

# CITY OF PRESTON PLANNING AND ZONING MEETING

April 11, 2018

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

Staff present: Wendy Merrill, Mark Owens, Shawn Oliverson

Others: Lynn Garner, Kari Giesbrecht, Sandra Hubbard, Janae Jorgensen, Evelyn Storts, Berni Winn

Meeting was called to order at 6:00 p.m. by Chairman Linda Hansen

**REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 03/14/18** It was moved by Commissioner Vern Purser and seconded by Commissioner Charles Chesney to approve the minutes of March 14, 2018. The motion received unanimous approval.

**REPORT OF APPROVED BUILDING PERMITS** Chairman Linda Hansen reported on the following approved building permits:

Jeff Ware	357 East Oneida	House
Preston Mobile Estates	10 Sunrise Drive	Modular Home
Shad Moser Construction	183 East 1100 North	House
William Nielson	898 East Oneida	House
Bryon Hobson	575 West 2 <sup>nd</sup> North	House
Nathan Cole	253 North 4 <sup>th</sup> West	House

**PUBLIC HEARING KARI GIESBRECHT 435 SOUTH 1<sup>ST</sup> EAST** Chairman Linda Hansen called for the public hearing to give consideration to a request for a Special Use Permit for Kari Giesbrecht, for the purpose of operating a child care center at 435 South 1<sup>st</sup> East, as follows:

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held before the Preston City Planning and Zoning Commission on April 11, 2018, at the hour of 6:05 p.m., or as soon thereafter as the matter may be heard, at City Hall, 70 West Oneida, Preston, Idaho, to consider the following:

### APPLICATION FOR SPECIAL USE PERMIT

- A. APPLICANT'S NAME AND ADDRESS:  
KARI GIESBRECHT, LESSEE 417 Roosevelt Ave. Pocatello, ID 83201
- B. LEGAL DESCRIPTION OF PROPERTY:  
435 South 1<sup>st</sup> East  
Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho  
Section 26: Commencing at a point 28 rods South and 42 rods East and 100 feet North of the Northwest corner of the Southwest Quarter of Section 26, thence running East 11 rods, more or less, to the Oregon Short Line Railway right-of-way; thence Northwesterly adjoining said right-of

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way 13 rods, more or less, thence West 2 rods; thence South 161 feet to the place of beginning.

C. DESCRIPTION OF EXISTING USE:

Retail Antique and Restaurant

D. ZONING DISTRICT:

Business C-2

E. DESCRIPTION OF PROPOSED SPECIAL USE:

Change from Retail Use to a Child Care Center

F. A PLAN OF THE PROPOSED SITE FOR THE SPECIAL USE:

On File at City Hall

G. A NARRATIVE STATEMENT EVALUATING THE EFFECTS ON ADJOINING PROPERTY, AS IT CONFORMS TO THE STANDARDS CONTAINED IN 17.26.030.

On File at City Hall

H. PLOT PLAN MAP AND LIST IDENTIFYING PROPERTY OWNERS WITHIN 300 FEET OF EXTERIOR PROPERTY BOUNDARIES OF APPLICANT (17.26.060)

On File at City Hall

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said special use 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 8<sup>th</sup> day of March, 2018

s/Linda Acock, Clerk

Publish: March 14, 2018

Chairman Linda Hansen gave guidelines for holding a public hearing, and asked if any Board member needed to declare a conflict of interest, or had any ex-parte contact in this matter. There being none, Chairman Linda Hansen opened the public hearing and asked Kari Giesbrecht to present her request for a special use permit to operate a child care center at 435 South 1<sup>st</sup> East.

Kari Giesbrecht presented her request to operate a child care center at 435 South 1<sup>st</sup> East. She stated that she operates another child care center in Pocatello, and is familiar with the laws, requirements and safety standards of operating child care facilities. She explained that she would install fences blocking access to the railroad tracks, the street, and the adjoining auto body shop. She further stated there is a need for a licensed child care center in Preston City, and that she currently has 30 children on a waiting list.

Chairman Linda Hansen asked if there was anyone in attendance to provide testimony in favor of granting the request for a special use permit.

Commissioner Charles Chesney stated that his main concern was the safety of the children, and he stated that this was a much better location than the one Ms. Giesbrecht had previously considered on State Street.

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Commissioner Brock Alder asked how big the property was.

Ms. Giesbrecht responded that she believes the building is approximately 1400 square feet.

Lynn Garner, 596 Birdie Circle, stated that he is in favor of granting the request, that a commercial day care in Preston is important, and that he felt this was a good location for one, and that he supports Kari Giesbrecht in her endeavor.

Saundra Hubbard, 302 West Oneida, asked if there would only be two exits from the property in case of fire.

Ms. Giesbrecht assured her proper fire access and egress would be provided.

Chairman Linda Hansen asked if there was anyone in attendance to provide neutral testimony in regard to the special use permit.

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide testimony against granting the request for a special use permit.

There being none, Chairman Linda Hansen asked if any written comments, either for, or against this matter had been received. There were none.

There being no further testimony, Chairman Linda Hansen closed the public hearing and opened the meeting up to the Board for discussion.

Commissioner Brock Alder asked if the neighbors were ok with a child care center at this location, to which Chairman Linda Hansen responded that no comments were received from any of the neighbors.

City Economic Development Specialist/Assistant Planner Shawn Oliverson brought up concerns regarding proper fencing and parking, namely the number of parking stalls allowed before paving the parking lot is required by the city.

City Engineer Mark Owens asked Ms. Giesbrecht how many children would be there on a daily basis, and recommended following the State guideline of one parking spot for every 9 occupants. Since the city does not currently have an ordinance regarding parking for a commercial child care center, he further recommended following Preston Municipal Code 17.22.100, which states that if four or more parking spaces are required the parking lot must be paved.

Kari Giesbrecht answered that, if necessary, she could limit the number of children to 27, thereby requiring only three parking spaces. She further stated that she cannot afford to pave the parking lot.

City Engineer Mark Owens suggested if the need arose for more parking spaces, Ms. Giesbrecht could apply for a variance to the number of parking spaces required before the parking lot would need to be paved.

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After discussion, it was moved by Commissioner Steve Call and seconded by Commissioner Charles Chesney to recommend to Preston City Council the granting of the special use permit for Kari Giesbrecht, for a child care center located at 435 South 1<sup>st</sup> East, with the condition that occupancy be limited to 27 persons. The motion received unanimous approval.

**ADJOURN** Meeting was adjourned at 6:47 P.M. by Chairman Linda Hansen.

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Linda Hansen, Chairman

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Linda Acock, Clerk