

# CITY OF PRESTON PLANNING AND ZONING MEETING

April 10, 2019

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**ROLL CALL** Roll Call showed the following Board members present: Chairman Scott Palmer, Commissioner Linda Hansen, Commissioner Penny Wright, Commissioner Steve Call, Commissioner Brock Alder, Commissioner Chuck Chesney, Commissioner Vern Purser

Staff present: Tyrell Simpson, Shawn Oliverson, Linda Acock

Others: Mitch Butterfield, Janae Jorgensen, Kari Giesbrecht, Brandon Roberts, Berni Winn

Meeting was called to order at 6:00 P.M. by Chairman Scott Palmer.

**REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 03/27/2019** It was moved by Commissioner Steve Call and seconded by Commissioner Penny Wright to approve the Planning and Zoning Minutes of March 27, 2019, as written. The motion received unanimous approval.

**PUBLIC HEARING S.U.P.** Chairman Scott Palmer declared a conflict of interest in this matter, and turned the meeting over to Vice-Chairman Penny Wright.

**K. GIESBRECHT 30 N. STATE** Vice-Chairman Penny Wright called for the public hearing to consider a Request for a Special Use Permit, by Kari Giesbrecht, Lessee at 30 North State, as follows:

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on April 10, 2019, before the City of Preston Planning and Zoning Commission at the hour of 6:00 P.M., or as soon thereafter as this matter may be heard, at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Kari Giesbrecht, Lessee, 30 North State, Preston, Idaho, for a Special Use Permit in accordance with Preston Municipal Code 17.16.020 which requires a Special Use Permit to operate a child care center within the Business C-2 Zone. Specifically, the applicant desires to operate a child care center within the business zone which is located at 30 North State Street. A copy of the Application for Special Use Permit is on file with the City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

The address for said special use is 30 North State. A legal description of said property is on file at the City Clerk's office located at City Hall 70 West Oneida Preston Idaho 83263.

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said variance may be submitted to the City Clerk at the above stated address, and the same will be considered if received prior to said public hearing.

Dated this 13th day of March, 2019.

S/Linda Acock

Publish: March 20, 2019 in The Preston Citizen

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Vice-Chair Penny Wright gave guidelines for holding a public hearing, and asked the applicant to make presentation for a Special Use Permit to operate a Child Care Center in the Business C-2 Zone.

Kari Giesbrecht, Pocatello Idaho, lessee of the property at 30 North State explained that she opened Kari's Korner about a year ago, and the business has reached capacity at their current location. The building at 30 North State has double the space and double the occupancy. The access to the lockers and dressing room are double bolted from both sides, making it so that children cannot get into the lockers and dressing room, and customers of the pool cannot access the child care center. There is a wall blocking access to the swim pool.

Drop off and pick up for the children will be behind the building. They will discourage any drop off or pick up in the front of the building. Ms. Giesbrecht also stated that good supervision and training will help to prevent any of the kids from going out of the front door.

There will be times when the children will be taken to the park on East Oneida, or to the splash pad, or other field trips. Field trips are done by ages, where 3-5 year olds will be grouped together and the 6-12 will be grouped together. These groups will be broken down into only small groups going at a time.

The fire marshal and the health inspector have done unofficial inspections. If the Special Use Permit is granted, the official inspections should be done within two weeks.

Vice-Chairman Penny Wright asked for comments in support of the Special Use Permit.

Mitch Butterfield, Preston Idaho, owner of 12 and 16 North State stated that the building is great for a day care center. His concern is the bottleneck of the parking lot in the back of the building. He is concerned for the safety of the kids and the public in general.

There being no further comments, Vice-Chairman Penny Wright asked if written comments, supporting the request for a special use permit, had been received by the City Clerk's office. Clerk Acock stated that none had been received.

Vice-Chairman Penny Wright asked for neutral comment for the Special Use Permit. There being none, she asked if any neutral comments had been received by the City Clerk's office. Clerk Acock stated that none had been received.

Vice-Chairman Penny Wright asked for opposing comment for the Special Use Permit. There being none, she asked if any opposing comments had been received by the City Clerk's office. Clerk Acock stated that none had been received.

Vice-Chairman Penny Wright invited Ms. Giesbrecht to the podium for rebuttal.

Kari Giesbrecht addressed Mr. Butterfield's concern over the traffic, and the bottlenecking. She explained that the children are commonly dropped off

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around 7 a.m. (some before, some after) and that they are normally picked up around 5 p.m. (again, some before, some after). The capacity of the building is 85, but she expects the number of children to be closer to 50.

Economic Development Specialist/Assistant Planner, Shawn Oliverson provided a Staff Report, and also asked Brandon Roberts, owner of the building at 30 North State, to explain the parking to the Commission.

Mr. Roberts stated that there will be a swim pool, a restaurant, a law office, and this child care center in the building. He doesn't foresee there being any concern over traffic. He is willing to talk with surrounding owners of the alley that goes West out of the parking lot, onto State Street, to see if they can create a right turn only.

There being no further comment or testimony, Vice-Chairman Penny Wright closed the public hearing and opened the meeting to the Commission for discussion.

The Commission discussed concern over traffic and creating a right turn only coming out of the parking lot onto State Street.

After discussion, it was moved by Commissioner Steve Call and seconded by Commissioner Vern Purser that the Planning and Zoning Commission finds that the request of Kari Geisbrecht for a special use permit to operate a commercial child care center at 30 North State, should be approved, with the condition that the property owners address the outlet going onto State Street, and preferably create a right turn only lane, and recommends that the Preston City Council issue a final decision approving the special use permit. It was further moved to authorize Vice-Chairman Penny Wright to sign this Decision. The vote was as follows:

Commissioner Chuck Chesney	<u>Aye</u>
Commissioner Vern Purser	<u>Aye</u>
Commissioner Penny Wright	<u>Aye</u>
Chairman Scott Palmer	<u>Abstain</u>
Commissioner Steve Call	<u>Aye</u>
Commissioner Linda Hansen	<u>Aye</u>
Commissioner Brock Alder	<u>Aye</u>

Motion passed by majority vote.

**COMMISSIONER ALDER EXCUSED** Commissioner Brock Alder was excused at 7:00 P.M.

**WORKSHOP SIDEWALK FUND IN LIEU OF DEFERRAL AGREEMENT** City Engineer Tyrell Simpson provided information regarding the dissolution of the deferral agreement in 16.28.020, and creating a curb/gutter and sidewalk fund.  
This was a workshop meeting, and no action was taken

**REPORT OF APPROVED BUILDING PERMIT** Economic Development Specialist/Assistant Planner, Shawn Oliverson reported on the following approved building permit:  
Brian Taylor      295 North 8<sup>th</sup> East      Accessory Building

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**ADJOURN**

It was moved by Chairman Scott Palmer and seconded by Commissioner Steve Call to adjourn the April 10, 2019 Planning and Zoning meeting. The vote was as follows:

Commissioner Chuck Chesney	<u>Aye</u>
Commissioner Vern Purser	<u>Aye</u>
Commissioner Penny Wright	<u>Aye</u>
Chairman Scott Palmer	<u>Aye</u>
Commissioner Steve Call	<u>Aye</u>
Commissioner Linda Hansen	<u>Aye</u>
Commissioner Brock Alder	<u>Absent</u>

Motion passed by majority vote.

Meeting was adjourned at 7:31 P.M. by Chairman Scott Palmer.

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Linda Acock, Clerk

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Scott Palmer, Chairman