

CITY OF PRESTON PLANNING AND ZONING MEETING

October 11, 2017

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

Staff present: Wendy Merrill, Mark Owens

Others: Tim Christensen, Darren Cole, R. Kent Gardner, Scott Palmer, Joe Perry, Bill Salerno, Trish Salerno, Brent Smart, Ruth Smart, Tara Smith, Taylor Smith, Jordan Snedaker, Steve Vigliaturo, Vicki Vigliaturo, Berni Winn

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

REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 09/27/17 It was moved by Commissioner Penny Wright and seconded by Commissioner Steve Call to approve the minutes of September 27, 2017. The motion received unanimous approval.

FINAL PLAT SMITH ESTATES MINOR SUBDIVISION City Engineer Mark Owens reviewed the final plat for Michael Smith, Smith Estates Minor Subdivision, 563 East Oneida, and recommended the Board approve the final plat to Preston City Council with the conditions that they provide secondary water and can demonstrate they have two water shares.

It was moved by Commissioner Steve Call and seconded by Commissioner Charles Chesney to recommend to Preston City Council the approval of the final plat for the Smith Estates Minor Subdivision, with the conditions that they provide secondary water and can demonstrate they have two water shares. The motion received unanimous approval.

PLAT A. JAY HANSEN City Engineer Mark Owens reviewed a plat for A. Jay Hansen, 636 South 1st East, and recommended the Board approve the plat to Preston City Council with the condition that they provide secondary water.

It was moved by Commissioner Steve Call and seconded by Commissioner Brock Alder to recommend to Preston City Council the approval of the plat for A. Jay Hansen, with the condition that they provide secondary water. The motion received unanimous approval.

FINAL PLAT SANDY ACRES MINOR SUBDIVISION City Engineer Mark Owens reviewed the final plat for Brent Smart, Sandy Acres Minor Subdivision, 532 East 8th South, and recommended the Board approve the final plat to Preston City Council, with the conditions that the driveway on lot #2 may need to be abandoned and relocated at the owner's expense, and that deferral agreements be signed for both lots #1 and #2 for improvements.

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It was moved by Commissioner Steve Call and seconded by Commissioner Charles Chesney to recommend to Preston City Council the approval of the final plat for the Sandy Acres Subdivision, with the conditions that the driveway on lot #2 may need to be abandoned and relocated at the owner's expense, and that deferral agreements be signed for both lots #1 and #2 for improvements. The motion received unanimous approval.

PUBLIC HEARING BYRON MARTIN REZONE Chairman Linda Hansen called for the Public Hearing to consider the application of Bryon Martin, approximately 280 North 2nd East and approximately 190 East 2nd North, Preston, Idaho for the rezoning of certain property located in the City of Preston, from its present classifications of Residential A-1 to a classification of Residential B.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on October 11, 2017, 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, Preston, Idaho, to give consideration to the application of Bryon Martin, approximately 280 North 2nd East and approximately 190 East 2nd North, Preston Idaho for the rezoning of certain property located in the City of Preston, Idaho, from its present classifications of Residential A-1 District to a classification of Residential B. The maps and legal descriptions of the properties requested to be rezoned follows.

NORTH ON 2ND EAST

Property 1:

A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 15 SOUTH RANGE 39 EAST, BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO, AND FURTHER DESCRIBED AS FOLLOWS;

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 23, THENCE SOUTH 00 DEGREES 23'29" EAST 380.25 FEET ALONG THE CENTERLINE OF STATE STREET; THENCE NORTH 89 DEGREES 52'32" EAST 709.93 FEET ALONG THE CENTERLINE OF 300 NORTH STREET; THENCE NORTH 89 DEGREES 52'05" EAST 409.23 FEET ALONG SAID CENTERLINE; THENCE SOUTH 37.59 FEET TO THE TRUE POINT OF BEGINNING; A 5/8" REBAR WITH CAP LABELED AA HUDSON PLS 4735 SET ON THE SOUTH LINE OF THAT PARCEL OF PROPERTY BELONGING TO PRESTON CITY RECORDED UNDER INSTRUMENT NUMBER 142257 IN THE OFFICIAL RECORDS OF FRANKLIN COUNTY; THENCE SOUTH 00 DEGREES 16'18" EAST 90.71 FEET (SOUTH 90.71 FEET BY RECORD) TO 5/8" REBAR WITH CAP; THENCE NORTH 89 DEGREES 51'51" EAST 197.23 FEET (EAST 198.00 FEET BY RECORD) TO A 5/8" REBAR WITH CAP; THENCE NORTH 00 DEGREES 12'54" EAST 90.71 FEET (NORTH 90.71 FEET BY RECORD) TO A 5/8" REBAR WITH CAP; THENCE SOUTH 89 DEGREES 51'51" WEST 198.00 FEET (WEST 198.00 FEET BY RECORD) TO THE TRUE POINT OF BEGINNING. (5159.04)

Property 2:

Township 15 South, Range 39 East of the Boise Meridian

Section 23: Beginning at the W1/4 corner of Section 23, and running thence South 0° 07'11" East, 388.91 feet; thence South 88° 08'40" East, 1121.46 feet; thence East 312.85 feet to the TRUE POINT OF BEGINNING, said point also being the Southwest right-of-way corner of Third Street North and Second Street East of the Preston Townsite; and running thence South 133.44 feet; thence West 114.85 feet; thence North 133.44 feet; thence East 114.85 feet to the true point of beginning.

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EAST ON 2ND NORTH

Property 1:

Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho
Section 23: COMMENCING at a point 88 rods East and 139 rods North from the Southwest corner of Section 23, and running
THENCE East 17 rods;
THENCE South 10 rods;
THENCE West 17 rods;
THENCE North 10 rods to the Place of Beginning.

Property 2:

Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho
Section 23: Beginning at a point 105 rods East and 138 rods North of the Southwest corner of said Section 23:
THENCE East 187 feet;
THENCE South 165 feet;
THENCE West 187 feet;
THENCE North 165 feet to the PLACE OF BEGINNING.

Property 3:

Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho
Section 23: Beginning at a point 105 rods East and 128 rods North of the Southwest corner of said Section 23:
THENCE East 187 feet;
THENCE South 138 feet;
THENCE West 187 feet;
THENCE North 138 feet to the PLACE OF BEGINNING.

SUBJECT TO: Agreement or covenant not to build living or storage structures on above property for a period of 20 years from date herein signed. The purpose of this agreement or covenant is to provide an open space for walkways, gardens, grass areas, sitting areas or other similar uses which would encourage quiet enjoyment of this area.

SUBJECT TO: All easements, right of ways, covenants, restrictions, applicable building and zoning ordinances, and use regulations, and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

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 12th day of September, 2017.

/s/Linda Acock, City Clerk

Chairman Linda Hansen gave guidelines for holding a public hearing, and asked if any Board member needed to declare a conflict of interest, or ex-parte contact with the matter. There being none, Chairman Linda Hansen opened the public hearing and asked Bryon Martin to present his request to rezone property at approximately 280 North 2nd East and approximately 190 East 2nd North from its present classifications of Residential A-1 to a classification of Residential B.

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Bryon Martin presented his request to rezone properties at approximately 280 North 2nd East and approximately 190 East 2nd North from Residential A-1 to Residential B, to develop single level handicapped accessible apartments, duplexes, or similar structures. He stated that he would not be in competition with the Heritage Home, located at 155 East 3rd North, and presented a couple of different plans for development of the properties. He acknowledged that the property owned by Troy Waddoups, at 277 North 2nd East, would also need to be rezoned and that Mr. Waddoups was not in attendance to offer testimony in favor of the rezone. He stated that he feels the rezone would be a good thing for the citizens of Preston.

Chairman Linda Hansen asked if there was anyone in attendance to provide testimony in favor of granting the proposed rezone.

Bill Salerno, resident of The Pines Apartments, 250 East 4th North, explained that he moved to Preston in 2006 in need of handicapped accessible housing which was difficult to find, and this would be a good thing for the community. He stated he was in favor of granting the rezone.

R. Kent Gardner, 176 East Oneida, a local tax attorney and resident of Preston for nine years, stated this project would benefit Preston due to nearly 1/3 of the population being over the age of 45, and 19% of the population being over the age of 65, and he was in favor of granting the rezone.

Chairman Linda Hansen read the following letter in support of granting the rezone;

10-11-2107

To whom it may concern:

A request is being made to re-zone land along the North end of property that we own from residential A1 to Residential B. This request is being made by Bryon Martin.

Be it known to all involved that we do not object to the zone change. It would, in our view, actually be an asset to the community.

This is relevant to the property between 2nd East and 3rd East.

David G. Ward

/S/

Suzanne M. Ward

/S/

265 North 3rd East

Preston, Idaho 83263

(208-852-2473)

(435-760-1047)

There being no further testimony in favor of granting the rezone, Chairman Linda Hansen asked if there was anyone in attendance to provide neutral testimony regarding the proposed rezone.

Steve & Vicki Vigliaturo, owners of the Cedarwood Apartments, 257 North 2nd East, stated that although one of the proposed duplexes would be adjacent to the Cedarwood Apartments, they were neutral in regard to the rezone.

There being no further neutral testimony regarding the rezone, Chairman Linda Hansen asked if there was anyone in attendance to provide testimony against the proposed rezone.

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Jordan Snedaker, owner of the Heritage Home at 155 East 3rd North, stated he felt these projects would pose some competition to the Heritage Home, and this area already has a significant high density issue with a lot of existing apartment complexes. He also had concerns about lowering of property values and the availability of water and sewer in the area. He asked Mr. Martin for clarification on what exactly he was proposing to do with these lots. He further stated it was a great idea, but there are a lot of people in this area, and for those reasons he was opposed to the rezone.

There being no further testimony against the proposed rezone, Chairman Linda Hansen asked Bryon Martin for rebuttal.

Bryon Martin thanked all of those who had made comments. He stated he felt the proximity to the Heritage Home was a positive thing, that his rezone request meets the City's Comprehensive Plan, and he asked the Board to approve his rezone request.

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 asked Mr. Martin how he planned to handle the issue of the Troy Waddoups property at 277 North 2nd East since the City ordinance does not allow spot zoning.

Bryon Martin stated that Mr. Waddoups had verbally agreed to the rezone, and that he had been notified of the public hearing.

Chairman Linda Hansen commented that this public hearing was for the purpose of the rezoning of the properties only.

City Engineer Mark Owens agreed that this public hearing was being held for the sole purpose of rezoning the property, not for determining what development plans Mr. Martin might have. He stated that issues surrounding the types of structures and their specific utility needs would be addressed through the building permit process. He reminded the Board that Troy Waddoups had not weighed in on this issue or submitted any comments in regard to the rezone. He recommended approval of the rezone to the City Council for everything East of the Waddoups property, and stated that Mr. Martin had met all rezoning requirements.

After discussion, it was moved by Commissioner Steve Call and seconded by Commissioner Charles Chesney to recommend to Preston City Council the approval of the Rezone request for Bryon Martin, as presented, for the property East of 2nd East, excluding the Troy Waddoups property at 277 North 2nd East. The motion received unanimous approval.

**PLANNING &
ZONING
COMMISSION
DECISION
PATRICIA
CHECKETTS
MINOR
SUBDIVISION**

It was moved by Commissioner Charles Chesney and seconded by Commissioner Steve Call to approve the Planning and Zoning Commission Decision to the City Council for the final plat of the Patricia Checketts Minor Subdivision, and to have Chairman Linda Hansen sign the Decision. The motion received unanimous approval.

A copy of the Planning and Zoning Commission Decision Final Plat - Patricia Checketts Minor Subdivision follows minutes.

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**PLANNING &
ZONING
COMMISSION
DECISION
NORTH
JUNCTION
SUBDIVISION
PHASE I** It was moved by Commissioner Charles Chesney and seconded by Commissioner Steve Call to approve the Planning and Zoning Commission Decision to the City Council for the final plat of the North Junction Subdivision, Phase I, and to have Chairman Linda Hansen sign the Decision. The motion received unanimous approval.

A copy of the Planning and Zoning Commission Decision – North Junction Subdivision follows minutes.

**ANNEXATION
FEASIBILITY
DARREN
COLE** Darren Cole approached the Board to determine the feasibility of annexing property located at approximately 1200 East in the 800 South/900 South area of Preston. After Board discussion, it was determined that this annexation would not square the City boundaries, therefore the Board agreed his request was not feasible.

**REPORT OF
APPROVED
BUILDING
PERMIT** Chairman Linda Hansen reported on the following approved building permit:

Heusser Construction 340 East Eagle Way House

ADJOURN Meeting was adjourned at 7:40 P.M. by Chairman Linda Hansen.

Linda Hansen, Chairman

Linda Acock, Clerk