

Planning & Zoning Meeting
March 16th, 2020

This special meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:02 p.m. Present were Chairman Rod Mink, Commissioner Bill Allred, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. Commissioner Dave Holley arrived at 7:04 p.m. Commissioner Randy King and Commissioner Jeff Schroeder were excused. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

Chairman Mink called the Public Hearing to order at 7:02 p.m.

PUBLIC HEARING for a request from Jerome School District #261, for a zoning map amendment, changing the zone from Residential 1 (R-1) to Public/Semi Public (PS) on the property described as Tax 16, Block A-218, Jerome Townsite NE 18-8-17, Jerome, Idaho, more commonly known as the most eastern bare lot behind 1118 Olympia Drive, containing approximately .22 acres.

Staff Report: Ms. Clark gave the commission a brief background on the property. She stated 1118 Olympia Drive was purchased by Habit for Humanity of the Magic Valley. The lot is rectangular and approximately half of an acre. Habit for Humanity built a home on the west portion of the lot. They would like to do a lot line adjustment and deed approximately .22 acres of the east portion of the lot to the Jerome School District. The application states the School District plans to expand the Kindergarten class rooms. The rezone would allow them to then extend the play area and/or place a small storage building on this lot for storage of play equipment. They intend to clean up the lot and fence it in along with the new fencing for the existing play area.

Ms. Clark stated the existing land use to the north, south and west are single family homes zoned Residential 1 and to the east is an elementary school zoned Public/Semipublic.

Ms. Clark stated the Comprehensive Plan Land Use Map designates this lot as Residential Medium with Public immediately to the east. Existing land use is large lots with single family homes and one elementary school, kindergarten class, community park and baseball fields.

Ms. Clark stated the parcel involved, as described above, is currently zoned Residential 1 (R-1). The proposed zone, Public/Semipublic (PS), would permit uses such as: park and recreation facilities, schools, libraries, and other uses as detailed in 17.14.010 of the JMC.

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"; Chapter 3, Land Use, "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; It is also in accordance with Chapter 3, Objective 1, "explore the growth patterns of the city and plan and prepare for growth opportunities."

As pertains to the Comprehensive Plan, Ms. Clark reminded the commission to consider Chapter 3, Section 4, "Land Use Component"; "Protecting the character of single-family neighborhoods" while at the same time, "Developing a variety of densities that support a mixed land use." It should be noted that other school locations like Jefferson and Horizon are surrounded by single-family neighborhoods.

She continued the application is in compliance with Chapter 11, School Facilities, Objective 2 "Encourage schools to be sited within city limits in order to be cost-effective for city services". The proposal allows the school to expand within the city limits and by fencing in the area students will be within a secured area during their time outside.

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services, Ms. Clark stated the rezone request for this parcel will not require any infrastructure that is not currently available.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated the property in question is adjacent to residential areas to the north, south and west with the elementary school located to the east. It appears that the proposed zone change to Public/Semipublic (PS) would be compatible with the surrounding areas. This is a small parcel that would allow the already existing Kindergarten class rooms to expand.

As pertains to the creation of non-conforming uses, Ms. Clark stated the parcel is currently undeveloped and the proposed use is permitted; therefore, a rezone would not create any non-conforming uses.

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

Ms. Clark stated she received the following comment from the Irrigation Department: Access to irrigation would need to be maintained. The City Water Supervisor met with Dale Layne to review the irrigation pipe and what was required to maintain access.

Ms. Clark stated she did not receive any other phone calls or written concerns or comments from the public. Upon inquiry from Commissioner Allred, Ms. Clark stated the lot does not have any services and there are none planned.

Applicant Testimony: Dale Layne, Superintendent, 125 4th Avenue West, testified they were approached from Habitat of Humanity about wanting to donate the property. He stated they wanted to reduce the size of the lot. He continued they are in the process of adding classrooms to the north of the school building which will take up some of the existing play area. He stated their intent is to fence in the area and will put in piping for irrigation and will clean up the area to plant grass for a play area.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:10 p.m.

CONSIDER a request from Jerome School District #261, for a zoning map amendment, changing the zone from Residential 1 (R-1) to Public/Semi Public (PS) on the property described as Tax 16, Block A-218, Jerome Townsite NE 18-8-17, Jerome, Idaho, more commonly known as the most eastern bare lot behind 1118 Olympia Drive, containing approximately .22 acres– action item.

Commissioner Johnson made a motion to recommend to the City Council approval of the rezone request from the Jerome School District #261 for the most eastern bare lot behind 1118 Olympia Drive, from Residential 1 to Public/Semipublic stating: Is in accordance with the comp plan and goals of the future land use map; Adequate public facilities exist; The prosed zone is compatible with the zoning and uses of the surrounding area; and no nonconforming uses will be created.

Second to the motion by Commissioner McEntarffer and carried.

Commissioner McEntarffer stated he thinks it is a great idea as they need the area for kids. Chairman Mink agreed.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Dave Holley, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None.

Chairman Mink called the Public Hearing to order at 7:12 p.m.

PUBLIC HEARING for a request from Larry and Karen Tucker Living Trust, by Larry D. Tucker, Trustee, for approval on a combined preliminary and final plat for Tucker Heights Subdivision No. 2, described as Lot 1 Tucker Heights Subdivision Section 36, Township 8 South, Range 16 East, more commonly known as 2703 South Lincoln Avenue, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 2703 South Lincoln Ave., Jerome, Idaho is currently zoned High Density Business (C-3). The proposed project, a three lot, commercial subdivision requires a preliminary plat recommendation 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'. Maximum height of 50' with no minimum lot size. Ms. Clark stated as proposed, they do meet the setbacks.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the plat is in compliance with the following objectives of Chapter Three – Land Use: Objective 1 – Exploring the growth patterns of the city and plan and prepare for future growth opportunities; Objective 4 – Maintaining and developing convenient access and opportunities for services and employment; and Objective 6 – Developing a variety of densities that support mixed land use.

Regarding the Preliminary Plat Criteria Staff Analysis, Ms. Clark stated the applicant met with the City of Jerome staff for a pre-application meeting to discuss the proposed project. The applicant has provided proof of ownership. There is a State of Idaho irrigation ditch that runs through lot 2. The line was rerouted when the Blu tanks were installed. Easements remain for the State of Idaho and for the rerouted line in lots 2 and 3. There is also a 15' irrigation easement along S Lincoln on lot 1. Water shares do not exist so potable water will be used for irrigation. The applicant has adequately provided a complete subdivision application with adequate information to review the preliminary plat. This is a replat of Lot 1, Block 1 of Tucker Heights Subdivision. The application was deemed complete and scheduled for the next available meeting date which would allow staff to review the application, take comments from other agencies and properly notice for the public hearing. The site is zoned High Density Business (C-3). There is no minimum lot size requirement; however, structures must meet the C-3 setbacks. As proposed, the current structure meets setbacks for the zone. All three lots have access from South Lincoln Ave. Lot 3 also has access from a private drive, Tucker Ct., to the south. The application notes the existing street is and will continue to be a private and will not be dedicated to the City. The application does not propose any alleys due to the configuration of the lots. The application materials propose easements along of lots lines as needed. The existing Idaho Power Company, State of Idaho irrigation, and other utility and access easements remain. The City Wastewater Department and the City Water Department have both reviewed the proposed subdivision and have no comment at this time. Ms. Clark referred to Note No. 3 and 6 on the plat, when the bare lots are developed, they will address the notes at that time. Ms. Clark stated that since this is proposed to be a commercial subdivision, there are no proposed structures at this time. On the plat, Note No. 7 states, "storm water retention plans shall be submitted to the City, for review and approval as part of the building permit application process". There is existing curb, gutter and sidewalk that will remain.

If approved, Ms. Clark recommended the following conditions: Comply with all City Department requirements pertaining to needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; A final plat shall be submitted for review and approval by the

City Council prior to recording the plat at the County; and Comply with all City, State and Federal Requirements.

Ms. Clark stated they are working on an existing easement that does not need to be there. Upon inquiry from Chairman Mink, Ms. Clark stated the lots are 166 feet deep. She stated she did not receive any phone or written comments regarding the application. Upon inquiry from Chairman Mink, Ms. Clark stated the combined Preliminary/ Final plat is allowed to help in regards to fees if it is under ten lots and not dedicating any streets to the city. She stated this allows the process to be a little faster and saves the applicant fees.

Applicant Testimony: Scott Allen, 2723 Sun Meadow Drive, Twin Falls, representing JUB Engineers, testified that staff covered everything. He stated the area was subdivided in 2008. He stated this is a re-plat of one lot. He stated the area consists of Honkers, an old diesel island, and an empty lot. He stated the domestic fuel station will remain as well as the c-store. Mr. Allen stated they do not have any tenants for the lots at this time. He continued they have a number of conditions and notes on the plat that will need to be addressed by the future businesses. He stated when this was originally platted, they had numerous easements which they have not disturbed and will remain as before. Mr. Allen stated there is a large storm drain that runs across the property and that easement will be retained on the plat. He stated if the owner wants to relocate the drain, they can by vacating the easement and then granting a new easement for that drain. He stated Mr. Tucker will be working with the City regarding the old lift station that is no longer there. He stated all properties have access along South Lincoln and they will try to use the entrances as they already exist. Mr. Allen stated they do not have any irrigation rights, will have to use potable water for landscapes. Chairman Mink stated this will give Mr. Tucker options for the property. Upon inquiry from Commissioner Allred, Mr. Allen stated wastewater and potable water will be provided by the city. Mr. Allen pointed out the water lines on the map for the commissioners.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:25 p.m.

CONSIDER a request from Larry and Karen Tucker Living Trust, by Larry D. Tucker, Trustee, for approval on a combined preliminary and final plat for Tucker Heights Subdivision No. 2, described as Lot 1 Tucker Heights Subdivision Section 36, Township 8 South, Range 16 East, more commonly known as 2703 South Lincoln Avenue, Jerome, Idaho— action item

Chairman Mink stated this will be a good thing for options. He stated it is a blank spot. Commissioner Holley agreed with filling blank spaces.

Commissioner McEntarffer made a motion to approve a request from Larry and Karen Tucker Living Trust, by Larry D. Tucker, Trustee, for approval on a combined preliminary and final plat for Tucker Heights Subdivision No. 2, described as Lot 1 Tucker Heights Subdivision Section 36, Township 8 South, Range 16 East, more commonly known as 2703 South Lincoln Avenue, Jerome, Idaho as presented.

Second to the motion by Commissioner Holley and carried.

After consideration, the motion passed by the following votes: AYE Commissioner Bill Allred, Commissioner Dave Holley, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None.

Chairman Mink called the Public Hearing to order at 7:28 p.m.

PUBLIC HEARING for a request from Pedro & Veta Bustos, for a zoning map amendment, changing the zone from General Business (C-2) to Central Business District (CBD) on the property described as Tax 4 & 5, the South 62.5 feet of Lots 7 & 8 and a parcel of land located in a portion of Lots 7 & 8 in Block 24, Jerome Townsite SW 18-8-17, Jerome, Idaho, more commonly known as 616 North Lincoln Avenue, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question was classified as apartments in April of 2010. The lots were zoned Area Business and then rezone to General Business (C-2), in April of 2010, when the City did a complete Title 17 rewrite. The City received concerns over meeting fire code for a halfway house. After review of City Code and Idaho Code, it was determined a halfway house is a prohibited use in the C-2 zone. The applicant is requesting a rezone to Central Business District (CBD) which would allow a halfway house through an approved Special Use Permit. After review of the application for a rezone, I denied the request for a hearing due to "Spot Zoning". Per City Code, they did not agree with my decision and have formally requested a hearing before the Commission. Note: "Spot zoning" refers to, "a change in zoning of a specific parcel or parcels, which is out of character with the surrounding area and the comprehensive plan, and is done for the benefit of the particular landowner instead of the benefit of the community as a whole".

Ms. Clark continued, the courts have found two types of "Spot Zoning". The first type simply refers to the rezoning of property for a use prohibited by the original zoning classification. This is a valid request. The second type two refers to a rezone that singles out a parcel of land for a use inconsistent with the permitted use in the rest of the zoning district for the benefit of an individual property owner. This request is invalid.

Ms. Clark stated she found the applicants request to fall under type two because the request does not appear to be consistent with other uses permitted in the CBD zone. Ms. Clark briefly went over the adjacent land use and zoning for neighboring properties. She stated the property to the North use was single family homes in the General Business zone; the property to the

South was business use in the General Business zone; the property to the east use was single family homes in the General Business and Residential 2 zones; and the property to the west use was the hospital that was in the Central Business District.

Ms. Clark stated the Comprehensive Plan Land Use Map designates these lots as Commercial surrounded by Commercial and Residential Medium. Existing land use is multi-family homes surrounded by single and multi-family homes and commercial business.

Ms. Clark state the proposed zone, Central Business District (CBD), would permit uses such as: banks, convenience stores, and restaurants. It would also allow uses like single, two-family dwellings, and apartments with a Special Use Permit.

Regarding the application, Ms. Clark stated the Commission needs to determine if the request meets the following: 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"; Chapter 3, Land Use, Objective 1, "explore the growth patterns of the city and plan and prepare for growth opportunities."

Ms. Clark reminded the Commission they must consider that if the proposed rezone is approved, it must comply with Chapter 3, Objectives 5 and 6. 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." Chapter 13, "Housing", Objective 2, "Provide for areas of different residential densities and uses"; the request may not be consistent with the comprehensive plan in that the intent of the CBD zone is to help with the downtown core of the City of Jerome as stated in Chapter Five. The rezone of this parcel to CBD does not appear to be consistent with the definition of the CBD zone.

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services: Ms. Clark stated there will be no demand of public infrastructure as the apartments are already established.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated the property in question is surrounded by single family housing and the hospital. The CBD definition per code is: "To accommodate and encourage further expansion and renewal in the historical core business area of the community. A variety of business, public, quasi-public, cultural, residential and other related uses are encouraged. The greatest possible concentration of retail sales and business is to occur in this district." Permitted uses in the CBD zone include: convenience stores, banks, daycares, pharmacy, retail sales, emergency services, office and

professional services, and restaurants. Apartments and a halfway house would be allowed with an approved Special Use Permit.

As pertains to the creation of non-conforming uses, Ms. Clark stated the current use, apartments, are allowed with an approved Special Use Permit.

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

Ms. Clark stated she sent the application to the city departments and received the following comments: Building- Building permits were obtained after speaking with the applicant. She stated that she had not spoken with the building department prior to this meeting but as of last week, the final inspection has not been approved; and Fire- Appropriate inspections for use will need to be completed for occupancy.

Ms. Clark stated she did not receive any phone calls or letters with concerns regarding the application. Upon inquiry from Commissioner Allred, Ms. Clark showed the commission where the building is located on the lot. Upon inquiry from Commissioner Holley, Ms. Clark stated under the current zoning of the property, the applicant would not be allowed to have this use with a Special Use Permit. Commissioners looked at the zoning map in regards to the neighboring uses and discussion was held on the surrounding uses in the Central Business District. Commissioner Allred inquired about the history of the buildings on the property and what the uses were. Ms. Clark stated with the research she was able to find, the building was always an apartment regardless of the zoning which had changed.

Applicant Testimony: Veta Bustos, 1360 Lawndale Drive, Twin Falls, testified, she wants to clarify that they will not be running a halfway house. She stated that a halfway house is ran by the Idaho Department of Corrections and it is a state ran facility. She stated they intend to use the property as a safe and sober housing, which is ran by an individual entity in a similar nature. Ms. Bustos gave a brief background on a safe and sober house and what they expect from the clients that live in those homes. She stated they are an extension of the Department of Corrections, as they monitor the residents as they follow the rules of sobriety. She stated they work closely with Mental Health Court, Drug Court, Felony and Misdemeanor Probation, Crisis Centers, out-patient recovery centers to help with their recovery. Ms. Bustos stated they were not aware they needed to change the zone as their other properties have not required a rezone. She stated the property is located across from St. Luke's where they have several clients who have various in-patient and out-patient treatments. She continued that Kimi Recovery is used by numerous patients in the Jerome area and it is down the road from the property. She stated Kimi Recovery is another BPA provider for clients to use. She stated Solid Ground Recovery is the second BPA provider in Jerome County. She stated Jerome County does not have a Crisis Center to help the community residence with these issues. Ms. Bustos stated they are asking for the rezone to help the residence in the community benefit from their services. Ms. Bustos stated she also brought a few written testimonies from people who were not able to make the meeting. Upon inquiry from Commissioner Johnson, Ms. Bustos stated every house has a house manager who lives at the house and is at the house 24/7. She stated

the house manager communicates to her, who then communicates to the probation officer or out-patient treatment providers. She stated as of right now, Probation and Parole are requesting one person per room with one bathroom unit. She stated there will be six people per unit. Mr. Larsen stated the application before the Commission is for a rezone of the property and not the use of the property. He stated it is hard to separate the use of the property from the zoning but the use will come before the Commission at a later date. He stated the Commission needs to address the questions that were provided in the packet. He stated everyone is always curious of the use but they need to focus on all of the potential uses with the rezone.

Testimony in Favor: Ms. Elliott read the following letters that were presented to the commission.

February 24, 2020

To Whom It May Concern

I am writing in support of Solid Ground Recoveries attempt to open a safe and sober transitional house in Jerome. Since opening the Crisis Center in November of 2016, we have worked closely with Solid Ground Recovery in helping those who suffer from substance abuse get into a stable living environment.

Getting members of our communities who suffer from substance abuse into stable living situations make them less likely relapse and more likely to gain and maintain employment. Anytime someone suffering from substance abuse can maintain a stable living environment they are more likely engage in treatment and stay sober for extended periods of time a lot of them forever.

Solid Ground Recovery has shown me they are committed to helping those members of our communities who suffer from substance abuse issues. Solid Ground Recovery has the community and those they serve at heart. Solid Ground Recovery in maintaining a sober environment makes sure those around them are safe.

We must remember that those who suffer from substance abuse are sons, daughters, fathers, mothers, grandfathers, grandmothers, grandsons, and granddaughters no just drug addicts. We must make all decisions based on thoughts of what's best for all not preconceived ideas about people.

If you have any questions, please call me anytime.

Thank you,

Jill Quaintance

Service Coordinator
Crisis Center of County Central Idaho
570 Shoup Ave West, Twin Falls, Idaho 83301
(208) 772-7825
jquaint@crisisidaho.com

My name is Blake Worsley. I am 40 yrs old and had been a Drug Addict for over 20 yrs. In March of 2018 I got arrested for the 1st and only time. While I was in Jail I started to think about how I could make changes to get off Drugs and to be apart of Society. I was judged and told that once an Addict always an Addict. Unless you have ever suffered from Addiction you don't fully understand what it feels like. You can be understanding and empathic but until you to thru it yourself you never truly understand. I knew that I need treatment and Counsoling but I also needed a foundation to make these changes. And I found that at Solid Ground Recovery. I first came to SGR in June of 2018, when I first got there and meet the House Manager and was informed about the rules and what was expected from the Clients I knew then that I found the Foundation that I was looking for and I realized the importance and benefits of coming to a Sober living house. I admit I felt there were way 2 many rules but I knew there was a reason for each one and if I followed them and had a positive attitude I knew this would be exactly what I needed to make the changes I desired to change my life. I was able to follow the rules and do what was required of me. Unfortunaly not all the other clients has the same outlook that I did but I always hoped and wished for the best for each of them.

I would do my best to encourage them to take advantage of the program and what it offers. The biggest benefits SGR offers is to teach people Accountability and to get into a routine so that they can re enter socitey and become respectful citizens again. SGR encourages clients to stay as long as they need and to leave when a client feels they are ready to return to Society. I want to go on record and say that Addiction is an illness and it effects everyone at some point in there lives. But Sober living houses like SGR provides that foundation for anyone who suffers from addication to change and better their lives I am proff of one of those people. I have been sober for almost 2 yrs now and without SGR I don't know where I would be today. I am not trying to brag about the changes in my life but my family and friends have told me many times that I have changed and am a better man And now as I stand before you I am the House Manager for SGR. I started out as a client and followed the program and followed the rules and did what I was required to do. And after I proved that I could be trusted to be an extra set of eyes and

enforce the rules of SGR. I was asked by Pete, Victor and Veta to be the house manager and I accepted. In closing I believe in Solid Ground Recovery and what we are doing and that if a person applies themselves they can successfully transition back to Society. There is a demand for Sober living houses and they work plain and simple. My life has turned around and I know our Heavenly Father is a big part of that but so is SGR and I look forward to us expanding and helping not just men but also women. Thank you for allowing this opportunity to share this with you tonight. I hope that what myself and my colleagues have said here tonight will at least give you something to consider.

Blake Worsley
546 Adams St
Twin Falls, ID 83301

Testimony in Neutral: Geralyn Walker, 239 Ranch View Rd, Jerome, testified, she is part owner of Kimi Recovery center. She stated they are at a level of care, where many of her clients are in need of jobs. She stated that the property is closer for clients to work and court. She stated they are trying to get Probation and Parole to have an office in Jerome as they also serve Shoshone, Gooding, and Blaine County. Ms. Walker explained why the County needs this type of housing, and how this would help the community of Jerome. Upon inquiry from Commissioner Allred, Ms. Walker stated sex offenders must be registered if they live in a half-way house and if they are violating the rules or if they become a danger to society, they are reported immediately. Ms. Walker stated she would be available to speak with the commissioners after the meeting, if they have any concerns. Chairman Mink suggested having her come to testify, if the applicant comes back for a Special Use Permit. Ms. Walker stated this is an issue that the community needs to address.

Testimony in Opposition: none

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

CONSIDER a request from Pedro & Veta Bustos, for a zoning map amendment, changing the zone from General Business (C-2) to Central Business District (CBD) on the property described as Tax 4 & 5, the South 62.5 feet of Lots 7 & 8 and a parcel of land located in a portion of Lots 7 & 8 in Block 24, Jerome Townsite SW 18-8-17, Jerome, Idaho, more commonly known as 616 North Lincoln Avenue, Jerome, Idaho— action item

Mr. Larsen reminded the Commissioners the Planning and Zoning Commission has two different permits that are presented. He stated the permits usually come within the Legislative function but the Commission also has a Quasi-Judicial function. He stated Special Use Permits are under the Quasi-Judicial function as they are hearing one hearing for one person. Mr. Larsen

continued that rezones fall under the Legislative function as they are laws that effect the community. He reminded the Commission they need to determine if the request meets the following: 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. He stated the Commission is recommending this change to the City Council as they change the City Code. Discussion was held on precedent being set for other properties in the area, uses permitted in the proposed rezone, lack of public comments, future growth of the north side of Jerome, and the setbacks for CBD and C-2 zones. Commissioner McEntarffer stated the Commission is recommending this proposal to City Council where they will make the final decision. Chairman Mink stated this is the time and place to express concerns and what you like about the proposal. More extensive discussion was held on non-conforming uses, setbacks, and surrounding zones. Chairman Mink stated his concern is the setbacks for the zone. Commissioner McEntarffer stated they are trying to beautify Jerome and make it contiguous, then there is a zone that will look like it is thrown in and does not look the same as the surrounding zones. He stated it is a catch 22. Chairman Mink briefly went over the criteria with the Commission.

Commissioner McEntarffer made a motion to recommend to the City Council the rezone request from Pedro and Veta Bustos for the parcels more commonly known as 616 North Lincoln Ave., from General Business to Central Business District as presented.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Dave Holley, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None.

CITIZEN CORRESPONDENCE

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Clark stated the next meeting will be April 14th. She stated she will keep everyone updated as to when they will be able to hold another meeting as things are constantly changing. She asked to have the Commission keep both the 14th and 28th of April open. Ms. Clark thanked the Commission for attending the meeting.

There being no further discussion, Chairman Mink closed this special meeting at 8:25 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary