

Planning & Zoning Meeting  
May 14<sup>th</sup>, 2019

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 Randy King, Commissioner Carl McEntarffer, Commissioner Bill Allred, and Commissioner Jeff Schroeder. Commissioner Sheryl Gibbons, and Commissioner Dave Holley were excused. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

Chairman Mink welcomed Commissioner Jeff Schroeder to the commission.

**CONTINUATION of a 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 applicant is asking for three calves and one horse. She stated at the last meeting, the commission asked for additional information from the applicant. She stated the commission asked for the location and material of fencing; location of the corrals; irrigation plan showing the area to be irrigated; and operation plan of how the animals and property will be cared for. She stated she contacted the irrigation department and confirmed the applicant does not have access for irrigation. She stated he provided the commission with a layout of the property. Ms. Clark went over the layout he provided.

Applicant Testimony: Jose Valenzuela, 936 South Buchanan, with his translator Olga Nieblas, 100 N Fillmore St #30, Jerome, testified he will do the cleaning and will take the manure to his friend's ranch. He stated he already has permission from the owner. He stated he will feed the animals and take care of them. He will raise them for meat for his family. Mr. Larsen reminded the translator that she must translate exactly what the applicant testifies to. Ms. Clark stated she received a letter from the person allowing the applicant to take the manure to their property. Upon inquiry from Chairman Mink, Mr. Valenzuela stated he will put wiring up that is for animals which should be 4'-5' high. Ms. Clark stated he showed her the picture and it was called welded wire. Mr. Larsen stated the commission asked about dust abatement. Upon inquiry from Chairman Mink, Mr. Valenzuela stated he has a big hose and he will water the property off the house because he does not have a canal. Mr. Valenzuela stated there will be a shade for the animals. He stated he has the roofing for the animals to have shade.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:13 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 King stated his concerns are keeping dust down and there will be odor. He stated he is not sure how they will control it. Commissioner McEntarffer does not think it is in the right place. Commissioner Allred stated his concern is the operation and wants to make sure the promises are fulfilled. Chairman Mink went over the Special Use Permit general standards with the commission. Extensive discussion was held on the following general standards: C, D, and G. Chairman Mink stated water is the major concern. He stated he doesn't want land to be useless but the parcel is landlocked. Commissioner Schroeder inquired about the neighbor's concerns. Chairman Mink stated there were several neighbors in opposition from the previous meeting. Mr. Larsen went over the unique land use section of the Jerome Municipal Code (JMC) 17.18 regarding 1 to 5 acre lots with animals. He stated he is not sure if there is a specific standard of how many animals are allowed per acre in the city, but they have previously allowed those animals in lots that are on the larger size of 1 to 5 acres. He stated the parcel in question is .6 acres. He stated he understands the hesitancy as there are numerous lots that have animals on them but they are usually on the larger size. He stated the threshold of 5 acres is what is currently in city code. Chairman Mink stated they usually use the rule of thumb of one head per acre to help keep the numbers down.

Commissioner McEntarffer made a motion to approve 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 with 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; Adequate fencing will established and inspected by Animal Control before the livestock are placed on the property; 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.

Second to the motion by Commissioner King and carried.

After consideration, the motion did not pass with the following vote: **AYES:** Commissioner Bill Allred. **NAYS:** Commissioner Randy King, Commissioner Carl McEntarffer, and Commissioner Jeff Schroeder.

Ms. Clark explained to the applicant that she would send the applicant a letter and if he does not agree with the decision, made by the commission, there are other avenues to pursue. Through his translator, Mr. Valenzuela inquired if he would be able put another house on the property. Ms. Clark stated the City code only allows one house on a parcel but if he would like to split the property, he is welcome to come into City Hall and she would speak with him about the process.

Commissioner Allred inquired about other properties in the city that have cattle on them. Ms. Clark suggested speaking of those issues during the discussion period on the agenda.

**PUBLIC HEARING** for a request from Jeff Schroeder for a Special Use Permit allowing six chickens, on the property located at Lot 5 and the West 10 feet of Lot 6, Block 2, Bremer Subdivision NE 19-8-17, more commonly known as 700 East Avenue A, Jerome, Idaho.

Commissioner Schroeder recused himself as he is the applicant of the Special Use permit.

Staff Report: Ms. Clark stated the property in question, 700 East Ave A, in Jerome, is currently zoned Residential 1 (R-1). The proposed use, the possession of chicken or poultry, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 25'; Rear- 20'; Interior Side- 7'; and Street Side - 15'.

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

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.

Ms. Clark reminded the commission that manure and waste need to be properly disposed of.

Regarding the general standards for a Special Use Permit, Ms. Clark stated the Planning and Zoning Code allows up to six chickens in the R-1 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17. The application notes the chickens will be kept in a freestanding coop with an enclosed run attached to a garden shed. The shed and coop are in the back yard as noted on the site plan. There will not be any modifications to the front of the residence, ensuring that the use will not change the essential character of the area. There is no indication that the proposed chickens would be hazardous or disturbing to neighboring uses. The application notes regular care and maintenance will be provided to not be hazardous or disturbing to existing or future uses. There is no indication that additional services will be needed to serve this use. It does not appear the chickens will create excessive additional requirements at public cost. The chickens will not be detrimental to persons, property or the general welfare by creating excessive traffic, smoke, fumes or glare. There are no changes proposed to the vehicular approaches to the property. 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. Clark 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; and Special use permit shall be allowed for up to one year, renewable upon expiration.

Applicant Testimony: Jeff Schroeder, 700 East Avenue A, testified, the staff presented everything and asked the commission if they had any questions. Upon inquiry from Commissioner King, Mr. Schroeder showed the commission where the location of the coop would be located on the property. He stated it will be on the east side of the house and it is under a tree. He stated the coop would be the size of a pallet and will be right next to the garden shed he will be building. He stated he understood he is in the city but he would like to have fresh eggs. Upon inquiry from Commissioner McEntarffer, Mr. Schroeder stated he will not have any roosters.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:34 p.m.

**CONSIDER** a request from Jeff Schroeder for a Special Use Permit allowing six chickens, on the property located at Lot 5 and the West 10 feet of Lot 6, Block 2, Bremer Subdivision NE 19-8-17, more commonly known as 700 East Avenue A, Jerome, Idaho – action item

Commissioner King and Commissioner McEntarffer had no concerns or comments.

Commissioner King made a motion to approve a request from Jeff Schroeder for a Special Use Permit allowing six chickens, on the property located at Lot 5 and the West 10 feet of Lot 6, Block 2, Bremer Subdivision NE 19-8-17, more commonly known as 700 East Avenue A, Jerome, Idaho with the following conditions: Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; Any chicken coop or accessory structure associated with the chickens shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and 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”

Commissioner Schroeder rejoined the commission.

**PUBLIC HEARING** for a request from Margie Higgins for a Special Use Permit allowing a hair salon, on the property located at Tax 12 Block A-216 JT NE 18-8-17, more commonly known as 1024 North Davis, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question is currently zoned Residential 2 (R-2).

The proposed use, a home occupation, requires a Special Use Permit. In this case, Mrs. Higgins' is proposing to have a hair salon, out of her home, which constitutes a home occupation. Ms. Clark reminded the commission there are no signs shall be permitted in the R-1 and R-2 zones except for one realty sign.

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

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

Regarding the general standards for the special use, Ms. Clark stated the Jerome Municipal Code allows a home occupation in the R-2 zone. 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 application states the proposed home occupation will not be hazardous or disturbing to the existing or future neighboring uses. The application notes patrons will be scheduled by appointments. The application notes the residence will be served by existing utilities. The proposed home occupation will not create any additional requirements at public cost. The application states it will be a full service salon with services by appointment. Adequate parking is available on their property and there will not be a concern with noise or pollution. There are no proposed changes to the exterior of the residence, parking or vehicular approaches to the site. 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 home occupation under the unique land use section 17.18.50 of the JMC, Ms. Clark stated the application states Mrs. Higgins will be the only one engaged in the home occupation. The property is primarily used as a residence, with the home occupation being a secondary use. The application states it will use one room at approximately 190 square feet. 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 minimal as appointments must be scheduled. The application notes there is adequate parking on their property. The application states there will not be any involvement of equipment that creates noise, vibration, glare, fumes, odor or electrical interference. However, it is noted that hair dye can create fumes and odors but there will be steps to mitigate those. 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.

If approved, Ms. Clark recommended the following conditions: Complete a fire inspection of the salon area by the Fire Department; 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: Margie Higgins, 1024 North Davis, testified, she is opening her own salon for extra money. She stated it will be in her front room as they don't normally use the front room or the front door. Upon inquiry from Chairman Mink, Ms. Higgins stated the sink and station are portable. Upon inquiry from Commissioner McEntarffer, Ms. Higgins stated she currently works for Jerome Cheese and she will only be having them by appointment only on Thursdays, Fridays and Saturdays. She stated the neighborhood is very quiet. She stated she mostly has family at this time as her customers. Upon inquiry from Chairman Mink, Ms. Higgins stated she will still have to keep her requirements with the state even though it is a part-time salon. Upon inquiry from Commissioner King, Ms. Higgins stated the state laws are constantly changing. She stated by law there has to be at least 190 square feet for one station. Upon inquiry from Commissioner Allred, Ms. Higgins stated she has never had a home salon and she is not sure if the state inspects the salon or not. Upon inquiry from Commissioner Allred, Ms. Higgins stated she was not sure what the state guidelines were but she wanted to make sure she had her city and county license since the state does not have a license for an home occupation. Ms. Clark stated one of the conditions is to follow all state and federal requirements. Upon inquiry from Commissioner Allred, Ms. Higgins showed the commission on the map, where the salon would be located and where her patrons would park on her property. Upon inquiry from Commissioner King, Ms. Higgins stated she would not need to change/add plumbing. Ms. Higgins stated it was a sink that hooks up to the sink sprayer to use on the hair. Upon inquiry from Ms. Higgins, Ms. Clark stated the city does not regulate vinyl signs on vehicles.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:48 p.m.

**CONSIDER** a request from Margie Higgins for a Special Use Permit allowing a hair salon, on the property located at Tax 12 Block A-216 JT NE 18-8-17, more commonly known as 1024 North Davis, Jerome, Idaho – action item

Commissioner McEntarffer stated he had no concerns. Commissioner King stated he also had no concerns. Chairman Mink stated he wanted to make sure to emphasize the state and federal regulations. Commissioner Allred stated he wanted to make sure the applicant was aware of the requirements for the State of Idaho.

Commissioner King made a motion to approve a request from Margie Higgins for a Special Use Permit allowing a hair salon, on the property located at Tax 12 Block A-216 JT NE 18-8-17, more commonly known as 1024 North Davis, Jerome, Idaho with the following conditions: Complete a fire inspection of the salon area by the Fire Department; 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 Schroeder and carried.

After consideration, the motion passed with the following vote: AYES: Commissioner Randy King, Commissioner Carl McEntarffer, and Commissioner Jeff Schroeder. NAYS: Commissioner Bill Allred. Commissioner Allred stated there is a process for her to be in business. He stated he has no problem with her having a business in her home but he has a problem with the methodology and she should be talking with the State inspectors on what she can have in order for her to have her own salon. He stated he does not think she is aware of what she needs to do and he would feel guilty if the commission provides her a way to accomplish what she wants and she gets in trouble. He would rather our permit be contingent on her getting everything done with the State. He stated he would like her to get things handled with the State, prior to the commission giving her the permit.

Mr. Larsen stated that the commission has run into this before with applicants for a Federal Firearm License (FFL). He stated that they are required to get permission from the city first. We do call it conditional instead of contingent. He continued, that Planning and Zoning can pull Special Use permits if they do not comply with the conditions. Discussion was held on the different ways and options the commission has to make sure the applicants are aware of the different standards with each special use permit. Mr. Larsen stated the commission is not equipped to evaluate the technical aspect of the use. He stated the commission addresses the guidelines that are set out in the code. Mr. Larsen briefly went over the special use guidelines with the commission. He stated the commission is only one piece of the puzzle. Commissioner Allred stated people respond appropriately when they know what is going on and will do the right thing if they know. He stated he spent 35 years on public health issues and he sees that the commission is kind of confusing. Extensive discussion was held on what the commission can do to make sure the applicant is complying with the laws. Chairman Mink suggested having the discussion later in the discussion period.

**CONSIDER** a Design Review for Maverik Inc. for 2703 South Lincoln Avenue, Jerome, Idaho  
– action item

Staff Report: Ms. Clark stated the proposed building will be located at 2703 South Lincoln Avenue in Jerome. The property is zoned High Density Business (C-3). The design review proposal is for a new convenience store and fueling station. The proposed convenience store will be approximately 4,500 square feet, single story building with eight (8) fuel stations and a canopy located south of the store for automobiles. The proposal also includes a hi-flow diesel fueling site with four (4) fuel stations and a canopy located to the southwest of the proposed convenience store for commercial fueling. The store will be open 24 hours, 7 days a week. Traffic will access the site from three locations along South Lincoln and one entrance from Tucker Court.

Ms. Clark stated the following Design Review Guidelines should be considered. Regarding the Site planning, adjacent building and uses, the Maverik project will provide a commercial use along South Lincoln Ave, creating an attractive redevelopment, while maintaining the small business/small-town feel of Jerome. The new construction will be compatible with existing adjacent buildings. The site will have improved pathways, parking and customer friendly amenities. Preserve Natural Drainage, the application states the site will maintain existing drainage patterns. The application notes in the site plan an enclosed trash area. The site plan shows all off-streets parking to the south and west of the store and fuel pumps. Parking along the south side of the building is screened by landscaping. There are 35 - 43 proposed parking spaces. City code requires one space per 250 square feet of gross floor area plus one for each two gasoline pumps. The site plan meets parking as required by City code. Circulation Needs, Ms. Clark stated the project will provide separation for service/delivery, general automobile and commercial/tractor-trailer access and fueling stations to promote safety and convenience.

Regarding the architecture, Ms. Clark stated the application notes the site plan complies with the Jerome classic designs and building features that complement the City. The building is single story. Color changes and parapet walls are also used to minimize the scale. The main entry door is located on the south side of the building providing defined entry points for patrons. The application states the exterior walls consist of stone veneer, fiber cement board & batten siding with a pre-finished metal roof. The exterior color palette will use natural and red tones consistent with the Maverik brand. The main colors will be light brown accented with the cultured stone and dark brown.

Regarding Landscaping and Site Design, Ms. Clark stated the application notes the proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications. The site will use drought tolerant plant species, minimize lawn areas and plant trees approved by the City Arborist. An irrigation system will be included with the landscape design. Water and sewer utilities are existing at the site. Storm water will be installed and incorporated into existing structures. All utilities will not have any negative impacts to the city's infrastructure. Sidewalk is existing and will be kept.

Regarding the Sign Guidelines, Ms. Clark stated the signs are in the sign overlay district and they are purposing a high rise sign is 85'. Ms. Clark stated they submitted a correct sign package that does meet the requirements prior to the meeting. They are currently in contact with Idaho Department of Transportation. The applicant is aware the sign will need be placed at least ten feet (10') from any adjacent property.

Regarding the freestanding sign, Ms. Clark stated they will reuse the existing freestanding pole and will update the cabinets with the Maverik brand.

Ms. Clark stated she sent the application to city staff and received the following comments: Fir, Engineering, Building and Streets all had no comment on the design review; Wastewater – will require a grease/oil interceptor not only for the building but the RV dump as well; and

Water – does not foresee any issue with water since they are using existing water services. It is noted on drainage for that lot, a drain vault at the southeast parking area overflows occasionally.

Chairman Mink suggested discussing the building and then they will discuss the signs.

Rick Rapp, representing Maverik, 185 South State Suite 800, Salt Lake City, stated they have submitted everything and have been corresponding with Ms. Clark. He stated he will be sending a plat amendment also. He stated they will be keeping the all access easements with the neighboring properties. He stated they will be relocating the cat scale to the south of the property and will be adding a lot of green landscaping to the area. He stated the curb on the western side of the property will be more open which will allow more parking for the business. Upon inquiry from Chairman Mink, Ms. Clark stated the sign review does not include the signs on the building and they will need to have those reviewed also. He stated they will repurpose the sign out front and did enlarge the landscaping to protect that sign. He stated they will not be moving the other sign that is currently being used for the other businesses in Tucker Court. Discussion was held on the building and the different elevations. Mr. Rapp explained to the different looks of the sign with the commission of the high rise sign. He stated it will not take long for the community to know the business is there. Commissioner McEntarffer stated the signing company knows the regulations. Upon inquiry from Chairman Mink, Mr. Rapp stated the colors are a correct representation of them. Extensive discussion was held on the outside of the building regarding the east elevation that faces South Lincoln Avenue and landscaping. Upon inquiry from Commissioner Schroeder, Mr. Rapp stated they would do their best to make the east elevation not look like a blank wall. Commissioner McEntarffer inquired of the construction time frame. Mr. Rapp stated there will be a lot of demolition and underground work. He stated they have a nine (9) month building timeline. He stated they will not be doing anything this calendar year but they will be looking to start next year.

Commissioner King likes the colors choices. Chairman Mink stated it matches the taupe color pallet. Commissioner McEntarffer stated it has other colors also with the reds and blues. Chairman Mink stated the landscape looks great. Commissioner McEntarffer stated the green spaces invite you into down town. Commissioner Schroeder stated his concerns are with the side of the building that faces South Lincoln.

Commissioner McEntarffer made a motion to approve the Design Review for Maverik Inc. for 2703 South Lincoln Avenue, Jerome, Idaho as presented.

Second to the motion by Commissioner King 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 12<sup>th</sup>, 2019 regular meeting
- B. Consider/Approve Finding and Facts for 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.

### **FINDINGS AND CONCLUSIONS ON APPLICATION OF GABRIEL JIMENEZ PEREZ FOR THE RENEWAL OF A SPECIAL USE PERMIT ALLOWING FOR AN AUTO REPAIR SHOP ON THE PROPERTY LOCATED AT LOTS 26-31, BLOCK 96, JEROME TOWNSITE NE 24-8-16, MORE COMMONLY REFERRED TO AS 112 WEST AVENUE B IN JEROME, ID.**

A public hearing on the application of Gabriel Jimenez Perez concerning the use of real property located at 112 West Avenue B, Jerome, Idaho, for the renewal of a special use permit was held, pursuant to notice, commencing at 7:03 p.m. on Tuesday, May 23, 2019, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, provided the staff report on the application of Mr. Jimenez Perez. 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; and  
Engineering – No comments.

If approved, Ms. Clark recommended the following conditions: (1) Comply with all required City of Jerome Public Works, Wastewater, Building and Fire Department requirements; (2) Receive all required Building and/or Fire Department permits and inspections; (3) Property grounds shall be properly cleaned and maintained at all times; (4) Maintain site obscuring fence; (5) Cars shall be parked behind the fence for a period not to exceed three (3) days; (6) Comply with all city, state and federal requirements; and (7) 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.

**I. Findings**

- A. 112 West Avenue B is in the City of Jerome and is currently zoned Central Business District (CBD).
- B. The proposed use, automotive repair, requires a special use permit to operate in CBD.
- C. Jerome Municipal Code 17.60.060 provides the standards for special use permits.

## II. Conclusions

- A. A special use permit is required for the applicant to be able to have an auto repair business in the CBD zone for the City of Jerome.
- B. A special use permit allowing an auto repair business in the CBD Zone is consistent with the City of Jerome Comprehensive Plan.
- C. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community.
- 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 uses.
- 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 vehicles approaching to the property will not create an interference with traffic on surrounding public thoroughfares.
- I. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.
- J. The Commission approves the application of Gabriel Jimenez Perez for the renewal of a special use permit to conduct business as an auto repair shop, on the property commonly known as 112 West Avenue B, Jerome, Idaho, subject to the following conditions:
  - 1. Comply with all required City of Jerome Public Works, Wastewater, Building and Fire Department requirements for an auto repair shop;
  - 2. Receive all required Building and/or Fire Department permits and inspections;
  - 3. Property grounds shall be properly cleaned and maintained at all times;
  - 4. Maintain site obscuring fence;
  - 5. Cars shall be parked behind the fence;
  - 6. Comply with all city, state and federal requirements; and
  - 7. This special use permit shall be allowed for up to two (2) years from the date of this decision, which shall be considered for renewable upon expiration by application to the Commission.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 23rd day of April, 2019, in support of the decision of the Planning and Zoning Commission on the 14<sup>th</sup> day of May, 2019 to approve the application as specified herein is hereby made final this 23rd day of April, 2019.

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

- C. Consider/Approve Finding and Facts for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF 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.**

A public hearing on the application of Daniel Guadarrama concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:20 p.m. on Tuesday, April 23, 2019, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, Human Resource Director, provided the staff report on the application of Ms. Guadarrama. 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: (1) Fire inspection to be done by the Fire Department; (2) Comply with all city, state and federal requirements; and (3) 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.

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. The property described in the heading herein is in the City of Jerome and is currently zoned Residential 1 (R-1).
- B. The proposed use, home occupation, requires a special use permit to operate in R-1.
- C. JMC 17.60.030 provides the standards for special use permits.

**II. Conclusions**

- A. A special use permit is required for the applicant to be able to use the above described property for a home occupation in the R-1 zone for the City of Jerome.
- B. A special use permit promoting a home occupation is consistent with the City of Jerome Comprehensive Plan.
- C. The proposed use is harmonious with the general objectives of the comprehensive plan in that allowing a home occupation such as this one promotes economic development and growth.
- D. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
- E. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. The home occupation will not result in increased traffic, odors, or fumes.
- 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 vehicle approaches to the property will not create an interference with traffic on surrounding public thoroughfares. There are no changes anticipated in this regard.
- I. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.
- J. The Commission approves the application of Daniel Guadarrama for a home occupation located at the above described real property subject to the following conditions:
  - 1. Trailer be kept behind a six (6') foot fence;
  - 2. Fire inspection to be done by the Fire Department;
  - 3. Comply with all city, state and federal requirements;
  - 4. This special use permit shall be allowed for up to one (1) year from the date of this decision, which shall be considered for renewable upon expiration by application to the Commission.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 23rd day of April, 2019, in support of the decision of the Planning and Zoning Commission on the 14<sup>th</sup> day of May, 2019 to approve the application as specified herein is hereby made final this 23rd day of April, 2019.

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

- D. Consider/Approve Finding and Facts for 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.

**FINDINGS AND CONCLUSIONS ON PUBLIC REVIEW THE SUBDIVISION PLAT APPLICATION SUBMITTED BY JEROME HOMES FOR THE APPROVAL ON A PRELIMINARY PLAT FOR 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.**

A public review was held, pursuant to notice, commencing at approximately 8:15 p.m. on Tuesday, April 23, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho, on the subdivision preliminary plat of Thompson Subdivision III, with respect to a parcel of real property commonly known 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, and more particularly described as follows:

(SEE COMPLETE LEGAL DESCRIPTION ATTACHED HERETO)

The review began with a staff report from City Planner, Ida Clark. 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: (1) 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; and (2) 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.

No other testimony in favor of the preliminary plat was offered. No testimony in opposition to the preliminary plat was offered. No neutral testimony was offered. The hearing was closed at 8:44 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the preliminary plat 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. The subdivision preliminary plat as presented is consistent with Objectives 1, 4 and 6 of the Comprehensive Plan as described in Ms. Clark's report. No evidence contradicting Ms. Clark's report was presented. And, the project, as described by Ms. Clark and by Mr. Harding does in fact appear to promote the objectives and policies of the Comprehensive Plan in the manner described by Ms. Clark.
- B. Based on the Staff Report and based on Mr. Harding testimony regarding the sewer and his assurance to follow engineering requirements for the sewer and water for the proposed subdivision, the Commission finds that there is availability of public services to accommodate the proposal.
- C. The Commission finds that based on the representations of Ms. Clark, the capital improvement program of the City is not implicated by this project.
- D. Again, based on the assurances by Mr. Harding and Ms. Clark that the costs of bringing any required utilities, water and sewer to the parcels being born by the

subdivider, the public is financially capable of supporting services for the proposed development.

- E. The Commission heard no evidence from any person at the hearing that would suggest there are other health, safety or environmental problems that would prevent the approval of the preliminary and final plat as presented.

## II. Conclusions

- A. The proposed preliminary plat is in accordance with and satisfies the requirements of Title 16. Chapter 16 of the Jerome Municipal Code.
- B. The preliminary plat is approved on the following conditions:
  - (1) 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; and
  - (2) 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.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 23rd day of April, 2019, in support of the decision of the Planning and Zoning Commission on the 14<sup>th</sup> day of May, 2019, to approve the application for a preliminary plat is hereby made final this 23rd day of April, 2019, subject to appeal by an interested party within the prescribed period under Idaho law.

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ROD MINK, Chairman  
Jerome City P&Z Commission

- E. Consider/Approve Finding and Facts for Randy King, representing DL 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF RANDY KING,  
REPRESENTING DL EVAN 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**

A public hearing on the application of Randy King, as representative for DL Evans Bank, concerning that parcel commonly known as 980 South Lincoln Avenue, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 8:55 p.m. on Tuesday, April 23, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, gave a report on Mr. King's application. Ms. Clark stated 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: (1) Vehicles shall be parked on private property and not on the public right of way; (2) Comply with all city, state and federal requirements; and (3) 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

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. King'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. 980 South Lincoln Avenue, Jerome, Idaho, and is currently zoned General Business (C2).
- B. The proposed use, car dealership/automotive sales lot, requires a special use permit to operate in C2 zones.
- 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 appearance of the property or any buildings thereon.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring uses.
- G. No additional public facilities will be necessary for the proposed use.
- H. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors.
- I. The 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 C2 zone for the City of Jerome.
- (2) A special use permit allowing a used car lot in the C2 Zone is consistent with the City of Jerome Comprehensive Plan.
- (3) The Commission approves the application of Randy King, representing DL Evans Bank, for a special use permit to conduct automotive sales, on the property

commonly known as 980 South Lincoln Avenue, Jerome, Idaho, subject to the following conditions:

- a. Vehicles shall be parked on private property and not on the public right of way;
- b. There shall be no more than six (6) cars;
- c. Comply with all city, state and federal requirements; and
- d. Special Use Permit shall be allowed for up to one year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 23rd day of April, 2019, in support of the decision of the Planning and Zoning Commission on the 14<sup>th</sup> day of May, 2019, to approve the application as specified herein is hereby made final this 23rd day of April, 2019.

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ROD MINK,  
Chairman Jerome City P&Z Commission

Commissioner King made a motion to approve the consent agenda as presented.

Second to the motion by Commissioner McEntarffer and carried.

#### **CITIZEN CORRESPONDENCE**

None

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

Commissioner Allred stated he has some concerns with the building and the applicant only having a representation of what they are going to build. Ms. Clark stated Maverik has set colors that corporate uses and the pictures may not show the exact color. Commissioner McEntarffer stated they sometimes run into the colors on the email do not match but they are very similar. Commissioner Allred stated we are going through the legal procedures, since it is required, but they can represent an approximation of what they may do. Ms. Clark stated that if she is made aware of any color changing, she will make the applicant bring the new colors back to the commission. Commissioner Allred stated he also had an issue with the approximation of the livestock in the previous special use permits.

Ms. Clark stated she will be reviewing the by-laws in the next couple of meetings. She stated since the commission denied a special use permit, they may need to hold another meeting to approve the findings of facts. She also stated they will be holding a second meeting in June and reminded the commission to keep that day open. Mr. Larsen stated they will look into being able to vote by email but Ms. Clark will contact the commission and let them know. Discussion

was held on livestock in the city with smaller lots that are landlocked. No decision was made at this time.

There being no further discussion, Chairman Mink closed this regular meeting at 8:46 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary