

# CITY OF PRESTON PLANNING AND ZONING MEETING

May 23, 2018

**ROLL CALL** Roll Call showed the following Board members present: Chairman Linda Hansen, Commissioner Penny Wright, Commissioner Charles Chesney, Commissioner Steve Call, Commissioner Scott Palmer

Staff present: Tyrell Simpson, Shawn Oliverson, Tyler Olson, Wendy Merrill

Others: Jordy Cooper, Jeffrey Dunlop, Austin Elsmore, Michael Perez, Colter Willard

Meeting was called to order at 6:10 p.m. by Chairman Linda Hansen

**REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 04/25/18** It was moved by Commissioner Penny Wright and seconded by Commissioner Charles Chesney to approve the minutes of April 25, 2018. The motion received unanimous approval.

**PUBLIC HEARING SPECIAL USE PERMIT AUSTIN ELSMORE 635 N STATE** Chairman Linda Hansen called for the public hearing to give consideration to the application of Austin Elsmore, Lessee, 635 North State, for a Special Use Permit in accordance with Preston Municipal Code 17.16.020, to operate an Auto Repair Shop within the Business C-2 Zone, as follows:

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on May 23, 2018, before the City of Preston Planning and Zoning Commission at the hour of 6:05 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Austin Elsmore, Lessee, 635 North State, for a Special Use Permit in accordance with Preston Municipal Code 17.16.020 which requires a Special Use Permit to operate an Auto Repair Shop within the Business C-2 Zone. Specifically, the applicant desires to operate ACE Diesel, LLC at 635 North State, which is currently zoned Business C-2. 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.

Legal Description of said property:  
COMMENCING AT A POINT 75 RODS SOUTH AND 3 RODS WEST OF THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 15 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, AND RUNNING THENCE NORTH 8 RODS THENCE WEST 20 RODS; THENCE SOUTH 8 RODS; THENCE EAST 20 RODS TO THE PLACE OF BEGINNING. (5126.00)

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.

s/Linda Acock, Clerk  
Publish: May 2, 2018

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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 Austin Elsmore to present his request for a Special Use Permit to operate an Auto Repair Shop within the Business C-2 Zone.

Austin Elsmore presented his request for a Special Use Permit, stating that he was operating ACE Diesel from his residence in Franklin and needed more room. He explained that since the current zoning of 635 North State is Business C-2, which does not allow diesel automotive work, he was seeking a Special Use Permit. He stated that he was having difficulty getting parts delivered to his residence in Franklin, that most of his work comes from out of the County or State and as a result would bring more revenue into the city, and that he would not be in direct competition with existing businesses. He would be working primarily on automotive diesel pickups. He concluded by stating that he has been in business for himself for over six months and that he's simply a new business looking for a chance.

Chairman Linda Hansen asked Mr. Elsmore if he worked on semi-trucks or just diesel trucks.

Mr. Elsmore responded that he has worked on semi's and tractors before, and that if he had time to go out and work in the field on something like that he probably would, but not at the 635 North State location.

Commissioner Steve Call asked him what types of vehicles he would be working on.

Mr. Elsmore responded that he would mostly be working on pickup trucks.

Commissioner Steve Call asked him what his turn around time was, as far as from the time the customer brings the vehicle in and when the customer picks the vehicle up.

Mr. Elsmore responded it depends on the job required, usually the customer picks up the vehicle when the work is completed. He pointed out there is a fenced lot in the back of the building.

Commissioner Scott Palmer asked him about diesel fumes and the effects on the adjacent food business, Nuts For You.

Mr. Elsmore responded there is a firewall between his proposed location and Nuts For You, so he didn't feel the diesel fumes would be a problem, although he was unsure what type of venting system the building has.

City Planner Shawn Oliverson summarized the Staff Report prepared for the public hearing. The applicant, ACE Diesel, LLC (Austin Elsmore) of 170 East 1<sup>st</sup> South, Franklin, ID, 83237, applied for a Special Use Permit to operate an automotive repair shop in a Business C-2 zone, at 635 North State. The surrounding businesses include Nuts For You, storage units and Swainston Mill on the North, a vacant field on the South, MDI Auto Sales/ATV shop on the East, and storage units and a vacant field on the West. The surrounding zoning includes Business C-3, Business C-2 and Transitional. Auto repair shops are only allowed in Business C-2 zones with a

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Special Use Permit. There are concerns regarding the fact that this shop would adjoin a food processing business. The Staff Report set forth the criteria for obtaining a Special Use Permit and suggested conditions for approval, continuance or denial.

Commissioner Steve Call expressed concern about parking, stating that an auto repair shop requires ample parking and three businesses will be sharing the same parking area.

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

Jeffrey Dunlop spoke in favor of granting the Variance, stating that he was in favor of granting the request for a special use permit, that he felt Mr. Elsmore would be mindful of the surrounding businesses, and that Mr. Elsmore runs a clean shop. He stated he had no negatives to say about Mr. Elsmore.

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.

Austin Elsmore made the following statement, Exhibit C in the public hearing notice:

ACE Diesel LLC will be harmonious and in accordance with existing city rules/regulations. ACE Diesel LLC will not be hazardous or disturbing to the environment, local neighbors, and future neighbors. ACE Diesel LLC will not create additional requirements or costs to the public, facilities, or services. We take pride in keeping our shop and areas clean to increase efficiency and appeal to our customers.

Thank you

-Austin Elsmore

ACE Diesel LLC

He asked the Board to approve his request for a Special Use Permit.

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

Commissioner Steve Call stated he still had a serious concern about parking for three businesses at this location.

It was moved by Commissioner Penny Wright and seconded by Commissioner Steve Call to reopen the public hearing. The motion received unanimous approval.

Chairman Linda Hansen reopened the public hearing.

Austin Elsmore stated there is a big door that goes out the back of the building, and additional parking on the side of the building, between MDI Auto and his proposed shop. When he hires employees they will park in the

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back of the building or along the side of the building. He did not see that parking would be an issue.

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

After Board discussion, it was moved by Commissioner Steve Call to continue the public hearing to obtain more information from City Planner Shawn Oliverson on the parking arrangements. Motion died for lack of a second.

After Board discussion, it was moved by Commissioner Scott Palmer and seconded by Commissioner Charles Chesney to recommend to City Council the approval of the Special Use Permit for Austin Elsmore, ACE Diesel LLC, upon the conditions that the City Council address the parking issue to ensure that parking conditions are met as specified in City Code, and that the owner of the building, Steve Stevens, as well as Nuts For You, and the Fire Marshall weigh in with their comments.

Motion was amended.

It was moved by Commissioner Scott Palmer and seconded by Commissioner Charles Chesney to recommend to City Council the approval of the Special Use Permit for Austin Elsmore, ACE Diesel LLC, upon the following conditions: There will be no heavy equipment allowed, since this use is not allowed in the Business C-2 zone; the permit will not be transferable from one parcel to another; approval will be obtained from the City Council that the parking requirements have been met per City Ordinances, and agreed upon by Nuts For You, Steve Stevens and Austin Elsmore; and the Fire Marshall has a chance to give approval of the firewall and fire access to the property. The motion received unanimous approval.

**REVIEW  
MUNICIPAL  
CODES  
RELEVANT  
TO HEIGHT  
AND PERMIT  
REQUIREMENTS**

At the request of Mayor Mark Beckstead, the Board was asked to review and make recommendation for revision to the discrepancies in the allowed heights of buildings in the Preston City Municipal Codes, and to recommend changes to the building permit section of the Municipal Code, allowing for accessory buildings under 120' to be built without a building permit. The Board discussed uniformly changing the height restriction to 33' in Planned Unit Developments, Residential A-1, Residential A-2, Residential B, and Transitional Districts, and leaving the maximum heights in Business C-1, Business C-2, Business C-3, and Industrial Districts as they are. City Engineer Tyrell Simpson, City Planner Shawn Oliverson, and the Board also discussed implementing setbacks to 8' for buildings under 120'.

**ADJOURN**

Meeting was adjourned at 7:14 P.M. by Chairman Linda Hansen.

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Linda Hansen, Chairman

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Linda Acock, Clerk