

Planning & Zoning Meeting
April 23rd, 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 Bill Allred, Commissioner Carl McEntarffer and Commissioner Randy King. Commissioner Sheryl Gibbons, and Commissioner Dave Holley were excused. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

Upon inquiry from Chairman Mink, Commissioner King stated he has a conflict with the last Special Use Permit on the agenda as it is for his business.

PUBLIC HEARING for a renewal request from Gabriel Jimenez Perez for a Special Use Permit allowing automotive repairs, on the property located at Lots 26-31 Block 96 Jerome Townsite NE 24-8-16, more commonly known as 112 West Avenue B, Jerome, Idaho

Staff Report: Ms. Clark stated Mr. Perez received a special use permit for automotive repairs in May 2017. The application noted it won't be hazardous or disturbing to existing or future uses as it will blend well with the surrounding businesses. The area has been fully fenced with a site obscuring fence as requested. The property is accessed from West Ave B. There have been concerns about the vehicles being parked in the alley and on the road. Mr. Perez' has outgrown the area. He is currently working with the owner of the property to be able to expand into the full building. This would allow vehicles to be parked inside the fence on their property. Mr. Perez is requesting a renewal.

The property in question, 112 West Avenue B in Jerome, is currently zoned Central Business District (CBD). The proposed request, automotive repairs, requires a Special Use Permit from the Planning and Zoning Commission. This property is currently recommended to the City Council for approval of a rezone from Central Business District (CBD) to Light Industrial (M-1). Automotive repairs is a permitted use in the Light Industrial zone.

Ms. Clark stated this request IS in accordance with Chapter 7 "Economic Development", which addresses the need and objective for business retention and expansion. As pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Clark stated Title 8 defines nuisance as: Unused or discarded matter having no substantial market value, which is exposed to the elements and is not enclosed in any structure or otherwise concealed from public view, and which consists of vehicle bodies and parts. The applicant will have to comply with Title 8 and ensure nuisances are not created by the auto repair use.

Ms. Clark stated she sent the application to the city departments and received the following comments: Fire – Would like to complete an annual inspection of the property. Engineering – No comments

If approved, Ms. Clark recommended the following conditions: Comply with all required City of Jerome Public Works, Wastewater, Building and Fire Department requirements; Receive all required Building and/or Fire Department permits and inspections; Property grounds shall be properly cleaned and maintained at all times; Maintain site obscuring fence; Cars shall be parked behind the fence for a period not to exceed three (3) days; Comply with all city, state and federal requirements; and Special use permit shall be allowed for up to two years, renewable upon expiration.

Ms. Clark stated she did not received any comments or letters. Upon inquiry from Chairman Mink, Ms. Clark stated the recommended conditions were from the previously approved Special Use permit.

Applicant Testimony: Gabriel Jimenez Perez, 309 West Ave K, testified he is here for the renewal of the Special Use Permit. He stated he is working on the parking issue by purchasing the rest of the warehouse. He stated if he bought the rest of the building, he would be able to park the cars inside. He stated he has been having issues with his customer's cars getting broken into. He stated he was here two weeks ago, with the property owner to have the property rezoned. If the property owner is able to have the property rezoned and is able to have a warehouse built, he will buy the current building. Upon inquiry from Chairman Mink, Mr. Jimenez Perez stated they only have two bays. Mr. Jimenez-Perez showed the commission where he parks the vehicles on the property.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:11 p.m.

CONSIDER a renewal request from Gabriel Jimenez Perez for a Special Use Permit allowing automotive repairs, on the property located at Lots 26-31 Block 96 Jerome Townsite NE 24-8-16, more commonly known as 112 West Avenue B, Jerome, Idaho– action item

Chairman Mink stated if the rezone takes place, this special use would be obsolete. Upon inquiries from Chairman Mink and Commissioner Allred, Mr. Larsen stated if the rezone is not approved, everything would go back to what the commission approves of. He stated, the property owner goes in front of City Council on May 7th for the rezone of the property. Commissioner Allred inquired if the commission could extend the permit for two weeks to see if the property is rezoned. Chairman Mink stated if it does not get approved, he would have to come back to have them approve the special use permit. Commissioner McEntarffer inquired about the three day provision for cars being parked outside of the fence. Ms. Clark stated the previous condition was "Cars shall be parked behind the fence for a period not to exceed three (3) days". Commissioner McEntarffer inquired if they could have the vehicles moved quicker

once they are fixed. Mr. Jimenez Perez stated they sometimes have customers that do not pick up their vehicles and he is forced to take legal action but he tries to get his customers to come and pick their vehicles up in a timely manner. Commissioner McEntarffer stated his concern is that there are vehicles sitting in the Central Business District for two or three weeks. Chairman Mink agreed with Commissioner McEntarffer's concern. Upon inquiry from Commissioner Allred, Mr. Larsen stated once the zone changes, the conditions on the Special Use permit are no longer regulated on the property and there are other ways to enforce code. Mr. Jimenez Perez stated if he has the whole building, he will have room to park them inside. Chairman Mink stated he would like the condition to say the cars shall be parked behind the fence.

Commissioner McEntarffer made a motion to approve a request from Gabriel Jimenez Perez for a Special Use Permit allowing automotive repairs, on the property located at Lots 26-31 Block 96 Jerome Townsite NE 24-8-16, more commonly known as 112 West Avenue B, Jerome, Idaho with the following conditions: Comply with all required City of Jerome Public Works, Wastewater, Building and Fire Department requirements; Receive all required Building and/or Fire Department permits and inspections; Property grounds shall be properly cleaned and maintained at all times; Maintain site obscuring fence; Cars shall be parked behind the fence; Comply with all city, state and federal requirements; and Special use permit shall be allowed for up to two years, renewable upon expiration.

Second to the motion by Commissioner King and carried.

Unanimous "ayes"

PUBLIC HEARING for a request from Daniel Guadarrama for a Special Use Permit allowing an in-home occupation, party rental supply storage, on that parcel described as Lot 14, Block 2, Lincoln Park Subdivision NE 18-8-17, more commonly known as 221 15th Avenue East, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question is currently zoned Residential 1 (R-1). The proposed use, a home occupation, requires a Special Use. In this case, Mr. Guadarrama is proposing to have party rental supply storage business, out of his home. According to 17.32.050, Ms. Clark stated the code states, "no signs shall be permitted in the R-1 and R-2 zones except for one realty sign..." Title 16 has no bearing on this special use permit request. As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request IS in accordance with Chapter 7 "Economic Development", which "encourages expansion of existing businesses and the attraction of new jobs to the community" and "continue to provide an atmosphere for successful business development"

Regarding the general standard for special uses, Ms. Clark the Jerome Municipal Code allows a home occupation in the R-1 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 states the exterior of the residence will not change. The supply will be stored in the garage and not in open view. A 6x10 cargo trailer will be parked on

the side of the house. This will be used to transport the party supply. The application states the proposed home occupation will not be hazardous or disturbing to the existing or future neighboring uses. The application notes they will deliver with rare occasions where individuals will pick up supply at the house. The application notes the residence will be served by existing utilities. The application states the proposed home occupation will not create any additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. They are only using the small portion of the garage. The application states they will store approximately 20 tables and 200 chairs, as well as two bounce houses. There will not be any uses which create noise, smoke, fumes, glare or odors. There are no proposed changes to the exterior of the residence, parking or vehicular approaches to the site. The application states there will not be any significant increase in traffic due to the proposed home occupation. There is no indication that the proposed home occupation will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Regarding the home occupation guidelines, Ms. Clark stated the application states Mr. Guadarrama and his wife will be the only ones engaged in the home occupation. The property is primarily used as a residence, with the home occupation being a secondary use. The applicant understands he is only able to use up to 400 square feet of the floor area. The application notes there will not be exterior modifications to the residence, including signage or other visible evidence of the conduct of the home occupation. As mentioned previously, additional traffic will be rare as they will deliver most of the supply. The application notes most of the rentals will be done on the weekends. The application states there will not be any involvement of equipment that creates noise, vibration, glare, fumes, odor or electrical interference. There will not be any storage of materials or supplies outdoors. All materials associated with the home occupation will be kept indoors. The applicant acknowledges there will not be any signage or structures relating to the home occupation present on premises.

Ms. Clark stated she did not receive any comments or concerns back from the city departments.

If approved, Ms. Clark recommended the following conditions: Fire inspection to be done by the Fire Department; Comply with all city, state and federal requirements; and Special use permit shall be allowed for up to one years, renewable upon expiration.

Applicant Testimony: Daniel Guadarrama, 221 15th Avenue East, testified, him and his wife will be doing the party rental business. He stated they will only be doing it for small parties on the weekends. He stated they will have two bounce houses. One girl bounce house and one boy bounce house. He stated he would take the supplies to the locations but may have a customer come and take the supplies on occasion. Upon inquiry from Chairman Mink, Mr. Guadarrama stated he has space in the garage for the supplies and will take them around with the enclosed trailer. He stated he is still working on the fence as it is a new house and the trailer will not be on the street. He stated it will be behind the house as much as possible.

Testimony in Favor: none

Testimony in Neutral: Bruce Sims, 212 Teton Dr, Vice-president of the homeowners association, testified his concern is the trailer. Mr. Sims read section 7.12 from the homeowner's manual. His concern is that if a person is standing on the street, the trailer should not be seen. He stated his other concerns have all been covered with the staff report. Mr. Larsen inquired how tall the fence would have to be to make the trailer not seen from the road. Mr. Sims stated they have been okay with six foot fences but as long as it is back behind the fence and not very noticeable, it would be fine. Upon inquiry from Commissioner Allred, Mr. Sims stated they notify the homeowner of any violation and they can issue a fine and/or put a lien on their property. Chairman Mink stated the commission does not consider CC&R's for a homeowners' association. Mr. Sims acknowledged Chairman Mink and stated the homeowner should have come to them before going to the City for a special use permit. He stated he wanted to make sure the homeowners' association was represented.

Testimony in Opposition: Brad Germann, 1502 North Adams, testified the commission may not care but wanted to make sure the trailer is not visible from the middle of the street. No signage, and no traffic. He stated the street is not a thru street and wants to make sure only residents use the road. He stated there are many eyes sores that they are working with but he did not want any more eye sores. Chairman Mink clarified the commission has no control over the CC&R's but does understand their concerns.

Rebuttal Testimony: Mr. Guadarrama, stated there are many other campers in the area but he has already moved his camping trailer and his cargo trailer will be small. He stated they only have 20 tables.

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

CONSIDER a request from Daniel Guadarrama for a Special Use Permit allowing an in-home occupation, party rental supply storage, on that parcel described as Lot 14, Block 2, Lincoln Park Subdivision NE 18-8-17, more commonly known as 221 15th Avenue East, Jerome, Idaho.–
action item

Commissioner McEntarffer stated he has no concerns but wanted to make sure that the trailer was behind a fence. Chairman Mink stated they might think about adding a curfew. Mr. Larsen stated the noise ordinance would not cover this. Upon inquiry from Commission King, Mr. Larsen stated the commission could make it a condition for the trailer to be parked behind a six (6') foot fence.

Commissioner King made a motion to approve a request from Daniel Guadarrama for a Special Use Permit allowing an in-home occupation, party rental supply storage, on that parcel described as Lot 14, Block 2, Lincoln Park Subdivision NE 18-8-17, more commonly known as 221 15th Avenue East, Jerome, Idaho with the following conditions: Trailer be kept behind a six (6') foot fence, Fire inspection to be done by the Fire Department; Comply with all city, state

and federal requirements; Special use permit shall be allowed for up to one year, renewable upon expiration.

Second to the motion by Commissioner McEntarffer and carried.

Unanimous “ayes”

PUBLIC HEARING for a request from Jose Valenzuela for a Special Use Permit allowing three calves and one horse, on the property located at Tax 3, Block A-168, JT SW 19-8-17, more commonly known as 936 South Buchanan, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 936 South Buchanan in Jerome, is currently zoned Residential 2 (R-2), and is approximately .61 acres. The proposed use, the possession of three calves and one horse, requires a Special Use Permit.

As pertains to the City of Jerome’s Comprehensive Land Use Plan, Ms. Clark stated the request is in compliance with the Comprehensive Plan as relates to Rural Residential Land Uses requiring Special Use Permits in Section 3.1.1. NOTE: This is only compatible with the Comp Plan when the request is considered compatible. Regarding Title 8, Ms. Clark stated stable matter must be disposed of properly.

Regarding the general standards for special uses, Ms. Clark stated the Planning and Zoning Code allows horses and cattle in the R-2 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan. The applicant notes the animals will be kept in a fenced area in the back of the property and there will be no changes to the front of the house. The applicant notes the animals will be fed and watered daily to make sure they are properly maintained. They will be kept in a secure area so as not to be disturbing to the neighbors. Horses and cattle have the potential to be disturbing to neighboring uses, however; we have not received any comment from the neighbors at this time. There is no indication that additional services will be needed to serve this use. It does not appear that the cattle and a horse 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 appears that cattle and a horse will not be detrimental to persons, property or the general welfare by creating excessive traffic, smoke, fumes or glare. The application notes noise will be kept to a minimum as they will be fed and cared for at all times. There is no indication this request will impact vehicular approaches. It does not appear that the cattle and horse will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark stated she received the following comments for the city departments: Animal Control – Ensure adequate fencing is established so the animals do not get out; and Public Works - Concerned for the neighbors behind the property having the animals behind them.

If approved, Ms. Clark recommended the following conditions: Cattle and horse will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare; Stable matter will be disposed of properly; Any accessory structure associated with the cattle or horse shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and Special use permit shall be allowed for up to one year, renewable upon expiration.

Upon review of Google Maps not showing the location of the house, Ms. Clark stated the house is fairly new. Commissioner McEntarffer stated the house was put in about 1 ½ years ago. Upon inquiry from Chairman Mink, Ms. Clark stated the whole property is .61 acres, it does include the house and she is not aware if the property is currently fenced as this time.

Applicant Testimony: Jose Valenzuela, 936 S Buchanan St, through a translator, David Tinoco, 1432 East 3025 S Wendell, testified he wants to have three calves and a horse. Mr. Valenzuela showed the commissioner where the house was located on the map. He stated it is on the front of the parcel along Buchanan Street. Upon inquiry from Chairman Mink, Mr. Valenzuela stated he only has city water and he would bring alfalfa in and will also have a water trough. He stated once this is approved, he will work on the fence. He stated his plan is to make a corral in the back of the property. He wanted to make sure everything was okay and get approval first. Ms. Clark stated the commission could make a condition that the fence be built and have animal control confirm the security of the fence. Upon inquiry from Commissioner King, Mr. Valenzuela stated there are homes in the back but they have exits onto the street. Upon inquiry from Chairman Mink, Mr. Valenzuela stated he would be using the faucets on the outside of the house and run a hose out to the animals. He stated he did not want to invest in this if it was not approved. Upon inquiry from Commissioner Allred, Mr. Valenzuela stated if the application was approved tonight, he would have the water, animals and fencing done in two to three weeks.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Sam Hawkins, 908 4th Ave, testified his concern is the property is a dry lot and will get dusty. He stated the animals will run around and it will smell. He stated his property is only 35 feet from their property. His deck is 21 feet from their property. He stated his property is 316 East Ave I. He stated he does not want to fight flies and have the smell make it unappetizing. He stated flies will increase no matter how clean it is kept.

Bonnie Walters, 927 South Buchanan, testified she is concerned about the dust, flies and smell. She stated she is speaking for both 929 and 927 S Buchannan. She stated it is a dry lot. She is worried about the fences. She stated they are yard fences and not farm fences. She stated they are chain link or small wood. She is concerned that there is no shade and there is a lot to be worked on for everyone to be happy.

Doug Ever, 927 S Buchanan, testified his concerns are the smell and insects. He stated it is a dry lot with no shade or shelter. He stated there is nothing there. He stated he is concerned they would not be able to enjoy the yard.

Daniel Zavala, 306 East I, testified his concern is the smell and flies. He stated there is lots of dust only he only has a small chain link fence to keep them out.

Thomas Fiskis- 320 West Avenue I, testified he has the same concerns with the weeds and cheat grass. He stated they are about 20 feet from the property line. He stated there is a lot of dust and there will be flies. He stated he has the same concerns as the other neighbors.

Rebuttal testimony: Mr. Valenzuela testified, through his interpreter David Tinoco, they moved in in December and everything has been green. He stated there is no dust now and is very green. He stated the calves will be two months and when they are about five months old, he will re-sell them. He will only have them for four months. He stated the smell is the reason why he will keep only a few animals. Upon inquiry from Chairman Mink, Mr. Valenzuela stated he would be selling the calves and not raising them to be over 1000 pounds.

Mr. Larsen stated he would suggest asking for a site plan. He stated he needs to show where they would be watering, how he would be watering and have him come back again at the next meeting.

There being no further testimony, Chairman Mink closed the public hearing at 8:06 p.m.

CONSIDER a request from Jose Valenzuela for a Special Use Permit allowing three calves and one horse, on the property located at Tax 3, Block A-168, JT SW 19-8-17, more commonly known as 936 South Buchanan, Jerome, Idaho – action item

Commissioner Allred made a motion to table the discussion until he can come back with a site plan and a more formal presentation of the application from the Mr. Valenzuela.

Second to the motion was by Commissioner McEntarffer and carried.

Mr. Larsen stated the commission needs to be specific. Discussion was held on what needs to be included on the site plan. Items discussed were placement of corral, kind of fence, how to irrigate the pasture, and dust control. Chairman Mink stated livestock has always been on pasture usually on pasture and this seems like a feed lot. He stated most applicants have to mow to keep up the pasture but this does not. Commissioner Allred stated he would like to see a site plan and an operation plan for the property.

Motion passed with the following vote:

Ayes- Commissioner McEntarffer, Commissioner King, and Commissioner Allred

Nay- Chairman Mink

PUBLIC HEARING for a request from Jerome Homes for approval on a preliminary plat of Thompson Subdivision III, located on that parcel described as Blocks A-288, A-289, A-292 Plus A-290 & A-291 Except for the East 200 Feet of both, Jerome Townsite, NW4, 24-8-16, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, described as Blocks A-288, A-289, A-292 Plus A-290 & A-291 Except for the East 200 Feet of both, of the Jerome Townsite, located in NW4, Section 24 Township 8 South, Range 16, Jerome, Idaho and is currently zoned Residential 3 (R-3). The proposed project, a 72 lot single dwelling, residential 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- 20'; Interior Side- 7'; and Side Street- 15'. Minimum lot size is 5,000 square feet.

The preliminary plat is subject to Title 16, an analysis is attached.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the application meets the following objectives within section 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. The application notes there are no natural springs or streams within the property. There are no North Side Canal Company water shares associated with the property and a pressure irrigation system will not be included. The applicant has adequately provided a complete subdivision application with adequate information to review the preliminary plat. 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 following agencies were sent a notice regarding the proposed subdivision: Idaho Power, Intermountain Gas, School District, Jerome County, North Side Canal Company and the Post Office.

Ms. Clark stated she sent the preliminary plat to the different city departments and received the following comments: Public Works and Engineering - Identify the detention basin is to be maintained by home owners association; Pavement width will need to show 18' not 16.5' at West Ave H and South Elm St; Pavement width will need show 24' not 21' on West Ave I; Easements need to include City utilities such as water meters, fire hydrants, street lights, etc; Lot 318, confirm the proposed plans are acceptable to the private utility (North Side Canal Company); Due to sewer lateral connections every 55', will need to replace full pavement width or overlay full width on West Ave H and West Ave I.

Ms. Clark stated mailed notices were sent to adjacent property owners on April 8, 2019. The applicant shall have one year to file and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the commission. Failure to do so shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the commission.

Ms. Clark stated the site is zoned Residential 3 (R-3). The minimum lot size requirement is 5,000 square feet. As proposed, the lots meet the minimum lot size for the zone. The subdivision will have access from West Ave H and West Avenue I and will be widened to meet the widths required. South Date Street will be constructed between West Ave H and West Avenue I as a collector with a 64' width. Thompson court will provide access to the interior lots starting at South Fir Street running east. This street has been designed with a 56' right-of-way width, which meets the requirements for width as well as the requirements for horizontal alignment. The application notes all streets will be dedicated to public use and be constructed to meet City standards. The streets meet the required right-of-way, horizontal and vertical geometry, and minimum and maximum grades. The application does not propose any alleys due to the configuration of the lots and the street layout. The application materials propose a 15' public utility easement along the front of all lots. The existing drain ditch will be piped and an easement provided from the east of the property to the 15' easement along Thompson Court. The City Sewer Collection and Treatment System has adequate capacity to accommodate the additional sewage volume and flow rate from Thompson Subdivision No. 3. Sewer services along West Ave H and West Avenue I will be connected to the existing sewer collection line. Residence along Thompson court will be connected to a new collections main. The water system components meet the City's requirements for construction. The existing water main along the south side of West Ave I is under the sidewalk and services would be difficult to connect and would cross under the entire street to reach the lots, therefore, new water mains will be installed from South Fir St. to the cul-de-sac and along South Date Street. The materials show retention basins on the northwest and southwest corner of the development along South Fir Street. The development proposes a 5' wide sidewalk with curb and gutter.

If approved, Ms. Clark recommended the following conditions: Comply with all City of Jerome Engineering Department, Public Works Department, Building Department, Planning Department and Fire Department requirements pertaining to the 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.

Chairman Mink inquired if the commission needs to address the pavement width. Ms. Clark stated they wanted it noted and they would be able to address the comments with the Engineering Department.

Applicant Testimony: Rex Harding, 5266 Sharp Avenue, Twin Falls, testified, they are working with the City requirements. He stated there may be a little confusion with the lip and gutter but they will get it fixed. He stated West Avenue I will be reconstructed. They will be working with

the city and the owners of the mobile home park to reconstruct West Avenue I to make it more uniform. He stated they will not have a homeowners' association so the home owner will be responsible for the water retention maintenance. He stated the water line on H will be extended to the east side of the property. The sewer service is in the center of the street and they will bring a new water line on I (Street). He stated the North Side Canal Company (NSCC) does not claim the ditch but they will make sure they communicate with them. He stated they have exceeded the minimum lot size. He stated they are about 7,000 + square feet. He stated they will be constructing in phases. They will start on either West Avenue H or West Avenue I and then will move east. He stated they sell about 10 lots a year. Upon inquiry from Chairman Mink, Mr. Harding stated it meets fire requirements but thinks it is 48 feet from lip to gutter. Upon inquiry from Commissioner Allred, Mr. Harding stated they will start on either West Avenue H or West Avenue I first depending on what they decide to do with West Avenue I. He then stated that they will continue to Date Street and then move east.

Testimony in Favor: Brett Thompson, 139 East 50 North, testified he is one of owners of the property. He stated his family has owned the property for 23 years. He stated there will be four phases with 18 lots in each. He stated in the Thompson Subdivision II, the lots are around 5500 square feet. He stated they only two lots left. Mr. Thompson went over the requirements for the subdivision with the Commission. He stated the subdivision will be nice. He stated they will be a little more expensive than the current subdivision and that is kind of a concern as they are considered the lowest construction in town for subdivision. Mr. Thompson stated they have spoken with the Jerome Cemetery, School District and the mobile home park, regarding buying the property and they feel it is the next best thing to do with the property. He stated they are looking at a fence between the Mobile Home Park and the property. He stated he is very confident it will look good and be a great place to live.

Testimony in Neutral: Lynn Savary, 411 West Ave I, testified he will be impacted more than anybody since he lives right across the road. He would like to know if they are going to pave the road before they run trucks on it. He stated right now, the road is junk. He stated the road narrows in front and then widens up again. He has six large elm trees that he does not want to lose. He stated the road is horrible. He stated when it rains, it runs on his side of the road and it becomes a river that runs down the road. He stated one of his concerns is with the kids being dropped off with the school bus and there is no sidewalk to walk on and they walk down the middle of the street. He stated there are a lot of Russian Olive trees. He stated his biggest concern is them paving the road before they bring trucks down the and how it will impact him. He stated he does not have a problem with them building he just has concern with sidewalks and drainage on the road.

Testimony in Opposition: none

Rebuttal Testimony- Brett Thompson, testified regarding the drainage on the east side, he stated there is a grate at the end of the sidewalk, where it goes under the road into a \$10,000 oil/water separator that then goes into the ditch. He stated the grate is full of gravel and the new homeowner is not maintaining it. He stated when they put the current subdivision in, they

put an alleyway on the Williamson property. He stated there is a problem with the street, and in order to resolve the problem, they would need to have curb and gutter with sidewalks on their side of property. He stated the trees may need to go also and he understands the owners not wanting them to be cut down. Mr. Thompson stated they would have curb, gutter and sidewalk along the north side of West Avenue I. He stated he is worried the grate is covered with gravel. He stated there are no shares of water that run out into the ditch according to NSCC. He stated they will pipe the water that does come down the ditch. He stated they will cut the street first and then they will redo the road. He stated the water drainage may still be a problem on that side of road unless there is curb and gutter. Mr. Thompson explained, in detail, how they will build from West Avenue H to West Avenue I. Mr. Thompson stated the kids will be able to still be dropped off at the designated stop by the mobile home park and they will be able to use the sidewalk to the north of West Avenue I. He stated they should not have to walk in the middle of the street.

There being no further testimony, Chairman Mink closed the public hearing at 8:44 p.m.

CONSIDER a request from Jerome Homes for approval on a preliminary plat of Thompson Subdivision III, located on that parcel described as Blocks A-288, A-289, A-292 Plus A-290 & A-291 Except for the East 200 Feet of both, Jerome Townsite, NW4, 24-8-16, Jerome, Idaho— action item

Commissioner McEntarffer stated he has no concerns with the plat. He stated this is not the first subdivision that the Thompson's have built. Upon inquiry from Chairman Mink, Commissioner McEntarffer stated the cement pad located on the north side of West Avenue I is a turnaround for the school to drop kids off. Commissioner King stated he did not have any concerns with the Subdivision and thinks it will look good. Ms. Clark stated per code, you can approve the preliminary plat, or conditionally approve the preliminary plat and why if it is conditionally approved.

Commissioner McEntarffer made a motion to approve a request from Jerome Homes for approval on a preliminary plat of Thompson Subdivision III, located on that parcel described as Blocks A-288, A-289, A-292 Plus A-290 & A-291 Except for the East 200 Feet of both, Jerome Townsite, NW4, 24-8-16, Jerome, Idaho with the following conditions: Comply with all City of Jerome Engineering Department, Public Works Department, Building Department, Planning Department and Fire Department requirements pertaining to the 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.

Second to the motion by Commissioner King and carried.

Unanimous "ayes"

Chairman Mink took a brief recess at 8:51 p.m.

Chairman Mink recalled the meeting to order at 8:53 p.m.

PUBLIC HEARING for a request from Randy King, representing D.L. Evans Bank, for a Special Use Permit allowing automotive sales, on the property known as Tax 3, Block A-170, JT SW 19-8-17, more commonly known as 980 South Lincoln Avenue, Jerome, Idaho.

Commissioner Randy King recused himself from the hearing as he is the applicant of the Special Use permit.

Staff Report: Ms. Clark stated the property in question, 980 South Lincoln Avenue in Jerome is currently zoned General Business (C2). The proposed request, automotive sales, requires a Special Use Permit. Title 16 has no bearing on this Special Use request.

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Clark reminded the Commission that vehicles placed on the property shall not be wrecked or junked.

As pertains to Title 17 of the JMC, the ordinance addressing off street parking, Ms. Clark stated there is no floor area for this request. The total area square feet for outdoor display is approximately 2,436 which would require parking for at least 5 vehicles. There is adequate off street parking available.

Regarding the general standards, Ms. Clark 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 this is a bare lot. The bank has allowed individuals to park their for sale vehicles here for several years. They do require the owner to sign a release of liability and provide contact information. Vehicles are allowed for two weeks at a time. The application also states all adjacent properties are businesses and they do not allow junked or salvage vehicles. It is not anticipated that the vehicle sales will be hazardous or disturbing to existing or future uses. The application states they have not received any complaints or issues from any of their neighbors. The application notes the facility will be served by existing utilities. There are vehicular approaches already in place. 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. 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. Clark stated when she sent the application to city staff, the only department that had comments was the Fire Department. She stated they asked for all fire access be maintained.

If approved, Ms. Clark recommended the following conditions: Vehicles shall be parked on private property and not on the public right of way; Comply with all city, state and federal requirements; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Applicant Testimony: Randy King, 980 South Lincoln, testified, the bank has been allowing people to park their cars here for more than five years. He stated they do not own the cars and ask the owners to sign a lease releasing the bank of any liability. He says they try and only have them for two weeks only. He stated they are on the north portion of the property and they can only park five cars at a time. He stated they do not have car dealership park their cars and only allows private sellers.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

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

CONSIDER a request from Randy King, representing D.L. Evans Bank, for a Special Use Permit allowing automotive sales, on the property known as Tax 3, Block A-170, JT SW 19-8-17, more commonly known as 980 South Lincoln Avenue, Jerome, Idaho— action item

McEntarffer stated his concern is there are a lot of other places doing the same park and sale of vehicles. He stated he would like to see if they also have Special Use permits. Ms. Clark stated she will be going around and letting people know about the code. She stated she wants to make sure everyone is treated the same. Chairman Mink inquired about the frequency of some of the places of business. Ms. Clark stated she has noticed more places having cars outside of their business more frequently so she will be going around as speaking with them to let them know about the code and if they wish to continue or send them to other places that have permits.

Commissioner McEntarffer made a motion to approve a request from Randy King, representing D.L. Evans Bank, for a Special Use Permit allowing automotive sales, on the property known as Tax 3, Block A-170, JT SW 19-8-17, more commonly known as 980 South Lincoln Avenue, Jerome, Idaho with the following conditions: Vehicles shall be parked on private property and not on the public right of way; There shall be no more than six (6) cars; Comply with all city, state and federal requirements; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Second to the motion by Commissioner Allred and carried.

Unanimous “ayes”

Consent Agenda

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

- A. Approve the minutes from the February 12th, 2019 regular meeting
- B. Consider/Approve Finding and Facts for Beatriz Delgado, representing Las Maracas Banquet Hall, for a renewal of a Special Use permit allowing a commercial entertainment facility (indoor) on that parcel described as Lots 20 & 21, Block 75 Jerome Townsite, SE 13-8-16, more commonly known as 250 West Main Street, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF BEATRIZ DELGADO,
REPRESENTING LAS MARACAS BANQUET HALL, FOR A SPECIAL USE PERMIT
ALLOWING A COMMERCIAL ENTERTAINMENT FACILITY (INDOOR) ON THAT
PARCEL DESCRIBED AS LOTS 20 & 21, BLOCK 75 JEROME TOWNSITE, SE 13-8-16,
MORE COMMONLY KNOWN AS 250 WEST MAIN STREET, JEROME, IDAHO**

A public hearing on the application of Beatriz Delgado, concerning the use of real property located at 250 West Main, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, April 9, 2019, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Human Resource Manager, Ida Clark provided a report upon this application. Ms. Clark stated the original special use permit approved July of 2014, was in Shannon Perez' name, operating as Blue Galaxy Event Center. The permit was transferred to Ms. Delgado in June 2018. Previously, under Ms. Perez, there were concerns about noise and clean-up after events; however, we have not received any complaints via phone or in person since the transfer of the permit to Ms. Delgado.

Ms. Clark stated the property in question, 250 West Main Street, is currently zoned Central Business District (CBD). The proposed use, commercial entertainment facility (indoor), requires a Special Use Permit.

Ms. Clark stated the request is in compliance with the Comprehensive Plan. She stated that the permit was approved in 2014, and the commission has had many discussions on parking in the downtown area. She stated that in the Comprehensive Plan, downtown parking is addressed and it states most buildings downtown do not have adequate off-street parking. However since this use has previously been approved and Ms. Delgado is not changing the use, the current parking would be approved.

Ms. Clark stated she did not receive any concerns with the renewal from staff. Fire did state a fire inspection would need to be conducted.

If approved, Ms. Clark recommended the following conditions: (1) Comply with all required Building and/or Fire Department permits and inspections; (2) Comply with the City's noise ordinance; (3) Complete a parking lot inspection within 24 hours of an event; (4) Comply with all city, state and federal requirements; and (5) Special use permit shall be allowed for up to two years, renewable upon expiration.

Applicant Testimony: Beatriz Delgado, 250 West Main, testified, she is asking for the renewal of the permit. She is new in town and just bought the property. She received the letter to renew the permit. She stated she came from California and appreciates what the commission can do for her. Upon inquiry from Chairman Mink, Ms. Delgado stated the previous owner and the realtor stated there were not any problems with the parking as there was parking across the street. She stated she has not had any events because she just got the beer and wine permit and then she had some leaks which she has fixed. She stated she has done what has been asked by everyone. She stated if she has any events, she would make sure she goes and cleans up the parking lots. She stated she was not sure what her occupancy was but thought it was around 200 people. Upon inquiry from Commissioner Allred, Ms. Delgado stated she did not go over the permit with the previous owner. Ms. Clark stated Ms. Delgado was given the same conditions that the previous owner was provided when the permit was transferred over, and she is recommending the same conditions as before.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:15 p.m.

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

I. Findings

- A. 250 West Main Street is in the City of Jerome and is currently zoned Central Business District (CBD).
- B. The proposed use, a commercial entertainment facility (indoor), requires a special use permit to operate in CBD.
- C. Jerome Municipal Code provides the standards for special use permits.
- D. The previously owner held a Special Use Permit for a commercial entertainment facility (indoor). The Commission determined, through counsel, that the property

can be transferred; however, the Special Use Permit could not be transferred and therefore, this application is recognized as a new application rather than a renewal.

II. Conclusions

- A. A special use permit is required for the applicant for a commercial entertainment facility in a CBD zone in the City of Jerome.
- B. The Planning and Zoning Commission allows entertainment facilities in the CBD zone by Special Use Permit.
- C. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in a residential zone.
- D. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior appearance of the property or any buildings thereon.
- E. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring businesses.
- F. No additional public facilities will be necessary for the proposed use.
- G. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors.
- H. The Commission approves the application of Beatriz Delgado, allowing a commercial entertainment facility (indoor) located at the common address of 250 West Main, Jerome, Idaho 83338, subject to the following conditions:
 - a. It shall obtain any and all required building department and/or fire department permits, inspections and occupancy permits;
 - b. Must comply with the City's noise ordinance;
 - c. Must complete a parking lot inspection within 24 hours of an event;
 - d. Must comply with all City, State and Federal Requirements;
 - e. Must complete parking lot inspections within 24 hours of an event; and
 - f. This permit is valid for a period of two (2) year from the date of this decision, at the conclusion of such time, Applicant must present herself 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 9th day of April, 2019 in support of the decision of the Planning and Zoning Commission on the 23rd day of April, 2019 to approve the application as specified herein is hereby made final this 9th day of April, 2019.

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

- C. Consider/Approve Finding and Facts for Scott and Sandy Welsh for a renewal of a Special Use permit allowing four (4) horses on the property located at Tax 28 Lot 4 & SESW Jerome Unplatted SW 7-8-17, more commonly known as 204 16th Avenue East, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF SCOTT AND SANDY WELSH
ALLOWING FOUR (4) HORSES ON THE PROPERTY LOCATED AT TAX 28 LOT 4 & SESW
JEROME UNPLATTED SW 7-8-17, MORE COMMONLY KNOWN AS
204 16TH AVENUE EAST, JEROME, IDAHO**

A public hearing on the application of Scott and Sandy Welsh concerning that parcel commonly known as 204 16th Avenue East, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:00 p.m. on Tuesday, April 9, 2018 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Human Resource Manager, Ida Clark provided a report upon this application. Ms. Clark stated Mr. and Mrs. Welsh received a special use permit for four (4) horses in April of 2017. The application noted the horses will not be hazardous or disturbing as the property is approximately five (5) acres. The horses are kept in a fenced area behind the home. The pasture is watered and the manure is disposed of properly. Mr. and Mrs. Welsh would like to request a renewal of the special use permit. The property in question, 204 16th Avenue East, is currently zoned Residential 1 (R-1) which does require a Special Use Permit.

Ms. Clark stated the request is in compliance with the Comprehensive Plan and reviewed the definition of manure with the commission.

Ms. Clark stated she did not received any comments or concerns with the renewal from staff.

If approved, Ms. Clark recommended the following conditions: (1) Horses shall not create odors, excessive noise, nor be detrimental to persons, property or the general welfare; (2) Comply with all city and state requirements; and (3) the Special Use Permit shall be allowed for up to four years, renewable upon expiration.

Applicant Testimony: Scott Welsh, 204 16th Avenue East, testified, there is nothing that has changed since before. They now have three horses but two of them are old and do not do anything. Upon inquiry from Commissioner Gibbons, Ms. Clark stated they have not had any complaints. Mr. Welsh showed the commission his property on the map that was provided. Upon inquiry from Commissioner Allred, Mr. Welsh stated he is aware of how to dispose of the waste. He stated he spreads the manure thin where the grass grows through it. He stated he has had to mow the other grass that the horses have not had a chance to pasture. He stated he is trying to get the horses over to the other pasture safely to keep the grass down. He also stated he has been trapping the flies.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

No further testimony or comment was presented at the hearing.

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

I. Findings

- A. 204 16th Avenue East Jerome, Idaho is zoned Residential 1 (R-1), which requires a special use permit for the use contemplated by the instant application pursuant to Section 17.14.010 of the Jerome Municipal Code (JMC).
- B. Title 16 of the JMC has no bearing on this application.
- C. The application for a special use permit complies with the City of Jerome Comprehensive Plan, Section 3.1.1., and inasmuch as it is compatible with the existing and potential land uses.

II. Conclusions

- A. A special use permit is required for the applicant to be able to allow for four (4) horses on the subject property, which property is located in R-1 zone.
- B. A special use permit promoting this use is consistent with the City of Jerome Comprehensive Plan, Section 3.1.1.
- C. The Commission approves the application of Scott and Sandy Welsh for a special use permit allowing for four (4) horses on that property located at 204 16th Avenue East, Jerome, Idaho 83338, subject to the following conditions:
 - (1) Horses shall not create odors, excessive noise, nor be detrimental to persons, property or the general welfare;
 - (2) Comply with all city and state requirements; and
 - (3) The Special Use Permit shall be allowed for up to four years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 9th day of April, 2019, in support of the decision of the Planning and Zoning Commission on the 23rd day of April, 2019 to approve the application as specified herein is hereby made final this 9th day of April, 2019.

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

- D. Consider/Approve Findings and Facts for Tyler Norris for a zoning map amendment, changing the zone from Central Business District (CBD) to Light Industrial (M-1), on that parcel described as Lots 22 thru 31, Block 96, Jerome Townsite NE 24-8-16, more commonly known as 112 West Avenue B, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF TYLER NORRIS
FOR REZONING FROM CENTRAL BUSINESS
DISTRICT (CBD) TO LIGHT INDUSTRIAL (M-1)**

A Public Hearing at the request from Chris Barber for a zoning map amendment, changing the zone from Central Business District (CBD) to Light Industrial (M-1), on the parcel located at Lots 22 through 31, Block 96, Jerome Townsite NE 24-8-19, commonly known as 112 West Avenue B, Jerome, Idaho, more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A

(hereinafter referred to as the "Property") was held, pursuant to notice, commencing at 7:30 p.m. on Tuesday April 9, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Ida Clark, Human Resources Manager provided a staff record. Ms. Clark stated these lots are part of the original Jerome townsite. The application indicates they would like the rezone to build a small warehouse and have other permitted uses. The uses are currently legal nonconforming as a warehouse and storage are not permitted in the Central Business District. She stated the adjacent land to the north, south and east are existing business and to the west is industry/processing. The existing zoning to the north, south and east are Central Business District (CBD) and Light Industrial (M-1) to the west. The Comprehensive Plan land use map designates the site as industry, surrounded by both industry and commercial. Existing land use is commercial and industry.

The parcels involved are currently zoned Central Business District (CBD). The proposed rezone, Light Industrial (M-1), would allow for automotive repair, storage, warehousing, and other processing as detailed the Jerome Municipal Code (JMC). Depending on the zone, all land use regulations as detailed in Title 17 of the JMC will apply to the property, including but not limited to setbacks, building height restrictions, sign restrictions, and use restrictions.

Ms. Clark reminded the commission, they must determine if the rezone meets the following: Is in accordance with the Comprehensive Plan; Will not create a demand for public infrastructure that is not currently available, including municipal sewer and water services; Is compatible with the zoning uses in the surrounding areas and no non-conforming uses will be created.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with the following chapters: Chapter 1, Property Rights, There is no "taking" and the request does not require property owners to dedicate any portion of property; Chapter 3, Land Use, Objective 1, "explore the growth patterns of the city and plan and prepare for growth opportunities." The Commission must consider that if the proposed rezone is approved, this development must comply with Chapter 2, Section 4, "Land Use Component," 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." Meets Chapter 5, "Community Design", and Chapter 7, "Economic Development". The application notes they would like to sell four lots to Jimenez Auto Repair to allow him to expand his business in the existing building.

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 that is not already available. The warehouse will be used for storage. As pertains to the compatibility with the zoning uses in the surrounding areas: As mentioned, the property in question has businesses to the north, industry and processing to the west. It appears that the proposed zone change to Light Industrial (M-1) would be compatible with the surrounding areas. As pertains to the creation of non-conforming uses, the property in question has an automotive repair shop that does have a current Special Use Permit. Automotive repair is a permitted use in the Light Industrial zone. The current use of storage is legal, non-conforming in the CBD zone; however, a rezone to Light Industrial would allow storage as a permitted use. No non-conforming uses would be created with the rezone. Title 16 has no bearing on this request.

Ms. Clark stated she sent the application out to the departments and received the following comments: Engineering, Building, Water and Wastewater all had no concerns with the rezone;

Streets - any trucks used for loading or unloading should not be parked on South Lincoln but on the property; and Fire -no concerns with the rezone; however, they will need to make additional comments for any new buildings and the expansion of the automotive repair facility into the existing buildings.

Ms. Clark showed the commission the property on the map. Upon inquiry from Chairman Mink, Ms. Clark stated the current use of the property is an auto body repair shop and they have a nonconforming use of storage.

Applicant Testimony: Tyler Norris, 320 South Lincoln, testified, Jimenez Auto Repair is renting the building that is currently on the property and is renting two of the bays. He stated Mr. Jimenez was on a trial run and has now brought in his two sons and they are outgrowing the two bays they are renting. He stated they do not have parking for the cars they are working on or for their customers. He stated the initial deal would be to sell four city lots closer to Alder Street and they would build a new shop. Now he is are looking to sell the building and he would

build a new warehouse for storage of cars and appliances. He stated the property is fully fenced. He stated he wants to change to M-1 so the warehouse would be permitted. He stated he also would like to get Mr. Jimenez more parking. Mr. Norris stated if he is able to rezone the property and build his warehouse, he would sell the lots that the building is set on plus one other city lot for parking. He stated Mitch owned the property before his dad and it was auto repair and then there was storage and now it went back to auto repair. He stated they have not used the property for CBD businesses but are closer to the M-1 businesses. Upon inquiry from Commissioner Allred, Ms. Clark stated there are 10 individual city lots that make up the property. Mr. Norris stated he would be using six city lots and he would sell four lots to Mr. Jimenez. Upon inquiry from Chairman Mink, Mr. Norris stated there used to be rocks but they covered them with dirt which is why there is a hill on the western side of the property. Commissioner McEntarffer stated his concern was to make sure that all of the cars stay in the fence and off of the street. Mr. Norris stated the reason why they are trying to rezone is for the car problem. He wants to be able to have them park behind the fence and out of the road. They will not be parking in the alley. He stated he spoke with the neighboring businesses and a majority their concerns were with the parking and that is why they are trying to rezone

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: none

No further testimony in favor, in neutral to or in opposition of the application was presented. At 7:43 pm, the hearing was closed.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Clark's report, and the other documents and material in the file, enters its findings and conclusions as follows:

I. Findings

- A. The Property in question is currently zoned Central Business District (CBD).
- B. The Application seeks to amend the Property to be zoned Light Industrial (M-1).
- C. Jerome Municipal Code, Title 16, does not apply to the Property.
- D. Rezoning from CBD to M-1 would be harmonious with the surrounding property.
- E. City departments including Engineering Department, Building Department, Public Works, and Wastewater have raised no concern regarding the rezone request. Fire Department has no concerns for the rezone; however, they will need to make additional comments for any new buildings and the expansion of the automotive repair facility into the existing buildings.

II. Conclusions

- A. Taken as a whole, the application complies with the Comprehensive Plan of the City of Jerome and will not adversely affect the character of area where the property is located.
- B. The Commission recommends to the Jerome City Council that the application of the Tyler Norris for the Property described above, from CBD to M-1 be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 9th day of April, 2019, in support of the decision of the Planning and Zoning Commission on the 23rd day of April, 2019 to recommend approval of the application to the Jerome City Council, the decision to recommend the approval of the application is hereby made final this 9th day of April, 2019.

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

- E. Consider/Approve Finding and Facts for Chris Barber for a lot split on the property located at Tax 44 SESE Jerome Unplatted 18-8-17, more commonly known as 868 East Main Street, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF CHRIS BARBER FOR A
LOT SPLIT ON THE PROPERTY LOCATED AT TAX 44 SESE JEROME
UNPLATTED 18-8-17, MORE COMMONLY KNOWN AS
868 EAST MAIN STREET, JEROME, IDAHO**

A public hearing on the application of Chris Barber concerning that parcel commonly known as 868 East Main Street, Jerome, Idaho, for a lot split was held, pursuant to notice, commencing at 7:50 p.m. on Tuesday, April 9, 2019, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Human Resource Manager, Ida Clark provided a report upon this application. Ms. Clark stated the property in question, a parcel of land described at Tax 44 SESE Jerome Unplatted 18-8-17, in the City of Jerome, Idaho, containing .85 acres, more or less, is currently zoned General Business (C-2). The proposed project, a lot split, requires approval from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front - 25', Rear - 10', Interior Side - 12', Side Street - 25'.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the application meets 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.

Ms. Clark went over the pre-application procedure with the commission. The applicant submitted a pre-application with a copy of the sketch plan. The applicant has provided proof of ownership. She stated the commission needs to consider the following: the applicant is looking to split one lot into two (a "lot split"); the proposed lot split will not have a substantial impact on present or proposed public utilities, streets and parks; is consistent with the Comprehensive Plan; both resulting lots will meet minimum size and minimum lot size requirements for the relevant zone; and each lot has a minimum of twenty-five (25) feet of street frontage.

Ms. Clark stated the application is proposing to split one lot into two. The north lot will be approximately 2.33 acres or 101,494.8 square feet, more or less. The south lot will be approximately .85 acres or 37,026 square feet, more or less. There is no minimum lot size requirement for the General Business (C-2) zone. The application notes the request for a lot split is to allow the current business building to remain and allow the north lot to be rezoned and developed for residential housing. The application states there will not be a substantial impact to public utilities as water and sewer are already established for the south lot. Water and sewer connections are available to the east for the north lot. The south lot will have access from East Main Street. The north lot will have access from North Hayes Street. Each lot will maintain the minimum 25' of street frontage required per the Jerome Municipal Code. The applicant understands that the lots must continue to meet the setbacks, height, and frontage requirements outlined in the Jerome Municipal Code in the future. As previously mentioned, the request is in Compliance with section three of the Comprehensive Plan. Any future divisions of land will require subdivision review and approval. A notice regarding the proposed lot split was sent to local taxing districts. No comments were received from the agencies.

Ms. Clark stated she sent the application to all of the departments in the city and there were no concerns from any of those departments.

If approved, Ms. Clark recommended the following conditions: The lot split shall meet all City of Jerome Engineering, Public Works, Wastewater, Building and Fire Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements.; and comply with all city, state and federal requirements.

Upon inquiry from Chairman Mink, Ms. Clark stated the lot sizes would be .85 acres and 2.33 acres.

Applicant Testimony: Chris Barber, 868 East Main Street, testified, he is trying to split the property. He stated this hearing is combined with the rezone hearing held on the same date. He stated it is self-explanatory. Chairman Mink stated it would keep commercial in the commercial area and residential in the residential area. Mr. Barber stated it does not fit now, and it will, if it is split and rezoned. Upon inquiry from Commissioner Allred, Mr. Barber showed the commission the boundary of the two properties on the map provided. Mr. Barber stated EHM is doing the engineering on the project.

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, Mr. Barber's testimony, 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 above is in the City of Jerome and is currently zoned General Business (C2).
- B. The proposed lot split will divide one lot into two lots.
- C. The request is harmonious with the objective of Title 17 of the Jerome Municipal Code and the Comprehensive plan in that the split will allow for the residential development of currently undeveloped property in a residential zone. It will also provide for a diversity of housing options within the City.
- D. It does not appear that the proposed lot split will have a substantial impact on present or proposed public utilities, streets and parks. Access will be provided to the lots by a private driveway of more than 25 feet in width, thus satisfying the 25' of street frontage requirement.
- E. The C2 Zone has minimal lot requirements; specifically, setbacks being front- 25', rear- 10', Interior Side- 12', and side street 25'. Maximum height of 50'. With no minimum lot size. The applicant has shown that the proposed lots will meet these requirements.

II. Conclusions

- A. The Commission holds this lot split to be appropriate pursuant to JMC 16.16.045.
- B. The Commission approves the application of Chris Barber for a lot split of the property described herein, subject to the applicant complying with all city, state and federal requirements, including but not limited to Jerome Engineering, Public Works, Wastewater, Building and Fire Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 9th day of April, 2019, in support of the decision of the Planning and Zoning Commission on the 23rd day of April, 2019 to approve the application as specified herein is hereby made final this 9th day of April, 2019.

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

- F. Consider/Approve Finding and Facts for Chris Barber for a zoning map amendment, changing the zone from General Business (C-2) to Residential 2 (R-2) on the parcel described as the following:

Being a portion of the SE ¼ SE ¼ Section 18, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said SE ¼ SE ¼ of Section 18;
Thence, along the West Boundary of said SE ¼ SE ¼ of Section 18, North 00°06'23" West 67.59 feet to a point on the North Right-of-Way Boundary of State Highway 25;
Thence, along said North Right-of-Way Boundary, South 88°36'11" East 130.00 feet;
Thence, leaving said North Right-of-Way Boundary, North 00°06'23" West 189.35 feet along a line parallel with said West Boundary and being the REAL POINT OF BEGINNING;
Thence, continuing along said parallel line, North 00°06'23" West 35.65 feet;
Thence, North 88°36'11" West 130.00 feet along a line parallel with said North Right-of-Way Boundary to a point on said West Boundary;
Thence, along said West Boundary, North 00°06'23" West 291.00 feet;
Thence, leaving said West Boundary, South 88°36'11" East 325.00 feet along a line parallel with said North Right-of-Way Boundary;
Thence, South 00°06'23" East 326.65 feet along a line parallel with said West Boundary; Thence, North 88°36'11" West 195.00 feet and being the REAL POINT OF BEGINNING; Containing approximately 2.33 acres

**FINDINGS AND CONCLUSIONS ON APPLICATION OF CHRIS BARBER
FOR REZONING FROM GENERAL BUSINESS (C-2) TO RESIDENTIAL 2 (R-2)**

A Public Hearing at the request from Chris Barber for a zoning map amendment, changing the zone from General Business (C-2) to Residential 2 (R-2), on the parcel described as the following:

Being a portion of the SE ¼ SE ¼ Section 18, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said SE ¼ SE ¼ of Section 18;

Thence, along the West Boundary of said SE ¼ SE ¼ of Section 18, North 00°06'23" West 67.59 feet to a point on the North Right-of-Way Boundary of State Highway 25;

Thence, along said North Right-of-Way Boundary, South 88°36'11" East 130.00 feet;

Thence, leaving said North Right-of-Way Boundary, North 00°06'23" West 189.35 feet along a line parallel with said West Boundary and being the REAL POINT OF BEGINNING;

Thence, continuing along said parallel line, North 00°06'23" West 35.65 feet;

Thence, North 88°36'11" West 130.00 feet along a line parallel with said North Right-of-Way Boundary to a point on said West Boundary;

Thence, along said West Boundary, North 00°06'23" West 291.00 feet;

Thence, leaving said West Boundary, South 88°36'11" East 325.00 feet along a line parallel with said North Right-of-Way Boundary;

*Thence, South 00°06'23" East 326.65 feet along a line parallel with said West Boundary;
Thence, North 88°36'11" West 195.00 feet and being the REAL POINT OF BEGINNING;
Containing approximately 2.33 acres.*

(hereinafter referred to as the "Property") was held, pursuant to notice, commencing at 8:05 p.m. on Tuesday April 9, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Ida Clark, Human Resources Manager provided a staff record. Ms. Clark stated the property was annexed into the City in 1973 and zoned "business". There is no record of any other rezones to this parcel. The application indicates the rezone is necessary to allow building of residential units. The application states the rezone will encourage growth to occur where appropriate at infill locations. This property is undeveloped. Ms. Clark stated the land uses and zoning table for the adjacent property are as follows: to the North is Residential with the zoning being R-2; to the south is Residential/Agriculture with the zoning being Area of Impact Residential; to the East is Residential with the zoning being R-1; and to the West is Residential with the zoning being R-2.

Ms. Clark continued the Comprehensive Plan land use map designates the land as Public. The Comprehensive Plan map designates the surrounding land as Residential Medium, Residential Low and Commercial. Existing land use adjacent to the area is residential, agriculture, and some commercial.

Ms. Clark stated the parcels involved, are currently zoned General Business (C-2), which allows automotive repair, car wash, banks, convenience stores, and other uses as established in the Jerome Municipal Code (JMC). The proposed zone, Residential 3 (R-3), would allow for apartments, single, two and multi-family dwellings, and manufactured homes as detailed in 17.14.010 of the JMC. Depending on the zone, all land use regulations as detailed in Title 17 of the JMC will apply to the property, including but not limited to setbacks, building height restrictions, sign restrictions, and use restrictions.

Ms. Clark stated the commission will need 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," Chapter 13 "Neighborhoods", Objective 2 which addresses the need for providing "areas of different residential densities." She continued the Commission must consider that the proposed rezone, if approved, must comply with Chapter 13, Policy 1 which states that "When multi-family dwellings are to be located adjacent to single family dwellings, consideration must be given to the amenities of the single-family uses so that the higher densities will not adversely affect the existing uses". She also stated the Commission must consider that if the proposed rezone is approved, this development must comply with Chapter 2, Section 4, "Land Use Component," 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."

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services: Engineering, Streets, Water, Irrigation, and Wastewater did not have any concerns with the rezone and possible development at this time. Fire did comment on the road width which will be addressed when building plans are submitted. As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated as previously mentioned, the property in question is adjacent to single family residential to the north and east with multi-family residential to the west. It appears that the proposed zone change to Residential 2 (R-2) would be compatible with the surrounding areas. As pertains to the creation of non-conforming uses, the property in question is not developed. Therefore, no non-conforming uses would be created with the rezone. As pertains to Title 16 of the JMC, the Subdivision Ordinance; at this time, the proposal is only for a rezone. The applicant has indicated they will pursue a residential subdivision in the future.

Ms. Clark stated she sent the application to all of the department and received the following comments: Building, Engineering, Streets, Fire, Wastewater and Water all commented that they do not have any concerns about the proposed re-zone. Any construction would be subject to the building code and land use requirements.

Applicant Testimony: Chris Barber, testified there is R-2 to the north and west of the property. He stated there is R-1 to the east of the property. He stated the Heritage Apartments are also to the east of the property. He stated the property is currently a bare piece of property and would like to rezone the property. He stated the correct use for the property is residential and not commercial. He stated the long term plan is to build townhomes in the area. Upon inquiry from Commissioner Gibbons, Mr. Barber stated there will be plenty of room for children to play. Mr. Barber stated they are only looking to building nine homes on that property and they will be built professionally. Ms. Clark stated she received one comment. Commissioner McEntarffer stated it makes sense to approve rezone the property as there are houses all the way around.

Testimony in Favor: None.

Testimony in Neutral: Chairman Mink read the following letter onto the record:

As the representative of the Housing Authority of the City of Jerome, which is the property located directly adjacent to the west, I would base the support of the zoning change & development upon the installation of a 6' privacy fence-preferably vinyl, to run the length of the perimeter between the two properties. Our properties house vulnerable adults and feel that the fence would be in the best interest.

Thank you,

Leanne Trappen, Executive Director Jerome Housing Authority, 3-15-19

Testimony in Opposition: none

Rebuttal Testimony: Mr. Barber stated they are welcome to build a fence. He stated he intends on building a fence. Chairman Mink stated this application is not a Special Use Permit so it does not allow the commission to add conditions to the approval. He stated most people that build houses build fences around their property. Mr. Barber stated he owns the property to the north and there is a chain link fence there. He stated he will separate his property from the Housing Authority's property. Commissioner Gibbons stated there is vinyl fencing between them and the gas station to the south.

No further testimony in favor, in neutral to or in opposition of the application was presented. At 8:13 pm, the hearing was closed.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Clark's report, and the other documents and material in the file, enters its findings and conclusions as follows:

I. Findings

- A. The Property in question is currently zoned General Business (C-2).
- B. The Application seeks to amend the Property to be zoned Residential 2 (R-2).
- C. The Property in question is adjacent to residential areas to the north, west and east.
- D. Rezoning from C-2 to R-2 would be harmonious with the surrounding property.
- E. The Comprehensive Plan of the City of Jerome promotes providing areas of different residential densities and the development of various housing types to meet the needs of the citizens of the City of Jerome. The R-2 designation be compatible with the surrounding areas.
- F. City departments including Building Department, Public Works, Wastewater, and Fire Department have raised no concern regarding the rezone request.

II. Conclusions

- A. Taken as a whole, the application complies with the Comprehensive Plan of the City of Jerome and will not adversely affect the character of area where the property is located.
- B. The Commission recommends to the Jerome City Council that the application of the Chris Barber for the Property described above, from C-1 to R-2 be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 9th day of April, 2019, in support of the decision of the Planning and Zoning Commission on the 23rd day of April, 2019 to recommend approval of the application to the Jerome City Council, the decision to recommend the approval of the application is hereby made final this 9th day of April, 2019.

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

Commissioner McEntarffer made a motion to approve the consent agenda.

Second to the motion by Commissioner King and carried.

CITIZEN CORRESPONDENCE

None

DISCUSSION PERIOD & STAFF REPORTS

Commissioner McEntarffer stated the Park and Sell permit that is at the corner of West Main and South Date, now has two mobile food vendors. Ms. Clark stated she will look into it and she will confirm what the regulations are with subleasing the property. She stated the next meeting will be on May 14th. She stated they have one name that the Mayor will present at the next city council meeting for a new Commissioner.

There being no further discussion, Chairman Mink closed this regular meeting at 9:08 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary