

CITY OF PRESTON PLANNING AND ZONING MEETING
July 10, 2013

ROLL CALL Roll Call showed the following Board members present: Chairman Terry Petterborg, Commissioner Bruce Hodges, Commissioner Clair Thomas, Commissioner Roger Woolley, Commissioner Randy Harris, Commissioner Cedar Hodges, Commissioner Linda Hansen

Staff present: City Engineer Darek Kimball, Clerk Linda Acock

Others: Ben Ramsey, Cheryl Ramsey, Todd Hunzeker, Bailey Beckstead, Scott Beckstead, Melanie McCarthy, Jan McCarthy, Lenna B. Nelson, Steve Kimpton, Richard Denton, Ida Beth Denton, Kobi Stevens, Kris Waddoups

REVIEW & APPROVAL P&Z MINUTES 06/12/13 It was moved by Commissioner Roger Woolley and seconded by Commissioner Clair Thomas to approve the Planning and Zoning Minutes of June 12, 2013. The vote received unanimous approval.

REPORT OF APPROVED BUILDING PERMITS Engineer Darek Kimball reported on the following approved building permits:

Lesliel Hansen	308 N 1 st E	Remodel
Dan Higley	648 S 8 th E	House
Larry Biggs	119 E 2 nd N	Garage

DISCUSS BUILDING PLANS 801 N. STATE HUNZEKER Todd Hunzeker of Hunzeker Holdings, came before the Board to discuss building permit plans for the Ford dealership at 801 North State. He explained that they plan to build a 40x60 building on the southeast section of the property for washing, detailing, and mechanical work on their used vehicles.

After brief discussion, Mr. Hunzeker was advised to complete the building permit, and present it to the front office, so the Engineer could review the plans, and go over any changes that may need to be made, and the Board will review the building permit for approval at the July 17, 2013 meeting.

PUBLIC HEARING ZONE CHANGE BECKSTEAD MCCARTHY After giving guidelines for holding a public hearing, Chairman Terry Petterborg called for the public hearing to give consideration to the request for a zone change by Scott Beckstead and Jan McCarthy, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on July 10, 2013, before the City of Preston Planning and Zoning Commission at the hour of 6:15 PM at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Scott Beckstead, Beckstead Real Estate Co., 32 West Oneida St., Preston, Idaho, and Jan McCarthy, 310 North 2nd East St., Preston, Idaho, for the rezoning of certain property located in the City of Preston, Idaho, from its present classification of Residential A-1 District to a classification of Residential B District. A copy of the legal description of the property to be rezoned is attached hereto together with a

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copy of a map showing the location of the property in proximity to adjoining streets.

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said rezoning 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 14th day of June, 2013

s/ _____
Jerry C. Larsen
City Clerk

Chairman Terry Petterborg asked if any Board member had any ex-parte contact with the rezone request, or if any member needed to declare a conflict of interest. No board member declared ex-parte contact, nor a conflict of interest.

Bailey Beckstead, spokesperson for the applicants, explained that The Pines apartment complex (address 250 E 4th N) is zoned ½ Residential B and ½ Residential A-1. Jan McCarthy's property (address 310 N 2nd E) is zoned Residential A-1. They are requesting that all property included in the application be zoned Residential B.

Mr. Beckstead further explained that it would help facilitate the sale of Mrs. McCarthy's property if it is zoned Residential B. The buyer could finish the apartments and legally rent them.

Engineer Darek Kimball stated that the property, where the apartments are, is currently zoned ½ Residential A-1 and ½ Residential B. It makes sense that the property, being multi-family, be one zone of Residential B. It is a continuation of the B zone, so it would not be considered spot zoning.

The second parcel of property in the application would also be a continuation of the B zone, and not considered spot zoning. The request conforms with Preston City ordinances, and is in harmony with all the rules and requirements.

Chairman Terry Petterborg asked for public testimony in support of the application. There being none, Chairman Terry Petterborg asked if written comment had been received in the office. Clerk Acock stated that there were no written comments.

Chairman Terry Petterborg asked if anyone present would like to provide neutral comments.

Steve Kimpton, adjoining property owner, stated that he doesn't mind the McCarthy's property being sold as a single family dwelling, and staying like it is, but the neighborhood is oversaturated with apartment complexes. It is his assumption that if the McCarthy property is zoned Residential B, it will be turned into apartment complexes also, and that neighborhood is already oversaturated. Snow removal, flooding, and traffic are concerns that need to be considered. He suggested that it be left as a single family property.

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Richard Denton, adjoining property owner, asked if the zone change meant that there is plans for more apartment complexes in the future.

Chairman Terry Petterborg stated that there are no current building permits for apartment complexes, but, yes, if it is zoned Residential B, there can be apartments.

There being no further neutral comments, Chairman Terry Petterborg asked for public testimony opposing the proposed zone change.

Ken Ramsey, adjoining property owner, stated that the Planning and Zoning Board needs to consider the long range effect of rezoning this property. If a management company came and bought the property, they could add more apartments, and he doesn't see that they should change the whole area to accommodate one home and one real estate broker. Mr. Beckstead's complex is well manicured and managed, but that can change. He and his wife have upgraded their home, and they like the nice community feel of their neighborhood, and he is opposed to having more complexes in the neighborhood.

Kris Waddoups, adjoining property owner, stated that her home is located between the Cedarwood apartment complex and the Pines apartment complex. The traffic is terrible in that area, and there is an oversaturation of people. She would like the property to stay as a single family residence.

Steve Kimpton stated that he would like his comments to be moved from neutral to opposing.

There being no further comments in opposition, Chairman Terry Petterborg asked if there were any written comments opposing this request. Clerk Acock stated that there were no written comments.

Chairman Terry Petterborg then gave Bailey Beckstead the opportunity to address the concerns voiced.

Mr. Beckstead stated that he appreciated that there are concerns, and had heard that there is rumor going around that Beckstead Realty planned to buy Mrs. McCarthy's property and expand the Pines apartment complex. That is not in the plans, and not the reason for the zone change request. The request was done, at the recommendation of the Planning and Zoning Board, to clean up the zoning/usage issues. Everything that they are requesting, is within the Preston City ordinances. There isn't room for expansion of multi-family dwellings.

Jan McCarthy stated that there is some confusion for the reason for the rezone request. The Pine apartments are already in existence. They are sitting within the single family zone. The Becksteads are just cleaning up that zone. They are not buying Mrs. McCarthy's property. The person interested in buying her property plans on living there for a few months out of the year, and will rent out the apartments over the garage. There will be no new construction, except for interior improvements. If the zone is changed to Residential B, it will allow this to be done legally. In reality, the traffic won't change.

Commissioner Linda Hansen asked if it would be like a duplex.

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Jan McCarthy stated that there is the house, and then the two apartments above the garage.

Kris Waddoups asked what the zone change would do to the single family dwellings property values.

Bailey Beckstead explained, as a real estate broker, that the property values on her home wouldn't change. The two apartment complexes are already there, and they won't be changing, so the values to her home wouldn't change either.

Ken Ramsey stated that he felt it would change the whole apartment complex by changing the zone.

Bailey Beckstead stated that only ½ of the apartment complex is zoned Residential A-1, and the zone change won't change the dynamics of the complex.

Cheryl Ramsey asked if the property next to Jan McCarthy's property would be turned into an apartment complex also.

Scott Beckstead stated that the lot is not included with the zone change, and has nothing to do with the request.

Bailey Beckstead stated that if the property owners wanted that piece of property's zone changed to Residential B, they would have to go through this same process. The only property involved with the rezone request is the half of The Pines apartment property that is zoned Residential A-1 and Jan McCarthy's property.

Ken Ramsey asked Jan McCarthy for clarification, that she was only going to put apartments over the garage, and that she wasn't going to build more apartments in the back of the property.

Jan McCarthy clarified that the apartments over the garage are already there, and that the property is not large enough to put any more apartments in the back of the property.

In effort to clear up confusion as to what property is involved in the request for rezone, Engineer Darek Kimball explained that the applicants are required to notify all property owners within 300' of the property involved in the request. It does not mean that property within the 300' radius will be rezoned.

Kris Waddoups asked for the difference between Residential A-1 zoning and Residential B zoning.

Engineer Darek Kimball explained that Residential A-1 is a single family zone. Residential B allows for multi-family zoning. The city's ordinances have a formula for how much property and green space is required for a multiple family dwelling. You have to have a certain amount of land to build the additional units. Both The Pines, and Ms. McCarthy, are limited on land to add more units.

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Steve Kimpton voiced concern that when the old Jehovah Witness Church is sold, that it will be torn down and used to build another apartment complex.

Ken Ramsey stated that it is real concern because it is their homes and neighborhood.

Kris Waddoups stated that there is a problem with people speeding on the street, and adding more traffic. If the zone is changed, then any future property owner can add as many apartments as they want.

Bailey Beckstead offered rebuttal by stating that the old Jehovah Witness Church or parking lot is not included in this rezone request. The person interested in purchasing Jan McCarthy's property is not going to add on more units. The concern over who's to say that won't change is answered by city ordinance in that there isn't enough property to add more units.

Mr. Beckstead further stated that they are seeking the rezone request at the recommendation of Planning and Zoning, and it is an approved use.

There being no more comments, Chairman Terry Petterborg closed the public hearing and opened the meeting for discussion amongst the Board.

The Board discussed and reviewed given testimony. They will take this matter under advisement and come to the July 17, 2013 meeting ready to make recommendation to City Council.

ADJOURN

Meeting was adjourned at 7:16 P.M. by Chairman Terry Petterborg.

Terry Petterborg, Commissioner

Linda Acock, Clerk