

Planning & Zoning Meeting  
January 10, 2023

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m. Present were Chairman Rod Mink, Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Shonna Fraser, and Commissioner Paul Johnson. Also present were Legal Counsel, BJ Hess, City Planner, Ervina Covcic, and Secretary, Katie Elliott.

Chairman Mink led the audience in recitation of the pledge of allegiance.

Chairman Mink called the Public Hearing to order at 7:00 p.m.

**Public Hearing** for a request from Juan Gonzalez for a Special Use Permit renewal allowing a commercial entertainment facility (indoors) on the property located at Lots 16 & 17, Block 76 Jerome Townsite SE (13-8-16), more commonly known as 160 West Main Street, Jerome, Idaho.

Staff Report: Ms. Covcic stated Mr. Gonzalez received a special use permit for a commercial entertainment facility (indoor) in 2019 and has since been renewed in 2020 and 2022, and is now up for renewal in 2023. There are no changes in the renewal request.

Ms. Covcic stated the property in question, 160 West Main Street Jerome, ID 83338 is zoned Central Business District (CBD). The proposed use, a commercial entertainment facility (indoor), requires a Special Use Permit from the Planning & Zoning Commission.

Title 16 has no bearing on this request.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covcic stated the request is in compliance with the Comprehensive Plan as defined in the following sections: Chapter 7, Objective 1 "Provide an environment that encourages expansion of existing business and the attraction of new jobs to the community."; Chapter 7, Policy 8 "Continue to provide an atmosphere for successful business development."

As it pertains to Title 17 of the JMC, the ordinance addressing off street parking, Ms. Covcic stated parking spaces shall be located not more than seven hundred feet (700') from the principal use measured along the sidewalk or walkway available for public use, from the primary entrance of the principal use to the furthest parking space within the parking lot. 17.26.150: Schedule of Parking Requirements, restaurants, dining rooms, taverns, nightclubs, etc. shall have 1 per 150 sq. ft. of gross floor area; plus 1 per 35 sq. ft. dance floor.

Ms. Covcic went over the application with City Staff and received the following comments: Police- If alcohol will be served on premises and applicant does not have its own license, Police has concerns; and Fire- Applicant is required to pass a fire inspection.

If approved, Ms. Covcic recommended the following conditions: Receive any and all required Building Department and Fire Departments permits and inspections; Complete a parking lot inspection within 24 hours of an event; Comply with all City, State, Federal requirements; and Special Use Permit shall be allowed for two (2) years, renewable upon expiration.

Applicant Testimony: Juan Gonzalez, 145 1<sup>st</sup> Ave E, Jerome, testified, he is requesting a renewal for his event center. He stated there have not been any complaints from the neighbors. Mr. Gonzalez stated they are keeping everything the same. He continued that they have security at each event to prevent minors from getting alcohol and alcohol leaving the premises. Upon inquiry from Commissioner Johnson, Mr. Gonzalez stated they do not sell the alcohol. He stated they have private parties and they bring their own alcohol where they are requested to have their own security. He stated if he had an alcohol permit, he would have to serve the alcohol but he does not want to be serving all night. Mr. Gonzalez stated the alcohol is not for sale at any of the events. Upon inquiry from Commissioner Fraser, Mr. Gonzalez confirmed the clients bring their own alcohol to the event center. He stated security checks all of the doors for individuals trying to get out of the doors with the alcohol. Commissioner Reed stated he has been contracted by private individuals for private events that have rented to event center. He stated the event center is very secure and believes he has the best security in the area. Chairman Mink stated he has heard of businesses getting into trouble if people bring in liquor to an establishment where the center already provided beer and wine. Mr. Hess stated if the applicant has an alcohol license, the private individuals cannot bring any in. But since he does not have a license, people can bring in their own alcohol.

Testimony in favor: None

Testimony in Neutral: None

Testimony in Opposition: None

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:09 p.m.

**Consider** a request from Juan Gonzalez for a Special Use Permit renewal allowing a commercial entertainment facility (indoors) on the property located at Lots 16 & 17, Block 76 Jerome Townsite SE (13-8-16), more commonly known as 160 West Main Street, Jerome, Idaho- *action item*

Commissioner Schroeder stated he did not have any issues or concerns. Chairman Mink stated parking was a concern at first, but does not believe there have been any issues. Commissioner Reed stated he has noticed security helping with parking.

Commissioner Reed made a motion to recommend the request from Juan Gonzalez for a Special Use Permit renewal allowing a commercial entertainment facility (indoors) on the property located at Lots 16 & 17, Block 76 Jerome Townsite SE (13-8-16), more commonly

known as 160 West Main Street, Jerome, Idaho be approved with the following conditions: Receive any and all required Building Department and Fire Departments permits and inspections; Complete a parking lot inspection within 24 hours of an event; Comply with all City, State, Federal requirements; and Special Use Permit shall be allowed for two (2) years, renewable upon expiration.

Second to the motion by Commissioner Fraser and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Shonna Fraser and Commissioner Paul Johnson. NAYE: None

Chairman Mink called the Public Hearing to order at 7:12 p.m.

**Public Hearing** for a request from Valley Wide Cooperative for a Special Use Permit renewal allowing bulk storage of petroleum products on the property located at Tax 2201158 of A-269 and A-270 Jerome Townsite 172'x340.31' NW (24-8-16), more commonly known as 150 West Blvd South, Jerome, Idaho.

Staff Report: Ms. Covic stated the applicant was granted a special use permit allowing bulk storage of petroleum products in 2021 for two years. The conditions of that approval were to complete landscaping along West Blvd. and West Avenue B that is acceptable to City staff; apply dust suppression as needed to not be disturbing to neighboring uses; comply with all building and fire department inspections and requirements for occupancy; comply with all city, state, federal requirements. The applicant requests a renewal of the special use permit with no changes.

The property in question, 150 West Blvd Jerome, ID 83338 is zoned Light Industrial (M-1). The proposed use, petroleum storage, requires a Special Use Permit from the Planning & Zoning Commission.

Title 16 has no bearing on this request.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covic stated the request is in compliance with the Comprehensive Plan as defined in the following sections: Chapter 7, Objective 1 "Provide an environment that encourages expansion of existing business and the attraction of new jobs to the community."; Chapter 7, Objective 3 "Maintain and expand public/private partnerships to demonstrate the community's commitment to and support for economic expansion."; and Chapter 7, Policy 8 "Continue to provide an atmosphere for successful business development."

As it pertains to Title 17 of the JMC, the ordinance addressing landscaping, Ms. Covic stated the landscaping requirements apply to all new development and to any change of use of an existing building, structure or parcel of land. Completing landscaping was a condition of the

initial special use permit approval. The zoning and uses on the parcels to the south are residential.

If approved, Ms. Covcic recommended the following conditions: Landscaping along West Blvd and West Avenue B that is acceptable to City staff; Comply with all Building and Fire Department inspections and requirements; Comply with all City, State, Federal requirements; and Special Use Permit shall be allowed for one (1) year, renewable upon expiration.

Upon inquiry from Commissioner Schroeder, Ms. Covcic stated needing landscaping was one of the conditions from the previous permit and there were several departments that asked for this to be addressed at this renewal.

Applicant Testimony: Tom Daniels, 3986 N 3610 E, Kimberly, testified they are seeking renewal for the oil storage warehouse. This was the old spud cellar where they have created a bulk warehouse for their stores. Upon inquiry from Commissioner Johnson, Mr. Daniels stated they have done some minimal landscaping where they did not have much guidance from city staff. He stated they have put in a couple of trees where they have run water out to those trees. He knew it was very minimal and is willing to do more if he could get more direction. Upon inquiry from Commissioner Reed, Ms. Covcic stated when she spoke with Mr. Daniels, it was found that he spoke the previous City Planner but there was not much discussed regarding the landscaping so she thought it needed to be brought up again. Mr. Daniels stated there is a city owned ditch that runs along the side of the property that needed a little work. He was not sure if the work has been completed. He stated he wanted to make sure everything is done correct. Chairman Mink stated they had done the landscape requirements a few years ago and he was not sure where it now sits. Upon inquiry from Chairman Mink, Mr. Daniels stated they do not have a berm anymore as the lot is now gaveled. Upon inquiry from Commissioner Schroeder, Mr. Daniels went over the dust abatement schedule with the commission. He stated with the property to the west being developed, the dust has not been as bad. Upon inquiry from Chairman Mink, Mr. Daniels went over the inventory of the building with the commission. Upon inquiry from Commissioner Fraser, Mr. Daniels stated they have completed a water and fire suppression for the building. Upon inquiry from Commissioner Reed, Mr. Daniels went over the containment that is built within the building in the case of a spill. He stated they have all Class 3 materials in the building so they do not have any hazardous materials stored.

Testimony in favor: None

Testimony in Neutral: None

Testimony in Opposition: None

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:23 p.m.

**Consider** a request from Valley Wide Cooperative for a Special Use Permit renewal allowing bulk storage of petroleum products on the property located at Tax 2201158 of A-269 and A-270 Jerome Townsite 172'x340.31' NW (24-8-16), more commonly known as 150 West Blvd South, Jerome, Idaho- *action item*

Upon inquiry from Commissioner Johnson, Ms. Covcic stated the length of the permit is up to the commission. Commissioner Reed inquired of what the previous landscaping was required. Ms. Covcic stated she does not have any information or letter that was given to the applicant prior to them but she will see what she can find out for them and get back with the applicant. Discussion was held regarding landscaping requirements. Commissioner Johnson stated he would like to look at a two year permit. Commissioner Schroeder stated he wants to make sure the applicant is getting the landscaping done and has direction and is not in favor of a two year permit. Discussion was held on the requirements for the application and what the city staff needs to address. Ms. Covcic stated she would have an answer for the applicant by the end of the week regarding the landscaping.

Commissioner Johnson made a motion to approve a request from Valley Wide Cooperative for a Special Use Permit renewal allowing bulk storage of petroleum products on the property located at Tax 2201158 of A-269 and A-270 Jerome Townsite 172'x340.31' NW (24-8-16), more commonly known as 150 West Blvd South, Jerome, Idaho, with the following conditions: Landscaping along West Blvd and West Avenue B that is acceptable to City staff; Comply with all Building and Fire Department inspections and requirements; Comply with all City, State, Federal requirements; and Special Use Permit shall be allowed for one (1) year, renewable upon expiration.

Second to the motion by Commissioner Schroeder and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Shonna Fraser and Commissioner Paul Johnson. NAYE: None

Chairman Mink called the Public Hearing to order at 7:34 p.m.

**Public Hearing** for a request from Lora Rodriguez for a rezone from Public/Semipublic (PS) to Residential 3 (R-3) on the property located at Tax 2194644 Block A-228, Jerome Unplatted 1.01 acres NE (13-8-16), more commonly known as 108 10th Avenue West, Jerome, Idaho.

Staff Report: Ms. Covcic stated the applicant is requesting a rezone to Residential 3 (R-3) to be more consistent with the use of the property which is residential. With a rezone, the applicant would be able to build onto their home or make other property changes which are restricted under the Public/Semipublic (P/S) zone.

Ms. Covcic went over the adjacent Land Use and Zoning Table with the commission. To the North is public with the zone as Public/Semipublic (P/S). To the South is residential with the

zone as Residential 3 (R-3). To the East is commercial with the zone as General Business (C-2). To the West is public with the zone as Public/Semipublic (P/S).

The Comprehensive Plan Land Use map designates the current parcel as Public.

As it pertains to Title 17 of the JMC, the Land Use Ordinance, Ms. Covcic stated the parcel is currently zoned Public/Semipublic (P/S). The Public/Semipublic (P/S) zone is intended to provide for public/semipublic development such as golf courses, parks, recreation facilities, schools and public service facilities such as government offices. There is no minimum lot size requirement in this zone. The setbacks are front 25', rear 20', interior side 20' and street side 20'. The proposed zone of Residential 3 (R-3) is intended for single-family, two-family and multi-family dwellings. The minimum lot size is 5,000 sq. ft. The setbacks are front 25', rear 20', interior side 7' and street side 15'.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, the request is in accordance with the following sections: Chapter 13 Housing – Objective 2: "Provide for areas of different residential densities and uses."

As it pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services, Ms. Covcic stated the application notes that the property has access to city water and trash removal. A septic tank is currently being used, however, if it fails, access to city sewer has been established to hook up to.

As it pertains to the compatibility with the zoning uses in the surrounding areas, the area is bordered by Public/Semipublic (P/S) to the north and west, General Business (C-2) to the east, and Residential 3 (R-3) to the south.

As it pertains to the creation of non-conforming uses, the parcel currently is being used as residential in Public/Semipublic (P/S) zone. Under a rezone to Residential 3 (R-3), no non-conforming uses would be created.

Title 16 has no bearing on this request at this time.

Ms. Covcic sent the application to City Staff and received the following comments: Building- Building department doesn't have any heartburn or issues. Actually, that would help us out on some of our code enforcement issues.

If approved, Ms. Covcic recommended the following conditions: Comply with all City, State and Federal requirements.

Applicant Testimony: Lora Rodriguez, 108 10<sup>th</sup> Ave W, testified, the current zoning does not permit us to rebuild a garage that was taken down or add on to the house. Ms. Rodriguez stated they are not allowed to build a permanent building on the property as it is zoned now and if any of current buildings burned down, they would have to build it back in the exact same

foot print. They do not want to add any apartments but they would like to build a garage closer to the house and maybe add another bedroom to the house. Ms. Rodriguez stated they have a septic system currently but have sewer plumbed to the house for when they need it. They have city water and trash currently. Ms. Rodriguez stated she would just like to rezone the property like other houses.

Testimony in favor: None

Testimony in Neutral: None

Testimony in Opposition: None

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:40 p.m.

**Consider** a request from Lora Rodriguez for a rezone from Public/Semipublic (PS) to Residential 3 (R-3) on the property located at Tax 2194644 Block A-228, Jerome Unplatted 1.01 acres NE (13-8-16), more commonly known as 108 10th Avenue West, Jerome, Idaho- *action item*

Commissioner Reed made a motion to recommend a request from Lora Rodriguez for a rezone from Public/Semipublic (PS) to Residential 3 (R-3) on the property located at Tax 2194644 Block A-228, Jerome Unplatted 1.01 acres NE (13-8-16), more commonly known as 108 10th Avenue West, Jerome, Idaho, to City Council for approval with the following conditions: Comply with all City, State and Federal requirements.

Second to the motion by Commissioner Johnson and carried.

Commissioner Schroder stated there is a traffic concern on that road with the schools. He is not sure if this property contributes with the traffic or not. Discussion was held on traffic in the area.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Shonna Fraser and Commissioner Paul Johnson. NAYE: None

Chairman Mink called the Public Hearing to order at 7:46 p.m.

**Public Hearing** for a request for AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 50 OF THE JEROME MUNICIPAL CODE REGULATING PLANNING AND ZONING COMMISSION; REVISING THE NUMBER OF VOTING MEMBERS ON THE PLANNING AND ZONING COMMISSION; REVISING THE NUMBER OF YEARS FOR TERM OF OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report: Ms. Covcic stated current code requires a seven-member board on the Planning & Zoning Commission with six-year terms. With the resignations of two members in the past year, the vacant seats are challenging to fill, which has caused challenges in maintaining quorum. In order to conduct business and maintain a competitive turnaround for applicants, a quorum must be met.

The ordinance under consideration would revise the number of board members from seven to five, and term length from six to four years in Title 17, Chapter 50. This would make a quorum with three members. Commissioner Reed stated his concern would be if there was a controversial issue that puts a lot of power with just three members. Commissioner Fraser stated that if it is a controversial issue, it would have to go before the City Council. Chairman Mink stated all of the decisions the commission does is up for appeal. Ms. Covcic stated they have thought about these issues and they were looked at in great length. She stated if they are not able to get a quorum for meetings, it runs into the issue where business is not being held and possibly interrupting timelines for the applicants. This can help with that. Chairman Mink stated the commission is under the city council. Commissioner Fraser stated the commission has had issues with getting members and keeping those members for a while. Upon inquiry from Commissioner Reed, Mr. Hess stated the ordinance would go into effect after the City Council approves the ordinance.

Applicant Testimony: None

Testimony in favor: None

Testimony in Neutral: None

Testimony in Opposition: None

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:53 p.m.

**Consider** a request for AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 50 OF THE JEROME MUNICIPAL CODE REGULATING PLANNING AND ZONING COMMISSION; REVISING THE NUMBER OF VOTING MEMBERS ON THE PLANNING AND ZONING COMMISSION; REVISING THE NUMBER OF YEARS FOR TERM OF OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE- *action item*

Commissioner Johnson made a motion to recommend to City Council to approve a request for AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 50 OF THE JEROME MUNICIPAL CODE REGULATING PLANNING AND ZONING COMMISSION; REVISING THE NUMBER OF VOTING MEMBERS ON THE PLANNING AND ZONING COMMISSION; REVISING THE NUMBER OF YEARS FOR TERM OF OFFICE; AND PROVIDING FOR AN EFFECTIVE DATE



Second to the motion by Commissioner Fraser and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Shonna Fraser and Commissioner Paul Johnson. NAYE: None

### **Consent Agenda**

*The consent calendar consists 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 December 13, 2022 regular meeting;
- B. Consider/Approve Findings and Conclusions for a request from City of Jerome Urban Renewal Agency for a rezone from General Business Zone (C-2) to Public/SemiPublic (PS) zone, on the properties located at Tax 2223146-1, 2223146-2, and 2223146-3 of SESW Jerome Unplatted (19-8-17), more commonly known as a portion of the farm land to the southwest of Candlelight Park 1201 South Davis, Jerome, Idaho 83338.

### **FINDINGS AND CONCLUSIONS ON APPLICATION OF CITY OF JEROME URBAN RENEWAL AGENCY, FOR A REZONE FROM GENERAL BUSINESS ZONE (C-2) TO PUBLIC/SEMI-PUBLIC (PS) ZONE**

A Public Hearing at the request from City of Jerome Urban Renewal Agency for a rezone from General Business Zone (C-2) to Public/Semi-Public (PS) on that parcel of land located at Tax 2223146-1, 2223146-2, and 2223146-3 of SESW Jerome Unplatted (19-8-17), more commonly known as a portion of the farm land to the southwest of Candlelight Park 1201 South Davis, Jerome, Idaho, (hereinafter referred to as the "Property") was held, pursuant to notice, on Tuesday December 13, 2022, 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, Ervina Covcic, gave a staff report and brief background on the application. Ms. Covcic showed the Commission a map of the property for the rezone.

Ms. Covcic went over the existing land use and zoning for the adjacent property. To the north is residential and public with the zoning being Residential 2 and Public/Semipublic. To the south is commercial zoned Heavy Industrial. To the east is public with the zoning being Public/Semipublic. To the west is commercial with the zoning being General Business.

The Comprehensive Plan Land Use map designates the current parcel as Residential High.

Ms. Covcic stated the parcels are currently General Business (C-2). The General Business (C-2) zone is intended to provide for commercial uses. The proposed zone of Public/Semipublic allows for the development of golf courses, parks, recreation facilities, greenways, schools and public service facilities such as government offices as outlined in 17.14.010 of the JMC. Depending on the zone, all land use regulations as detailed in Title 17 of the JMC will apply to the property, including but not limited to setbacks, building height restrictions, sign restrictions, and use restrictions.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covcic stated the request is in accordance with the following sections: Chapter 3 Land Use – Objective 1: "Exploring the growth patterns of the city and plan and prepare for growth opportunities."; Chapter 3 Land Use – Objective 3: "Controlling urban sprawl in order to protect outlying rural areas."; Chapter 10 Park & Recreations – Objective 1: "Provide and maintain parks to serve all neighborhoods."; Chapter 10 Park & Recreations – Objective 2: "Build, maintain, enhance and expand open space, golf courses and trails."; and Chapter 10 Park & Recreations – Objective 9: "Work with JRD to obtain additional greenspace for the expansion of programs such as soccer and baseball."

As it pertains to the demand for public infrastructure, Ms. Covcic stated City water and sewer is available near the property. A water line and 8" sewer line is available north of the property at the corner of East Avenue K and South Cleveland Street. A water line and 12" sewer line is also available south of the property off of East Nez Perce Avenue.

Ms. Covcic sent the application out to City Staff and did not receive any comments or concerns back.

If approved, Ms. Covcic recommended the following conditions: Comply with all City, State and Federal requirements.

Applicant Testimony: Mike Williams, residing 1124 5th Avenue East, Jerome, Idaho, presented and testified before the Commission on behalf of the Urban Renewal Agency. Mr. Williams stated this is the second phase for the park project. Parcel D was recently annexed into the City limits and recently completed with the Public/Semipublic zoning. They would like to rezone these three lots to also be Public/Semipublic. They are intending the property to be a new park for the city for a soccer complex. They are planning on partnering with the Jerome Recreation District to start the development of the project by spring.

Upon inquiry from Chairman Mink, Mr. Williams stated they have water shares belonging to each parcel, where it will be used by a pressurized irrigation system

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, the stated 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 Zone (C-2).
- B. The Application seeks to amend the Property to be zoned Public/Semi-Public (PS).
- C. The Property in question is bordered by Residential 2 and Public/Semi-Public uses on the North border; on the South border is Heavy Industrial; to the East border is Public/Semi-Public; and to the West being General Business.
- D. Rezoning from C-2 to PS will allow for growth and would be compatible with the surrounding area.
- 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 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 City of Jerome Urban Renewal Agency, for the Property described above, for rezoning from General Business (C-2) to Public/Semi-Public (PS) be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 10th day of January, 2023, in support of the decision of the Planning and Zoning Commission on the 13th day of December, 2022, to approve the application as specified herein is hereby made final this 10th day of January, 2023.

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

- C. Consider/Approve Findings and Conclusions for a request from Raul Ortiz for a renewal of a Special Use Permit allowing six (6) chickens and one (1) cow OR three (3) goats on the property located at Tax 7, Block A-279 Inside Acreage (NW 24-8-16), more commonly known 725 West Ave D, Jerome, Idaho 83338.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF RAUL ORTIZ FOR THE RENEWAL OF A SPECIAL USE PERMIT ALLOWING CHICKENS AND LIVESTOCK, ON THE PROPERTY LOCATED AT TAX 7, BLOCK A-279 INSIDE ACREAGE (NW 24-8-16), MORE COMMONLY KNOWN AS 725 WEST AVE D, JEROME, IDAHO**

A public hearing on the application of Raul Ortiz concerning the use of real property located at 725 West Avenue D, Jerome, Idaho, for a renewal of the special use permit was held, pursuant to notice, on Tuesday, December 13, 2022, 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, Ervina Covcic, provided a brief background and staff report on the application and on the property. Ms. Covcic stated Mr. Ortiz received a special use permit for six (6) chickens, two (2) calves and three (3) goats in October 2020. A renewal was granted in October 2021, for six (6) chickens and either one (1) calf or three (3) goats. Mr. Ortiz now requests a renewal of six (6) chickens, and either one (1) calf or three (3) goats.

The property in question, 725 West Avenue D Jerome, Idaho 83338, is zoned Residential 3 (R-3). The proposed use, possession of livestock, requires a Special Use Permit from the Planning & Zoning Commission.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covcic stated the request is in compliance with the Comprehensive Plan as defined in the following sections: Rural Residential Land Uses requiring special use permits in Section 3.1.1.

As it pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Covcic reminded the commission that stable matter is considered a public nuisance and needs to be properly disposed of to not create a nuisance.

If approved, Ms. Covcic recommended the following conditions: (a) Can possess up to six (6) hen chickens and either one (1) cow OR three (3) goats; (b) Livestock and chickens will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare; (c) Any accessory structure associated with the livestock or chickens shall be placed in accordance with the accessory structure setback requirements set forth in the JMC; (d) Comply

with all City, State, Federal requirements; and (e) Special use Permit shall be allowed for up to two (2) years, renewable upon expiration.

Applicant Testimony: Raul Ortiz, 725 West Ave D, through interpreter Jesus Mendez, a certified interpreter, appeared and testified before the Commission. Mr. Ortiz stated he would like to request the renewal of the permit and extend it for two or three years. He stated he will keep the property maintained so my neighbors don't complain.

Upon inquiry from Commissioner Reed, Mr. Ortiz stated he has not had any complaints or concerns from the neighbors as he has good neighbors.

Upon inquiry from Chairman, Mr. Ortiz stated there is nothing new being built in the area.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

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

**I. Findings**

- A. 725 West Avenue D, is in the City of Jerome and is currently zoned Residential 3 (R-3).
- B. The proposed use allowing chickens and livestock on the property, requires a renewal of the special use permit in an R-3 zone.
- C. The request is in compliance with the City of Jerome's Comprehensive Land Use Plan, and the Rural Residential Land Uses for special use permits at Section 3.1.1.

**II. Conclusions**

- A. A renewed special use permit is required for the applicant to continue to have chickens and livestock on this lot in the R-3 Zone for the City of Jerome.
- B. A special use permit allowing chickens and livestock in the R-3 Zone is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Raul Ortiz for a renewed special use permit allowing six (6) hen chickens and one (1) cow OR (3) goats, on the property commonly known as 725 West D, Jerome, Idaho, subject to the following conditions:

- a. Livestock and chickens will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare;
- b. Any accessory structure associated with the livestock or chickens shall not be placed in accordance with the accessory structure setback requirements set forth in the JMC;
- c. Comply with all City, State, Federal requirements; and
- d. Special use Permit shall be allowed for up to two (2) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 10th day of January, 2023, in support of the decision of the Planning and Zoning Commission on the 13th day of December, 2022, to approve the application as specified herein is hereby made final this 10th day of January, 2023.

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

- D. Consider/Approve Findings and Conclusions for a request Chad Sheppard for a renewal of a Special Use Permit allowing an in-home occupation for firearms repair and on-line sales, on the property located at Lot 60, Block 1, Stauffer Estates Subdivision, Phase 1 (NW 17-8-17), more commonly known 1501 North Lyndon Street, Jerome, Idaho 83338.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF CHAD SHEPPEARD FOR THE RENEWAL OF A SPECIAL USE PERMIT ALLOWING A HOME OCCUPATION OF FIREARM REPAIR AND ONLINE SALES, ON THE PROPERTY LOCATED AT LOT 60, BLOCK 1, STAUFFER ESTATES SUBDIVISION, PHASE 1 (NW 17-8-17), MORE COMMONLY KNOWN AS 1501 NORTH LYNDON STREET, JEROME, IDAHO**

A public hearing on the application of Chad Sheppard concerning the use of real property located at 1501 North Lyndon Street, Jerome, Idaho, for a renewal of the special use permit was held, pursuant to notice, on Tuesday, December 13, 2022, 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, Ervina Covcic, provided a brief background and staff report on the application and on the property. Ms. Covcic stated Revolution Gunworks, LLC is a gunsmithing, firearms sales consisting of cleaning, repairing, restoring and modifying firearms from customers on a local level. The renewal application states there are no changes. Mr. Sheppard would like to request a renewal of his Special Use Permit.

Ms. Covcic stated the property in question is currently zoned Residential 1 (R-1). According to 17.14.010, home occupations are allowed in the Residential 1 (R-1) zone by special use permit only. In this case, Sheppard would like to renew the special use permit allowing a home occupation for firearms repair and online sales business on the property.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covcic stated the application is in compliance with the following: Chapter 7, Policy 8 "Continue to provide an atmosphere for successful business development" and Chapter 7, Objective 1 "Provide an environment that encourages expansion of existing businesses and the attraction of new jobs to the community."

Ms. Covcic stated she sent the application out to City Staff and received one comment from the Fire Department. The Fire Department stated they need to conduct a fire inspection and address any concerns at that time.

If approved, Ms. Covcic recommended the following conditions: (a) Complete a fire inspection of the home occupation by the Fire Department; (b) Firearms are kept in a secure location; (c) Comply with all City, State and Federal requirements; and (d) Special Use Permit shall be allowed for five (5) years, renewable upon expiration.

Applicant Testimony: Chad Sheppard, 1501 North Lyndon, appeared and testified before the Commission. Mr. Sheppard states he has been in business for almost seven (7) years and he just renewed his FFL license with ATF. He stated business is still going. He does not keep a big inventory. He stated all Federal Laws do apply to his business. He would like to continue.

Upon inquiry from Chairman Mink, Mr. Sheppard stated everything is locked up and they are by appointment only. He continued that he does do online orders.

Upon inquiry from Chairman Mink, Mr. Sheppard stated he can transfer guns but it has to be to another facility or person with a license where they then take the applicants information.

Commissioner Schroeder disclosed he has done business with Mr. Sheppard.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

The Jerome City Planning and Zoning Commission having heard the testimony presented by Mr. Sheppard, and having reviewed the renewal application, Ms. Covcic's report,

and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

**I. Findings**

- A. 1501 North Lyndon Street, is in the City of Jerome and is currently zoned Residential 1 (R-1).
- B. The proposed use for a home occupation, firearm repair and online sales, requires a renewal of the special use permit to operate in R-1.
- C. JMC 17.14.010 provides the standards for home occupations in an R-1 zone.
- D. Title 16 has no bearing on this request.
- E. The request is in compliance with the City of Jerome's Comprehensive Land Use Plan, relating to Chapter 7, Objective 1; and Chapter 7, Policy 8.

**II. Conclusions**

- A. A renewed special use permit is required for the applicant to continue the home occupation of firearm repair and online sales on this lot in the R-1 Zone for the City of Jerome.
- B. A special use permit allowing this service in the R-1 Zone is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Chad Sheppard for a renewed special use permit to conduct a home occupation, firearm repair and online sales, on the property commonly known as 1501 North Lyndon, Jerome, Idaho, subject to the following conditions:
  - a. Complete a fire inspection of the home occupation are by the Fire Department;
  - b. Firearms are kept in a secure location;
  - c. Comply with all City, State and Federal requirements; and
  - d. Special Use Permit shall be allowed for five (5) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 10th day of January, 2023, in support of the decision of the Planning and Zoning Commission on the 13th day of December, 2022, to approve the application as specified herein is hereby made final this 10th day of January, 2023.

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

- E. Consider/Approve Findings and Conclusions for a request Juan Gonzalez for a Special Use Permit allowing residential use on the property located at Lots 7 & 8, Block 77



Jerome Townsite SW (18-8-17), more commonly known 141 1st Avenue East, Jerome, Idaho 83338.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF JUAN GONZALEZ A SPECIAL USE PERMIT ALLOWING RESIDENTIAL USE, ON THE PROPERTY LOCATED AT LOTS 7 & 8, BLOCK 77, JEROME TOWNSIT SW (18-8-17), MORE COMMONLY KNOWN AS 141 1st AVENUE EAST, JEROME, IDAHO**

A public hearing on the application of Juan Gonzalez concerning the use of real property located at 141 1st Avenue East, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, December 13, 2022, 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, Ervina Covcic, provided a brief background and staff report on the application and on the property. Ms. Covcic stated the property in question, at 141 1st Avenue East Jerome, Idaho, is zoned Central Business District (CBD). According to 17.14.010, residential single-family dwellings are permitted in Central Business District (CBD) zone by special use permit only.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covcic stated the application is in accordance with the following: Chapter 13, Objective 2 "Provide for areas of different residential densities and uses."; Chapter 13, Objective 6 "Housing policies should be developed to assure the upgrading and rehabilitation of homes is encourage."; and Chapter 13, Policy 6 "Promote a wide range of housing types and housing diversity to meet the needs of Jerome's diverse population."

Ms. Covcic went over the General Standards for Special Uses with the commission.

Standard A, Will, in fact, constitute a special use as established in City code for the zoning district involved. The Planning and Zoning Code allows residential uses in the CBD zone with an approved Special Use Permit.

Standard B, Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the JMC.

Standard C, Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general cavity and that such use will not change the essential character of the same area. The application notes that renovations will be done to the interior.

Standard D, Will not be hazardous or disturbing to existing or future neighboring uses. The application notes that the request will not be hazardous.

Standard E, Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The application notes that services will remain the same.

Standard F, Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. The application notes there will be no changes.

Standard G, Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise smoke, fumes, glare, or odors. The request does not appear to involve uses that will be detrimental to the general welfare.

Standard H, Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. The application appears to not create interferences with traffic.

Standard I, Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance. It does not appear that the residential use will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Covic stated she sent the application out to City Staff and received the following comments: (i) Building- Complete plans are needed; and (ii) Fire- Concerns are with emergency occupant egress. This would require emergency escape window in all rooms used for sleeping. No other department had any other comments or concerns.

If approved, Ms. Covic recommended the following conditions: (a) Comply with all City, State and Federal requirements; and (b) Special Use Permit shall be allowed for one (1) year, renewable upon expiration.

Applicant Testimony: Juan Gonzalez, 145 1st Avenue East, Jerome, appeared and testified before the Commission. Mr. Gonzalez stated renovation will mainly be on the top floor. There were offices in the building so they will be remodeling the kitchen. The building already has showers and bathrooms. They will be moving the kitchen area around.

Upon inquiry from Chairman Mink, Mr. Gonzalez stated they will be moving some counters and walls.

Upon inquiry from Commissioner Johnson, Mr. Gonzalez stated they would not be using the basement for sleeping.

Upon inquiry from Commissioner Reed, Mr. Gonzalez stated all of the rooms will have appropriate windows. He stated the property is zoned commercial and the previous owner recently passed away which gave them the opportunity to purchase the building.

Upon inquiry from Mr. Gonzalez regarding the length of the permit, Ms. Covcic stated the Commission sets the time limit. Commissioner Reed stated the Commission likes to see how an applicant is doing after a year and then they may extend after.

Mr. Gonzalez stated if the application is approved, he will reach out to the Fire Department along with Mr. Richey from the Building Department to see what they need from him.

Upon inquiry from Commissioner Reed, Ms. Covcic stated the building department will need the building plans for the permits

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

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

**I. Findings**

- A. 141 1st Avenue East, is in the City of Jerome and is currently zoned Central Business District (CBD).
- B. The proposed use allowing the property to be used for residential purposes, requires a special use permit in a CBD Zone.
- C. JMC 17.14.010 provides the standards for special use permits, which are satisfied as follows:
  - a. The proposed use is harmonious with the general objectives of the comprehensive plan in that there are other area residences;
  - b. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior of the building;
  - c. The proposed use will not be hazardous or disturbing to existing or future neighboring uses;

- d. No additional public facilities will be necessary for the proposed use;
- e. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors;
- f. The vehicle approaches to the property will not be altered, nor create an interference with traffic on surrounding public thoroughfares; and
- g. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance

**II. Conclusions**

- A. A special use permit is required for the applicant to be able to put a residence in the CBD zone for the City of Jerome.
- B. A special use permit promoting diverse residential options is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Juan Gonzalez for a special use permit for residential use of the property located at 141 1st Avenue East, Jerome, Idaho, subject to the following conditions:
  - a. Comply with all City, State, Federal requirements; and
  - b. Special use Permit shall be allowed for up to one (1) year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 10th day of January, 2023, in support of the decision of the Planning and Zoning Commission on the 13th day of December, 2022, to approve the application as specified herein is hereby made final this 10th day of January, 2023.

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

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

Second to the motion by Commissioner Schroeder and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Shonna Fraser and Commissioner Paul Johnson. NAYE: None.

**CITIZEN CORRESPONDENCE AND ISSUES**

None

**DISCUSSION PERIOD & STAFF REPORTS**

Ms. Covcic stated the next meeting will be on February 14<sup>th</sup>. She stated there is only one item to be heard and inquired if they would like to hold the meeting on the 28<sup>th</sup>. Ms. Covcic stated she understands that Commissioner Schroeder has a conflict with the fourth Tuesday meetings. Discussion was held on the February meeting. Commissioner Reed stated he is seeing great improvements in the last couple of years. Discussion was held on the improvements in the City of Jerome. Ms. Covcic stated she sent out survey for Comp Plan. They are looking at getting it finished by late spring. She stated the more information, the better. Commissioner Reed stated he and Commissioner Johnson mentioned the survey on their radio programs.

There being no further discussion, Chairman Mink closed this regular meeting at 8:02 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary