

Planning & Zoning Meeting
July 28th, 2020

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m. The meeting was held by teleconference along with the Council Chambers being open to the public. The video conference was conducted via Zoom and was made available to all members of the public in a format that allowed all participants to hear the meeting, including all deliberations by members of the Planning and Zoning board and other speakers addressing the board, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda, email, and notices at council chambers and on the city's website.

Present were Chairman Rod Mink, Commissioner Bill Allred, Commissioner Dave Holley, Commissioner Randy King, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. Commissioner Jeff Schroeder was excused. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

Chairman Mink called the Public Hearing to order at 7:01 p.m.

PUBLIC HEARING for a request from Rennison Companies, Inc. for a zoning map amendment, changing the zone from Central Business District (CBD) to General Business (C-2), on the property described as the following: Beginning at the Northeast corner of Lot 1, Block 136 in Jerome Townsite, and lying in the NE¼ of Section 24, Township 8 South, Range 16 East Boise Meridian, Jerome County, Idaho, and THE REAL POINT OF BEGINNING; Thence South 0°17' West, 270.00 feet along the East side of Block 136 to a point; Thence North 89°43' West, 300.00 feet along the South side of Block 136 to a point; Then North 0°17' East, 235.28 feet along a line between Lots 5 and 6 extended Northward to a point the East side of Lot 2; Thence Northwesterly along the East side of said Lot 2, 43.32 feet along a curve to the left having a Delta Angle of 1°22'16", a Radius of 1810.10 feet, a Tangent of 21.66 feet and a Long Chord of 43.32 feet that bears North 36°25'38" West to a point; Thence South 89°43' East, 325.90 feet along the North side of said Block 136 to a point, THE REAL POINT OF BEGINNING, more commonly known as 120 West Avenue F, Jerome, Idaho

Staff Report: Ms. Clark stated the property in question, known as the old car wash, contains approximately 1.85 acres and has been bare since August of 1993, according to Google historical images. The property was once zoned "Townhouse" which specifically allowed townhouse development per the Jerome Municipal Code. The property was rezoned to business and then to Central Business District (CBD) in April of 2010 with the Title 17 rewrite. Today the property remains bare. The request is to rezone from CBD to the General Business (C-2) District to allow for more uses.

Ms. Clark went over the surrounding zoning and uses; to the North, the uses are Fast-Food Restaurant and Auto Sales, with the zoning being Central Business District; to the South, is the Idaho Power Facility, with the zoning being General Business; to the East, the uses are

Restaurants and Hair Salons, with the zoning being Central Business District; and to the West, the use is Residential, with the zoning being Residential 3.

Ms. Clark stated the Comprehensive Plan Land Use Map designates this area as Commercial with Residential High directly west and Industrial south. The existing land use is bare surrounded by single-family homes and commercial uses.

Ms. Clark stated the parcels involved, as described above, are currently zoned Central Business District (CBD). As detailed in 17.10.020, the definition of the General Business Zone (C-2) is: To permit the establishment of areas for commercial uses allowed in other commercial zones and commercial uses which are more intensive than those permitted in other commercial zones. Uses that complement rather than compete with the uses allowed within the CBD zoning district shall be encouraged.

The proposed zone, C-2, allows permitted uses like; banks, clinics, convenience stores, restaurants, offices and professional services. The C-2 zone also allows uses like multi-family and group dwellings with an approved Special Use Permit. All land use regulations as detailed in Title 17 of the JMC will apply to the property, including but not limited to setbacks, building height restrictions, sign restrictions, and use restrictions. Regardless of use, setbacks for property zoned C-2 are as follows: Front- 25', Rear- 10', Interior Side- 12', and Side Street- 25'.

As required by 17.80.040, GENERAL PROCEDURES FOR AMENDMENTS, Ms. Clark stated the application for a rezone shall be reviewed by the Commission to determine if the request: Is in accordance with the Comprehensive Plan; Will create a demand for public infrastructure that is not currently available; including municipal sewer and water services; Is compatible with the zoning uses in the surrounding areas; and No non-conforming uses will be created.

As pertains to the City of Jerome's Comprehensive Land Use Plan, the request is in accordance with the following chapters: Chapter 1, Property Rights; and Chapter 3, Land Use.

Ms. Clark reminded the commission that they need to consider that if the proposed rezone is approved, it must comply with Chapter 3, Objectives 5 and 6. These objectives state that any land use decision must consider "Protecting the character of single-family neighborhoods" while at the same time, "Developing a variety of densities that support a mixed land use." It is noted the intended use is for multi-family housing which would not have an impact on single-family neighborhood to the west. If this proposed use is does not come to fruition, the rezoning to C-2 would still support "a mixed land use". The application notes the Comp Plan desires to redevelop rundown properties and enhance the Lincoln gateway. This potential project would bring landscaping, contemporary architecture, sidewalks, and right of way improvements.

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services, Ms. Clark stated the property can be served by municipal water and sewer. Water can be accessed from West Ave E or F. The sewer line runs through

the middle of the property. The application notes the design of buildings will need to be around the sewer line or request the line be rerouted. It is noted this property is the Urban Renewal District (URA). The applicant can work with the URA on the feasibility of rerouting the sewer line.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated as mentioned, the property in question has single-family dwellings to the west. The surrounding property is zoned business comprised of several restaurants and professional services. A rezone to C-2 would allow compatible uses in the area. It appears that the proposed zone amendment to C-2 would be compatible with the surrounding area.

As pertains to the creation of non-conforming uses, Ms. Clark stated the property is currently bare. No non-conforming uses would be created by this rezone.

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

Ms. Clark stated she sent the application out to city staff, and she received the following comment: Water- Water has the infrastructure to support a development at this location with a 12" water on Lincoln and 6" on F and E.

Upon inquiry from Chairman Mink, Ms. Clark stated the property is currently zoned CBD but is requesting to be rezoned to C-2. Upon inquiry from Commissioner Allred, Ms. Clark stated the applicant is looking to propose a multi-family development. She continued that with the requested rezone, they would have other options besides the multi-family development. She stated the other uses allowed could be banks, clinics, convenience stores, restaurants, offices and professional services. The C-2 zone also allows uses like multi-family and group dwellings with an approved Special Use Permit. She reminded the commission that the application is for the rezone of the property.

Applicant Testimony: Brian Liquin, 410 East 8th St, Eagle Idaho, representing Rennison Company, thanked the commission for hearing the application and thanked city staff for helping with the process. Mr. Liquin gave a brief background on the Rennison Company that is based in Eagle Idaho, and the projects they have done. He stated they are not a big developer that will move on after the project is complete. He stated they typically own and manage the properties long term. He continued they have a lot of pride in their projects and are looking forward to working with the City. Mr. Liquin stated they are looking into an affordable housing project that will be a very nice quality project. He stated this project would be a great addition to the area. He stated the reason why they chose the C-2 zone, is because they are adjacent to the zone and it provides the city with great flexibility in regards to uses. Mr. Liquin stated they are looking forward to a project that will help beautify the area and hopefully bring people to Jerome. He continued the project will help with walkability in the Jerome area. Upon inquiry Chairman Mink, Mr. Liquin stated he is aware of setbacks for the C-2 zone and has been planning accordingly. He stated he has been in contact with the Engineering Department and Ms. Clark. Upon inquiry from Commissioner McEntarffer, Mr. Liquin stated there will be

sidewalks on all the adjacent side streets along with South Lincoln. Upon inquiry from Chairman Mink, Ms. Clark stated in regards to the railroad right of way, the maps still show the original railroad, everything is okay.

Testimony in Favor: Ms. Clark stated she received one letter in support:

Ruby Reed
200 West Ave G

Checked she was in support of the application.
No other comments were given.

Testimony in Neutral: none

Testimony in Opposition: none

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

CONSIDER a request from Rennison Companies, Inc. for a zoning map amendment, changing the zone from Central Business District (CBD) to General Business (C-2), on the property described as the following: Beginning at the Northeast corner of Lot 1, Block 136 in Jerome Townsite, and lying in the NE¼ of Section 24, Township 8 South, Range 16 East Boise Meridian, Jerome County, Idaho, and THE REAL POINT OF BEGINNING; Thence South 0°17' West, 270.00 feet along the East side of Block 136 to a point; Thence North 89°43' West, 300.00 feet along the South side of Block 136 to a point; Then North 0°17' East, 235.28 feet along a line between Lots 5 and 6 extended Northward to a point the East side of Lot 2; Thence Northwesterly along the East side of said Lot 2, 43.32 feet along a curve to the left having a Delta Angle of 1°22'16", a Radius of 1810.10 feet, a Tangent of 21.66 feet and a Long Chord of 43.32 feet that bears North 36°25'38" West to a point; Thence South 89°43' East, 325.90 feet along the North side of said Block 136 to a point, THE REAL POINT OF BEGINNING, more commonly known as 120 West Avenue F, Jerome, Idaho— action item

Commissioner Holley stated he had no concerns and was glad to see something done on the property. Chairman Mink stated some concerns with the CBD zone is setbacks and he wanted to make sure the applicant knew the appropriate setbacks for the proposed C-2 zone. Commissioner McEntarffer stated he agreed with Commissioner Holley and thinks it is great to have a project for this lot.

Commissioner Holley made a motion to recommend the rezone request from Rennison Companies, Inc. for a zoning map amendment, changing the zone from Central Business District (CBD) to General Business (C-2), on the property more commonly known as 120 West Avenue F, Jerome, ID be approved to the City Council finding that the rezone: Is in accordance with the comp plan; Adequate public facilities exist; The prosed zone is compatible with the zoning and uses of the surrounding area; and No Non-nonconforming uses will be created.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Dave Holley, Commissioner Randy King, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None.

Chairman Mink called the Public Hearing to order at 7:22 p.m.

PUBLIC HEARING for a request from Matt Reider, representing Maverik, Inc. for a lot split, on the property described as follows: Township 8 South, Range 16 East, Boise Meridian, Jerome County, Idaho Section 36: NE¼SE¼, Excepting therefrom a parcel deeded to the State of Idaho by deed recorded September 24, 1963 in Book 173 Page 517 as Instrument Number 156281, Jerome County records. And that part of the SE¼SE¼ lying North of the N Canal of the North Side Canal Company LTD. as presently constructed, more commonly known as 267 Golf Course Road, Jerome, Idaho

Staff Report: Ms. Clark stated the property in question, a parcel of land more commonly known as 267 Golf Course Road (S. Lincoln) containing approximately 41.9 acres, more or less, is currently zoned High-Density Business (C-3). The proposed project, a lot split requires approval from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 25', Rear- 10', Interior Side- 12', and Side Street- 25'. Maximum height of 50' with no minimum lot size but they must comply with setback requirements.

As pertains to Title 16 of the JMC, the Subdivision Ordinance, Ms. Clark stated the lot split is subject to Section 16.16.045, an analysis is attached.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the application meets the following objectives within Chapter Three - Land Use: Objective 1 – Exploring the growth patterns of the city and plan and prepare for future growth opportunities; and Objective 6 – Developing a variety of densities that support mixed land use.

Regarding the Lot Split Criteria, Ms. Clark stated they have submitted a pre-application with a copy of the sketch plan. The applicant has provided proof of ownership.

Regarding Title 16 of the JMC Section 16.16.45, Ms. Clark stated the administrator may, in his or her sole discretion, submit the pre-application to the Planning and Zoning Commission for approval without a plat. If, after public hearing, the commission finds that the proposed subdivision is to: Split one lot into two (a "lot split"); The proposed lot split will not have a substantial impact on present or proposed public utilities, streets and parks; Is consistent with the Comprehensive Plan; Both resulting lots will meet minimum size and minimum lot size requirements for the relevant zone; and Each lot has a minimum of twenty-five (25) feet of street frontage. The application is proposing to split one lot into two. One lot will contain 3.377 acres and be developed by Maverik. The remaining 38.286 acres will remain for future

development. The C-3 zone does not have minimum square feet per lot; however, any permanent structures are required to meet setbacks. The application notes the request for a lot split is to allow Maverik to build a convenience store with fuel pumps. The application states there will not be a substantial impact to public utilities. Each lot can connect to water and sewer which is located on the east side of South Lincoln Ave. Each lot will exceed the minimum 25' street frontage requirement per the Jerome Municipal Code. The survey shows a 30' access easement from S. Lincoln, across from East Frontage Rd. S. for the smaller lot. The remaining acreage has several hundred feet of access from S. Lincoln Ave. The applicant understands all lots must continue to meet setbacks. The request is in compliance with Chapter Three – Land Use of the Comprehensive Plan. Any future divisions of land will require subdivision review and approval.

Ms. Clark stated that a notice regarding the proposed lot split was sent to local taxing districts to which we received comment back from the North Side Canal Company. The letter is included in the file and has been sent to Mr. Hawkins and Maverik.

Ms. Clark stated she sent the application out to City Staff and the only comment she received back was from Engineering regarding the survey and those comments have now been addressed.

If approved, Ms. Clark recommended the following conditions: An agreement with the City, NSCC, and the land owner on the delivery of irrigation; The lot split shall meet all City of Jerome Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; and Comply with all city, state and federal requirements.

Ms. Clark went over the map of the proposed lot split with the Commission. Upon inquiry from Commissioner Holley, Ms. Clark stated the City usually gets the water rights from the property due to the property using the city water. But this agreement will allow the property to use the irrigation and will later turn the water rights over to the City. She stated they wanted to make sure there was a date on the agreement. Mr. Larsen stated there is not an agreement with the NSCC but an understanding that the small lot will not have irrigation shares and they will irrigate their landscaping with city water. The larger remaining parcel, will keep all of the water shares. Once the remaining property is developed, those water shares will be turned over to the City to help irrigate that property. Ms. Clark stated they would like an agreement before this is approved.

Applicant Testimony: Matt Reider, 185 S State St, Salt Lake City, Utah, representing Maverik, testified, Maverik is seeking a site for a convenient store with fueling stations. He stated in December of 2019, they presented a Design Review to the commission for the property. He stated this lot will provide room to build a convenient store and a vendor passenger car fueling island. Mr. Reider stated on the other side of the 30-foot access road, there will be a storm water retention area and a fueling island for commercial vehicles. He stated he is excited about the location and are excited on being a neighbor in Jerome. Upon inquiry from Commissioner

Holley, Mr. Reider stated this store will provide area for trucks to move and turn in the parking lot but they will not be a truck stop. He stated parking will be temporary and will be along the storm water retention area or in the fueling island.

Testimony in Favor: Ms. Clark stated she received one written comment.

As Maverik's nearest neighbor, we would go on record of supporting the lot split. I am the General Partner of Con Paulos Family Limited Partnership, the owner of the real estate across Golf Course Road from their proposed new location and the partnership supports these changes.

Respectfully- Con Paulos- President Con Paulos Chevrolet, 251 East Frontage Road

Testimony in Neutral: none

Testimony in Opposition: none

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

CONSIDER a request from Matt Reider, representing Maverik, Inc. for a lot split, on the property described as follows: Township 8 South, Range 16 East, Boise Meridian, Jerome County, Idaho Section 36: NE¼SE¼, Excepting therefrom a parcel deeded to the State of Idaho by deed recorded September 24, 1963 in Book 173 Page 517 as Instrument Number 156281, Jerome County records. And that part of the SE¼SE¼ lying North of the N Canal of the North Side Canal Company LTD. as presently constructed, more commonly known as 267 Golf Course Road, Jerome, Idaho— action item

Commissioner Johnson made a motion to approve the request from Matt Reider, representing Maverik, Inc. for a lot split on the property located at 267 Golf Course Road, Jerome, ID with the following conditions: A signed agreement with the City, NSCC, and the land owner on the delivery of irrigation; The lot split shall meet all City of Jerome Engineering, Public Works, Wastewater, Building and Fire Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; and Comply with all city, state and federal requirements.

Second to the motion by Commissioner King and carried.

Chairman Mink stated this proposal fits with the Comp Plan. Commissioner King stated he has no concerns as long as the agreement regarding the water is settled.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Dave Holley, Commissioner Randy King, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None.

Chairman Mink called the Public Hearing to order at 7:38 p.m.

PUBLIC HEARING for a request from Matt Reider, representing Maverik, Inc. for a Sign Variance, on the property described as follows: A part of the Southeast Quarter of Section 36, Township 8 South, Range 16 East, Boise Meridian, U.S. Survey in Jerome County, Idaho: Beginning at a point on the Southwesterly Line of Bob Barton Road and also the West Line of Golf Course Road as widened to 40.00 foot half-width located 723.87 feet South 0°19'50" West along the Section Line; 33.62 feet North 89°37'13" West; and 30.37 feet North 11°47'52" West along said Southwesterly line of Bob Barton Road from the East Quarter Corner of said Section 36; and running thence South 0°19'50" West 405.47 feet along said West Line of Golf Course Road; thence North 89°40'10" West 255.99 feet; thence North 0°19'50" East 588.44 feet; thence South 89°40'10" East 216.67 feet to the Southwesterly Line of Bob Barton Road; thence South 11°47'52" East 187.15 feet along said Southwesterly Line to the point of beginning. Containing approximately 3.375 acres; more commonly known the Southwestern corner of Bob Barton Road and Golf Course Road.

Staff Report: Ms. Clark stated the property was annexed into the City of Jerome November 2019 and zoned High-Density Business (C-3). This is the first property annexed in the southwest area since the Title 17 code rewrite in 2010. Maverik would like to develop the property with a convenience store and fuel stations. They are proposing to place a high-rise sign along with other signage on the property. Municipal Code section, 17.10.020, L. Interstate Sign Overlay District which addresses high-rise signs, is specifically defined by a boundary that stops at the I-84 overpass. Section 17.32.050 Special Restrictions for Signs by Zone, addresses freestanding signs in the C-3 zone. The C-3 zone is restricted to a thirty-five foot high freestanding sign and a maximum of 200 square feet. Maverik is applying for a variance to place a high-rise sign on the property exceeding the C-3 zone sign guidelines.

Ms. Clark explained that Section 17.10.020, L. Interstate Sign Overlay District boundaries end at the I-84 overpass. In Section 17.32.050 Special Restrictions for Signs by Zone, this section addresses freestanding signs in the C-3 zone limiting signs to a height of thirty-five feet and 200 square feet. The proposed sign is 95 feet tall with 732 square feet of sign area. This is newly annexed property that was not addressed in the Title 17 code rewrite in 2010.

In Section 17.32.050, H. High Rise signs in the Interstate Sign Overlay District are allowed as follows: "High rise signs shall have a maximum height of eighty-five feet (85') when measured from the surface of the ground to the top of the sign. Each high-rise sign shall have a maximum signage of three hundred fifty (350) square feet for a single business occupancy of a parcel of real property and a maximum of seven hundred (700) square feet for two (2) or more businesses on a single parcel of real property. Each parcel of real property within the district may only have one high rise sign. High rise signs must meet all requirements of the state of Idaho department of transportation pertaining to high rise signs adjacent to interstate highways."

Ms. Clark stated the applicant is requesting the variance for the sign to be 95 feet tall with 732 square feet of sign area.

Ms. Clark stated the Jerome Municipal Code defines a Variance as: A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other provisions of this title affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest.

Ms. Clark addressed the Variance Criteria with the commission. Criteria A - that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. Ms. Clark stated the application notes the project site is approximately 10 feet below grade and a sign measuring thirty-five feet tall would not be visible from the Interstate. Due to the property being recently annexed into the City of Jerome, it is not addressed in the Interstate Sign Overlay District.

Criteria B- That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title. Ms. Clark stated the application states nearby uses such as the Chevrolet dealership have a high-rise sign sitting at grade with the road. The application also notes Maverik relies on its signage to attract travelers from interstates and highways. Other convenience stores like the Shell station are also zoned C-3; however, they are addressed in the Interstate Sign Overlay District and are allowed to have high rise signs. It is noted none of the other high-rise signs exceed the maximum 350 square foot requirement in section 17.32.050.

Criteria C- Special conditions and circumstances do not result from the actions of the applicant. Ms. Clark stated the application states the existing site is 10 feet below right of way grade. The applicant has not caused any special conditions or circumstances.

Criteria D- That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district. Ms. Clark stated variances are typically granted when the applicant proves undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest. As stated before this property has been recently annexed and should be addressed in the Interstate Overlay District. Granting a Variance will not confer any special privileges denied by others in the same district. The Application notes the Chevrolet dealership, Shell and Chevrolet gas stations are all zoned C-3 and have high rise signs exceeding thirty-five feet high. As noted before, none of the other business exceed the maximum sign area 350 square feet.

Ms. Clark sent the application out to city staff and received the following comment: Engineering- The request is based on the existing ground; therefore, the height variance should be tied to a maximum height from existing ground rather than finished ground or modify the maximum height allowed in the variance to reflect that of similar circumstance, i.e. 85 feet measured from finished ground.

If approved, Ms. Clark recommended the following conditions: Applicant must provide letter of approval from the Idaho Transportation Department prior to installing sign; Sign shall not exceed a maximum of 95 feet high measured from the existing ground, or 85 feet measured from finished ground; and Comply with all City, State and Federal requirements.

Upon Inquiry from Commissioner Holley, Ms. Clark stated she was not able to find all of the signs but the ones she did find an application for, none of them exceed 85 feet. She stated most of the signs are between 70-85 feet tall and the square footage of the Taco Bell, Shell and Con Paulos signs were below the 350 square feet. Upon inquiry from Commissioner Holley, Ms. Clark stated she does not believe the other businesses would want to change the height of their signs because the proposed property sits substantially lower than the other properties. Ms. Clark stated she is not recommending the variance for the size of the sign as she believes 732 square foot is too large. She stated she thinks the businesses in the area may ask to have their signs larger. She continued there was a comment regarding the sign for Mr. Gas and she wanted to note that particular sign is in the county and is required to adhere to the county's requirements.

Applicant Testimony: Matt Reider, representing Maverik, testified the site sits at least 10 feet below the street grade. He would like to ask for the 95 feet for the high-rise sign. He stated he understands the size is more than doubled than what is allowed but he stated Maverik is dedicated to providing safe, informed information to their customers. He stated from 2,000 feet away, the 732 square foot is easier to see, and customers would be able to make a more informed decision to take the next exit. He stated they are trying to help them make a more informed decision so they do not have jarring movements taking the exit for the store. He stated the sign cabinets are aluminum frame with black paint. He stated the LED lights on the price changers will not flash but will rotate between diesel and unleaded. He stated they will rotate every three seconds. He stated the sign cabinets are back lit where you can see them from 2,000 feet away at night or during the day. Upon inquiry from Commissioner Holley, Mr. Reider stated the minimum sign size they would like is 500 square foot sign. He stated he would ideally like the 732 square foot sign as it would be the clearest view. He stated they provided pictures that show the difference between the allowed 350 square foot and the 732 square foot signs. He acknowledged that you could still see that the sign was a Maverik sign but stated the fuel prices were harder to read. He stated he would like to meet more in the middle if possible. Upon inquiry from Commissioner Johnson, Mr. Reider stated they have another sign in Malad that is also this large to help customers make a more informative decision to take the next exit. Upon inquiry from Commissioner McEntarffer, Mr. Reider stated the sign is 28' wide, and 27'6" tall. He stated the 732 square feet is the actual used area. He stated they would continue with the two prices but may have all three prices on the canopy or directly on site.

Commissioner Allred inquired about the intensity of the lights. There was an extensive discussion held in regards to brightness of the sign, Mr. Gas sign square footage, exception of price ticker from sign, Idaho Transportation Department sign requirements, Valley country store square footage, time line of the project, and lumen requirements. Ms. Clark reminded the commission that the property will sit back a ways from the exit. She stated the applicant will hire professionals to design the sign so the lighting will not be too intense and we are not part of the Dark Skies overlay but could ask for more information if they would like. She also stated that the applicant would need to meet the requirements of the City codes along with the requirements from the Idaho Transportation Department if they fall within their district. Chairman Mink stated this hearing is for the height and size of the sign. Ms. Clark stated the proposed property should be included in the Interstate Sign Overlay District. Mr. Larsen stated the Interstate Sign Overlay District would allow a sign to be up to 600 square feet if there were two or more businesses on a single parcel of real property. He stated they could possibly have the fueling stations be one business and the c-store be another, but is not sure if Maverik has those separate or not. Commissioner Holley stated his concern is if another business goes in on the other parcel, they would want a 95 foot tall, 650 to 700 square foot sign so they can be seen as they are farther back than Maverik. Mr. Larsen stated they will need to extend the interstate overlay district. He stated the height may not be as concerning as the size of the sign. Chairman Mink went over the definition of a variance with the commission and stated that the land sits lower and thinks they can give them the option to fill in the property and start at road level. Commissioner Allred stated he would like to see more information provided from the applicant and would like to defer it until next meeting so they can make a more informed decision. Discussion was held on LED lighting of the signs, and the size of the sign. Mr. Reider provided the code requirement in Title 17 section 17.32.040 Q.4 states *"Shall emit a light of constant intensity, and shall be constructed of hardware capable of programming that will limit the nits output to five thousand (5,000) on clear days and five hundred (500) nits from dawn to dusk. In no event shall such an illuminated sign or device be placed or directed to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises to cause glare or reflection that may constitute a traffic hazard or nuisance."*

Commissioner King stated he is worried that what the commission decides on this hearing, will set a precedence for other gas signs that will upgrade. He stated he does not want to see a variance from all of them. Commissioner Allred stated he would like to see more information regarding the lighting to make sure that we are not creating a hazard. Chairman Mink stated that is what they discussed when they went through the sign review. Commissioner McEntarffer stated this hearing is about a variance for the height and size of the sign.

Testimony in Favor: Ms. Clark stated she received one written comment.

As Maverik's nearest neighbor, we would go on record of supporting the sign variance. I am the General Partner of Con Paulos Family Limited Partnership, the owner of the real estate across Golf Course Road from their proposed new location and the partnership supports these changes.

Respectfully- Con Paulos- President Con Paulos Chevrolet, 251 East Frontage Road

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 8:23 p.m.

CONSIDER a request from Matt Reider, representing Maverik, Inc. for a Sign Variance, on the property described as follows: A part of the Southeast Quarter of Section 36, Township 8 South, Range 16 East, Boise Meridian, U.S. Survey in Jerome County, Idaho: Beginning at a point on the Southwesterly Line of Bob Barton Road and also the West Line of Golf Course Road as widened to 40.00 foot half-width located 723.87 feet South 0°19'50" West along the Section Line; 33.62 feet North 89°37'13" West; and 30.37 feet North 11°47'52" West along said Southwesterly line of Bob Barton Road from the East Quarter Corner of said Section 36; and running thence South 0°19'50" West 405.47 feet along said West Line of Golf Course Road; thence North 89°40'10" West 255.99 feet; thence North 0°19'50" East 588.44 feet; thence South 89°40'10" East 216.67 feet to the Southwesterly Line of Bob Barton Road; thence South 11°47'52" East 187.15 feet along said Southwesterly Line to the point of beginning. Containing approximately 3.375 acres; more commonly known the Southwestern corner of Bob Barton Road and Golf Course Road—
action item

Chairman Mink went over the requirements for granting a variance. He stated they must meet the following: special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title; Special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.

Commissioner Holley made a motion to table the request from Matt Reider, representing Maverik, Inc. for a Variance on the height of the freestanding sign, and ask staff to provide additional information on the county sign provisions for Mr. Gas regarding the height and size, and if there are any guidelines the Idaho Transportation Department regarding height and size.

Second to the motion by Commissioner King and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Dave Holley, and Commissioner Randy King. NAYE: Commissioner Carl McEntarffer, and Commissioner Paul Johnson.

Chairman Mink called the Public Hearing to order at 8:27 p.m.

PUBLIC HEARING for a request from Alpha 86, LLC for a renewal of a Special Use Permit, allowing a residential use, on the property described as Lots 12-16 Block 75 Jerome Townsite SE 13-8-16, more commonly known as 249 1st Avenue West, Jerome, Idaho.

Staff Report: Ms. Clark stated Alpha 86, LLC received a Special Use Permit allowing a residential use in August of 2019. This property has previously been used as a residence and office space. There were no changes to the vehicular approaches or the exterior façade. Off-street parking meets municipal code to accommodate two vehicles. Staff has not received any complaints or concerns on this property during the last year. Alpha 86, LLC is asking for a renewal of the Permit with no changes.

Ms. Clark stated the property in question, 249 1st Avenue West, is currently zoned Central Business District (CBD). The proposed use, residential, requires a Special Use Permit from the Planning and Zoning Commission.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the application is in compliance with Chapter 13, Objective 2, Objective 6 and Policy 6.

If approved, Ms. Clark recommended the following conditions: Receive required building and/or fire department occupancy permits prior to using the space as a residence; Maintain driveway for vehicles to park; Any alterations to the structure must receive building permits and meet the building and/or zoning code; Comply with all city, state, and federal requirements; and Special use permit shall be allowed for seven (7) years, renewable upon expiration.

Applicant Testimony: Susan Harris, property manager for Alpha 86 LLC, 414 North Carmen, Shoshone, ID testified, they are currently using the property as commercial but would still like the opportunity to use the property as residential if needed. Upon inquiry from Chairman Mink, Ms. Harris stated there are three commercial bays on the south side of the building. She stated it was previously used as a church where they have done extensive remodeling to allow residential or commercial use.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 8:33 p.m.

CONSIDER a request from Alpha 86, LLC for a renewal of a Special Use Permit, allowing a residential use, on the property described as Lots 12-16 Block 75 Jerome Townsite SE 13-8-16, more commonly known as 249 1st Avenue West, Jerome, Idaho— action item

Commissioner McEntarffer made a motion to approve a request from Alpha 86, LLC to renew the Special Use Permit allowing a residential use, on the property more commonly known as 249 1st Avenue West, Jerome, ID with the following conditions: Receive required building and/or fire department occupancy permits prior to using the space as a residence; Comply with all city, state, and federal requirements; and Special use permit shall be allowed for seven (7) years, renewable upon expiration.

Second to the motion by Commissioner Allred.

Commissioner McEntarffer amended his motion to approve a request from Alpha 86, LLC to renew the Special Use Permit allowing a residential use, on the property more commonly known as 249 1st Avenue West, Jerome, ID with the following conditions: Receive required building and/or fire department occupancy permits prior to using the space as a residence; Maintain driveway for vehicles to park; Any alterations to the structure must receive building permits and meet the building and/or zoning code; Comply with all city, state, and federal requirements; and Special use permit shall be allowed for seven (7) years, renewable upon expiration.

Second to the motion by Commissioner Holley and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Dave Holley, Commissioner Randy King, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None.

Chairman Mink called the Public Hearing to order at 8:35 p.m.

PUBLIC HEARING for a request from Susan Harris representing Alpha 86, LLC for an Off-Premise Sign, on the property described at Lots 17-19, Block 75 Jerome Townsite SE 13-8-16, more commonly known as 252 West Main Street, Jerome, Idaho.

Staff Report: Ms. Clark stated Alpha 86 owns storage units on 1st Ave West northeast of 252 West Main St., they would like to place an off-premises sign for advertisement for the storage units. The property for the off-premises sign is zoned Central Business District (CBD). Section 17.32.075 of the Jerome Municipal Code allows off-premises signs in the CBD district by special use permit only. Each property may have a maximum of two (2) off-premises signs, not to exceed eight (8) square feet per sign. The application proposes one 2'x4', totaling eight square feet, freestanding sign on the property at 252 West Main St. advertising for First Ave. Storage located at 249 1st Ave West. Off premises signage combined with on premises signage shall not exceed total

allowed sign area per property. The current property has one building sign approximately 3'x3', totaling nine square feet. There are no freestanding signs. The total sign area will be approximately 17 square feet. If the off-premises sign is approved, they will not exceed total sign area as allowed in 17.32.050 which is 213 square feet.

Regarding the General Sign Provisions: 17.32.040, D, Ms. Clark stated it states "No sign shall be installed near intersections of public streets within the city so as to provide a proper line of sight and avoid unreasonable obstructions to operators of motor vehicles approaching the intersection such that a clear view of the intersection is unobstructed between three feet (3') and eight feet (8') from the ground. Applicant will place the sign as not to interfere with the line of sight and the bottom of the sign will not be lower than eight feet from the ground"

Special Restrictions for Signs by Zone, Ms. Clark stated JMC states 17.32.050, E, "Each property may have one freestanding sign facing each adjacent road of not over one hundred (100) square feet and not over twenty-five feet (25') in height. Freestanding signs must be at least ten feet (10') from any adjacent property." There are no other freestanding signs on this property. The sign square footage is eight and the applicant is aware of the requirements to install a freestanding sign.

Regarding the General Standards for Special Uses, Ms. Clark stated the Jerome Municipal Code allows off premises signs with an approved special use permit in the CBD zone. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code as well as the Comprehensive Plan. The application notes the design of the sign will be constructed to fit into a freestanding frame. The building sits back from Main Street allowing room for a freestanding sign. There are other freestanding signs located on Main Street. This freestanding sign will not change the essential character of the area. The application states no it will not be hazardous. The building sits back from Main Street allowing the freestanding sign to be installed completely within their property boundaries. The sign will not block the line of site for vehicles at the corner of Alder and West Main. Both the property owner and applicant have agreed to the sign being freestanding and installed in a permanent manner to withstand the weather. The sign will not require public facilities or services. As proposed, the off premises sign will not create additional requirements at public cost for public facilities nor be detrimental to the economic welfare of the community. This sign request will not be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. The sign will not be illuminated, therefore, reducing any glare. There is no change to the vehicular approaches to the property. The sign is being placed on the west corner which allows cars to come into the service doors located to the east of the building as shown in the picture. There is no indication that the sign will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Regarding the Design Review Guidelines, Ms. Clark stated the freestanding sign will be the appropriate height and material. The applicant is aware the sign must be professionally manufactured and installed. The sign will be constructed of permanent material. The proposed sign will display in English.

If approved, Ms. Clark recommended the following conditions: Obtain any building permits before installing the sign; Sign will be placed within the property boundary and not in the City ROW or block visibility at the intersection of Alder St. and West Main; and Comply with all City sign requirements.

Ms. Clark showed the commission a picture of what the sign may look like. Upon inquiry from Commissioner Holley, Ms. Clark stated the final sign rendering will come before city staff but not before the commission. She stated the freestanding sign will be like All About Autos and the glass business that is across the road from All About Autos.

Applicant Testimony: Susan Harris, testified she would like to have the sign in a north and south orientation, near the property line on the west side of the property. She stated the main purpose is to direct traffic to the storage facility due to it being a little hidden. She stated they would like to have a simple sign. Upon inquiry from Commissioner Holley, Ms. Harris stated the sign will be about 10 feet tall.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

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

CONSIDER a request from Susan Harris representing Alpha 86, LLC for an Off-Premise Sign, on the property described at Lots 17-19, Block 75 Jerome Townsite SE 13-8-16, more commonly known as 252 West Main Street, Jerome, Idaho— action item

Commissioner Johnson made a motion to approve a request from Alpha 86, LLC for a Special Use Permit allowing one freestanding off-premises sign, on the property more commonly known as 252 West Main St., Jerome, ID with the following conditions: Obtain any building permits before installing the sign; Sign will be placed within the property boundary and not in the City ROW or block visibility at the intersection of Birch St. and West Main; and Comply with all City sign requirements.

Second to the motion by Commissioner King and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Dave Holley, Commissioner Randy King, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None

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 14th, 2020 regular meeting

- B. Consider/Approve Finding and Facts for EHM Engineers, Inc., representing BBL Property Investments, LLC for a zoning map amendment, changing the zone from General Business (C-2) to Residential 2 (R-2) on the property described as follows:

Being a portion of the NE ¼ NE ¼ Section 30, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Commencing at the Northeast corner of said Section 30;
Thence, along the North Boundary of said NE ¼ NE ¼ of Section 30, North 89°52'00" West 525.00 feet and being the REAL POINT OF BEGINNING;
Thence, leaving said North Boundary, South 00°03'58" East 820.00 feet;
Thence, South 89°56'16" West 794.50 feet to a point on the West Boundary of said NE ¼ NE ¼ of Section 30;
Thence, along said West Boundary, North 00°03'44" West 822.71 feet to the Northwest corner thereof;
Thence, along said North Boundary, South 89°52'00" East 794.44 feet to said REAL POINT OF BEGINNING;

Containing approximately 14.98 acres; and more commonly known as Lots 3-10 and a portion of Lot 2, Block 1, and Lots 4–11 and a portion of Lot 3, Block 2 of Jerome Professional Park, Jerome, ID

**FINDINGS AND CONCLUSIONS ON APPLICATION OF
EHM ENGINEERS, INC., REPRESENTING BBL PROPERTY INVESTMENTS, LLC,
FOR A ZONING MAP AMENDMENT, CHANGING THE ZONE FROM GENERAL
BUSINESS (C-2) TO RESIDENTIAL 2 (R-2)**

A Public Hearing at the request from EHM Engineers, Inc, representing BBL Property Investments, LLC, for a zoning map amendment, changing the zone from General Business (C2) to Residential 2 (R-2) on the property commonly known as Lots 3-10 and a portion of Lot 2, Block 1, and Lots 4–11 and a portion of Lot 3, Block 2 of Jerome Professional Park, Jerome, Idaho, and more particularly described as follows:

Being a portion of the NE ¼ NE ¼ Section 30, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows:
Commencing at the Northeast corner of said Section 30;
Thence, along the North Boundary of said NE ¼ NE ¼ of Section 30, North 89°52'00" West 525.00 feet and being the REAL POINT OF BEGINNING;
Thence, leaving said North Boundary, South 00°03'58" East 820.00 feet; Thence, South 89°56'16" West 794.50 feet to a point on the West Boundary of said NE ¼ NE ¼ of Section 30;
Thence, along said West Boundary, North 00°03'44" West 822.71 feet to the Northwest corner thereof;
Thence, along said North Boundary, South 89°52'00" East 794.44 feet to said REAL POINT OF BEGINNING;

Containing approximately 14.98 acres

(hereinafter referred to as the "Property") was held, pursuant to notice, commencing at 7:00 p.m. on Tuesday July 14, 2020, by teleconference at City Council Chambers with all members of the public, in a format allowing participants to hear the meeting, including all deliberations by commissioners and other speakers addressing the commission, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda. The physical meeting was held at 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, gave a brief background on the application. Ms. Clark stated the property in question known as the Bird Farm, was annexed into the City of Jerome in May of 2007 and zoned Area Business. In May of 2008 Lot 1, Block 1, was rezoned to Light Industrial. The property was also subdivided with final approval in May of 2008. The subdivision is known as the Jerome Professional Business Park and has remained undeveloped. The entire subdivision was rezoned to General Business (C-2) in April of 2010 with the Title 17 code rewrite. The current use of the property is agriculture. The request is to rezone 14.98 acres to Residential 2 (R-2). The southern 15.12 acres will remain C-2.

Ms. Clark went over the surrounding zoning and uses; to the North, the uses are Single Family Homes, and Non-Profits, with the zoning being Residential 2 and General Business; to the South, the use is Agriculture, with the zoning being General Business; to the East, the use is Single-Family Homes, with the zoning being Area of City Impact Residential; and to the West, the use is Agriculture, with the zoning being Area of City Impact Industrial.

Ms. Clark stated the Comprehensive Plan Land Use Map designates this area as Commercial surrounded by Area of City Impact Residential. The existing land use is agriculture surrounded by single-family homes and agriculture.

Ms. Clark stated the parcels involved, as described above, are currently zoned General Business (C-2). The proposed zone, Residential 2 (R-2), is a more restrictive zone allowing the permitted uses; single and two-family dwellings as detailed in 17.14.010 of the JMC. All land use regulations as detailed in Title 17 of the JMC will apply to the property, including but not limited to setbacks, building height restrictions, sign restrictions, and use restrictions.

As required by 17.80.040, GENERAL PROCEDURES FOR AMENDMENTS, Ms. Clark stated the application for a rezone shall be reviewed by the Commission to determine if the request: Is in accordance with the Comprehensive Plan; Will create a demand for public infrastructure that is not currently available; including municipal sewer and water services; Is compatible with the zoning uses in the surrounding areas; No non-conforming uses will be created.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with the following chapters: Chapter 1, Property Rights, and Chapter 3, Land Use. The Commission must consider that if the proposed rezone is approved, it must comply with Chapter 3, Objectives 5 and 6. These objectives state that any land use decision must consider "Protecting the character of single-family neighborhoods" while at the same time, "Developing a variety of densities that support a mixed land use." Ms. Clark stated that the request is also in accordance with Chapter 13, "Housing.

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services, Ms. Clark stated the property can be served by municipal water and sewer located in East Nez Perce.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated as mentioned, the property in question has a single-family residential subdivision located north with several residential properties to the east in the Area of City Impact. While the property to the west is zoned Area of City Impact Industrial, the property to the northwest is zoned Area of City Impact Residential and is currently used as agriculture. The property south, zoned General Business, provides a buffer between the proposed Residential and the current Light Industrial zone. It appears that the proposed zone change to Residential 2 would be compatible with the surrounding area.

As pertains to the creation of non-conforming uses, Ms. Clark continued, the property is currently used as agriculture which is an allowed use in the Residential 2 zone. No nonconforming uses would be created by this rezone.

As pertains to Title 16 of the JMC, the Subdivision Ordinance, the property is currently subdivided as the Jerome Professional Business Park. An amended plat will need to be submitted to City staff for review before a development can begin.

Ms. Clark stated she sent the application out to city staff, and she received the following comment: Engineering: 1- The current C-2 zoning serves as a buffer between existing residences and the IMP-Industrial zoned properties to the west and south. 2- The current plat has only one access from Nez Perce Ave and one from Tiger Dr. which is appropriate as both roadways are classified as Minor Arterial roadways. Re-zoning the northern portion to R-2 would allow the smallest residential lot sizes and two family dwellings, both of which provide potential for a greater number of lots and homes. Roadways would need to be provided to connect the two accesses and zones to accommodate.

If approved, Ms. Clark recommend a conditional approval to the City Council of the rezone to Residential 2 based on submittal and approval of an amended plat.

Applicant Testimony: David Thibault, representing BBL Property Investments LLC, 621 N College Rd, Ste 100, Twin Falls, testified, we are here to consider a rezone for property that has already been annexed into the City limits. He stated the property has sat undeveloped for a while and they now have an opportunity to develop the property with a zone change. Mr. Thibault went over the map with the Commissioners. He stated they are looking to develop a residential subdivision on the northern part of the property. Mr. Thibault continued that his office has been involved with a number of projects in the city with one of the most recent being the Lutheran Heights Subdivision to the northeast of the property. Mr. Thibault went over the neighboring uses and the compatibility of those uses with the proposed rezone. He stated that he agrees with the staff report and has no objections to the recommendations that were provided. He stated that they are currently going through the rezone phase of the project so then they can submit an amended plat. He stated he was aware of the neighbors getting the letter regarding the rezone and wanted to address the concerns of the neighbors. Regarding noise, Mr. Thibault stated there are several other residential properties established along with a school and daycare establishment, and does not think an enforced curfew or noise ordinance is appropriate and is not aware of any HOA or City Ordinance that currently has this restriction. Regarding lighting, Mr. Thibault stated once the property is developed they will follow the City of Jerome standards and specifications in accordance to the Idaho Power street light and lumen standards for

lighting intersections of roadways and where appropriate to increase visibility. Regarding water runoff, Mr. Thibault stated the natural drainage of the property is from the northeast to the southwest. Once they develop the property, they will be required to have a storm water retention facility onsite. Regarding fencing, Mr. Thibault stated they have not gone that far into design of the development but he believes that homeowners will want to have some form of designating their property or keeping in their pets so they may want to have a fence but as previously stated, they have yet to go that far into the design of development. In regards to perimeter fencing, Mr. Thibault stated some areas have perimeter fencing and some areas do not but that usually has been left up to the developer and would like to have that allowance as well. Regarding city streets, Mr. Thibault stated, as of right now, they plan to construct the streets to the city standards and would then turn over and dedicate all of the streets back to the city once they have been completed. Regarding the annexation, Mr. Thibault stated the property is already annexed into the City. Regarding the type of housing, Mr. Thibault stated the housing will be in compliance for the R-2 zone which is single family and duplex type structures.

Regarding the restriction to one builder, Mr. Thibault stated he did not intend to only have one builder as it would be the property owner's discretion and it also may be market driven. Regarding the lot sizes, Mr. Thibault stated they have not completely decided but stated the lot sizes may be about 80 to 85 feet wide and 100 to 200 feet deep. Which would be bigger than the Lutheran Heights subdivision. Regarding the traffic plans, Mr. Thibault stated they would like to have two accesses for the property off of Nez Perce. He stated once they amend the plat, it will go before the Planning and Zoning Commission and everyone will have a chance to look at the design. He stated tonight's action is for a rezone of the property and they will come back before the commission with a preliminary plat. He stated the request is harmonious with the surrounding area and with the Comprehensive Plan.

Testimony in Favor: Chris Barber, 868 East Main, testified the Leslie's approached him to find some investment properties in the area. Mr. Barber disclosed that he is currently a City Councilman. He stated once they settled on this property, he went and spoke with the City staff regarding a rezone of the property. He stated they would like to see this property as residential and believes that this proposed zoning is more harmonious in regards of current zoning. Mr. Barber went over the different uses that would be permitted with the current zoning. Those uses included, automotive body shop and repairs, convenient stores, car wash, banks, clinics, hospitals, hotels, professional services, restaurants, storage units, veterinary services, c-store- gas stations, etc. He stated the Leslie's live and work in this community that they love. He stated the best thing would be to rezone the property. He stated he believes EHM will

do a great job engineering the property. Upon inquiry from Commissioner Schroeder, Mr. Barber stated he is the broker for the property.

Testimony in Neutral: Ms. Clark read the following letter for the commission:

To: City of Jerome Planning and Zoning Commission

July 4, 2020

RE: BBL Property Investments LLC proposed zoning amendment

The following are our concerns and requests:

1. Noise. We would like a curfew via an HOA or city ordinance for noise and timeframes.
2. Lighting. We would like the Lighting be down and low output.
3. Water runoff. Will there be a slope and drainage for the water runoff? Where is the watershed going to be directed to, city sewer something else?
4. Boundary Fence. We would like there to be a minimum 6' privacy fence suitable for livestock around the perimeter for the existing home/landowners.
5. City Streets. Will an HOA or city services maintain the streets?
6. Will this property be annexed into the city limits and what effects will that have on our property and surrounding property owners?? Property owners affected are Allen, Dunn, Pooley, Falconburg, Stock, Burgess and Thompson. All of whom do not want to be annexed into the city.
7. Type of housing. Will the housing be single family, multifamily etc?
8. Restricted to one builder. Will the subdivision be restricted to one builder?
9. What are the proposed lot sizes?
10. What are the traffic plans, where will the entrances and exits be?

Many of us have lived here for 20 years or longer and we do not want our properties to be devalued in price or the appeal of county living. Many of us raise livestock and would like to have fences that would be suitable to protect the livestock and the home owners.

Thank you,

Stanley M Allen, Barbra J Allen, Susan F Thompson, Arthur J Thompson, Randy Stock, Kristi Dunn, Matthew Dunn, Brent Pooley, Dave Burgess, Kathy Burgess.

Testimony in Opposition: Barbra Allen, 115 S 100 E, testified, her concern is the lighting being towards the ground and not being bright. She stated they are not in opposition and would rather have residential than commercial. She stated the fencing is important because they raise cattle. Upon inquiry from Chairman Mink, Ms. Allen stated they currently have fencing but would like more privacy. She stated she wants to maintain the country living that they currently have and she realizes that city property surrounds their property. Upon inquiry from Chairman Mink, Ms. Allen stated the curfew and noise concern was because they did not want large parties at all hours of the night. She stated she wants to be good neighbors but would like to maintain what they currently have.

Testimony in Rebuttal: David Thibault, testified the luminaire are typically mounted on a wood post, approximately 20 feet high, that face downward facing but they do not have a shield. Regarding the noise, Mr. Thibault stated that the property owners will want to have the same freedoms as all of the other residents in the City of Jerome. Regarding the fencing, Mr. Thibault stated he does not believe it is appropriate during a rezone but will address it when they do the plat. He stated he does not see a change to the current fencing. He stated this area looks like an amazing neighborhood. He understands there will be some covenants and conditions but they have not reached that part in the development as of yet.

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

I. Findings

- A. The Property in question is currently zoned General Business (C-2).
- B. The Application seeks to amend the Property to be zoned Residential 2 (R-2).
- C. The Property in question is surrounded by the following land use/zoning: to the North, the uses are Single-Family Homes, and Non-Profits, with the zoning being Residential 2 and General Business; to the South, the use is Agriculture, with the zoning being General Business; to the East, the use is Single-Family Homes, with the zoning being Area of City Impact Residential; and to the West, the use is Agriculture, with the zoning being Area of City Impact Industrial.
- D. Rezoning C-2 to R-2 would be harmonious with the surrounding property.
- E. The proposed use of the parcel will not create any non-conforming uses.

- F. The Comprehensive Plan of the City of Jerome promotes providing areas of different residential densities and the development of various types to meet the needs of the citizens of the City of Jerome.

II. Conclusions

- A. Taken as a whole, the application complies with the Comprehensive Plan of the City of Jerome and will not adversely affect the character of area where the property is located.
- B. The Commission recommends to the Jerome City Council that the application of the EHM Engineers, Inc., representing BBL Property Investments, LLC, for the Property described above, from General Business (C-2) to Residential 2 (R-2) be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 14th day of July, 2020, in support of the decision of the Planning and Zoning Commission on the 28th day of July, 2020 to recommend approval of the application to the Jerome City Council, the decision to recommend the approval of the application is hereby made final this 14th day of July, 2020.

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

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

Second to the motion by Commissioner King and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Dave Holley, Commissioner Randy King, and Commissioner Paul Johnson. NAYE: None.

CITIZEN CORRESPONDENCE

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Clark stated she would get the requested information for the variance hearing and present it back to the commission. She stated as far as she knows, the fair is still moving forward so the next meeting will be August 25th.

There being no further discussion, Chairman Mink closed this regular meeting at 8:50 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary