

**CITY OF PRESTON PLANNING AND ZONING MEETING**  
May 27, 2020

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**ROLL CALL** Roll Call showed the following Board members present: Commissioner Jeff Pope, Commissioner Dave Cole, Commissioner Adrienne Alvey, Commissioner Fred Titensor, Commissioner Penny Wright, Commissioner Steve Call and Commissioner Berni Winn

Staff present: Shawn Oliverson, Kelly Mickelsen, Preston Rutter  
Others: Dan Keller, Rebecca Cox, Kris Beckstead, Scott Beckstead, Camron Whitehead, Amy Whitehead, Brent Greer, JaLee Greer, Steven Fuller, Caitlin Schmidt, Thomas Schmidt, Roxanne Patton.

The meeting was called to order at 6:00 P.M. by Chairman Penny Wright.

**REVIEW & APPROVE P&Z MINUTES 5/13/2020** It was moved by Commissioner Fred Titensor and seconded by Commissioner Berni Winn to approve the Planning and Zoning Minutes of May 13, 2020, as written. The motion received unanimous approval. Commissioner Call abstained as he was not at the meeting.

**PUBLIC HEARING THOMAS & CAITLIN SCHMIDT VARIANCE 636 E 145 S** Chairman Wright Called for a public hearing on a variance for Thomas and Caitlin Schmidt 145 S 600 E as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on May 27, 2020, 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 Caitlin and Thomas Schmidt 636 East 145 South, for a Variance to the requirements of Sections 16.24.045(A)(B)(M)&(O) of the Preston Municipal Code, A) Which limits in-fill development where a street cannot be created to serve the property. B) Which limits in-fill development to the core area, inside the boundaries of the 4<sup>th</sup> streets. M) Which sets paved width of all flag drives to be eighteen (18) feet. O) Which sets the maximum drive lane length at one hundred fifty (150) feet. Specifically, the applicants desire to build a house on a flag lot, outside of the City of Preston's core area, with a shared access road approximately four hundred fifty (450) feet from the cul-de-sac located in the Creamery Hollow Subdivision, which will be fourteen (14) feet wide. There will be no public street created. A copy of the Application for Variance is on file with the City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

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 23<sup>rd</sup> day of April, 2020.

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Linda Acock

Chairman Wright gave instructions for the public hearing and asked if there were any conflicts of interest. There were none.

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Thomas Schmidt presented that they would like a variance in order to build a house at 636 E 145 S. They have 2 special needs children and would like to be closer to the hospital, schools and in-laws. Specific location was chosen due to the topography of the lot and the hillside behind.

Variance needed for the following reasons:

- Standard A – Street cannot be built to serve the property. There is a private road currently to serve the property. If the variance is approved they would get joint access in order to get a building permit.
- Standard B – Property is a flag lot outside the core area of the city.
- Standard M – Currently there is a 14 ft. wide paved road with 2 ft. buffer on each side. Asking for a variance to the 18ft. standard due to mailboxes and trees and bushes.
- Standard O- House would be 450 ft. from end of the cul-de- sac. They would make a “Y” driveway to accommodate emergency vehicles.

Chairman Wright asked how the driveway would accommodate a fire engine turning around and Mr. Schmidt replied they could back up to turn around. They could make a roundabout if needed. Chairman Wright asked if they had talked to the fire marshal about this and they had not. They would build to the standard needed to comply with the building permit. Chairman Wright asked about a fire hydrant as the closest one is further away than the 500 ft. that is required. They would remedy this issue by installing one closer. Chairman Wright asked where they would put a mailbox and they said they would add one where the other mailboxes were located. She then asked about snow removal and he said they would do their own.

Engineer Simpson stated that he did not have any concerns other than what was in his staff report.

Commissioner Winn asked about needing an 18ft road and he explained that they have a 14ft road and that is why they are needing a variance.

Commissioner Cole asked about the fire hydrant and Mr. Simpson said that there should be a condition that they put in another fire hydrant and they should get with public works to determine a location as to not interfere with snow removal etc. Commissioner Pope asked what the standards for an emergency turn around are and Mr. Simpson said they have enough room for one.

Chairman Wright called for any supporting comments:

Steven Fuller – 624 E 145 S – His wife and he have no objections and any issues will be able to be worked out. They would prefer the road remain the same width. The topography of the ground is such that it lends itself to a variance. This would allow for the property to be at its highest and best use.

Scott Beckstead – would like to see them there and would like to clarify that he owns 20 ft. of roadway with 14 ft. paved.

Cameron Whitehead – 650 E 145 S – He is for letting them have the variance, the road should be fine and could work with them on the issues.

There were no written comments.

Chairman Wright called for neutral comments there were none and no written comments.

Chairman Wright called for comments against the variance.

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Amy Whitehead -650 E 145 S – Her only concern is the 14ft road, only room for one car and she is concerned about the children’s safety. She believes that there are solutions to the issues.

Roxanne Patton – 643 E 125 S – Concerned about safety as it is truly not a cul de sac with the easement road. Need to have speed bumps etc. to make it safe.

There were no written comments.

Applicants rebuttal: Caitlin also wants safety for her children also. They would be happy to build a fence etc. if needed for neighbors to feel safer.

Commissioner Winn – Could they pave the road to be wider? Caitlin said that yes they could, but would have to take out trees, bushes and mailboxes.

Chairman Wright asked about the road to Beckstead’s and beyond. Caitlin said that when Beckstead’s built their house the road into it was from 4<sup>th</sup> south (gravel road). The Schmidt’s would use this road a lot to get to the schools and work.

Commissioner Call asked if they had looked into extending 6<sup>th</sup> east. They do not own the property and Atkinson’s would not like a road through their pasture.

Commissioner Winn motioned to close the public hearing. Commissioner Call seconded the motion. The motion received unanimous approval.

Attorney Rutter reminded the commission needed to make specific findings of fact.

Chairman Wright called for any discussion.

Commissioner Call – biggest concern about tightness of the road. Do they have provisions to grant a variance? May be a detriment to public safety.

Commissioner Titensor – Will the HOA of the subdivision affect this road or vice-versa?

Commissioner Alvey agreed with Commissioner Call about the safety of the road. Said the IDAPA code may call for turnouts with all-weather surface. Would they pave all the road?

Chairman Wright asked if there would be sufficient water for a fire hydrant. Mr. Simpson said that there was enough water.

Commissioner Cole stated that he sees the safety issue being more in the cul- de- sac itself rather than in the lane. Is the bigger issue the safety issue or the width of the lane? They can take care of the other issues.

Commissioner Titensor asked if they are approving something that is congruent with the HOA of the subdivision.

Attorney Rutter explained that the HOA is a private agreement between the residents of the subdivision and the city is not subject to or subordinate to.

Chairman Wright asked the commission to go over the rules of a variance and see if the criteria fits.

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Commissioner Titensor felt like they have met the criteria for the variance.

Commissioner Alvey felt that the variance is due to convenience on the road width issue.

Commissioner Call agreed with Commissioner Alvey.

Commissioner Alvey said that they could fix all the issues to get the variance.

Attorney Rutter explained that a variance is obtaining a waiver of a zoning requirement and you can tag on conditions for recommendation to the variance. It is ultimately a discretionary measure.

Recommendations of the City Engineer are to include:

- Install a fire hydrant at the end of the cul-de-sac.
- Alter turn around to meet fire code.
- Install mailbox in conjunction with the neighbors.
- Snow will be pushed to the side of the road not into the cul-de-sac.

Commissioner Cole made the motion to recommend approval of the variance for Thomas and Caitlin Schmidt on the conditions of the City Engineer.

Commissioner Pope seconded the motion.

Vote went as follows:

Commissioner Wright -	nay
Commissioner Call -	nay
Commissioner Pope -	aye
Commissioner Alvey -	nay
Commissioner Titensor -	aye
Commissioner Cole -	aye
Commissioner Winn -	nay

Motion failed.

Commissioner Alvey made a motion to recommend approval of the variance including the City Engineers conditions with the addition of widening the road to 18 ft. with a 1 ft. buffer on each side to the end of the Schmidt's property only.

Commissioner Winn seconded the motion.

Vote went as follows:

Commissioner Wright -	aye
Commissioner Call -	aye
Commissioner Pope -	aye
Commissioner Alvey-	aye
Commissioner Titensor -	aye
Commissioner Cole -	aye
Commissioner Winn-	aye

The motion passed.

**PUBLIC HEARING** Chairman Wright Called for a public hearing to discuss a PUD for JaLee Greer at 314 W 100 N. as follows and reviewed the instructions for a public hearing.

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**PUD JALEE  
GREER  
314 W 100 N**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on May 27, 2020, before the City of Preston Planning and Zoning Commission at the hour of 6:15 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 Brent and JaLee Greer, The Homesteads at Country Haven, 314 West 1<sup>st</sup> North, for a Planned Unit Development, which requires public input to the approval in principle of the Preliminary Development Plan (Preston Municipal Code 16.34.180). Specifically, the applicants are requesting that they develop a Planned Unit Development in the vicinity of 314 West 1<sup>st</sup> North Preston, Idaho. A copy of the Preliminary Development Plat is on file with the City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

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 30<sup>th</sup> day of April, 2020.

Linda Acock, City Clerk  
Publish: May 6, 2020

JaLee Greer presented that they have had previous approval for 12 units in the PUD and are amending it to have 16 units. All issues addressed in the original plan are still being addressed.

Commissioner Wright asked about parking and Jalee stated that they actually have more parking than is required. She also asked if there is open space. JaLee said there is about 25 % open space.

Chairman Wright asked for any input from the City Engineer, he did not have anything to add to the staff report.

Chairman Wright called for testimony in favor of the project.  
There were no verbal or written comments.

Chairman Wright called for neutral testimony.  
There were no verbal or written comments.

Chairman Wright called for testimony against the project.  
There were no verbal or written comments.

Rebuttal – In the interest of transparency the Greer’s wanted to make it known that they are in negotiations with a developer that would actually develop the property and they would not be doing it themselves if that works out. If not they still would do it themselves.

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Commissioner Call made the motion to approve the PUD change for JaLee and Brett Greer.

Commissioner Cole seconded the motion.

Vote went as follows:

Commissioner Wright - aye  
Commissioner Call - aye  
Commissioner Pope - aye  
Commissioner Alvey- aye  
Commissioner Titensor - aye  
Commissioner Cole - aye  
Commissioner Winn- aye

Motion passed.

**DISCUSS  
COMPRE-  
HENSIVE  
PLAN**

Topics discussed included:

- Flag Lot – Commissioner Titensor said that new information went along with what was discussed previously and is good to go.
- Downtown parking buyout option – nothing has changed from previous discussion.
- Engineer Simpson presented an issue with the current code on dedicating all the roads of the parcel required in the city plan if someone wanted to build a house on part of a larger parcel of land. This would then divide the ground into more parcels and then make this property fall under minor subdivision code just to build one house. A solution to consider would be to only have to dedicate streets on the borders of the property. The rest would be easements. This would not split the property into more parcels. Commissioners gave suggestions on creating language that all recording fees etc. that are required to do this would be at the expense of the land owner. Attorney Rutter expressed that the city would want to be able to control the language in these documents.

Commissioner Titensor made the motion to set a public hearing for June 24 To hear the following changes to the Comprehensive Plan.

1. Swales
2. Downtown Parking
3. Comprehensive Land Use Section
4. Easements
5. Flag Lots

Commissioner Call seconded the motion.  
The motion received unanimous approval.

**ADJOURN** Meeting was adjourned at 7:55 P.M. by Chairman Penny Wright.

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