

Planning & Zoning Meeting  
April 24<sup>th</sup>, 2018

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

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

**FINDINGS AND CONCLUSIONS ON APPLICATION OF MARIA E. JUAREZ FOR A SPECIAL USE PERMIT ALLOWING AUTOMOTIVE SALES ON THE PROPERTY LOCATED AT LOTS 1&2, TAX 2, BLOCK 125 JEROME TOWNSITE NE 24-8-16, MORE COMMONLY KNOWN AS 501 SOUTH LINCOLN AVENUE, JEROME, IDAHO.**

A public hearing on the application of Maria E. Juarez concerning the use of real property located at Lots 1&2, Tax 2, Block 125 Jerome Townsite NE, 24-8-16, more commonly known as 501 South Lincoln Avenue, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:02 p.m. on Tuesday, February 13, 2018, at City Council Chambers, 100 East Avenue A, Jerome, Idaho. The hearing continued on March 13, 2018 commencing at 7:01 pm and on April 10, 2018 commencing at 7:05 pm.

This application involves the use of property located at 501 South Lincoln Ave. in Jerome and is referred to herein at the "Property." The Property sits on the corner of South Lincoln Avenue and West Avenue D in Jerome. Portions of the Property are currently occupied by a radio station, a restaurant and a market. In general terms, the applicant seeks a special use permit to allow a portion of the property to be used for automotive sales. Hearings on this special use permit were held on February 13, 2018, March 13, 2018 and April 10, 2018. At the conclusion of the February hearing, the applicant was asked to bring a site plan showing how they planned to display vehicles without encroaching on the public right of way. Instead of providing a site plan, prior to the March 13, 2018 hearing, the applicant amended its application to permit the display of vehicles on the East side of the property. At the conclusion of the March 13, 2018 hearing, the applicant was again asked to bring a site ~~plan~~ plan showing how they intended to display vehicles for sale while still providing adequate parking for the customers and employees of the auto sales business and the other businesses occupying the Property. Prior to the April 10, 2018 hearing, the applicant provided a site plan and presented that to the Commission for its consideration. Following the April 10, 2018 hearing, the matter was submitted to the Commission for discussion. Based on the evidence summarized below and for the reasons stated below, the Commission denied the application for a special use permit.

The February 13, 2018 hearing began with the reading of the Staff Report by Planning and Zoning Administrator, Esmeralda Chavez.

**Staff Report:** Ms. Chavez stated the zoning for the property in question, 501 S. Lincoln in Jerome, is Central Business District. Setbacks in this zone are 0' setbacks on all sides.

Regarding the Comprehensive Plan, Ms. Chavez noted the application is consistent with Chapter 7 "Economic Development," which addresses the need and objective for business retention and expansion. More specifically, Ms. Chavez indicated the request is in accordance with Chapter 7, 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." Similarly, Ms. Chavez indicated the application is consistent with Chapter 7, Policy 8, which is to "continue to provide an atmosphere for successful business development." Ms. Chavez noted, however, the application was inconsistent with Chapter 4 "Transportation," Objective 5, which addresses the need to promote ease of access in and through all portions of the City. She further noted the request is not in accordance with Chapter 4, Objective 13, which is to "promote and provide for walking as a viable alternative to driving."

Ms. Chavez also noted Title 8 of the Jerome Municipal Code (JMC) is relevant to the application before the Commission. Title 8 prohibits the parking of abandoned, wrecked and junked motor vehicles in a place where they can be viewed open to the public. Ms. Chavez defined a junked or wrecked motor vehicle as one that does not carry a current valid state registration and license plate; or cannot be safely operated under its own power.

Ms. Chavez then reviewed the Special Use Standards from title 17 of the JMC. Ms. Chavez confirmed that automotive sales is allowed by special use permit in the CBD zone. Ms. Chavez explained the application was not consistent with the objectives stated in Chapter 4, Objections 5 and 13 of the Comprehensive plan because the application proposes to place three to five vehicles on the north portion of the property at any given time. Ms. Chavez expressed concern the proposed use would impact the City's designated truck route because as proposed it is likely vehicles parked for display will encroach on the public right of way due to the lack of adequate space on the north side of the property. Such conditions will also cause interference with pedestrian access to the side walk along the north of the property.

Ms. Chavez further noted the proposed use could be detrimental to the general welfare of the community as it would block pedestrian access and impact visibility for truck traffic along West Ave D. Ms. Chavez reviewed the other special use standards and did not note any problems.

Ms. Chavez also provided comments from other city departments. The Streets Department provided that West Ave D has an 80 foot right of way. After further review and measuring of said right of way, the Streets Department determined there is no room for the proposed use on the north side of the property located at 501 South Lincoln. The Engineering Department similarly provided that determining the exact locations of the right of way boundaries would require a survey. However, street supervisor, Mike Hensley, performed some approximate measurements and determined the existing building front on West Ave D would not allow sufficient space to park cars for sale without encroaching into the right of way. Part of the concern is West Ave D is the designated truck route and large semi-trucks take West Ave D and turn on to South Lincoln at the intersection where the property is located. Concern exists for visibility, etc. The Building Department expressed concern about the amount of customer parking provided for the three existing business operating already operating on the property. The Water Department echoed the concerns of the other departments.

**Applicant Testimony:** Maria E. Juarez did not testify but Efrain Ortega testified on behalf of the applicant. Mr. Ortega testified he was unaware the sidewalk was as big as indicated by Ms. Chavez. He stated the property line is about six feet to the north of the building. He stated he needed to use the building. He stated he pays enough property tax and he needs to utilize the building to best he can. Mr. Ortega stated they have had tenants in the building on Main Street but this building is more visible to the public. He stated they only want three or five cars to start. He stated the street is wide enough for trucks. He stated there would still be adequate space on the east of the building for parking. Commissioner Miller asked if the South Lincoln side of the building was going to be used and if the restaurant was going to continue to occupy part of the building. Mr. Ortega stated they were just trying to keep enough cars for the license. He also stated that as for now, the restaurant will continue in the building. He further stated he owned a 30,000 square foot building with a lot in the back of it on Main street, he stated he was entitled to off street parking.

**Testimony in Favor:** none

**Testimony in Neutral:** none

**Testimony in Opposition:** Clay Ramirez, 100 East Ave D, testified his address is across South Lincoln from the Property. Mr. Ramirez testified the Property is not well maintained and he did not think it was maintained to be harmonious with other properties in the area. He testified the Property is in need of a facelift. He expressed concern about the condition of the cars that would be offered for sale and whether their appearance would fit the character of the general vicinity. He expressed his opinion that a car lot does not work on this Property. He agreed the restaurant was an acceptable use of the building. He expressed other businesses would work better than a car dealership.

**Rebuttal Testimony:** Mr. Ortega testified he has spent a lot of money trying to update the buildings they have. He stated it has not been easy. He does not want to make things bad for the City. He hopes the economy will turn around so they can do better. He wants to make sure they can pay their property taxes and keep tenants. He stated since they own two buildings they pay about \$15,000 in property taxes.

There being no further testimony, Chairman Mink closed the public hearing at 7:24 p.m. and the Commission began to discuss the application. During the discussion it became apparent the application failed to satisfy standards C, D and H of JMC 17.60.030. The Commission, however, felt additional information would be helpful in making that determination. The Commission asked Mr. Ortega to return with a site plan demonstrating how they can display cars for sale and still satisfy the requirements of JMC 17.60.030. The matter was tabled for a continued hearing on March 13, 2018.

The March 13, 2018 meeting was called to order at 7:01 pm. The meeting also began with a staff report from Ms. Chavez. Ms. Chavez reminded the Commission of the prior proceedings. She also informed the commission that instead of providing the site plan requested by the commission, the applicant decided to file a new application for a special use permit to use the east side of the Property, with cars facing South Lincoln instead of West Ave D.

Ms. Chavez then read a staff report similar to the one she read at the first hearing. Of particular import, Ms. Chavez provided that the east side of the building on the Property measures

90' by 31', with a total area of 2,790 square feet, which, she stated would accommodate the vehicles without the use being hazardous or disturbing to existing or future neighboring uses.

Ms. Chavez also communicated the comments of other City Departments. The Building Department repeated its concerns regarding adequate space for customer parking provided there are three businesses operating on this Property. Fire, Streets, Wastewater and Water did not express any concerns.

**Applicant Testimony:** Efrain Ortega again provided testimony on behalf of the applicant. He testified he was back before the commission again with a different plan to locate vehicles for sale on the east side of the property facing South Lincoln. Commissioner Holley asked how many cars Mr. Ortega was planning to display for sale on the Property. Mr. Ortega's response was he wasn't sure but he had 120' of frontage along South Lincoln. Commissioner Holley asked how they would get cars out with the other businesses on the Property. Mr. Ortega responded they would not allow vehicles to park in front of the cars being displayed for sale. Commissioner Holley asked staff if the applicant could prohibit parking in front of the other businesses on the Property. Legal Counsel replied the applicant would be subject to all the same rules as the other businesses along South Lincoln. Counsel indicated the requirement was for one parking space per 500 square feet of outdoor display. Counsel continued that given the calculations provided in the application, a minimum of 6 parking spaces for customers and one for every employee would be required in addition to the spots required for vehicles being displayed for sale. Plus, consideration must be given for the other businesses operating on the Property. Commissioner Miller asked staff how many spaces were required for the restaurant currently in operation on the Property. Counsel provided that pursuant to JMC there must be one parking space for every 150 square feet of gross floor space of a restaurant.

Mr. Ortega then stated he was confused. He stated he owns lots of buildings and he does not see other businesses with parking. Mr. Ortega presented a picture to the Commission of a parking lot at 133 West Main. Legal Counsel stated the present application involved the use of 501 South Lincoln and the Commission was only discussing the use of 501 South Lincoln. Mr. Ortega continued stating that parking has been placed all around his parking lot and he does not have an entrance or an exit and has tried to contact someone to fix it but he has not had anyone return his call. Acting Chairman McEntarffer reminded Mr. Ortega the property on the application was 501 South Lincoln, not 133 West Main St. Mr. Ortega concluded there was enough space on the Property for what he was proposing.

Commissioner Miller asked Mr. Ortega how many total parking spaces are available on the Property. Mr. Ortega stated the restaurant was about 200 square feet with the market being about double. He stated there were 90' linear feet of store frontage and that parking spaces must be 9' wide. He indicated they would leave parking for the restaurant. Commissioner Allred asked Mr. Ortega if he had consulted with an Engineer or someone that could help design a site plan to show how much parking is available at the Property. Mr. Ortega responded it is a small community and that he is not trying to put together a 300 – 400 car lot. He stated he does not have the money to hire an engineer or surveyor. He stated they just need a letter from the City to respond back to the state so they can move forward with the dealer's license. He stated he is learning and trying to do his best.

**Testimony in Favor:** None

**Testimony in Neutral:** Larry Dekker testified that an Engineer would not be needed and that it would be pretty simple to put together a site plan as the Commission was asking Mr. Ortega to do.

Michael Carter of 121 East Ave C, testified he could see the proposed use becoming a traffic hazard. He inquired whether a traffic study had been done in relation to the impact of the proposed use.

**Testimony in Opposition:** Dee Haycock, 505 South Lincoln, testified he owns the property and the business immediately south to this Property. He expressed concerns with the parking. He testified there is already inadequate parking on the Property for the businesses that currently exist there. He testified the overflow parking from the businesses currently located at the Property come onto his property, which is occupied by his business, Dairy Queen. He testified he has had a number of problems and has put up signs prohibiting parking on his lot. Notwithstanding his signs, he stated he is still running cars out of his parking lot. He stated he has enough parking for his business.

**Rebuttal Testimony:** No rebuttal testimony was offered.

The hearing was closed at 7:33 pm. The Commission discussed the foregoing testimony and the other evidence in the record. The Commission again decided it needed more information to make an informed decision on this application. Once again, the Commission asked Mr. Ortega to come back at the next meeting with a site plan that showed how he intended to satisfy the parking requirements for the proposed use, especially in light of the parking requirements of the businesses already operating on the Property. The hearing was adjourned until April 10 at 7:00pm.

The April 10, 2018 meeting was called to order at 7:03 pm. The Commission once again took up the matter of Ms. Juarez's application for a special use permit. Like the two previous meetings, this one began with the Staff Report read by Ms. Chavez.

**Staff Report:** Ms. Chavez reminded the Commission the applicant had been at the two prior hearings and that at the conclusion of each hearing, more information was requested from the Applicant. Ms. Chavez informed the Commission that new information had been received from the Applicant. Ms. Chavez indicated her comments would be limited to the new information. Ms. Chavez indicated the application still lacked harmony with Title 17, Chapter 17.26, which outlines the requirements for off-street parking and loading. Ms. Chavez indicated 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.

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.

**Applicant Testimony:** Efrain Ortega, 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 testified in favor of the application. He 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.

Legal counsel clarified the language of the ordinance required consideration of the “gross floor area.”

**Testimony in Neutral:** None

**Testimony in Opposition:** None

There being no further testimony, the public hearing was closed at 7:16 pm.

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:

The relevant legal standards to be considered in approving or denying a special use permit are contained in JMC 17.60.030. In addition, the off street parking requirements are found in JMC 17.26.010 *et seq.* Specifically, JMC 17.26.020.A states, “No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off street parking and loading spaces have been provided in accordance with the provisions of this title.” Because this special use permit involves changing the use of the building, the requirements of the off street

parking section must be met. Moreover, subsection D states, "If more than one use is located on the site, the number of off street parking spaces shall be equal to the sum of the requirements prescribed for each use unless a joint/collective parking facility is approved as provided for in section 17.26.130 of this chapter." In this case, more than one use is made of the Property. Thus there must be adequate parking for each use. A joint/collective parking facility is not approved for this Property and the Applicant has not sought approval of such a plan. Based on the evidence available, it does not appear one would be approved if sought by the applicant.

JMC 17.26.150, for automotive sales, requires "1 [parking space] per 400 square feet of gross floor area; plus 1 per 500 square feet outdoor display and 1 per employee." Said section also requires for restaurants, "1 per 150 square feet of gross floor area; plus 1 per 35 feet of dance floor." For retail sales, "1 per 250 square feet of gross floor area." Communications facilities require "1 per 300 feet gross floor area."

### **I. Findings**

- A. 501 South Lincoln Avenue is in the City of Jerome and is currently zoned Central Business District (CBD).
- B. The proposed use, car sales lot, requires a special use permit to operate in CBD.
- C. JMC 17.60.030 provides the standards for special use permits.
- D. The proposed use will, in fact, constitute a special use as established in 17.60.060.
- E. The proposed use is not harmonious with the specific objectives of JMC 17.26.010 *et. seq.* The materials provided by the applicant, specifically the site plan, show that there is insufficient parking for a car lot on the Property. The Property is already in use by a restaurant, a radio station (communications facility), and a market. There is inadequate parking for the current uses of the property. The addition of the proposed use increases the parking demands on a space that is already inadequate for the existing demand.
- F. 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. While there was some testimony that the Property is in need of a facelift and while that may be true, the Commission does not find that the Property's current condition is inconsistent with the intended character of the general vicinity.
- G. The proposed use will be hazardous or disturbing to existing or future neighboring uses. As previously mentioned, there is not enough parking space for the proposed use. Testimony was offered by Dee Haycock, the neighbor to the south of the Property. Mr. Haycock opposed the proposed use because parking is already a problem with the existing uses of the Property. Based on the information provided by the applicant, the proposed use will place four cars in the parking lot permanently displayed for sale. Plus, the addition of the business of the car lot office will increase the demand on parking for employees and customers. Mr. Haycock's testimony demonstrates that the inadequate parking on the Property is disturbing to existing neighboring uses.
- H. No additional public facilities will be necessary for the proposed use.
- I. 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.
- J. The vehicles approaching to the property will not create an interference with traffic on surrounding public thoroughfares.

- K. 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 use the Property as a car lot in the CBD zone for the City of Jerome.
- B. A special use permit allowing a used car lot at 501 South Lincoln in the CBD Zone is not consistent with the objectives of Jerome Municipal Code because the objectives of Off-Street Parking and Loading cannot be met for all the uses on the Property.
- C. A special use permit allowing a car lot at 501 South Lincoln will not be consistent with the General Standards for Special Uses articulated at 17.60.030 in that the proposed use, if allowed, would be disturbing to existing neighboring uses because there is inadequate space for parking on the Property.
- D. For the foregoing reasons, the Commission denies the application of Maria E. Juarez for a special use permit to conduct business as a car lot, 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.
- E. The Applicant may appeal this decision to the City Council within ten days of the mailing of this decision. Staff is instructed to inform Ms. Juarez of her rights to appeal this decision to the City Council.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 24<sup>th</sup> day of April, 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 24<sup>th</sup> day of April, 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 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 read and amended.

Second to the motion by Commissioner King and carried.

Unanimous “ayes”

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

**FINDINGS AND CONCLUSIONS ON APPLICATION OF TROY ROSE FOR A RENEWAL OF 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**

A public hearing on the application of Troy Rose concerning that parcel commonly known as 124 West Avenue E, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:25 p.m. on Tuesday, April 10, 2018 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

**Staff Report:** Esmeralda Chavez, City Planner, gave a report on the application. 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 I.14.10 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 number 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

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Rose'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. 124 West Avenue E is in the City of Jerome and is currently zoned Central Business District (CBD).
- B. The proposed use, car dealership/automotive sales lot, requires a special use permit to operate in CBD.
- C. JMC 17.60.060 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 at Dairy Queen and the car wash.
- 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**

- (1) A special use permit is required for the applicant to be able to put a car lot business in the CBD zone for the City of Jerome.
- (2) A special use permit allowing a used car lot in the CBD Zone is consistent with the City of Jerome Comprehensive Plan.
- (3) The Commission approves the application of Troy Rose for the renewal of a special use permit to conduct business as a car lot, on the property commonly known as 124 West Avenue E, 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 12; and

- c. This permit is valid for a period of 3 years 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 24<sup>th</sup> day of April, 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 24<sup>th</sup> day of April, 2018.

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ROD MINK,  
Chairman Jerome City P&Z Commission

Commissioner Holley made a motion to accept the findings of fact for 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.

Second to the motion by Commissioner King and carried.

Unanimous “ayes”

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

**FINDINGS AND CONCLUSIONS ON APPLICATION OF JEROME SCHOOL DISTRICT #261 FOR A SPECIAL USE PERMIT ALLOWING SIX (6) CHICKENS ON THE PARCEL DESCRIBED AS TAX 21 W ½ SW JEROME UNPLATTED 17-8-17, MORE COMMONLY KNOWN AS 104 NORTH TIGER DRIVE, JEROME, IDAHO**

A public hearing on the application of Jerome School District #261 concerning that parcel commonly known as 104 North Tiger Drive, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:30 p.m. on Tuesday, April 10, 2018 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

**Staff Report:** Esmeralda Chavez, City Planner, gave a report on the application. She 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.

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

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Willmore'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. 104 North Tiger Drive, Jerome, Idaho is zoned Public/Semi Public (PS), which requires a special use permit for the use contemplated by the instant application pursuant to City of Jerome’s Comprehensive Plan Section 3.1.1. as pertains to Title 8 of the 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.
- D. No roosters are requested or considered as part of the instant application.

**II. Conclusions**

- A. A special use permit is required for the applicant to be able to allow for up to six (6) laying hens on the subject property, which property is located in PS 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 Jerome School District #261 for a special use permit allowing six (6) chickens on that property located at 104 North Tiger Drive, Jerome, Idaho 83338, for a period of two (2) years, and subject to the following provisions:
  - (1) the fowl will not create odors, noise, nor be detrimental to persons, property or the general welfare;
  - (2) there shall be no modifications made to the front of the property for the accommodations of said fowl;
  - (3) the fowl shall be kept in an enclosed chicken coop or accessory structure which shall be maintained in a clean and sanitary condition;
  - (4) any coop or accessory structure associated with the fowl shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 24<sup>th</sup> day of April, 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 24<sup>th</sup> day of April, 2018.

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ROD MINK,  
Chairman Jerome City P&Z Commission

Commissioner Holley made a motion to accept the findings of fact for 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.

Second to the motion by Commissioner King and carried.

Unanimous “ayes”

#### **APPROVAL OF MINUTES**

Upon inquiry from Chairman Mink, the Commission unanimously approved the regular meeting minutes for the April 10<sup>th</sup>, 2018 meeting.

#### **CITIZEN CORRESPONDENCE**

None

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

Commissioner Holley inquired if names of the commissioners needed to be provided in the Findings of Facts. Legal Counsel stated it did not due to the vote being unanimous. Ms. Clark stated there are four (4) Public Hearings and two (2) Design reviews on the May 8<sup>th</sup>, 2018 meeting.

There being no further discussion, Chairman Mink closed this regular meeting at 7:08 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary