

Planning & Zoning Meeting
February 8, 2022

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 Jerome City Council Chamber 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.

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

Present were Chairman Rod Mink, Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Shonna Fraser, and Commissioner Carl McEntarffer. Also present were Legal Counsel, Ted Larsen, Interim City Planner, Esmeralda Chavez, City Planner, Ervina Covcic, and City Clerk, Bernadette Coderniz. Commissioner Dave Holley, Commissioner Paul Johnson and Secretary Katie Elliott were excused.

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

Public Hearing for a request from Endurance Holdings, LLC c/o Sophia Durham for a Rezone from Neighborhood Business (C-1) to Residential 2 (R-2), on the property located at Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), more commonly known as northwest corner of North Lincoln and 16th Avenue West, Jerome, Idaho, approximately 38.70 acres.

Staff Report: Ms. Chavez stated the parcel was annexed in 2005. At the time of annexation, two zones were assigned to the property. The majority of the land was zoned Residential 2 with a small portion zoned Neighborhood Business (C-1). The property has a current special use permit for agricultural use, expiring in December 2025, and has been farmed for the past few years. The applicant is requesting a rezone from Neighborhood Business (C-1) to Residential 2 (R-2) to have the entire parcel of land with the same zoning.

Regarding the adjacent land use and zoning of the surrounding property, Ms. Chavez stated to the north is residential/agricultural zoned area of impact zoned Residential; to the south is residential zoned as Residential 2 and Neighboring Business; to the east is residential zoned Residential 1; and to the west, which was recently annexed, is agricultural zoned Residential 2.

The Comprehensive Plan Land Use Map designates the current parcel as Residential Medium and Commercial. The existing land use is agricultural.

Ms. Chavez stated the parcel is currently zoned and Residential 2 (R-2) and Neighborhood Business (C-1). The Residential 2 zone is intended to provide for single or two-family dwellings.

The minimum lot size for this zone is 5,000 sq. ft. The Neighborhood Business zone is intended to allow convenience business uses which tend to meet the daily needs of the immediate neighborhood. There is no minimum lot size for the C-1 zone.

The proposed zone of Residential 2 (R-2), is a more restrictive zone and allows for single and two-family dwellings. 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 required by 17.80.040, GENERAL PROCEDURES FOR AMENDMENTS, the application for a rezone shall be reviewed by the Commission to determine if the request: Is in accordance with the Comprehensive Plan; Will not 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 13, "Neighborhoods", Objective 2, "Provide for areas of different residential densities and uses"; Chapter 13, "Housing," Objective 3, which the encouragement and "the development of various housing types to meet the needs of the citizens of Jerome."; and Comprehensive Plan, Chapter 13, Policy 6 which is to "Promote a wide range of housing types and housing diversity to meet the needs of Jerome's diverse population." The application notes this rezone will allow the property to be developed in a more harmonious nature to the surrounding land holdings of other adjacent properties; be consistent with neighboring uses in regards to noise and pollution generation; and retain families in Jerome where they can live, work and play.

Regarding the demand for public infrastructure that is not currently available, Ms. Chavez stated the parcel has access to city services, including water and sewer. The infrastructure for both water and sewer is located at the intersection of North Lincoln and 16th Avenue. The developer will be responsible for the extension of services to serve the property.

Regarding the compatibility with the zoning uses in the surrounding areas, Ms. Chavez stated this area is bordered by residential uses to the north, south, and east. The parcel to the west was recently annexed and zoned Residential 2. It appears the proposed zone request to Residential 2, would be compatible with the surrounding area.

Regarding the creation of non-conforming uses, Ms. Chavez stated the parcel is currently being used for agricultural land. No non-conforming uses would be created by this rezone.

Title 16 had no bearing on this request.

Ms. Chavez stated she sent the application out to city staff and there were no concerns at this time.

Chairman Mink stated when the property was annexed, the application requested the two zones. Ms. Chavez confirmed it was deliberate but stated current code does not allow two zones on one property.

Applicant Testimony: Tim Vawser, representing EHM Engineering, 711 Birch, Kimberly, testified they knew there were two zones on the property. As they looked through Jerome city ordinances and considered all of the uses regarding the zoning, the client's interest is in single-family housing. They knew they could apply for a Special Use Permit (SUP) or rezone, then decided they would have a cleaner project if the entire parcel is zoned R-2. If approved this evening and city council they would return with preliminary plats.

Testimony in Favor: Ms. Coderniz read the following onto the record:

Rod and Gina Jerke
105 Mountain View Drive, Jerome, Idaho

Support the application. No other comment was provided.

Testimony in Neutral: None

Testimony in Opposition: Ms. Coderniz read the following onto the record:

Kelly L Wilkins
326 15th Avenue West, Jerome, Idaho

Oppose the application

I oppose putting multi-family homes on this property. It will decrease the value of our home. It will also double the amount of traffic compared to single family dwellings.

Paul Douglas Daniel
102 Mountain View Drive, Jerome, Idaho

Oppose the application

I am assuming the property in question is that which was platted when the subdivision was laid out. When the developer began selling they told buyers they were going to build a park. All these years later and still no park. I oppose this change and feel a park should be built instead, using the property. I think a park would be a draw to future buyers of property.

Rebuttal Testimony: Mr. Vawser stated there are no plan for multi-family dwellings, and he said he does not believe it was platted for any other development besides farming. He stated the opposition may be referring to a different parcel. He continued that open spaces will be on the property, and the plan is for a single-family development. Chairman Mink stated duplexes would be allowed in the R-2 zone. Commissioner McEntarffer stated the property was once

owned by the same family that started Jerome Estates, and when the market crashed the property was sold.

There being no further testimony, Chairman Mink closed the Public Hearing at 7:13 p.m.

Consider a request from Endurance Holdings, LLC c/o Sophia Durham for a Rezone from Neighborhood Business (C-1) to Residential 2 (R-2), on the property located at Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), more commonly known as northwest corner of North Lincoln and 16th Avenue West, Jerome, Idaho, approximately 38.70 acres- action item

Commissioner McEntarffer inquired about the zoning, and if ownership changed, would the new owner require a Special Use Permit (SUP) for farming. Ms. Chavez stated if a new owner did want to continue farming, they would need to apply for a new SUP.

Commissioner McEntarffer made a motion to recommend to City Council the request from Endurance Holdings, LLC c/o Sophia Durham for a Rezone from Neighborhood Business (C-1) to Residential 2 (R-2), on the property located at Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), more commonly known as northwest corner of North Lincoln and 16th Avenue West, Jerome, Idaho, approximately 38.70 acres.

Second to the motion by Commissioner Fraser and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Jeff Schroeder, Commissioner Carl McEntarffer, Commissioner Shonna Fraser and Commissioner Benjamin Reed. 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 January 11, 2022 regular meetings;
- B. Consider/Approve Findings and Conclusions for Juan Gonzalez for a renewal of a Special Use Permit allowing a commercial entertainment facility (indoor), on the property located at Lot 16 & 17, Block 76, Jerome Townsite SE 13-8-16, more commonly known as 160 West Main Street, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF JUAN GONZALEZ FOR RENEWAL OF A SPECIAL USE PERMIT ALLOWING A COMMERCIAL ENTERTAINMENT FACILITY (INDOOR) ON THE PROPERTY LOCATED AT LOT 16 & 17, BLOCK 76, JEROME TOWNSITE SE 13-8-16, MORE COMMONLY KNOWN AS 160 WEST MAIN STREET, JEROME, IDAHO.

A public hearing on the application of Juan Gonzalez concerning the use of real property described herein within the City of Jerome, Idaho, for renewal of the special use permit was held, pursuant to notice, commencing at 7:01 p.m. on Tuesday, January 11, 2022, 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: Interim City Planner, Esmerelda Chavez, provided a staff report regarding the application, giving a brief background on the application. She stated the property in question, 160 West Main Street, in Jerome, is currently zoned Commercial Business District (CBD). The proposed use, a commercial entertainment facility (indoor), requires a Special Use Permit from the Planning and Zoning Commission.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Chavez stated the request is in compliance with the Comprehensive Plan as defined in the following sections:

Chapter 7, Section which addresses Business Retention and Expansion. This Section states, "The city should develop an atmosphere to retain, expand, and create business development"; and Chapter 7, Policy 8 which states, "Continue to provide an atmosphere for successful business development." Ms. Chavez stated the request is not in accordance with the Comprehensive Plan as defined in the following Sections: Chapter 4, Transportation, Objective 5 "Promote ease of access in and through all portions of the city", primarily parking.

Regarding the General Standards for Special Uses, Ms. Chavez stated the Planning and Zoning code allows commercial entertainment facility (indoor) in the CBD zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan Chapter 7. However, it does not appear to be in accordance with Title 17 of the Jerome Municipal Code and Chapter 4 Transportation. Most buildings downtown do not have adequate off-street parking and have verbal agreements to use public parking lots. The previous special use application stated Mr. Gonzalez had a verbal agreement with the previous owner of the parking lots directly north of the building, Mr. Larry Webb, allowing parking on his property. However, this property has recently sold. It is unknown if Mr. Gonzalez has an agreement with the new property owner. Previously, Mr. Gonzalez had also obtained verbal permission to use the Annex building public parking, located on West Main. Mr. Gonzalez has noted the gross square footage of the building is approximately 6,000; however, this does include a basement for storage and small studio apartment. The approximate gross area for the event space is 4,500 square feet. They would need to provide, at a minimum, 40 off-street parking spaces to accommodate the event center and dance floor area. The applicant has indicated that there will not be any exterior modifications at this time. This will not have an impact on the character of the general vicinity. It is not anticipated that the proposed use will be hazardous or disturbing to existing or future neighboring uses. The applicant has noted it will be served by existing services and is not adding additional services. There is no indication that a

commercial entertainment facility (indoor) use will create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. There are no proposed changes to the vehicular approaches to the site. There is no indication that this use will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. The applicant states the building structure and outside appearance will remain as is.

Ms. Chavez stated she sent the application to City Staff and received the following comments:

- (a) Engineering- It appears the existing building/business uses parking at the rear of the building since there is limited parking on W. Main; Streets- There is limited parking available around this facility with only street side parking on Main and Alder. The parking lot directly behind this building is privately owned;
- (b) Wastewater- Wastewater has no concerns with this SUP provided that there will not be a commercial kitchen on site;
- (c) Water- This facility is now being supplied water by only one ¾" service line. If this is a sufficient amount of water, there are no concerns with the request;
- (d) Building- No concerns at this time;
- (e) Fire- A fire inspection was completed on 12/31/2021 and was not passed. Applicant is required to pass the fire inspection; and
- (f) Police- Expressed concerns on alcohol being served on premises if applicant does not have its own license. Police also inquired how the applicant was planning to address security.

If approved, Ms. Chavez recommended the following conditions: (i) Receive any and all required building department and/or fire department permits and inspections; (ii) Comply with all City, State, and Federal requirements; and (iii) recommend special use permit be allowed for up to one (1) year, renewable upon expiration.

Applicant Testimony: Juan Gonzalez, 145 1st Ave East, presented before the Commission and testified on this application. Mr. Gonzalez testified they have some wires that were exposed and the electrical contractor has fixed the problem. Mr. Webb let them use the parking lot, but he has his customers park on the street or in the annex building parking lot. Regarding the alcohol, when they rent the hall out, he asked those that are renting the building, to have security at the doors so the alcohol does not leave the building. After inquiry from Commissioner Johnson, Mr. Gonzalez stated he does not have a beer license because he does not want to be at the hall and serve the beer. Commissioner McEntarffer stated in the last renewal, there was discussion brought up regarding the alcohol so whoever leases the building is responsible for bringing in and removing the alcohol. Upon inquiry from Chairman Mink, Mr. Gonzalez stated he was not told the repairs were done but the contractor was gone and it looked like the repairs were finished. He will contact the Fire Department for them to re-inspect. Upon inquiry from Chairman Mink, Mr. Gonzalez stated they have not had any issues with the parking as they have them park in the street or at the annex building. He believes his occupancy is 106.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:12 p.m.

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

I. Findings

- A. The property described in the heading herein is in the City of Jerome and is currently zoned Commercial Business District (CBD).
- B. The proposed use, a commercial entertainment facility (indoor), requires a special use permit to operate in CBD.
- C. The Application is consistent with the General Standards for Special Uses as stated in JMC 17.60.030. The proposed special uses is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in an CBD zone, in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior appearance of the property, will not create an interference with traffic on surrounding public thoroughfares, and will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.
- D. The parking, or lack thereof, has been effectively addressed by applicant and the Commissioners.

II. Conclusions

- A. A renewal of the special use permit is required for the applicant to be able to use the above described property for a commercial entertainment facility (indoor) in the CBD zone for the City of Jerome.
- B. A special use permit promoting an event facility is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows event facilities in CBD zone.
- D. The Commission approves the renewed application of Juan Gonzalez for a commercial entertainment facility (indoor) located at the above described real property subject to the following conditions:
 - a. Parking will be maintained and not to interfere with the North Side Club parking;
 - b. Follow up fire inspection and provide Ms. Chavez with the results;
 - c. Comply with all City, State, and Federal requirements; and

- d. special use permit 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 11th day of January, 2022, in support of the decision of the Planning and Zoning Commission on the 8th day of February, 2022, to approve the application as specified herein is hereby made final this 11th day of January, 2022.

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

- C. Consider/Approve Findings and Conclusions for Idaho Milk Transport, Inc for a renewal of a Special Use Permit allowing a truck terminal yard, on the properties located at Jerome Unplatted Tax 41C and 64 of S1/2NW Sec 31 T8 R17, more commonly known as 325 and 401 Farmore Road, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF IDAHO
MILK TRANSPORT, INC. FOR RENEWAL OF A SPECIAL USE PERMIT ALLOWING A
TRUCK TERMINAL YARD ON THE PROPERTIES LOCATED AT JEROME UNPLATTED
TAX 41C AND 64 OF S1/2NW SEC 31 T8 R17, MORE COMMONLY KNOWN AS 325 AND
401 FARMORE ROAD, JEROME, IDAHO.**

A public hearing on the application of Idaho Milk Transport, Inc. concerning the use of real property described herein within the City of Jerome, Idaho, for renewal of the special use permit was held, pursuant to notice, commencing at 7:18 p.m. on Tuesday, January 11, 2022, 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: Interim City Planner, Esmerelda Chavez, provided a staff report regarding the application, giving a brief background on the application. She stated Idaho Milk Transport is a carrier of food grade liquid products throughout the United States, Canada and Mexico. Corporate headquarters are located in Burley with two other terminals located in Washington and another in California. The applicant obtained a special use permit in 2019 for a truck terminal yard and is now seeking a renewal. The properties in question, are currently zoned High Density Business (C-3).

Title 16 has no bearing on this request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Chavez stated the request is in accordance with Chapter Seven, Economic Development: Objective 2 - Promote the City as an ideal location for new development; Objective 3 – Maintain and expand public/private partnerships; and Policy 8 – Continue to provide an atmosphere for successful business development.

Regarding the General Standards for Special Uses, Ms. Chavez stated the Planning and Zoning code allows terminal yard-truck parking in the C-3 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code. The applicant is proposing to occupy an existing building with the truck parking on the bare lot of approximately 8-10 commercial trucks. The land the north and east are bare, there is a proposed hydraulic repair business proposed to the west and Rocky Mountain Pipe is to the south. The use of the property as a terminal yard appears to be harmonious and appropriate for the area and will not change the essential character. The proposed site plan does not show any improvements to lot at this time. Dust may become an issue and will need to be carefully monitored to not be hazardous to the existing and future neighboring uses. The applicant has noted it will be served by existing services. Truck parking at this time, does not require any connection to water or sewer services. There is no indication that this use will create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Truck Traffic will be produced but it will not be detrimental with a total of 8-10 trucks. The trucks carry food grade liquid and will be washed at another facility reducing excessive production of noise and odors. This site is currently accessed by Farmore Rd. There is an existing access point and will not interfere with other traffic. There is no indication this use would result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Chavez stated all departments have reviewed the proposed use. One recommendation was to place a condition to address dust suppression and/or up keep of the parking area if it is not paved in consideration of the surrounding uses.

If approved, Ms. Chavez recommended the following conditions: Gravel the road and truck parking area or other uses be implemented to reduce dust; Adequate cover and maintenance of the L-11 canal to support truck traffic; Special Use Permit shall be allowed for up to two years, renewable upon expiration; and Comply with all city, state, and federal requirements.

Upon inquiry from Chairman Mink, Ms. Chavez stated the property will need to be maintained regarding the dust. Upon inquiry from Commissioner Johnson, Ms. Chavez stated she has not received any complaints or comments regarding the dust.

Applicant Testimony: Gennefer Thorton, 946 Oakwood Ave, Burley, presented before the Commission and testified on this application. Ms. Thornton testified they would like to renew the permit. They were approved last February to build a wash bay and office building,

which they are still in the process of building. They recently bought the property to the east, 401 Farmore, where they currently use to run the office. They have been doing the dust mitigation by bringing in gravel and spraying down the gravel.

Upon inquiry from Chairman Mink, Ms. Thorton stated they have filled the requirements for the "L 11" canal and there has not been any issues.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:25 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Chavez'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. 325 and 401 Farmore Road, Jerome, Idaho, and is currently zoned High Density Business (C-3).
- B. The proposed use, terminal yard truck parking, requires a special use permit to operate in C-3 zones.
- C. JMC 17.60.060 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community.
- E. The proposed use is harmonious with the general objectives of the comprehensive plan to maintain and expand public/private partnerships to demonstrate the community's commitment to and support of economic expansion.
- F. The proposed use is harmonious with the general objectives of the comprehensive plan to continue to provide an atmosphere for successful business development.
- G. The proposed use is harmonious and appropriate for the area and will not change the essential character.
- H. The proposed site plan does not show any improvements to lot at this time. No additional public facilities will be necessary for the proposed use.
- I. The proposed use will not create excessive additional requirements at public costs.
- 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 for terminal yard truck parking in the High Density Business (C-3) zone for the City of Jerome.
- B. A special use permit allowing a terminal yard truck parking in the C-3 Zone is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Idaho Milk Transport, Inc., for a renewal of the special use permitting terminal yard truck parking, on the property commonly known as 325 and 401 Farmore Road, Jerome, Idaho, subject to the following conditions:
 - 1. Applicant shall Comply with all city, state and federal requirements; and
 - 2. 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 11th day of January, 2022, in support of the decision of the Planning and Zoning Commission on the 8th day of February, 2022, to approve the application as specified herein is hereby made final this 11th day of January, 2022.

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

- D. Consider/Approve Findings and Conclusions for Michael Taylor for a renewal of a Special Use Permit allowing an in-home occupation, in-home firearms sales, on the parcel described as Lot 2, Lamms Subdivision #1, NW 18-8-17, more commonly known as 309 16th Avenue East, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF MICHAEL TAYLOR FOR
SECOND RENEWAL OF A SPECIAL USE PERMIT ALLOWING A HOME
OCCUPATION FOR FIREARMS SALES ON THE PROPERTY LOCATED AT 309
16TH STREET IN JEROME, ID.**

A public hearing on the application of Michael Taylor concerning the use of real property described herein within the City of Jerome, Idaho, for an additional renewal of the special use permit was held, pursuant to notice, commencing at 7:28 p.m. on Tuesday, January 11, 2022, 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: Interim City Planner, Esmeralda Chavez provided a staff report and gave a brief background on this application. Ms. Chavez stated Mr. Taylor received a special use permit for a home occupation, firearm sales in February 2017. The application noted Mr. Taylor's work is not hazardous or disturbing to existing or future neighboring uses and does not cause excessive production of traffic, noise, smoke, fumes, or odors. It was noted he does not manufacture at this location. He only expects two to four customers per year. There is no signage or exterior modifications. Mr. Taylor renewed his special use permit in 2019 and is now seeking another renewal.

The property in question, 309 16th Ave East in Jerome, is currently zoned Residential 1 (R1). The proposed use, home occupation, firearm sales, requires a Special Use Permit from the Planning and Zoning Commission.

Title 16 has no bearing on this request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Chavez stated the request is in compliance with the Comprehensive Plan as defined in the following sections:

Chapter 7, Section which addresses Business Retention and Expansion. This Section states, "The city should develop an atmosphere to retain, expand, and create business development"; and Chapter 7, Policy 8 which states, "Continue to provide an atmosphere for successful business development."

Ms. Chavez stated she sent the application to City Staff and received the following comments:

- (a) Police – Large quantities of ammunition or explosive components, such as gun powder and primer, shall be stored in a manner approved by the fire department. It is recommended that Mr. Taylor provide a safe or take other preventative steps to prevent theft of firearms; and
- (b) Fire – Will need to conduct a new fire inspection.

There were no other comments from the other departments.

If approved, Ms. Chavez recommended the following conditions: (i) Receive any and all required fire department permits and inspections; (ii) Take preventative steps to prevent theft of firearms; (iii) Special use permit shall be allowed for up to three years, renewable upon expiration; and (iv) Comply with all City, State, and Federal requirements.

Upon inquiry from Commissioner Johnson, Ms. Chavez stated the applicant was previously inspected by the Fire Department.

Applicant Testimony: Michael Taylor, 309 16th Ave East, presented before the Commission and testified on this application. Mr. Taylor stated he would like to renew his application. He just recently renewed his Federal Firearm License (FFL) for three years. He does

not have a store name or store front. He stated his customers are usually only acquaintances of his. He stated he orders for the customers and they come and pick them up after he does a background check.

Upon inquiry from Chairman Mink, Mr. Taylor does not manufacture ammunition to sell. He has his personal ammunition that he manufactures, but everything is locked up and stored away from each other.

Upon inquiry from Commissioner Johnson, Mr. Taylor stated he does not stock inventory to sell, as he just orders the product and has the customer pick it up. He stated he has had his license for over 22 years.

Commissioner Reed commended the applicant for being upfront and honest about what he is doing.

Testimony in Favor: Katie Elliott, Secretary for the Commission, read the following for the record:

Andrea Gonzalez, 1511 Gazebo Court, Jerome, Idaho

“Support the application. Everything must be running smoothly for him, if he is applying for a renewal. No issues at this time.”

Testimony in Neutral: None.

Testimony in Opposition: Ms. Elliott read the following for the record:

Harvey Gardner, 237 16th Avenue East, Jerome, Idaho

“Oppose the application. We are residential neighborhood. Close to schools don’t need extra traffic.”

Shirley Buttram, 313 16th Ave East, Jerome, Idaho

“Oppose the application. We are a residential area and there shouldn’t have business in this area.”

Testimony in Rebuttal: Mr. Taylor stated there is very little traffic regarding the business. The business is not open to the public and he has not had any problem with the traffic.

There being no further testimony, Chairman Mink closed the public hearing at 7:38 p.m.

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

I. Findings

- A. The property described in the heading herein is in the City of Jerome and is currently zoned Residential 1 (R-1).
- B. The proposed use, home occupation, requires a special use permit to operate in R-1.
- C. Jerome Municipal Code 17.60.030 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in an R-1 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 appearance of the property.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring residences.
- G. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors.
- H. The vehicles approaching to the property will not create an interference with traffic on surrounding public thoroughfares.
- I. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

II. Conclusions

- A. A renewal of the special use permit is required for the applicant to be able to use the above described property for a home occupation in the R-1 zone for the City of Jerome.
- B. A special use permit promoting a home occupation is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows home occupations in R-1 zones by Special Use Permit.
- D. The Commission approves the renewed application of Michael Taylor for a home occupation located at the above described real property subject to the following conditions:
 - a. Applicant shall stay current on fire inspections;
 - b. Comply with all City, State, and Federal requirements; and
 - c. Special use permit shall be allowed for up to three (3) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 11th day of January, 2022, in support of the decision of the Planning and Zoning Commission on the 8th day of February, 2022 to approve the application as specified herein is hereby made final this 11th day of January, 2022.

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

- E. Consider/Approve Findings and Conclusion for Nicholas Levdanskiy for a Special Use Permit allowing an in-home occupation, vehicle sticker application, on the parcel described as Lot 9, Block 39 Jerome Townsite 50' x 125'(SW 18-8-17), more commonly known as 300 4th Avenue East, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF NICHOLAS LEVDANSKIY FOR A SPECIAL USE PERMIT ALLOWING A HOME OCCUPATION OF VEHICLE STICKER APPLICATION ON THE PROPERTY LOCATED AT LOT 9, BLOCK #9, JEROME TOWNSITE 50'x125' (SW 18-8-17), MORE COMMONLY KNOWN AS 300 4th AVENUE EAST, JEROME, ID.

A public hearing on the application of Nicholas Levdanskiy concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:53 p.m. on Tuesday, January 11, 2022, 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: Interim City Planner, Esmeralda Chavez provided a staff report and gave a brief background on this application. Ms. Chavez stated the property in question is currently zoned Residential 2 (R-2). The proposed use, a home occupation, requires a Special Use Permit from the Planning and Zoning Commission.

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

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

Regarding the General Standards for Special Uses, Ms. Chavez stated the Planning and Zoning Code allows home occupations in the R-2 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17

of the Jerome Municipal Code. The home occupation is conducted within the shop area. There will not be any changes to the exterior of the shop or residence, and therefore the essential character of the area will not be changed. There is no indication that a vehicle sticker application home occupation would be hazardous or disturbing. The applicant notes the largest and loudest tool he uses is a heat gun. The residence is already adequately served and this home occupation will not require any additional services. There is no additional requirement at public cost for a home occupation consisting of vehicle sticker application. This use will not be detrimental to any person or property. There will be a small amount of traffic related to this use; however, the application states only a couple of cars will be up on site at any given time.

This request will not impact vehicular approaches. It does not appear that this home occupation will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Regarding the Home Occupation Standards, Ms. Chavez stated Mr. Levdanskiy is the only one involved in the occupation. The application states this is Mr. Levdanskiy main residence with an area in the shop used for the occupation. The application notes the area in the shop used for the home occupation will be less than 400 square feet. The application states there are no visual or auditory clues that there is an occupation conducted at the residence. The application notes only a couple of vehicles would be parked at the home at any given time. The application states this is a vehicle sticker application home occupation, which would not cause any visual or auditory interference. The applicant is aware all material is to be stored inside. The applicant is aware there will be no signage in violation of the code.

If approved, Ms. Chavez recommended the following conditions: (a) Customers shall park in the drive-way; and (b) Special use permit shall be allowed for up to two (2) years, renewable upon expiration.

Applicant Testimony: Nicholas Levdanskiy, 300 4th Avenue East, Jerome, presented before the Commission and testified on this application. Mr. Levdanskiy stated he would like to do vinyl wrapping and stickers for vehicles. He lives in his house and his shop is not connected. Mr. Levdanskiy stated it is just a side job for right now but would like to get bigger.

Upon inquiry from Commissioner Johnson, Mr. Levdanskiy stated the business is called Nasti Wraps. As he gets bigger, he will look for a different place to have his shop.

Upon inquiry from Chairman Mink, Mr. Levdanskiy stated he orders the wraps in to put on the cars. He stated he will only work in the shop.

Testimony in Favor: Katie Elliott, Secretary for the Commission, read the following for the record:

Mike Evans, 313 3rd Ave East, Jerome, Idaho
"Support the application. No further comment was given."

Steven Poindexter, 306 3rd Ave, Jerome, Idaho

“Support the application. I heartily support home based business.”

Testimony in Neutral: Ms. Elliott read the following for the record:

R. Bruce Whitmire, 520 South 800 East, Jerome, Idaho

“Marked neutral to the application. No further comment was given.”

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 8:02 p.m.

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

I. Findings

- A. The property described in the heading herein is in the City of Jerome and is currently zoned Residential 1 (R-2).
- B. The proposed use, home occupation, requires a special use permit to operate in R-1.
- C. Jerome Municipal Code 17.60.030 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in an R-2 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 appearance of the property.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring residences.
- G. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors.
- H. The vehicles approaching to the property will not create an interference with traffic on surrounding public thoroughfares.
- I. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

II. Conclusions

- A. A special use permit is required for the applicant to be able to use the above described property for a home occupation in the R-2 zone for the City of Jerome.
- B. A special use permit promoting a home occupation is consistent with the City of Jerome Comprehensive Plan.

- C. The Planning and Zoning Commission allows home occupations in R-2 zones by Special Use Permit.
- D. The Commission approves the application of Nicholas Levdanskiy for a home occupation located at the above described real property subject to the following conditions:
 - a. Customers shall park in the drive-way; and
 - b. 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 11th day of January, 2022, in support of the decision of the Planning and Zoning Commission on the 8th day of February, 2022 to approve the application as specified herein is hereby made final this 11th day of January, 2022.

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

- F. Consider/Approve Findings and Conclusions for a request from Lincoln Commons, LLC for a Rezone from Public/Semi Public to Residential-3, on the parcel described as follows:

Parcel 1: TOWNSHIP 8 SOUTH, RANGE 16 EAST, BOISE MERIDIAN, JEROME COUNTY, IDAHO, SECTION 13: All of Block 55, a portion of Block 56, a portion of Block 65, a portion of Block 66 and more particularly described as follows:
Beginning at the Intersection of 3rd Ave. W. and N. Birch St. (Which lies North 00°23'45" East a distance of 350.02 feet from the Intersection of 2nd Ave. W. and N. Birch St.), Thence South 89°40'03" East for a distance of 45.00 feet; Thence South 00°23'45" West for a distance of 40.00 feet to the TRUE POINT OF BEGINNING;
Thence South 89°40'03" East for a distance of 486.74 feet;
Thence South 00°11'36" West for a distance of 334.88 feet;
Thence North 89°41'09" West for a distance of 53.00 feet;
Thence North 00°17'12" East for a distance of 25.08 feet;
Thence North 89°49'08" West for a distance of 35.00 feet;
Thence South 00°17'12" West for a distance of 164.86 feet;
Thence North 89°42'18" West for a distance of 299.88 feet;
Thence North 00°16'47" East for a distance of 164.96 feet;
Thence North 89°41'09" West for a distance of 99.98 feet;
Thence North 00°23'45" East for a distance of 310.01 feet to the TRUE POINT OF BEGINNING.

approximately 4.7 acres, more commonly known as the western portion of the vacant land located south of the Northside Head Start building and including the baseball field at the end of North Alder Street.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF LINCOLN COMMONS, LLC,
FOR A ZONING MAP AMENDMENT, CHANGING THE ZONE FROM
PUBLIC/SEMI-PUBLIC (PS) TO RESIDENTIAL 3 (R-3)**

A Public Hearing at the request from Lincoln Commons, LLC, for a zoning map amendment, changing the zone from Public/Semi-Public (PS) to Residential 3 (R-3) on the property described as follows:

Parcel 1: TOWNSHIP 8 SOUTH, RANGE 16 EAST, BOISE MERIDIAN, JEROME COUNTY, IDAHO, SECTION 13: All of Block 55, a portion of Block 56, a portion of Block 65, a portion of Block 66 and more particularly described as follows:

Beginning at the Intersection of 3rd Ave. W. and N. Birch St. (Which lies North 00°23'45" East a distance of 350.02 feet from the Intersection of 2nd Ave. W. and N. Birch St.), Thence South 89°40'03" East for a distance of 45.00 feet; Thence South 00°23'45" West for a distance of 40.00 feet to the TRUE POINT OF BEGINNING;

Thence South 89°40'03" East for a distance of 486.74 feet;
Thence South 00°11'36" West for a distance of 334.88 feet;
Thence North 89°41'09" West for a distance of 53.00 feet;
Thence North 00°17'12" East for a distance of 25.08 feet;
Thence North 89°49'08" West for a distance of 35.00 feet;
Thence South 00°17'12" West for a distance of 164.86 feet;
Thence North 89°42'18" West for a distance of 299.88 feet;
Thence North 00°16'47" East for a distance of 164.96 feet;
Thence North 89°41'09" West for a distance of 99.98 feet;
Thence North 00°23'45" East for a distance of 310.01 feet to the TRUE POINT OF BEGINNING.

approximately 4.7 acres, more commonly known as the western portion of the vacant land located south of the Northside Head Start building and including the baseball field at the end of North Alder Street.

(hereinafter referred to as the "Property") was held, pursuant to notice, commencing at 7:40 p.m. on Tuesday January 11, 2022, 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: Interim City Planner, Esmeralda Chavez, gave a staff report and brief background on the application. Ms. Chavez stated this is another part of the development that was heard at the last meeting in December, 2021. The property was the site of the Central Elementary School. The school was located on the eastern portion of the parcels facing east towards North Lincoln. The track field was to the west and a baseball field was to the south. The school was demolished. The parcel is bare. The original townsite parcels have been

combined into parcel 1 as shown on the attached Record of Survey. The applicant is requesting parcel 1 be rezoned to Residential 3 (R-3).

Regarding the surrounding area, Ms. Chavez stated to the North is Educational/Administrative Facilities being zoned Public/Semipublic; the area to the South is Residential/Commercial zoned Residential 2/CBD; the area to the East is the Jerome County Facilities zoned CBD; and to the West is Residential zoned Residential 3.

The Comprehensive Plan Area of City Impact Land Use Map designates the current parcels as Public. Existing land use is bare.

Regarding Title 17, Ms. Chavez stated the parcel is currently zoned Public/Semipublic (PS). The PS zone is intended to provide for public/semipublic development such as golf courses, parks, recreation facilities, greenways, schools, and public service facilities such as government offices. There is no minimum lot size however, structures must meet setback of 25' for the front and 20' for rear, side, and street side. The proposed zone for parcel 1, Residential 3 (R-3), is a more restrictive zone allowing permitted uses of single-family dwellings and duplexes. The minimum lot size for R-3 is 5,000 square feet. Setbacks for the R-3 zone are: Front- 25', Rear- 20', Interior Side- 7', and Side Street- 15'. 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.

When considering a rezone, the Commission must determine if the application meets the following: (1) Is in accordance with the Comprehensive Plan; (2) Will create a demand for public infrastructure that is not currently available, including municipal sewer and water services; (3) Is compatible with the zoning uses in the surrounding areas; and (4) No nonconforming 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, there is no "taking" and the request does not require property owners to dedicate any portion of property or grant an easement. It does not appear the request would have a significant impact on the landowner's economic interest. The request appears to meet the checklist of the Attorney General; Chapter 3, Land Use, "To offer a harmonious blend of opportunities for living, working, recreation, education, shopping and cultural activities by protecting natural amenities. To provide coordinated, efficient and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design and proactively reinforcing downtown Jerome's role as the urban core." It is also in accordance with Chapter 3, Objective 1, "explore the growth patterns of the city and plan and prepare for growth opportunities." 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." The application notes a rezone will allow: the beautification of existing property and the creation of a planned community with mature

landscaping, open space and community services to create vibrancy in this area; Lincoln Ave is a gateway for Jerome and this development enhances this corridor with new landscaping, sidewalks, and other infrastructure improvements; Focus community resources (both public and private) on downtown improvement; and retains families in Jerome where they can live, work and play.

The request is also in accordance with Chapter 5, "Community Design" to "Enhance and improve Jerome's visual identity and community pride while striving to maintain its visual diversity". The application states higher density and mixed-use development is encouraged near the downtown core as well as infill housing development to prevent urban sprawl.

Chapter 13, "Housing", Objective 2, "Provide for areas of different residential densities and uses". The application states the site is easily accessible from most residential neighborhoods and is close to many local amenities and businesses allowing residents to walk, bike or take public transportation to work or school and there is a noticeable lack of affordable single-family rental housing in Jerome. With the growth, there is huge demand for workforce rental housing. Many families must live in neighboring towns due to the lack of such housing.

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services, Ms. Chavez stated the parcel can be served by municipal water and sewer. Water is located in North Lincoln, 3rd Ave West, and North Birch St. with sewer accessible from North Alder or the alley between 3rd and 4th Ave West.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Chavez stated this area has residential development to the west with the Jerome School District administrative offices and Head Start to the north. There is a mix of residential and commercial properties to the south with North Lincoln Avenue to the east. The rezone of the parcel 2 to CBD buffers the transition to Residential 3 on parcel 1. It appears the proposed zone changes to Residential 3 would be compatible with the surrounding area.

As pertains to the creation of non-conforming uses, Ms. Chavez stated the parcel is currently bare. No non-conforming uses would be created by this rezone. Title 16 has no bearing on this request at this time.

Upon inquiry from Commissioner Schroeder, Ms. Chavez stated the City currently owns the property.

Applicant Testimony: Shannon Allen, 240 Eastland Drive, Twin Falls, representing Lincoln Commons, LLC, appeared and testified before the Commission. Ms. Allen testified, she is here to request a rezone for the property to Residential 3. Upon inquiry from Commissioner Reed, Chairman Mink stated there is a higher density for R-3 zone instead of the R-2 zone. The proposed plan is to have 31 units which would be allowed with the R-3 zone where they would only be allowed one single family home or one duplex. Chairman Mink went over the previous PUD and rezone with the commission

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony in favor, neutral, or opposition, Chairman Mink closed the Public Hearing at 7:51 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Chavez'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 Public/Semi-Public (PS).
- B. The Application seeks to amend the Property to be zoned Residential 3 (R-3).
- C. The Property in question has residential development to the west with the Jerome School District administrative offices and Head Start to the north. There is a mix of residential and commercial properties to the south with North Lincoln Avenue to the east.
- D. Rezoning PS to R-3 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 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 Lincoln Commons, LLC, for the Property described above, from Public/Semi- Public (PS) to Residential 3 (R-3) be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 11th day of January, 2022, in support of the decision of the Planning and Zoning Commission on the 8th day of February, 2022 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 11th day of January, 2022.

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

Commissioner Schroeder 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 Jeff Schroeder, Commissioner Benjamin Reed, Commissioner Shonna Fraser, and Commissioner Carl McEntarffer. NAYE: None.

CITIZEN CORRESPONDENCE AND ISSUES

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Chavez stated two signs were recently approved for Family Health Services and for Falls Orthodontics on North Lincoln.

Ms. Chavez introduced Ervina Covcic as the new City Planner. Ms. Covcic stated she has been learning a lot. Her background is in economic development and she previously worked with Idaho economic development. She stated is excited to get started and learn as she goes along.

Commissioner McEntarffer stated they will have their first spirit committee meeting of the year next week where they will be discussing fireworks and the Easter Egg Hunt.

There being no further discussion, Chairman Mink closed this regular meeting at 7:21 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary