

Planning & Zoning Meeting
July 9, 2019

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:01 p.m. Present were Chairman Rod Mink, Commissioner Bill Allred, Commissioner Sheryl Gibbons, and Commissioner Randy King. Commissioner Carl McEntarffer, Commissioner Dave Holley and Commissioner Jeff Schroeder were excused. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

PUBLIC HEARING for a request from Mark Wilkinson for a Special Use Permit allowing lawn equipment repair, on the property located at Lot 5, Block 6 Bremer Subdivision NE 19-8-17, more commonly known as 700 East Avenue C, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question is currently zoned Residential 1 (R-1). The proposed use, a home occupation, requires a Special Use Permit from the Planning and Zoning Commission. According to 17.32.050, "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", Policy 8, which is to "continue to provide an atmosphere for successful business development"

Regarding the General Standards for Special Uses, Ms. Clark stated 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 application states the proposed home occupation will not be hazardous to the existing or future neighboring uses. The application notes there will be people stopping to pick up/drop off but will be kept to a minimum. The application notes the residence will be served by existing utilities. The home occupation will not create any additional requirements at public cost. This use will produce noise and traffic. The application states there will be some traffic for pick up/drop off but will keep these times to a minimum. The application also states they do have a small air compressor but other tools are battery operated to minimize noise. There are no proposed changes to the exterior of the residence, parking or vehicular approaches to the site. The applicant's home does have a large driveway for customers to park off-street to pick up and drop off. 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 Unique Land Use under Home Occupation, Ms. Clark stated the application states Mr. Wilkinson will engaged in the home occupation along with his family members only. 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. The applicant has noted they would like to use their home until they are able to find a building in a commercial area. The applicant is aware there will not be exterior modifications to the residence, including

signage or other visible evidence of the conduct of the home occupation. The applicant notes everything being worked on or waiting for pick-up will be kept out of site. As mentioned previously, additional traffic will be from pick-up and drop-offs. Customers can park off-street in their driveway. The application states there will not be interference with electrical. The applicant states they have a small air compressor and all other tools are battery operated. This request will create some amount of noise and vibration. There will not be any storage of materials or supplies outdoors. All materials associated with the home occupation will be kept in the enclosed carport. The applicant acknowledges there will not be any visible signage and all work will be in the shed or the carport.

Ms. Clark stated she sent the application out to the City Departments and did not received any comments or concerns with the request.

If approved, Ms. Clark recommended the following conditions: Set hours for repair and drop off/pick up; complete a fire inspection of the home occupation 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: Mark Wilkinson, 700 East Ave C, testified, he is trying to create his own business. He stated he had another building but it was sold out from under him and they had to move. He wants to find another shop and until he can find one, he would like a Special Use for his house. Upon inquiry from Ms. Clark, Mr. Wilkinson stated there is an enclosed carport and cover back in the driveway. Upon inquiry from Commissioner King, Mr. Wilkinson stated his back yard is completely fenced. Upon inquiry from Commissioner Allred, Mr. Wilkinson stated the shop runs 8:00 a.m. to 6:00 p.m. He stated he likes to have people call ahead so he is aware and will make sure everything is ready. He stated he offers free pick-up and delivery if people are not able to make his operation times but sometimes makes an exception if the customer cannot make those times. He stated he likes to keep his work time and home time separate. Upon inquiry from Chairman Mink, Mr. Wilkinson stated he has a plastic, enclosed carport that keeps him out of the weather. Upon inquiry from Commissioner King, Mr. Wilkinson stated if he does not have a need for a part, it will go to the recycling. He stated he does not like a mess and he gets rid of unnecessary parts as soon as he can. Upon inquiry from Chairman Mink, Mr. Wilkinson stated he is warranty certified for a couple of companies. Upon inquiry from Commissioner Allred, Mr. Wilkinson stated his hours of operation are from 8:00 a.m. to 6:00 p.m., Monday thru Saturday.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Charles Correll, 720 East Avenue C, testified, he lives two houses down from the applicant. His only objection is that the applicant has an orange colored tent that he does the work behind. His concern is an accumulation of items. He stated he has a flatbed trailer and the drop off of the lawn mowers have been in the street. He stated the

applicant has mowing machines between the house and the trailer. He stated that as of tonight, he has cardboard boxes and now has stuff behind the fence but there is quite an accumulation. He stated he would like to know how set in stone the permit is and if there are problems down the road, if they would be able to revoke the permit. Chairman Mink stated with any Special Use permit, if the conditions are not met, the permit would be revoked. Mr. Correll stated his concerns are the accumulation which you can see from the street even with the car port being up.

Ms. Clark read a couple of letters that were sent regarding the application:

*City of Jerome Planning & Zoning
C/O Ida Clark, City Planner
152 East Ave A*

City of Jerome Planning & Zoning Commission members,

I am opposed to granting a special use permit allowing a lawn equipment repair business.

Thank you.

*Scott Paulin
708 E Ave D*

601 E. Ave. A
Jerome, Id 83338
July 16, 2019

Ida Clark, City Planner
152 E. Ave. A
Jerome, Id 83338

Re: Public Hearing
700 E. Ave. C Jerome

Ms. Clark

I am against allowing an equipment repair business in the Bremer Subdivision. It was set up in the beginning as a residential subdivision and there should not be a commercial business allowed in it. The noise and the clutter would be an eyesore to the neighbors and all who drive by.

Thank you for considering my comments.

Sincerely
Blanch C. Peters

Rebuttal testimony: Mr. Wilkinson stated if his neighbors have any issues, he would like them to come and talk with him. He stated he would be more than happy to meet in the middle or compromise with them to keep everyone happy until he finds a shop. He stated he just loaded the trailer up with boxes so he could take them to the dump in the morning. He stated there may be a time when there will be a trailer loaded with junk/trash but it will not be there longer than a day. He stated he does not want to make his neighbors mad or unhappy as they need to live with them.

There being no further testimony, Chairman Mink closed the public hearing at 7:18 p.m.

CONSIDER a request from Mark Wilkinson for a Special Use Permit allowing lawn equipment repair, on the property located at Lot 5, Block 6 Bremer Subdivision NE 19-8-17, more commonly known as 700 East Avenue C, Jerome, Idaho – action item

Chairman Mink went over the General Standards for Special Uses with the commission. He stated the major concerns were with clutter and noise. Commissioner Allred stated he noticed when people are self-employed they put their heart and soul into their business with working lots of hours to help build their business. He stated he would like to see the applicant adhere to hours of operation. Discussion was held on standards E, D & G. Mr. Larsen reminded the commission that one of the concerns was accumulation. Chairman Mink stated one concern of his is oil & gas. He stated they will need to be dealt with appropriately. More discussion was held on extra parts, equipment, junk, inventory, screening from view, and alley pick-up/drop-off. Chairman Mink went over the Home Occupation standards with the commission. The applicant meets Standards 1, 2, 3, and 7. Discussion was held on Standards 4, 5 and 6. Discussion included: having the property screened from view; having a small compressor and battery operated tools; battery operated tools have less noise than other tools; will only run lawn mowers engines for a few minutes; will keep parts and workload in a carport; and will be out of site. Commissioner Gibbons stated the applicant will still be actively looking for a commercial property to run his business out of. Discussion was held on conditions.

Commissioner King made a motion to approve a request from Mark Wilkinson for a Special Use Permit allowing lawn equipment repair, on the property located at Lot 5, Block 6 Bremer Subdivision NE 19-8-17, more commonly known as 700 East Avenue C, Jerome, Idaho with the following conditions: Hours of operations to be 8:00 a.m. to 6:00 p.m., Monday thru Saturday; drop off/pick up through alley if possible; 360 degree screening with 6 foot fencing; all fluids be stored in appropriate containers; avoid accumulation of fluids, waste, parts, and inventory; all fluids to be properly disposed of; complete a fire inspection of the home occupation 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 Gibbons and carried.

After consideration, the motion passed with the following votes: **Ayes-** Commissioner King, Commissioner Gibbons, and Commissioner Allred. **Nays-** Chairman Mink

PUBLIC HEARING for a request from Joe Goldaraz for a Special Use Permit allowing hydraulic sales and services, on the property located Jerome Unplatted Tax 41C of S1/2NW 31-8-17, more commonly known as 200 East Frontage Road North, Jerome, Idaho.

Staff Report: Ms. Clark stated the business was established in 1991 in Heyburn, Idaho and has grown into a full service hydraulic repair facility with sales. The applicant would like to expand the business to Jerome. The applicant is proposing to build an approximately 10,823 square foot facility that includes a repair shop, warehouse, and retail area. This proposal also includes a fence surrounding the back half of the property for storage and parking of equipment. Mr. Goldaraz is requesting a permanent Special Use Permit.

Ms. Clark stated the property in question, is currently zoned High Density Business (C-3). The proposed use, hydraulic sales and services, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front - 25', Rear - 10', Interior Side -12', and Street Side - 25'. 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 accordance with Chapter Seven, Economic Development: Objective 2 - Promote the City as an ideal location for new development of residential, commercial and industrial areas; Objective 3 – Maintain and expand public/private partnerships to demonstrate the community's commitment to and support for economic expansion; and Policy 8 – Continue to provide an atmosphere for successful business development.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning code allows hydraulic sales and services in the C-3 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 applicant is proposing to build a new facility that is similar to the existing neighboring uses. All repair work is conducted inside the facility. There will be a separate entrance and parking for vehicles and heavy machinery to help minimize any interference. It is not anticipated that the proposed use will be hazardous or disturbing to existing or future neighboring uses. The applicant has stated all repair work is done indoors where oil can be contained and disposed of properly. The applicant has noted it will be served by existing services. There is currently access to the property from both E Frontage Rd and Farmore Rd. The applicant has spoken with both Water and Wastewater about the facility and all questions and concerns have been addressed at this point. There is no indication that this use will create excessive additional requirements at public cost. Again, the applicant notes all repair work is done indoors. While there will be noise and traffic due to the nature of the business, there will not be an excessive production that will be detrimental. This site is currently accessed from E Frontage Rd or Farmore Rd. The applicant is aware of the pending I-84

interchange redesign; however, this should not have a significant impact on the vehicular approach. This area is already used by semi-trucks and heavy equipment. There is no indication this use would result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark stated the applicant met with all staff at a pre-development meeting and has followed-up with additional questions to specific departments. All departments have looked over the proposed use and none have concerns at this time.

If approved, Ms. Clark recommended the following conditions: Receive any and all required building department and/or fire department permits, inspections, and occupancy permits prior building and occupying the facility; and Comply with all city, state, and federal requirements.

Ms. Clark stated she did not receive any calls for concerns or complaints. Upon inquiry from Commissioner Allred, Ms. Clark stated when the company builds, they will have access to water and wastewater.

Applicant Testimony: Ryker Garner, 530 16th St, Heyburn, testified, they started in 1991 and they have been expanding. He stated they have been doing business in Jerome and would like to have a building here. He stated they would be responsible for getting water and sewer to the property and it is available nearby. Upon inquiry from Chairman Mink, Mr. Garner stated they use hydraulic fluids and it is stored in appropriate tanks. He stated they get a lot of waste oil and in their current building, they have a waste oil burner. He stated they burn as much as they can and with the left over, they have a business that will come and pick it up and properly dispose of it. Upon inquiry from Commissioner King, Mr. Garner stated they have an above ground tank for their oil. Upon inquiry from Chairman Mink, Mr. Garner stated they have not had any issues with oil spills as they monitor the levels very closely. He stated there are businesses around them that will also come and get the waste oil to burn in their businesses. He also stated they also have a structure around the tanks to keep it out of the elements and to help with the noise. He stated the structure is in the building.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 8:01 p.m.

CONSIDER a request from Joe Goldaraz for a Special Use Permit allowing hydraulic sales and services, on the property located Jerome Unplatted Tax 41C of S1/2NW 31-8-17, more commonly known as 200 East Frontage Road North, Jerome, Idaho – action item

Chairman Mink went over the General Standards for Special Uses with the commission. Chairman Mink stated it will make the area look better. He stated it will fit with the other uses in the area. Commissioner Gibbons welcomed them to Jerome. Commissioner King stated he thinks it will be great addition and it will fit in that part of town.

Commissioner King made a motion to approve a request from Joe Goldaraz for a Permanent Special Use Permit allowing hydraulic sales and services, on the property located Jerome Unplatted Tax 41C of S1/2 NW 31-8-17, more commonly known as 200 East Frontage Road North, Jerome, Idaho with the following conditions: Receive any and all required building department and/or fire department permits, inspections, and occupancy permits prior building and occupying the facility; Comply with state DEQ requirements regarding storage and disposing hazardous materials, and Comply with all city, state, and federal requirements.

Second to the motion by Commissioner Allred and carried.

After consideration, the motion unanimously passed with the following votes: **Ayes-** Chairman Mink, Commissioner King, Commissioner Gibbons, and Commissioner Allred. **Nays-** None

PUBLIC HEARING regarding an ordinance of the Mayor and Council of the City of Jerome revising Title 16 Chapter 08 and Title 16 Chapter 28 of the Jerome Municipal Code providing a definition of Infill Development, Private Shared Drive, Private Drive and Private Street: Providing regulations for the creation of and construction of Private Shared Drives, Private Drives and Private Streets in Infill Developments; and providing for an effective date.

Staff Report: Ms. Clark stated a committee was formed with Commissioner King, Commissioner Holley and Commissioner Schroeder. She stated they held a meeting to meet with the committee to discuss concerns and one meeting with a couple of local engineering firms (EHM and TD&H). Ms. Clark stated the local engineers provided great feedback as they are familiar with building subdivisions in Jerome and the surrounding areas. Ms. Clark stated they discussed sidewalks and both engineers stated sidewalks were not being required in the smaller developments. Ms. Clark stated she wanted to make sure there was a definition of Infill Development. The definition proposed is “the residential development of parcels within previously built areas. These areas are already served by public infrastructure, such as water, wastewater and other utilities. To be considered an “Infill Development” the original lot sought to be subdivided must be ten (10) acres or less.” She stated they are really focusing on those lots that are too small to accommodate public streets. She stated one of the concerns was with CC&R’s and HOA maintenance and care of roads. She continued both engineers thought 2-F, the “Developer shall provide Covenants, Conditions and Restrictions relative to the property being platted or mapped establishing the party or parties responsible for the repair and maintenance of the private street, binding said parties and their successors and assigns to perform such repair and maintenance and including provisions for the funding thereof”, was stated as it should be. She stated there was a lot of discussion about enforcement and how it may be done. This is one of the downsides but she continued a homeowner can enforce against another homeowner if needed. She stated the engineers said it is quite common to

have CC&R's that have the maintenance spelt out. She stated they can be a problem but sometimes the problem can be taken care of with a letter from the engineers or an attorney. She stated this is one way to try and address the problem. Ms. Clark stated the next section that the committee had a concern on was section G-2, regarding the "adequate construction standards". She stated that the committee decided to bring this back to the commission. She stated the concern was the language not being clear enough, and creating a bunch of gravel roads. There was discussion about having private streets paved. Upon inquiry from Ms. Clark, Mr. Carpenter stated Fire Code requires an all-weather road. Ms. Clark stated the committee was satisfied with everything except for the language of the "adequate construction standards". She stated the committee also spoke about spelling everything out with each use. She stated the only concern is then you start spelling out all of the possible uses and that is endless. She stated, as it is written now, it leaves it open to go back to our City Engineer to decide what surface would work best. Mr. Carpenter stated if you go to pavement, where do you stop? He stated the difference in the definition of Private Drive and Private Street is the number of units it will access. He stated developers may lower their density if the requirements are too expensive. Commissioner King stated the goal is to have those properties developed and if the requirements are too expensive, they will go to other places in the city and will not complete the infill projects. Chairman Mink suggested having pavement for 30 feet and then they can do whatever surface after. Discussion was held on what materials developers could use such as concrete, asphalt, gravel, or dirt and the cost of each one. Ms. Clark stated the committee wanted to bring this ordinance back to the commission regarding the adequate construction standards. Ms. Clark went over the definitions that were going to be added and the "adequate construction standards" are only applicable to a developer that is proposing a Private Street. Upon inquiry from Commissioner Allred, Ms. Clark stated the one downside of a private street is when they initially build the street, they do have to meet the recommendations, but once it is built and those properties sell, it is up to the homeowners to maintain that road. Commissioner King stated the homeowners on that street, have the capability of hiring someone to help maintain that street. Mr. Larsen stated the homeowners should already have the structure to get together to form an HOA to help mitigate those concerns. Commissioner King stated the City will not plow streets that are not their responsibility. Ms. Clark stated there are times when even city streets are not plowed due to weather. Upon inquiry from Chairman Mink, Mr. Larsen stated the commission is recommending approval or recommend denial of the ordinance to City Council. Mr. Larsen stated if there were changes, you would recommend with the following changes. Upon inquiry from Chairman Mink, Mr. Carpenter suggested meeting the Fire Department standards will suffice the residential road standards. Mr. Carpenter stated that this is one of many requirements that they need to meet. He stated this does not make an exception. Ms. Clark suggested having one of the standards saying it must be paved. She stated the minimum requirements that are being spelt out are for the Private Street which is six lots up to 24 units on no more than 10 lots. Upon inquiry from Chairman Mink, Ms. Clark stated she has seen some gravel roads that access two to three homes but has not seen any gravel roads on any subdivision. She stated there will be two subdivisions that will be coming to the commission that are not asking for gravel. They are asking for pavement. The Commission suggested adding a minimum requirement of having the proposed Private Street paved. Mr. Carpenter stated

blacktop and concrete are all considered pavement. Ms. Clark stated the engineers commented that this is a great start to get some of the property in Jerome developed. She stated the commission can always come back and look at the ordinance again if needed.

There being no further testimony, Chairman Mink closed the public hearing at 8:45 p.m.

CONSIDER an ordinance of the Mayor and Council of the City of Jerome revising Title 16 Chapter 08 and Title 16 Chapter 28 of the Jerome Municipal Code providing a definition of Infill Development, Private Shared Drive, Private Drive and Private Street: Providing regulations for the creation of and construction of Private Shared Drives, Private Drives and Private Streets in Infill Developments; and providing for an effective date – action item

Chairman Mink stated they did add the one requirement as previous stated.

Commissioner King made a motion to recommend approval with the an ordinance of the Mayor and Council of the City of Jerome revising Title 16 Chapter 08 and Title 16 Chapter 28 of the Jerome Municipal Code providing a definition of Infill Development, Private Shared Drive, Private Drive and Private Street: Providing regulations for the creation of and construction of Private Shared Drives, Private Drives and Private Streets in Infill Developments; and providing for an effective date with as amended with the addition of Section G,2,H.

Second to the motion by Commissioner Gibbons and carried.

After consideration, the motion passed with the following votes: **Ayes-** Chairman Mink, Commissioner King, and Commissioner Gibbons. **Nays-** Commissioner Allred

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 July 9th, 2019 regular meeting

Commissioner Gibbons made a motion to approve the consent agenda.

Second to the motion by Commissioner King and carried.

After consideration, the motion unanimously passed with the following votes: **Ayes-** Chairman Mink, Commissioner King, Commissioner Gibbons, and Commissioner Allred. **Nays-** None

CITIZEN CORRESPONDENCE

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Clark stated the August 13th meeting will be busy. She stated there is a subdivision, lot split, rezone and a Special Use Permit. Chairman Mink inquired about the in-home occupation. Discussion was held on the definition of in-home and occupations at the house and in the house. Commissioner King suggested reviewing the codes as updates come up. He stated he liked being on the committee for the Private Streets as he learned a lot. Ms. Clark stated she will add a discussion item regarding the in-home occupation on a later meeting this year.

There being no further discussion, Chairman Mink closed this regular meeting at 8:55 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary