

Planning & Zoning Meeting  
April 10, 2018

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:03 p.m. Present were Chairman Rod Mink, Commissioner Sheryl Gibbons, Commissioner Dave Holley, and Commissioner Janey Miller. Commissioner Carl McEntarffer, Commissioner Randy King and Commissioner Bill Allred were excused. Also present were City Planner Esmeralda Chavez, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

**PUBLIC HEARING** to continue 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 reminded the Commission the applicant was at the last hearing and the Commission requested more information for the application. She stated she will cover the new information. She stated the request does not appear to be harmonious with the objectives of Title 17, specifically Chapter 17.26, which outlines the requirements for Off Street Parking and Loading. The application proposes to have vehicles parked on the east portion of the property. The site plan shows three standard parking spaces for vehicle display as well as one compact space, three standard parking spaces for the market, three standard parking spaces for the restaurant on the east side of the building. Additionally, two standard parking spaces for employee parking are shown on the north side of the building. The parking provided is not sufficient to meet the requirements outlined in Title 17. The square footage of the restaurant is 1,475. The site plan shows three parking spaces were assigned for this use. However, the Municipal Code requires 1 parking space per 150 square feet of gross floor area, which would be a total of 9.8 parking spaces ( $1475/150=9.8$ ). The square footage of the market is 3,776. The site plan shows three parking spaces assigned for this use. However, the Municipal Code requires one parking space for every 250 square feet of gross floor area, which would be a total of 15 parking spaces ( $3776/250=15$ ). The total number of parking spaces for the above mentioned uses is approximately 25, not counting employee parking for all the uses, vehicle display area, office space used for vehicle sales, and existing office space for the radio station, therefore not meeting the parking requirements outlined in the Municipal Code.

Ms. Chavez stated the remainder of the Standards remained the same.

Commissioner Holley stated that the building was preexisting before the ordinance and inquired if the Commission ever determined what the parking standards were. Legal Counsel stated the building probably predates the parking section of the code, but parking requirements are different with each use. He stated he was not sure of the history of the building and if the parking ordinance was met with the previous uses of the building. Legal Counsel stated parking will always be a problem for the building.

Applicant Testimony: Eufrazio Ortega, 501 South Lincoln, testified he wanted to thank the Commission for their time and there was nothing more to add. He stated he has provided the Commission with the information that was requested and whatever the decision or outcome will be, it is what it is. Commissioner Holley thanked Mr. Ortega for the information he presented.

Testimony in Favor: Edgar Soto, 501 South Lincoln, testified, half of the building is only used for the customers as the rest is for the kitchen and coolers. He stated they got the square footage of the whole building and that about 1/3 of the building was used for customers to walk around in so he was not sure if that could be taken into consideration. He stated half of the building is used for customers and the rest is used for storage and office space. Mr. Soto stated he was not sure if it was based on the square footage for the customers or for the whole building as half of the building is used for office space. Chairman Mink inquired if the restaurant was smaller. Commissioner Miller inquired about the use of parking spaces and if the different uses were taken into consideration when the ordinance was adopted. Legal Counsel stated he thought so as he was not involved with the beginning of the ordinance but they would have seen that different uses needed different number of required parking spaces. Mr. Soto stated he thought that the square footage only included where the customers would be and not the whole building. Chairman Mink stated they had to go with the amount of area the business had.

Testimony in Neutral: none

Testimony in Opposition: none

Legal Counsel clarified to the Commission that the table of use for parking spaces states “one per every 250 square feet of gross floor area”.

There being no further testimony, Chairman Mink closed the public hearing at 7:16 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.

Legal Counsel advised the Commission to go over the Special Use Standards and to frame the discussion around those standards. The Commission held discussion on the Special Use Standards. Commissioner Holley inquired if there were any exceptions to the policy. Legal Counsel stated there was not. Commissioner Gibbons stated she has concerns with the parking as they don't have enough for the customers for the current businesses. Commissioner Miller stated with a Special Use permit the Commission cannot go against the ordinance so if they approve the Special Use permit, they are essentially approving someone to potentially break an ordinance. Commissioner Holley inquired what business could go in on the property. Legal Counsel stated he did not know as it is different with each use and it would take an extensive amount of time to research. Chairman Mink stated any business could go in the building if it is allowed, but they will always have problems with parking. Commissioner Holley stated any

Special Use permit that is brought in front of the Commission would be denied based on the parking spaces. Legal Counsel stated some of the potential uses that have smaller parking requirements were a Business, technical and trade schools, which require one space for every two students; or industrial use of automotive wrecking yard or salvage business which requires one for every 1,000 square feet of gross storage space. He stated the historical use of the building was a tire shop but he cannot say that no business can go into the building as there may be a number of uses that can go into the building with the parking requirements. Commission held more discussion on the standards for the Special Use Permit.

Chairman Mink reminded the Commission that they normally make a positive motion and then allow the Commissioners to vote as they wish.

Commissioner Holley made a motion to approve 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 as presented.

Second to the motion by Commissioner Gibbons and carried.

After consideration the motion failed unanimously by the following vote:

AYES: None.

NAYES: Commissioner Sheryl Gibbons, Commissioner Dave Holley, Commissioner Janey Miller and Chairman Mink.

Ms. Chavez stated she would be sending out a letter to the petitioner with the information and timelines.

Chairman Mink stated the next item on the agenda was contingent upon the approval of the Special Use Permit, so there was no need to review it.

**PUBLIC HEARING** to hear a request from Troy Rose for a renewal on his Special Use Permit allowing a car dealership on that parcel described as Tax 7 block 125, JT NE 24-8-16, more commonly known as 124 West Avenue E, Jerome, Idaho.

Staff Report: Ms. Chavez stated Troy Rose received a special use permit for automotive sales at 124 West Avenue E on April 12, 2016. The proposal was to have 10-12 vehicles displayed in the fenced area. The materials indicated there would not be any mechanic work done on site. Additionally, it was noted someone would be on site approximately 20 hours per week to oversee the auto sales and car wash. The special use request was approved for a maximum of 12 vehicles for sale at any given time and issued for a period of two years.

As pertains to Title 17 of the JMC, the Land Use Ordinance, Ms. Chavez stated the property in question, 124 West Ave E, Jerome, ID 83338, is currently zoned Central Business District (CBD),

as detailed in 17.14.010 of the JMC. The proposed use, automotive sales, requires a Special Use Permit from the Planning and Zoning Commission as detailed in 17.14.010 of the JMC. Regardless of use, setbacks for this property are as follows: Front: 0', Rear 0', Side 0', Interior Side 0', and Side Street 0'.

Ms. Chavez stated Title 16 has no bearing on the request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Chavez stated the request IS in accordance with the Comprehensive Plan as explained in Chapter 7 "Economic Development," which addresses the need and objective for business retention and expansion. The request IS in accordance with the Comprehensive Plan as explained in Chapter 7 "Economic Development," Objective 1 which states that the City will plan to "Provide an environment that encourages expansion of existing businesses and the attraction of new jobs to the community." The request IS in accordance with the Comprehensive Plan, Chapter 7 "Economic Development," 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 reminded the commission of the definition of an abandoned, wrecked and junked vehicle. She stated vehicles placed on the property shall not be wrecked or junked.

If approved, Ms. Chavez recommended the following conditions: maximum of 12 vehicles for sale at any given time; comply with any all required building and/or fire department inspections and permits; special use permit shall be allowed for up to three (3) years, renewable upon expiration; and comply with all City, State and Federal requirements.

Ms. Chavez stated she has not received any comments, complaints, or concerns on the Special Use the petitioner has had for the last two years.

Applicant Testimony: Troy Rose, 124 West Ave D, testified they have been operating for two years and they want to renew the permit and see if they can increase the cars they have. He stated they have room for 18 - 20 cars in the fenced in area. He stated they drive two of the cars back and forth to work. Commissioner Miller inquired if they applied for an expansion along with the renewal. Mr. Rose stated it was a condition that was applied and he was just wondering if they could ask for more. Chairman Mink stated they would check with Legal Counsel. Legal Counsel stated they could but the Commission would need to do a similar analysis as the previous Special Use permit that Counsel is not prepared to do. Mr. Rose stated it was not a priority right now. Commissioner Holley inquired of staff if Mr. Rose could come back at any time within the three years and ask for more vehicles. Legal Counsel stated the applicant could come and ask but it would have to be a new Special Use permit to address the number of vehicles or ask for him to come back in with more information. Chairman Mink inquired if all of the spaces were behind the fence. Mr. Rose affirmed they were. He also stated he just wanted to make sure his Special Use permit did not expire. Legal Counsel stated as long as there is a hearing scheduled, the Special Use permit would be okay. Commissioner Holley

inquired of Mr. Rose if he wanted to increase the amount of vehicles or remain with 12 at this time. Mr. Rose stated he would just remain with the 12 at this time and move forward.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

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

**CONSIDER** a request from Troy Rose for a renewal on his Special Use Permit allowing a car dealership on that parcel described as Tax 7 block 125, JT NE 24-8-16, more commonly known as 124 West Avenue E, Jerome, Idaho.

Commissioner Miller inquired if the standards still applied to renewals. Legal Counsel, stated you do apply all the standards, look for complaints and see if they have met all of the requirements from before. The Commission held a discussion on the standards. Commissioner Holley stated he has met all of his requirements from before and they have not received any complaints.

Commissioner Gibbons made a motion to approve a request from Troy Rose for a renewal on his Special Use Permit allowing a car dealership on that parcel described as Tax 7 block 125, JT NE 24-8-16, more commonly known as 124 West Avenue E, Jerome, Idaho with the following conditions: maximum of 12 vehicles for sale at any given time; comply with any all required building and/or fire department inspections and permits; comply with all City, State and Federal requirements and special use permit shall be allowed for up to three (3) years, renewable upon expiration.

Second to the motion by Commissioner Miller and carried.

Unanimous "ayes"

**PUBLIC HEARING** to hear a request from Jerome School District #261 for a Special Use Permit allowing six (6) chickens on that parcel described as Tax 21 W1/2SW Jerome Unplatted 17-8-17, more commonly known as 104 North Tiger Drive, Jerome, Idaho.

Staff Report: Ms. Chavez stated the property in question, 104 North Tiger Drive in Jerome, is currently zoned Public/Semi Public (PS). The proposed use, the possession of chicken or poultry, requires a Special Use Permit. Regardless of use, setbacks for this property are as follows: Front-25', Rear-20', Interior Side-20', and Street Side-20'.

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

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Chavez reminded the commission stable matter is considered a public nuisance.

Regarding the Special Use Permit Criteria. Ms. Chavez stated the Planning and Zoning Code allows chickens in this zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code. The materials note the chicken coop will be designed to look similar to the building it will be placed next to. Additionally, it is noted the coop will be cleaned weekly to avoid displeasing odors and messes. The materials note the chickens will not cause a disturbance to neighboring uses as they will be properly kept and maintained. There is no indication that additional services will be needed to serve this use, therefore, it appears that the site will continue to be served adequately by essential public facilities and services. It does not appear that the chickens will create excessive additional requirements at public cost for public facilities. The application notes State CTE funds will provide monies to maintain the chicken coop. The chickens will not be detrimental to persons, property or the general welfare by creating excessive traffic, smoke, fumes or glare. The application notes the coop will be spot cleaned daily and deep cleaned as needed to prevent odors. There is no indication that the chickens will impact vehicular approaches. It does not appear that the chickens will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

If approved, Ms. Chavez recommended the following conditions: chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; any chicken coop or accessory structure associated with the chickens shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; special use permit shall be allowed for up to two (2) years, renewable upon expiration.

Commissioner Holley inquired if rabbits were also under the Special Use permit. Ms. Chavez stated they were not currently.

Applicant Testimony: Alan Willmore, 334 W 100 N, testified he is the Ag teacher at the High School and wants to increase hands on learning for the students. He stated last year he raised a couple of chickens in his class room and he would like to help the students raise and learn the life span of the chickens. He stated he would like to have a couple of meat chickens to raise and then take off site to butcher. Mr. Willmore stated they may have rabbits on one half and chickens on the other half of the coop. He stated it would be the sole responsibility of the students to care and maintenance for the chickens. He stated the chicken coop was Scott Lebsack's design and they would like to have something similar to not be an eye sore. He stated the greenhouse class that would be designing a landscape design. Commissioner Gibbons inquired where the chickens would be going for the summer. Mr. Willmore stated the student in charge would be responsible for the care and they would have to commit to taking care of the chickens and everything they need. He continued to state that if the student was not able to care for the animals and he had to take care of them, the student would have to be financially responsible and would have to pay him to take care of the animals. He stated if the

student was not able to care for the animal, it would go to another student that could take care of the animal. Commissioner Holley inquired about the winter months. Mr. Willmore stated the chickens would be in the coop for the winter and they would have heat lamps. He stated the chickens would have access to the coop at all time. Commissioner Holley inquired about vandalism. Mr. Willmore stated he applied for a grant to help put up a security system. He explained that he wanted to have a video security system and explained the system to the commission. Chairman Mink inquired about the heat of the summer. Mr. Willmore stated they would be putting in windows and fans to help keep the animals comfortable. He stated it would be part of the student's responsibility to address those. Mr. Willmore inquired if the six chickens were adult chickens or if it also included incubation. Chairman Mink stated enforcement for chickens was complaint based and six chickens was all they could have. Mr. Willmore inquired if they could appeal for more chickens since it was for education. Chairman Mink stated it would be tough.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:55 p.m.

**CONSIDER** a request from Jerome School District #261 for a Special Use Permit allowing six (6) chickens on that parcel described as Tax 21 W1/2SW Jerome Unplatted 17-8-17, more commonly known as 104 North Tiger Drive, Jerome, Idaho.

Commissioner Holley stated it is a great program and has no issues. Commissioner Gibbons agreed with Commissioner Holley.

Commissioner Holley made a motion to approve a request from Jerome School District #261 for a Special Use Permit allowing six (6) chickens on that parcel described as Tax 21 W1/2SW Jerome Unplatted 17-8-17, more commonly known as 104 North Tiger Drive, Jerome, Idaho with the following conditions: chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; any chicken coop or accessory structure associated with the chickens shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; comply with all City, State and Federal requirements; special use permit shall be allowed for up to two (2) years, renewable upon expiration.

Second to the motion by Commissioner Gibbons and carried.

Unanimous "ayes"

**CONSIDER/APPROVE FINDINGS OF FACTS** for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF JERRY HIGLEY FOR A SPECIAL USE PERMIT ALLOWING AUTOMOTIVE SALES ON THE PROPERTY LOCATED AT 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.**

A public hearing on the application of Jerry Higley concerning the use of real property located at 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, for a special use permit was held, pursuant to notice, commencing at 7:50 p.m. on Tuesday, March 13, 2018, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

**Staff Report:** Esmeralda Chavez, City Planner, provided a staff report regarding the application. 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 testified on behalf of applicant Jerry Higley. Mr. Higley 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 number 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

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. 1575 South Lincoln Avenue is in the City of Jerome and is currently zoned General Business (C2).
- B. The proposed use, car sales lot, requires a special use permit to operate in C2.
- C. JMC 17.14.010 provides the standards for special use permits.
- 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 a residential 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 or any buildings thereon.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring uses.
- 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 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.

## **II. Conclusions**

- A. A special use permit is required for the applicant to be able to put a car lot business in the C2 zone for the City of Jerome.
- B. A special use permit allowing a used car lot in the C2 Zone is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Jerry Higley for a special use permit to conduct business as a car lot, 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, subject to the following conditions:
  - a. The applicant shall comply with all City, State and Federal requirements for a car lot; and
  - b. This permit limits the number of cars allowed on the lot to 10;
  - c. All vehicles shall be in good running condition; and
  - d. This permit is valid for a period of 1 year from the date of this decision, at the conclusion of such time, Petitioner 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 13<sup>th</sup> day of March, 2018, in support of the decision of the Planning and Zoning Commission on the 10<sup>th</sup> day of April, 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 Holley made a motion to accept the finding of facts for 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.

Second to the motion by Commissioner Miller and carried.

Unanimous "ayes"

**CONSIDER/APPROVE FINDINGS OF FACTS** for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF 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 REFERRED TO AS 361 WEST MAIN STREET, JEROME, IDAHO**

A public hearing on the application of Larry and Cheri Dekker concerning the use of real property located at 361 West Main Street in Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:55 p.m. on Tuesday, March 13, 2018 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

**Staff Report:** Esmeralda Chavez, City Planner, provided a staff report regarding the application. 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 to 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 be 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

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. 361 West Main is in the City of Jerome and are currently zoned Commercial Business District (CBD).
- B. The proposed use, residential, requires a special use permit to operate in CBD.
- C. JMC 17.14.010 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that there are other residences along Main Street.
- 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 of the building and because there are other residence along Main Street.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- 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 vehicle approaches 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.

**II. Conclusions**

- A. A special use permit is required for the applicant to be able to put a residence in the CBD zone for the City of Jerome.
- B. A special use permit promoting diverse residential options is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Larry and Cheri Dekker for a special use permit for residential use of the property located at 361 West Main St., subject to the following conditions:

1. The Applicant shall receive any and all required building department and/or fire department permits, inspections and occupancy permits prior to using the space as a residence;
2. Any alterations to the structure must receive building permits, meet the building code and meet the zoning code; and
3. The property shall comply with all City, State and Federal requirement with an indefinite period, as long as applicants own the property.

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 10<sup>th</sup> day of April, 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 Miller made a motion to accept the findings of fact for 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.

Second to the motion by Commissioner Holley and carried.

Unanimous “ayes”

#### **APPROVAL OF MINUTES**

Commissioner Holley made a motion to approve the regular meeting minutes for the March 13<sup>th</sup>, 2018 meeting with the amendment of changing Chairman Mink to Acting Chairman McEntarffer in the Public Hearings.

Second to the motion by Commissioner Gibbons and carried.

Unanimous “ayes”.

**CITIZEN CORRESPONDENCE**

None

**DISCUSSION PERIOD & STAFF REPORTS**

Ms. Chavez stated the revised ordinance for the Design Review was published yesterday and she can now approve the sign design review applications administratively. She stated she would be sending an email out to the Commission on who was approved at the end of every week. She also stated there are three Public Hearings for the May 8<sup>th</sup> meeting. Chairman Mink inquired if the new ordinance would save staff time. Ms. Chavez stated it would be saving both the Commission and the applicant time as it will only take a couple of days instead of weeks.

There being no further discussion, Chairman Mink closed this regular meeting at 8:05 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary