that retail sales require one (1) parking space for every 250 square feet of interior space. Commissioner Allred inquired if Mr. Ortega had consulted with an Engineer on the design of the project to help with some of the requirements the City has. Mr. Ortega stated it is a small community and he was not trying to put together a 300-400 car lot and does not have the money to hire an engineer or a surveyor. He stated they need a letter from the City to respond back to the state to move forward with their dealer's license. He stated he understands if there are any concerns. He said he is in the correct zone for his request and he has seen other car lots in the area. He stated he is learning and trying to do his best. Commissioner Holley inquired where the property lines were. Ms. Chavez stated the City's right-of-way is 126 feet on South Lincoln.

Testimony in Favor: none

Testimony in Neutral: Larry Dekker, testified he did not think that this would require an engineer to measure the lot and get the square footage. He stated it should be pretty simple to put it on a piece of paper to represent the correct information. He stated it was just a thought.

Michael Carter, 121 East Avenue C, testified he could see it being a traffic hazard at times. He stated he just wanted to know if they had done a study.

Testimony in Opposition: Dee Haycock, 505 South Lincoln, testified his concern is the parking. He stated it is not right and there is not enough room to park and they overflow into the Dairy Queen parking lot. He stated they have had problems in the past and he has had to put signs up. He stated they have had to run cars out of his parking lot. He stated he has enough parking for his business.

Rebuttal Testimony: None

There being no further testimony, Chairman Mink closed the public hearing at 7:33 p.m.

**CONSIDER** a request from Maria E. Juarez for a Special Use permit allowing automotive sales on that parcel described as Lots 1 & 2, Tax 2, Block 125 Jerome Townsite NE 24-8-16, more commonly known as 501 South Lincoln Avenue, Jerome, Idaho.

Commissioner Holley stated he is not convinced on the total amount of cars he wants to have. Additionally, he stated he had safety concerns. He stated there has not been any testimony on how many cars. He stated there was not enough information presented. Commissioner Miller stated she needs more information on measurements with parking spaces. She inquired if they would need to request a variance. Mr. Larsen stated they could ask for a variance, however, variances are for lot lines and height, and setbacks. Commissioner Miller inquired if the Commission could approve a Special Use permit that does not meet the requirements. Mr. Larsen stated they could not. Ms. Chavez reminded the Commission that she had previously sent a letter to the applicant, specifically asking for the measurements after the previous Planning and Zoning meeting and staff did not receive any of those materials. Commissioner Holley stated he agreed with Commissioner Allred as they need more information on how many cars they want and where they are going to be parked in order to see the business succeed. Commissioner Allred stated he wants to see the applicant succeed but also needs the supporting information. The Commission discussed the General Standards for Special Uses in detail. The Commission agreed it did not meet Guideline B, C, D, and G. Mr. Larsen stated the Commission could ask for more information and table this as they did before so the applicant can have an opportunity to supply the commission more information.

Commissioner Miller made a motion to table a request from Maria E. Juarez for a Special Use permit allowing automotive sales on that parcel described as Lots 1 & 2, Tax 2, Block 125 Jerome Townsite NE 24-8-16, more commonly known as 501 South Lincoln Avenue, Jerome, Idaho until the April 10<sup>th</sup> meeting with the following request: Site plan drawn to scale; Square footage of the restaurant, Number and layout of parking spaces provided for the restaurant, Square footage of the market, Number and layout of parking spaces provided for the market, square footage of the portion of the lot used for vehicle sales, Number and layout of vehicles for sale on the lot at any given time, number of parking spaces provided for customers/employees of the automotive sales business, Square footage of each suite in the building and layout of corresponding parking, Distance between the structures on the property and the property line; Narrative statement addressing the requirements from the Idaho

Transportation Department specifically addressing the number of vehicles required to hold a dealer's license.

Second to the motion by Commissioner Holley and carried.

Unanimous "ayes"

**PUBLIC HEARING** to hear a request from Jerry Higley for a Special Use Permit allowing automotive sales on that parcel described as Tax 1 Lot 5, Block 3 Jerome South Industrial Park Subdivision Phase II, 25-8-16, more commonly known as 1575 South Lincoln Avenue, Jerome, Idaho.

Staff Report: Ms. Chavez stated the property in question, 1575 South Lincoln Avenue in Jerome is currently zoned General Business (C2), as detailed in 17.14.010 of the JMC. The proposed request, automotive sales, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front: 25', Rear 10', Interior Side 12', and Side Street 25'.

Ms. Chavez stated Title 16 has no bearing on this Special Use request.

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Chavez explained the definition of abandoned, wrecked and junked vehicles. She stated a wrecked or junked vehicle is one that does not carry a current valid state registration and license plate; and cannot be safely operated under its own power. She also stated vehicles placed on the property shall not be wrecked or junked.

Regarding the Special Use Permit Criteria, Ms. Chavez stated the Planning and Zoning Code allows vehicle sales in the General Business District zone with an approved special use permit. The request appears to be harmonious with the objectives of title 17 of the Jerome Municipal Code. The application notes the lot will be operated and maintained to look like the surrounding area. Additionally, it is noted the applicant intends to increase the aesthetics and security around the lot. It is not anticipated that the vehicle sales will be hazardous or disturbing to existing or future uses. The application has notes the facility will be served by existing utilities. There is no indication that the sales of vehicles 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 is not anticipated that the sale of vehicles 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 materials note there may be a small increase in traffic, but it will not be excessive. There are no proposed changes to the parking or vehicular approaches to the site. There is no indication that the sales of vehicles will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Chavez stated she received the following comments from staff: Fire – No concerns with the special use permit as long as proper fire apparatus is maintained; Streets – No concerns

provided the vehicles parked on the lot meet the required setbacks for the zone; Building, Engineering, Wastewater, and Water had no concerns.

If approved, Ms. Chavez recommended the following conditions: Comply with all City, State and Federal requirements. The Commission to determine the length of the term of the special use permit.

Applicant Testimony: Josiah Higley, 1575 South Lincoln, testified there will be no more than ten (10) vehicles at any given time. He stated they own the surrounding properties. He continued they will be selling out of commissioned vehicles along with some clean, used vehicles they may get from other auctions. He stated the entrances and exits will remain the same as they are currently. Mr. Higley stated he is not aware of a minimum amount of vehicles but they are currently going through the process to get their dealer's license. Commissioner Holley inquired if there will always be ten (10) vehicles. Mr. Higley affirmed the number of vehicles would be no more than ten (10) at any given time. Commissioner Miller inquired about where they would be holding the business. Mr. Higley stated the State requires a dealership to have an office for the business and they do have an office for that reason. Commissioner Holley inquired if they would be improving the lot or leaving the lot as is. Mr. Higley stated they are looking to do some minor upgrades as they would be graveling the lot and eventually asphaltting the lot when they asphaltting the rest of the parking lot. He stated they are considering fencing the lot but want it to look nice. He continued to state the lot will not be manned. Commissioner McEntarffer inquired about parking. Mr. Higley referred back to the screen to show the employee parking and also where the customers parking was located. Commissioner Allred inquired if they would be designating the car lot. Mr. Higley stated the state does require some degree of separation from other businesses. Ms. Chavez inquired if they would be having any additional signage. Mr. Higley stated the State requires a 25' square foot sign. Ms. Chavez stated they would need to fill out the appropriate Sign Design Review application due to the property being in the Design Overlay District. She further noted she would help him when he was to that point in his process. Mr. Higley stated they are about 60-90 days out on a sign as they are waiting for the dealership number from the State. Commissioner King inquired if the car dealership would be under a different name. Mr. Higley stated the name will be under ABS Logistics, LLC and the DBA they are approved for is Limited Auto Group. Commissioner Holley wanted to confirm the vehicles will only be running, working vehicles and they will not be repairing vehicles. Mr. Higley stated they would only have running working vehicles for sale. He continued they do have a shop that services their current fleet.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:59 p.m.

**CONSIDER** a request from Jerry Higley for a Special Use Permit allowing automotive sales on that parcel described as Tax 1 Lot 5, Block 3 Jerome South Industrial Park Subdivision Phase II, 25-8-16, more commonly known as 1575 South Lincoln Avenue, Jerome, Idaho.

Commissioner Holley stated the application is pretty cut and dry. He stated there is parking and plenty of room. He stated he has no problem with the application as they abide by all the standard conditions good for one (1) year. Commissioner Allred inquired if the standard conditions were for the cars to be in running, working order. Mr. Larsen stated it is a state law or else it would be a nuisance but stated the Commission could list it as a condition. The Commission went over the General Standards for Special Uses on the record.

Commissioner Holley made a motion to approve a request from Jerry Higley for a Special Use Permit allowing automotive sales on that parcel described as Tax 1 Lot 5, Block 3 Jerome South Industrial Park Subdivision Phase II, 25-8-16, more commonly known as 1575 South Lincoln Avenue, Jerome, Idaho with the following conditions: Maximum of ten (10) vehicles for sale at any given time; all vehicles shall be in good running condition; Comply with all City, County, State and Federal requirements; Permit is valid for one (1) year and is renewable upon expiration.

Second to the motion by Commissioner King and carried.

Unanimous “ayes”

**PUBLIC HEARING** to hear a request from Larry and Cheri Dekker for a Special Use permit allowing a residential use on that parcel described as Lots 13-16, Block 87, JT NE 24-8-16, more commonly known as 361 West Main Street, Jerome, Idaho.

Staff Report: Ms. Chavez stated the property in question, 361 West Main in Jerome is currently zoned Central Business District (CBD), as detailed in 17.14.010 of the JMC. The proposed use, a residential use, requires a Special Use Permit from the Planning and Zoning. Regardless of use, setbacks for this property are as follows: Front: 0', Rear 0', Interior Side 0', and Side Street 0'.

Ms. Chavez stated Title 16 has no bearing on this Special Use Permit request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Chavez stated the request is in accordance with: Chapter 13, Objective 2, which states that the City of Jerome will, “Provide for areas of different residential densities and uses”; Chapter 13, Objective 6 which states that “Housing policies should be developed to assure the upgrading and rehabilitation of homes is encouraged.”; and Chapter 13, Policy 6 which states that the City of Jerome will “Promote a wide range of housing types and housing diversity to meet the needs of Jerome's diverse population.”

Regarding the Special Use Permit Criteria, Ms. Chavez stated the Planning and Zoning Code allows residential uses in the CBD zone with an approved special use permit. The application

indicates there will not be any major exterior modifications, which will ensure that the appearance and character of the area is not impacted. It is not anticipated that the proposed residential use will be hazardous or disturbing to existing or future neighboring uses. The application notes the building will be served by existing utilities. There is no indication that the residential use will create excessive additional requirements at public cost. It is not anticipated that the residential use will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. There are no proposed changes to the vehicular approaches to the site. There is no indication that the residential use will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Chavez stated she received the following comments from staff: Water – As long as the owner is not going to request a 2nd water service into the building, they have no concerns; Fire – No issues with the special use permit. However, we will need more information in order do a detailed plan review; Building – No issues with the special use permit. I have been working with the owners on the interior changes; Engineering, Streets and Wastewater had no concerns.

If approved, Ms. Chavez recommended the following conditions: Receive any and all required building department and/or fire department permits, inspections and occupancy permits prior to using the space as a residence; any alterations to the structure must receive building permits, meet the building code and meet the zoning code; and comply with all City, State and Federal requirements. Ms. Chavez stated she did not recommend a term limit as it will at the discretion of the Commission. Discussion was held on previously approved similar applications.

Applicant Testimony: Larry and Cheri Dekker, 361 West Main, Jerome, testified they have been working with the Building Department and following all of the codes. Mrs. Dekker stated they have 800 square feet of empty space and they are wanting to make a studio apartment. She stated they have a firewall and they are well on their way. Commissioner King inquired if the building has fire sprinklers. Mrs. Dekker stated it does not have a fire sprinkler system, but they have met with the Fire Department and are following all of the recommendations. Mr. Dekker stated they have kept the building up. Mrs. Dekker stated there will be no parking issues as they have been there every day. Mr. Larsen inquired if they would be occupying the space or renting the space out. Mrs. Dekker stated they had a bigger home that they just sold so this would be their primary residence.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 8:14 p.m.

**CONSIDER** a request from Larry and Cheri Dekker for a Special Use permit allowing a residential use on that parcel described as Lots 13-16, Block 87, JT NE 24-8-16, more commonly known as 361 West Main Street, Jerome, Idaho.

Commissioner Holley inquired if the occupants could rent it out after a time. Mr. Larsen stated the Commission could add it as a condition that they would be the only ones to live there. Mrs. Dekker stated they do not plan on leaving this new residence unless they sell the building but they have no intentions of leaving Jerome. Commissioner Holley stated he does not have any issues.

Commissioner King made a motion to approve a request from Larry and Cheri Dekker for a Special Use permit allowing a residential use on that parcel described as Lots 13-16, Block 87, JT NE 24-8-16, more commonly known as 361 West Main Street, Jerome, Idaho with the following conditions: Receive any and all required building department and/or fire department permits, inspections and occupancy permits prior to using the space as a residence; any alterations to the structure must receive building permits, meet the building code and meet the zoning code; and comply with all City, State and Federal requirements with an indefinite period as long as they own the property.

Second to the motion by Commissioner Miller and carried.

Unanimous “ayes”

**CONSIDER** a Sign Design Review from Creed Wright Agency, 476 West Main Street, Jerome, Idaho.

Staff Report: Ms. Chavez stated the Creed Wright Agency building is located at 476 West Main Street in Jerome; it is an existing building. The application proposes a new building sign for a new business. The property is located in the Central Business District zone (CBD). Per section 17.32.050.E of the Jerome Municipal Code, signs in the CBD zone are allowed as follows: “Each property may have one single faced building sign facing each adjacent street frontage up to three (3) square feet per linear foot of the side of the building facing the street frontage. The maximum sign area for a building sign shall be one hundred fifty (150) square feet.”

Ms. Chavez stated the application proposes a 2’ x 6’ building sign to be placed facing west Main. As proposed the sign would be approximately 12 square feet. The length of the building is 20’6” feet which would allow a 60 square foot sign (20’ x 3’). The application proposes a non-illuminated, aluminum sign with the Farmers Insurance logo and red and blue lettering on a white background as well as white lettering on a blue background.

Regarding the Design Review Guidelines, Ms. Chavez stated the sign appears to promote sign design and placement. The application indicates the signs will be produced by a professional sign company using quality materials. As proposed the sign will be made of aluminum which is described as a durable, permanent material. The proposed sign will be in English.

Creed Wright, 476 West Main, stated he took over the insurance agency and is in need of new signage to meet the approval of Farmers Insurance. He stated he went down to a six (6) foot sign which will be centered on the building. He stated it was built to Farmer's standards. Commissioner Holley inquired about the previous sign. Mr. Wright stated the previous sign was a canvas sign that was on the Date Street side. He stated there will be a few window decals in various windows in the building. Commissioner McEntarffer inquired who would be installing the sign. Mr. Wright stated he would be installing the sign. He stated he will have help hanging the sign and that the sign company provided brackets to secure it to the building.

Commissioner Miller made a motion to approve the Sign Design Review from Creed Wright Agency, 476 West Main Street, Jerome, Idaho as presented.

Second to the motion by Commissioner King and carried.

Unanimous "ayes"

**PUBLIC HEARING** to consider AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 10 OF THE JEROME MUNICIPAL CODE REGULATING THE DESIGN OVERLAY DISTRICT OF THE CITY OF JEROME; PROVIDING THE PLANNING AND ZONING ADMINISTRATOR DISCRETION TO APPROVE SIGN DESIGN REVIEW PERMITS WITHOUT FIRST OBTAINING THE APPROVAL OF THE PLANNING AND ZONING COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report: Mr. Larsen stated the amendment will give the City Planner the ability to approve certain Sign Design Review applications in house to help speed the timetable along. Mr. Larsen stated the changes to the ordinance are underlined in the following Ordinance:

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 10 OF THE JEROME MUNICIPAL CODE REGULATING THE DESIGN OVERLAY DISTRICT OF THE CITY OF JEROME; PROVIDING THE PLANNING AND ZONING ADMINISTRATOR DISCRETION TO APPROVE SIGN DESIGN REVIEW PERMITS WITHOUT FIRST OBTAINING THE APPROVAL OF THE PLANNING AND ZONING COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Title 17, Chapter 10 of the Jerome Municipal Code is in need of revisions and updates to comply with modern practices; and

WHEREAS, regulating signs within the City of Jerome promotes the public welfare, provides a

more pleasing and uniform aesthetic while minimizing potential for blight, and is conducive to residential and economic development; and

WHEREAS, a formal design review before the Planning and Zoning Commission is overly burdensome for both the applicant and the Commission; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission pursuant to notice on the \_\_\_ day of \_\_\_\_\_, 2018 and;

WHEREAS, the required public readings were held before the City Council pursuant to notice on the \_\_\_ day of \_\_\_\_\_, 2018;

IT IS THEREFORE DEEMED by the Mayor and the City Council of Jerome, Idaho, as follows:

Section 1. That Section 17.10.020.M of the Jerome Municipal Code be revised on file and is hereby enacted and the same is hereby declared to read as follows:

17.10.020.M: Design Overlay District:

1. District Created: The design overlay district is hereby created. The real property within the design overlay district shall consist of the following real property:

All real property parallel to and within one hundred fifty feet (150') of the rights of way for either Main Street or Lincoln Street within the boundaries of the city of Jerome, excluding any property used for residential purposes, or which is occupied by the owner as a personal residence.

2. Amendment of Zoning Map: The official map of the city of Jerome is hereby amended to include the above real property, described in subsection M1 of this section, within the design overlay district.

3. Design Review Permit: Prior to obtaining a building permit as required by the international building code or any successor uniform code adopted by the city of Jerome, any person shall, prior to obtaining a building permit for structures within the design overlay district, apply for, and obtain, a design review permit. Additionally, a design review permit shall be obtained by any person prior to painting or modifying the exterior façade of any structure or building facing Main and Lincoln Streets, or altering any sign, which sign faces either Main or Lincoln Streets within the design review overlay district. The following activities shall be excepted from the requirement to obtain a design review permit:

a. Interior remodeling of a building or structure which does not impact its exterior appearance or significantly impact the parking, landscaping or other exterior uses of the property on which it is located; or

b. Repairs to an existing building or structure if the exterior appearance is not

significantly altered; or

c. Improvements to, or modification or maintenance of, undeveloped property which does not significantly alter the outward appearance of the property.

4. Applications; Fee:

a. A person required to obtain a design review permit under this chapter shall submit an application to the zoning administrator.

b. Application shall be made on a form to be provided by the zoning administrator, which has been approved by the commission. No fee for the application shall be required unless the council has passed a resolution requiring a fee prior to the filing of the application.

5. Application Review: When an application for a design review permit has been received with the appropriate fee, if such fee is required, the zoning administrator shall review the application and, if the zoning administrator determines that the application will have no substantial impact on real property within the design overlay district adjacent to the real property affected by the application or upon the city itself, the zoning administrator may submit findings of the application and place it on the agenda of the commission for its next regular meeting. Provided, however, all applications for sign design review may be reviewed and approved, or approved with conditions, by the administrator. The administrator shall follow the design review guidelines in force at the time the application is made in making such approval or approval with conditions. If the administrator approves the application, he or she shall issue the applicant a design review permit. If the administrator does not approve the application, the matter shall be placed on the agenda of the commission for the next regular meeting to be considered by the commission for approval or denial. If the administrator approves the application with conditions, the applicant may accept the conditions and ask the administrator to issue a permit or may request the permit be submitted to the commission for consideration. If such request is made, the administrator shall place the application on the agenda for the commission's next regular meeting.

6. Planning and Zoning Commission; Hearing:

a. For all applications other than sign design review applications, the zoning administrator shall only have authority to recommend approval of an application for design review permit to the commission, or send such application to the commission for its consideration without making a recommendation for approval on its consent agenda. The commission may approve, deny, or conditionally approve any application for a design review permit.

b. At any meeting of the commission at which the approval of a design permit application is on the agenda, the commission may approve the application

by the unanimous vote of the members present. If no unanimous vote is obtained, a public hearing shall be required on the application for design review permit at a meeting of the commission after public notice of such hearing is given pursuant to Idaho Code section 67-6509. After the hearing, the commission may approve, by a majority vote, an application for design review permit.

7. Appeals: Appeals of the decision of the commission on design review permit applications may be appealed to the city council under the provisions of section 17.70.070 of this title.

8. Permit Issuance: When an application for design review permit has been approved, an original design review permit shall be issued by the commission and signed by the zoning administrator, setting forth the details of the permit and any conditions thereto.

9. Contents Of Application: The application for design review permit shall be made to the commission and shall contain all information which may be required by the commission including, but not limited to:

- a. Name and address of applicant;
- b. The legal description upon which the project will be undertaken;
- c. The street address of the real property upon which the project will be undertaken;
- d. The owner of the real property;
- e. A narrative statement describing how the application meets the criteria set forth herein;
- f. Unless waived for good cause, in whole or in part by the zoning administrator, seven (7) copies of the following:
  - (1) Vicinity map showing the property's location in relationship to neighboring properties in the surrounding area;
  - (2) A copy of any existing subdivision design or construction standards then in effect with respect to the property;
  - (3) Elevations of all sides of any new or modified building or structure on the real property;
  - (4) Descriptions or details of all materials proposed to be used for the exterior of the building or structure, including color chips and color swatches;
  - (5) A plan for any landscaping to be modified or constructed, if any; and

(6) Details of the placement, height, and specifications for new or modified exterior lighting, if any.

10. Scope Of Review: The zoning administrator or the commission if the zoning administrator determines not to make a recommendation, in cases where the sign or facade under subsection M3 of this section involves less than fifty (50) square feet, shall review the application for compliance with the following criteria:

- a. Whether the project compromises the health, safety or welfare of the public;
- b. Whether the project is in general compliance with the design review guidelines then in force as adopted.

The zoning administrator shall report to the commission at its next ensuing meeting all decisions made by the administrator under this subsection M10.

11. Revocation Of Permit: A design review permit issued and which has become final and non-appealable, may be subject to revocation if the project described in the permit is constructed or operated in violation of the design review permit. The council may initiate procedures for the revocation of a design review permit and require the holder of such a permit to appear and show cause before it why the permit should not be subject to revocation.

12. Penalties For Noncompliance; Binding On Successors: No certificate of occupancy shall be issued for any new structure or building under section [17.50.060](#) of this title until full compliance with the design review permit has been demonstrated. Any person no longer in compliance with an issued design review permit may, upon prior notice from the council, and an opportunity to be heard, have its design review permit revoked. The certificate of occupancy shall not be reissued until compliance with the design review permit has been demonstrated to the satisfaction of the council. Every design review permit shall be binding upon the heirs, successors and assigns of the person to whom the design review permit was issued. (Ord. 1079, 2010; Ord. 1070, 2010)

Section 2. This ordinance shall become effective upon its passage and publication as required by law.

PASSED BY THE COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 2018.

SIGNED BY THE MAYOR this \_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF JEROME, IDAHO

By: \_\_\_\_\_  
DAVID DAVIS, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Discussion was held on who would approve the reviews, and if the Commission would be able to get a list of approvals. Ms. Chavez stated the Commission would get an email listing the approved signs.

Testimony in Favor: None

Testimony in Neutral: None

Testimony in Opposition: None

There being no further testimony, Chairman Mink closed the public hearing at 8:30 p.m.

**CONSIDER** AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 10 OF THE JEROME MUNICIPAL CODE REGULATING THE DESIGN OVERLAY DISTRICT OF THE CITY OF JEROME; PROVIDING THE PLANNING AND ZONING ADMINISTRATOR DISCRETION TO APPROVE SIGN DESIGN REVIEW PERMITS WITHOUT FIRST OBTAINING THE APPROVAL OF THE PLANNING AND ZONING COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner King made a motion to recommend a favorable approval to City Council of the following ordinance: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 10 OF THE JEROME MUNICIPAL CODE REGULATING THE DESIGN OVERLAY DISTRICT OF THE CITY OF JEROME; PROVIDING THE PLANNING AND ZONING ADMINISTRATOR DISCRETION TO APPROVE SIGN DESIGN REVIEW PERMITS WITHOUT FIRST OBTAINING THE APPROVAL OF THE PLANNING AND ZONING COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Second to the motion by Commissioner Holley and carried.

Unanimous "ayes"

**CONSIDER/APPROVE FINDINGS OF FACTS** for Lytle Signs, representing McDonald's Corporation, for a Special Use Permit allowing an electronic message display sign to be installed on the property located at Tax 45 NE NE Jerome Unplatted 36-8-16, more commonly known as 2611 South Lincoln Avenue, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF LYTLE SIGNS,  
REPRESENTING MCDONALD'S CORPORATION, FOR A SPECIAL USE PERMIT  
ALLOWING AN ELECTRONIC MESSAGE DISPLAY SIGN TO BE INSTALLED ON  
THE PROPERTY LOCATED AT TAX 45 NE NE JEROME UNPLATTED 36-8-16,  
MORE COMMONLY KNOWN AS 2611 SOUTH LINCOLN AVENUE, JEROME,  
IDAHO.**

A public hearing on the application of Lytle Signs, representing McDonalds Corporation concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:00 p.m. on Tuesday, February 13, 2018 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

**Staff Report:** Ms. Chavez stated McDonald's is located at 2611 South Lincoln. It is an existing building. The application proposes to replace an existing manual reader board with a new electronic message display sign. The property is located in the High Density Business Zone (C3). Section 17.32.040.Q of the Jerome Municipal Code allows electronic message displays in all zoning districts by special use permit only. Per section 17.14.010 of the Jerome Municipal Code, signs in the High Density Business Zone (C3) are allowed as follows:

“Each property may have one freestanding sign facing each adjacent road of not over two hundred (200) square feet and not over thirty-five feet (35') in height. Freestanding signs must be at least ten feet (10') from any adjacent property. Billboard signs shall be permitted only within the interstate sign overlay zone and shall be governed by the terms of section 17.32.075 of this chapter.”

Ms. Chavez stated the application proposes to replace the existing manual reader board with an electronic message display. The materials note the structure of the sign will not be modified.

The proposed electronic display will be similar in size to the existing reader board. The proposed cabinet will measure approximately 3'2" x 9' 2". The electronic message display sign has an approximate area of 29.02 square feet. As proposed, the sign meets the size requirement as outlined in the Jerome Municipal Code.

Ms. Chavez stated the general requirements for Section 17.32.040, are as follows: Shall contain static messages only, and shall not have movement, or the appearance of optical illusion of movement; Each message or frame must be displayed for a minimum of three (3) seconds; Shall emit a light of constant intensity, and shall be constructed of hardware capable of programming that will limit the nits output to five thousand (5,000) on clear days and five hundred (500) nits from dawn to dusk; Text only single color message displays with letters no higher than twelve inches (12") may scroll or travel without the static message limitation; Each parcel of real property may have one electronic message display; Animated signs and EMD are allowed by special use permit only and in accordance with Chapter 17.60 of this title. (Ord. 1149, 2016)

Regarding the General Standards, Ms. Chavez stated, the Jerome Municipal Code allows an electronic message display sign with a special use permit in all zoning districts. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code. The application notes the design of the sign will be constructed to fit into an existing sign cabinet, there will not be any structural changes to the existing sign. The applicant is required to meet the electronic display criteria, which will keep the sign from creating a disturbance to current and future neighbors. The application notes the sign not require any public facilities or services nor create additional requirements at public cost for public facilities. The electronic message sign display will not create excessive production of traffic, noise, smoke, fumes, glare or odors. Vehicular approaches will not be impacted by this special use request. It does not appear that the destruction, loss or damage of a natural, scenic or historic feature of major importance will be impacted by the proposed electronic display sign.

Regarding the Design Review Guidelines, Ms. Chavez the following Design Guidelines the sign appears to promote sign design and placement. The materials note the electronic message display will be an update to the existing reader board. The application indicates the sign will enhance the area and be professionally manufactured and installed. The application indicates the sign will be manufactured using aluminum and polycarbonate for durability. The proposed sign display will be in English.

Ms. Chavez stated she sent the proposal to City Staff and they all had no concerns with the project.

Ms. Chavez recommended the following conditions if approved: Obtain necessary building permits prior to replacing sign cabinets; and comply with all City, State and Federal requirements.

**Applicant Testimony:** Craig Lookingbill, 1925 Kimberly Road, Twin Falls, representing Lytle Signs and the Kyle Family, testified they are wanting to upgrade the sign to be more user friendly. He stated the electronic message display signs are more popular and this will help upgrade the sign. Commissioner King inquired if it would be double sided. Mr. Lookingbill

stated it will be the same as the present sign and the two sides will be mirrored. Upon inquiry from Commissioner McEntarffer, Mr. Lookingbill stated it will be the same size as it is currently. He stated there will be two to three lines of text at a maximum.

**Testimony in Favor:** none

**Testimony in Neutral:** none

**Testimony in Opposition:** none

There being no further testimony, Chairman Mink closed the public hearing at 8:00 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Chavez'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 High Business Density (C3).
- B. The proposed use, electronic message board, requires a special use permit to operate.
- C. JMC 17.60.030 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that a sign such as this promotes economic development and growth.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that it is located in a C3 area and sign criteria limits the impact on neighboring uses.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses and will follow all sign criteria.
- G. No additional public facilities will be necessary for the proposed use.
- 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 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.

**II. Conclusions**

- A. A special use permit is required for the applicant to be able to use the above described property for an electronic message board in the C3 zone for the City of Jerome.
- B. A special use permit allowing an electronic message board is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Lytle Sign on behalf of McDonalds Corporation for a special use permit for an electronic message board located 2611 South Lincoln Avenue, Jerome, Idaho.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 13<sup>th</sup> day of March, 2018, in support of the decision of the Planning and Zoning Commission on the 13<sup>th</sup> day of February, 2018, to approve the application as specified herein is hereby made final this 13<sup>th</sup> day of March, 2018.

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ROD MINK,  
Chairman Jerome City P&Z Commission

Commissioner King made a motion to accept the findings of facts for Lytle Signs, representing McDonald's Corporation, for a Special Use Permit allowing an electronic message display sign to be installed on the property located at Tax 45 NE NE Jerome Unplatted 36-8-16, more commonly known as 2611 South Lincoln Avenue, Jerome, Idaho.

Second to the motion by Commissioner Miller and carried.

Unanimous "ayes"

#### **APPROVAL OF MINUTES**

Upon inquiry from Acting Chairman McEntarffer, the Commission unanimously approved the regular meeting minutes for the February 13<sup>th</sup>, 2018 meeting.

#### **CITIZEN CORRESPONDENCE**

Ms. Chavez stated there were a few individuals here tonight to speak with the Commission about the RV ordinance. She briefly reviewed the process to obtain a Temporary RV License permit with the Commission.

John Arnold, 404 3<sup>rd</sup> Avenue West, stated he was in the service and was injured and is having trouble and would like to have their daughter and son-in-law move onto their property to help take care of them. He stated they have their own trailer. Robert Staffen stated it would be temporary and they would only be there until they pass. He stated his mother-in-law has fallen

a couple of times and they are helping take care of them with shopping and meals. He stated they are the care givers. Commissioner King inquired what kind of RV they had. Mr. Staffen stated it is a 34 foot, two slide, HideOut camper. He stated they are only connected to power, as it has a portable tank that gets dumped regularly. Commissioner Holley inquired where they would place the RV. Mr. Staffen stated it would be in front of the parents' house. He stated it would not be in the driveway but on the property.

Commissioner Miller inquired from staff on what the Commission could do. Mr. Larsen went over the reason the RV ordinance was established and explained people were living in RV's and neighbors were complaining. He stated it was a max of six weeks. He stated they may run into a density problem where too many families were living on one lot. He stated this is a sympathetic situation. Commissioner Holley inquired if Mr. Arnold could petition the City Council for the change. Mr. Larsen stated there really was no procedure for that but that the Commission could look at revising the ordinance. Ms. Chavez stated the ordinance was very specific. Mr. Larsen stated there could be some criminal penalties if the ordinance was violated. Commissioner King inquired if there were any provisions for caregivers. Mr. Larsen stated it is very specific as they can only stay six weeks in twelve months. Ms. Staffen stated they asked a relator and they were told they were okay. Mr. Staffen stated his father-in-law has had medical issues and they need to be there to help. Commissioner Holley inquired if they had talked with the neighbors. Mr. Staffen stated they did speak with the neighbors and they have had no complaints from the neighbors. Commissioner Allred inquired if they would be able to work with council to help and look at changing the ordinance. Discussion was held on what the Commission could do with the RV ordinance. Acting Chairman McEntarffer asked Ms. Chavez to look into this for the Commission. Ms. Chavez stated she will seek advice and report back to the Commission.

#### **DISCUSSION PERIOD & STAFF REPORTS**

Ms. Chavez stated the next meeting will be held on April 10<sup>th</sup> and wanted to make sure the Commission was still liking the monthly meetings. Commissioner Holley inquired if there were more than three public hearings, if there could be two meetings. Ms. Chavez stated it was difficult to plan for the public hearings as some have no public comments and others had multiple people testify.

There being no further discussion, Acting Chairman McEntarffer closed this regular meeting at 8:51 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary