

Planning & Zoning Meeting  
September 12, 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 Legal Counsel BJ Hess, City Planner Ida Clark, 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 7:01 p.m.

**Public Hearing** for a request from Heritage Academy for a renewal of a Special Use Permit allowing a school, public or private, on the property located at Lots 9 & 10 Blk 117 Jerome Townsite (NW 19-8-17), more commonly known as 100 East Avenue D, Jerome, Idaho.

Staff Report: Ms. Clark stated Heritage Academy Public Charter School received a Special Use Permit allowing a public school on September 13, 2022, for one year. The location is used for staff offices and training, school programs, and parent/social work support. They have worked with both the building and fire departments to complete the required changes for occupancy. City staff has been provided an opportunity to comment on the renewal application. They have remained compliant with the General Standards for review of a special use permit.

Ms. Clark stated the property in question is zoned Central Business District (CBD). According to 17.14.010, public or private school uses are permitted in the Central Business District (CBD) zone by special use permit only.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the use is in compliance with Chapter 5, Provide exemplary public services and educational opportunities for our community; and Chapter 5, Objective 5.7.d. Encourage integration of charter and other private schools in community activities.

Ms. Clark stated she sent the application out to City Staff and received a comment from Code Enforcement. They have asked that the weeds, specifically goat heads, be cleaned up around the school property.

If approved, Ms. Clark recommended the following conditions: Comply with all City, State, and Federal requirements; and Special Use Permit shall be allowed for seven (7) years, renewable upon expiration.

Applicant Testimony: Shaila Tate, 151 E 500 S, Jerome, testified she is a member of the Heritage Community School Board and would like to have the commission grant a permanent Special Use Permit. Ms. Tate went over a slide show with the commission. Topics that were discussed were the Heritage Academy School District mission; goals of the Falcon Community Center;

services they provide for the community; and the accomplishments they have completed. Upon inquiry from Commissioner Reed, Ms. Tate stated the building is Americans With Disabilities Act (ADA) compliant. Upon inquiry from Commissioner Schroeder, Ms. Tate stated the food pantry has been mostly for students and staff, but they are willing to reach out to the community. Upon inquiry from Commissioner Mink, Ms. Tate stated the use and goals have not changed from the initial permit. Commissioner Schroeder stated he is glad weeds have been addressed as he had previously walked past the property and noticed weed issues. He stated they also seemed to be recently cut down and thanked the board for that.

Testimony in Favor:

Carol Cone, 157 East Ave B, testified they have had issues with the contractor who was hired to take care of the weeds. They have made a correction and it should be resolved. He stated he was not aware of goat heads at the community center and that the building has been open to the community. They have Wi-Fi available to the public.

Ms. Elliott read the following onto the record:

Richard Goetsch

213 E Ave D, Jerome, Idaho

Support the application. No other comments were provided.

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 7:10 p.m.

**Consider** a request from Heritage Academy for a renewal of a Special Use Permit allowing a school, public or private, on the property located at Lots 9 & 10 Blk 117 Jerome Townsite (NW 19-8-17), more commonly known as 100 East Avenue D, Jerome, Idaho- *action item*

Commissioner Reed made a motion to approve a request from Heritage Academy for a renewal of a Special Use Permit allowing a school, public or private, on the property located at Lots 9 & 10 Blk 117 Jerome Townsite (NW 19-8-17), more commonly known as 100 East Avenue D, Jerome, Idaho, with the following conditions: Comply with all City, State, and Federal requirements; and Special Use Permit shall be permanent as long as they own the building.

Second to the motion by Commissioner Johnson and carried.

Commissioner Schroeder stated he is concerned with keeping the permit open-ended as he would like to address weeds, if they add uses, or other issues that could arise. He stated he would like a term of five (5) years instead of a permanent permit. His concerns would be parking and the challenges that come with an increase in people. Discussion was held on the

conditions that can be set for special uses and if the use changes, the applicant would need to reapply for a special use permit. The applicant would still need to comply with the City ordinance for weeds.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Shonna Fraser, and Commissioner Paul Johnson. NAYE: Commissioner Jeff Schroeder.

Chairman Mink called the Public Hearing to order at 7:18 p.m.

**Public Hearing** for a request from Angel's Construction Custom Homes, LLC for approval on a preliminary plat of Angels Subdivision, located at Tax 2210182 Block A-220 Jerome Townsite (NW 18-8-17), more commonly known as the empty field on the East side of North Buchanan Street between 10th Avenue East and Glacier Drive, Jerome, Idaho, containing approximately 1.9 acres.

Staff Report: Ms. Clark stated the property in question, described herein, containing approximately 1.9 acres, is currently zoned Residential 2 (R-2). The proposed project includes nine (9) single-family residential lots. The proposed project requires a preliminary plat recommendation from the Planning & Zoning Commission. The applicant is requesting preliminary approval on the complete plat with the development of the subdivision in a single phase. Setbacks for the Residential 2 (R-2) zone: front 25 ft, rear 20 ft, interior side 7 ft, and street side 15 ft. Minimum lot size is 5,000 sq. ft.

As it pertains to the Jerome Comprehensive Plan, Ms. Clark stated the application meets objectives in Chapter 4 – Our Built Environment; Objective 4.3: Diversify the variety of housing types within the City, while protecting existing neighborhoods; and Objective 4.4: Support development of affordable housing for a full range of employees and residents (retirees, families, etc.). The Comprehensive Plan Map designates the property in question as Residential Medium.

Regarding Title 16.16.050 regarding the Preliminary Plat, Ms. Clark stated the applicant has provided a complete subdivision application with adequate information to review the preliminary plat. A mailed notice was sent to adjacent property owners on August 25, 2023, as required by code. The following agencies were sent a notice regarding the proposed subdivision: Idaho Power, Intermountain Gas, School District, Jerome County, Northside Canal Co. and the Post Office. The Northside Canal Company did send a response that they had no concerns. Ms. Clark stated she sent the application out to City staff and received the following comments: Fire- Concern with deep lots, in excess of 150 ft. There is a possibility of structures being built on the back ends of the lots exceeding our 150 ft. hose reach from a fire apparatus access road as listed in IFC Sec. 503; and PW – One additional fire hydrant will need to be installed and shown on the construction plans. The applicant shall have one (1) year to file and obtain the certification of the acceptance of the final plat.

Regarding 16.28.040: Lot Requirements, Ms. Clark stated as proposed, all lots meet the minimum lot size for the respective zone. The lots range in size from 8,686 sq. ft. to 9,263 sq. ft.

Regarding 16.28.050-.051: Streets & Dedication of Streets, Ms. Clark stated the application is not proposing streets as all lots will have access from North Buchanan.

Regarding 16.28-052-.053: Street Location & Street Specifications, Ms. Clark stated they are not proposing any new streets.

Regarding 16.28.060: Alleys, Ms. Clark stated the application does not propose any alleys due to the configuration of the lots and street layout.

Regarding 16.28.070: Easements, Ms. Clark stated the plat proposes easements in accordance with City standards. The existing irrigation and sewer lines are within the proposed easements.

Regarding 16.28.080: Sewage System & 16.28.090: Water Mains, Ms. Clark stated the lots will be serviced by municipal water and sewer.

Regarding 16.28.100: Stormwater Retention/Detention, Ms. Clark stated the preliminary plat proposes that each lot will be developed to retain stormwater on-site.

Regarding 16.28.110: Curb, Gutter & Sidewalk, Ms. Clark stated the preliminary plat proposes installing curb, gutter, and attached sidewalk.

Regarding 16.28.140: Irrigation Lines & Water Stocks, Ms. Clark stated pressurized surface irrigation will be provided to all lots. There will be irrigation improvements made by the City and the applicant.

Regarding 16.28.150: Required Improvements, Ms. Clark stated one fire hydrant will need to be installed. Mailboxes and streetlights have been included on the preliminary plat meeting the requirements of code.

Ms. Clark went over the Commission's action for this application. She stated the commission shall consider the objectives of this title and at least the following: The conformance of the subdivision with the comprehensive plan; The availability of public services to accommodate the proposed development; The continuity of the proposed development with the capital improvement program of the city; The public financial capability of supporting services for the proposed development; and The other health, safety of environmental problems that may be brought to the commission's attention.

Ms. Clark stated she went over a few options with the applicants and the fire department, in regards to the deeper lots as there are some exceptions. The City owns the property behind the subdivision where the fire department can potentially have access. The fire department also has additional hose if needed. Ms. Clark stated if additional hose is needed, which adds time to

the response of the fire department. She stated with the rear setback being 20 feet, if they move the structures five feet forward, they would meet the fire requirements.

If approved, Ms. Clark recommended the following conditions: Comply with all City of Jerome department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction, and any other needed improvements; A final plat or any part thereof shall be submitted for review and approval by the City Council prior to recording with the County; and Comply with all City, State and Federal requirements.

Upon inquiry from Commissioner Mink, Ms. Clark stated the additional hydrant would need to be shown on the final construction plans. Ms. Clark stated the applicant would be installing curb, gutter and sidewalk along the east side of Buchanan. Commissioner Johnson stated essentially the homeowners would have a larger sized backyard. Upon inquiry from Commissioner Reed, Ms. Clark stated the width of the property is 53 feet. She is not sure what the average width of the surrounding properties are. Commissioner Johnson stated these would be larger lots. Upon inquiry from Commissioner Fraser, Ms. Clark believes they would be for single-family homes. She continued that the average lot size is 9,263 square feet with one lot being slightly smaller. Upon inquiry from Commissioner Reed, Ms. Clark stated the 10<sup>th</sup> Street well is on the city owned property. Mr. Carpenter, City Engineer, confirmed the city is building a water tank on the property. Upon inquiry from Commissioner Reed, Mr. Carpenter stated the fire department would have drivable access to the property but the roads would not be built for fire trucks to drive on all the time. Chairman Mink stated the city property is not under consideration. Discussion was held on different scenarios regarding the setback and the length of the fire hoses, and moving structures five feet forward.

Applicant Testimony: Matt Ahrens, representing EHM, 621 N College Rd St 100, testified the length of the lot can be addressed when the building permit is pursued. He stated there are other solutions that can address those concerns. Regarding the stormwater, Mr. Ahrens stated this is also involved in the building permit. The small amount each lot would need to retain would be around 200 cubic feet but would vary with each homeowner. There will be a small widening of the street so the stormwater will be captured with the curb, gutter, and sidewalk. Mr. Ahrens clarified the subdivision would have gravity irrigation services with the option for the homeowner to install a pump at the gravity inlet. Mr. Ahrens stated the concern for the extra hydrant is not with the cover but for the fire flow delivery. He continued that the current fire hydrant may be fed by a four-inch water main off 11<sup>th</sup> Ave East. If the hydrant is fed off of the eight-inch main from North Buchanan, they would not need an additional hydrant. He stated his surveyor noticed a valve that may connect the current hydrant with the eight-inch main. Mr. Ahrens stated the city intends to install a new sewer main on North Buchanan which would service most of the lots. He stated Lots 8 and 9 would be serviced off of an existing line. Commissioner Reed stated the city needs to look into the water line issue. He also has a concern with an accessory building being in the back of the property. Commissioner Johnson stated accessory buildings still have setbacks. Ms. Clark stated the concern is where people are living. Upon inquiry from Commissioner Reed, Ms. Clark stated the Public Works Director recommended the additional fire hydrant. Mr. Ahrens stated he believes an additional fire

hydrant would be installed if necessary. Ms. Clark stated Public Works would be working with the applicant regarding the hydrant.

Testimony in Favor: Dave Thibault, 621 N College Rd, representing EHM, went over the International Fire Code, Appendix D, with the commission. Mr. Thibault stated this appendix is specifically referenced for Fire Apparatus Access Roads. He went into great detail on the different turnarounds that would be appropriate. He stated once you exceed the length past the 150 length, they may need to have fire turnaround. Mr. Thibault stated this is during the building permit process where they can review and address those concerns. In the county, this can be a problem but this is addressed in the building permit process where they can meet with staff. Regarding the hydrant request, Mr. Thibault stated when the request came in, he understood the Public Works would like the delivery to be about 1,000 gallons per minute for the fire flow. There is no objection to this condition and he would like to keep the hydrant condition in the recommendations. They will be hiring a third party to test the hydrant for the recommended flow.

Ms. Elliott read the following onto the record:

Billy E Trujillo  
405 Glacier Dr, Jerome, Idaho  
Support the application. No other comments were provided.

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 7:45 p.m.

**Consider** a request from Angel's Construction Custom Homes, LLC for approval on a preliminary plat of Angels Subdivision, located at Tax 2210182 Block A-220 Jerome Townsite (NW 18-8-17), more commonly known as the empty field on the East side of North Buchanan Street between 10th Avenue East and Glacier Drive, Jerome, Idaho, containing approximately 1.9 acres- *action item*

Chairman Mink stated the property has been empty for years and is glad to see it developed.

Commissioner Fraser made a motion to approve a request from Angel's Construction Custom Homes, LLC for approval on a preliminary plat of Angels Subdivision, located at Tax 2210182 Block A-220 Jerome Townsite (NW 18-8-17), more commonly known as the empty field on the East side of North Buchanan Street between 10th Avenue East and Glacier Drive, Jerome, Idaho, containing approximately 1.9 acres, with the following conditions: Comply with all City of Jerome department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction, and any other needed improvements; A final plat or any part thereof

shall be submitted for review and approval by the City Council prior to recording with the County; and Comply with all City, State and Federal requirements.

Second to the motion by Commissioner Schroeder and carried.

Commissioner Reed inquired if they wanted to move the setbacks up. Chairman Mink stated he understood it would be addressed in the building permit process.

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.

**Consider** a Design Review for 126 and 130 South Lincoln, Jerome, Idaho- *action item*

Staff Report: Ms. Clark stated 126 and 130 South Lincoln Avenue, Jerome, ID is located in the Central Business District (CBD) zone. The design review proposal is regarding exterior updates to the existing building in the form of an outdoor seating area facing South Lincoln.

Ms. Clark went over the following Design Review Guidelines with the commission.

Regarding Guidelines #13 Enhance Jerome Classic Style, Ms. Clark stated the buildings should enhance and/or continue classic styles. Plans include the bar top in dark walnut complimented by deck flooring in redwood and metal fencing in black. The bar top and flooring have a high UV-protected gloss finish. The fencing is powder-coated aluminum. The design as proposed provides a welcoming storefront and enhances the "sense of place".

Regarding Guideline #23 Shop Front Design, Ms. Clark stated shop fronts should avoid gimmicky, garishness, and excessive ornamentation. Ms. Reyes is proposing an elevated bar top with high chairs looking out towards South Lincoln. The front will be simple, direct, and is protected from the elements by an existing metal awning.

Ms. Clark stated the commission previously approved the garage doors that have been installed.

Jean Reyes stated they will be adding a deck to go across the front outside entrances. They have the doors along with the entrances. She stated they have hired an engineer and architect to help with the design of the building. They are not sure what they want to do but they want something that would be more appealing to the area and draw attention to the building. She continued they want to make it historic and modern. The deck will be manmade material to help with the upkeep. Upon inquiry from Chairman Mink, the decking will be from the doors to the sidewalk that is underneath the awning. Ms. Reyes stated they would like to make a little waffle house place or something of that nature. Upon inquiry from Commissioner Johnson, Ms. Reyes stated there are three sections to the building and they would like one to be an eatery. The rear section would remain as storage.

Commissioner Johnson made a motion to approve a Design Review for 126 and 130 South Lincoln, Jerome, Idaho, with the following conditions: Comply with all Building and Fire Department requirements and inspections; and Comply with all City, State, and Federal requirements.

Second to the motion by Commissioner Reed 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 August 22, 2023 regular meeting.
- B. Findings and Conclusions for Glenda Kestle for a Special Use Permit for a daycare center, a childcare facility for thirteen (13) or more children, on the property located at Tax 6 Lot 7 & Tax 5 Lot 8 Block 2 Jerome Township SW 18-8-17, more commonly known as 810 North Buchanan Street, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF GLENDA KESTLE FOR A RENEWAL OF A SPECIAL USE PERMIT ALLOWING A DAYCARE CENTER, A CHILDCARE FACILITY FOR THIRTEEN (13) OR MORE CHILDREN, ON THE PROPERTY LOCATED AT TAX 6 LOT 7 & TAX 5 LOT 8, BLOCK 2 JEROME TOWNSHIP SW 18-8-17, MORE COMMONLY KNOWN AS 810 NORTH BUCHANAN, JEROME, IDAHO.**

A public hearing on the application of Glenda Kestle, concerning the use of real property located at 810 North Buchanan, Jerome, Idaho, for a renewal of the special use permit was held, pursuant to notice, on Tuesday, August 22, 2023, 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, provided a brief background and staff report on the application and on the property. Ms. Clark stated Ms. Kestle received a special use permit for a daycare center, a child care facility for thirteen (13) or more children in August of 2016 for two years. In 2018, she renewed for five years. Ms. Kestle would like to request another renewal on her special use permit.



The application notes there will not be any changes to the existing use. The daycare operates during the workweek and is closed on the weekend. Normal hours of operation are 7:30 am to 5:30 pm. Street parking is used for drop-off and pick-up, with minimal increase in traffic.

The property in question 810 North Buchanan, Jerome, Idaho, is zoned Residential-2 (R-2). The proposed use, a daycare center, requires a renewal of the Special Use Permit.

This request is in compliance with the Comprehensive Plan as defined in the following section: Section D, Our Built Environment – to enhance our built environment to offer a harmonious blend of land uses that serve our entire community, residents, and visitors now and in the future.

If approved, Ms. Clark recommended the following conditions: (a) Receive any and all required building department and/or fire department permits and inspections; (b) Comply with all city, state, federal requirements; and (c) Special use permit shall be allowed for up to five (5) years, renewable upon expiration.

Applicant Testimony: Glenda Kestle, 810 North Buchanan Street, Jerome, Idaho, appeared and testified before the Commission. Ms. Kestle testified she is the co-owner of Glenda's Day Care with her daughter. They have had their business for almost 28 years.

Ms. Kestle testified stating nothing has changed since they renewed last time they applied. They still offer daycare and preschool for the community of Jerome, Monday through Friday from 6:30 a.m. to 5:30 p.m.

Ms. Kestle stated they have not had any noise issues. The neighbors have previously written letters or told them they are glad she is around during the work day. Ms. Kestle stated she has not had any complaints from the neighbors.

She stated they are up to date on all of their inspections, licenses, criminal background checks, CPR, and first aid. Ms. Kestle requested a renewal.

Upon inquiry from Commissioner Johnson, Ms. Kestle stated they can have up to 20 children at a time, according to their size of center. They are allowed eight (8) infants/toddlers and 12 preschool aged children. Ms. Kestle stated they do not have that many as they only have two (2) full time and one (1) part time staff. She stated they have around 14 kids throughout the day, some of who are only after school.

Testimony in Favor: Ms. Elliott read the presented letter for the record, as follows:

Keven and Stacie Rambo, 217 7th Avenue East, Jerome, Idaho 83338

“Support the application. As Glenda Kestle’s neighbors, We, (Keven and Stacie Rambo) have no problem with her keeping her Special use permit for her daycare. It has always been ran in a very professional manner.”

Testimony in Neutral: None.

Testimony in Opposition: None.

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

## **I. Findings**

- A. 810 North Buchanan is in the City of Jerome and is currently zoned Residential 2 (R-2).
- B. The proposed use, daycare center, requires a special use permit to operate in R-2. A special use permit was entered in 2016, along with a renewal in 2018. This is a second renewal of the special use permit presently in place for this property.
- C. JMC 17.14.010 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that daycare center serve a need of the community and provide convenience in a residential zone.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior of the building. The building is a residence and will continue to be used by the applicant, Glenda Kestle, as a family residence.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- G. No additional public facilities will be necessary for the proposed use.
- H. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors. We find the parking concern to be of minimal concern as the children will arrive and depart at various times and the parents will be extremely temporary as the pick-up and drop off the children.
- I. The vehicle approaches to the property will not create an interference with traffic on surrounding public thoroughfares.
- J. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

## **II. Conclusions**

- A. A special use permit is required for the applicant to allow a daycare center in the R-2 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 Glenda Kestle for a second renewal of the special use permit for a daycare center located at 810 North Buchanan, Jerome, Idaho subject to the following conditions:
  - a. Receive any and all required building department and/or fire department permits and inspections;
  - b. Comply with all city, state, federal requirements; and
  - c. Special use permit shall be allowed for up to five (5) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12<sup>th</sup> day of September, 2023, in support of the decision of the Planning and Zoning Commission on the 22<sup>nd</sup> day of August, 2023 to approve the application as specified herein is hereby made final this 12<sup>th</sup> day of September, 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 Reed 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**

Commissioner Johnson inquired about the light poles on Main Street as it is pretty dark in the early morning. Ms. Clark stated she would inquire from Public Works as several poles have been hit and they do have a plan on replacing them. She stated she is not sure if the light poles were on back order, or if they are waiting for the electrical work.

There being no further discussion, Chairman Mink closed this regular meeting at 7:58 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary