

CITY OF PRESTON PLANNING AND ZONING MEETING

August 26, 2015

ROLL CALL Roll Call showed the following Board members present: Chairman Linda Hansen, Commissioner Bruce Hodges, Commissioner Penny Wright, Commissioner Charles Chesney, Commissioner Joe Perry, Commissioner Steve Call

Staff present: Wendy Merrill, City Engineer Darek Kimball, Council Liaison Randy Harris

Others: Jeff Acock, Linda Acock, Zon Alder, Susan Anderson, Bailey Beckstead, Scott Beckstead, John Brough, Patty Chesney, Coby Cooper, Leo Geddes, Clayton Gefre, Cedar Hodges, Dave Kerr, Jerry Larsen, Michael Lower, Cody Ralphs, Larry Ralphs, Myrna Ruffell, Robert Ruffell, Larry Stokes, Todd Thomas, Dave Ward, Suzanne Ward

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

REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 08/12/15 It was moved by Commissioner Joe Perry, and seconded by Commissioner Charles Chesney, to approve the Planning and Zoning Minutes of August 12, 2015. The motion received unanimous approval.

PUBLIC HEARING ROBERT RUFFELL VARIANCE 62 EAST 2ND SOUTH Chairman Linda Hansen called for the Public Hearing to give consideration to the application for variance by Robert and Myrna Ruffell, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on August 26, 2015, before the City of Preston Planning and Zoning Commission at the hour of 6:15 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Robert and Myrna Ruffell, 62 East 2nd South, for a Variance to the requirements of Section 17.16.040(A) Preston Municipal Code, which requires residential homes within the Business C-2 zones to maintain setbacks equal to those required for the nearest residential zone (Residential A-1, 17.08.040(B) requiring eight (8) foot setbacks). Specifically, the applicants are requesting that they place a garage that is 24 feet by 21 feet, which will be located adjacent to the west side property line. 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 22nd day of July, 2015

s/Linda Acock, City Clerk
Publish: July 29, 2015

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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 ex-parte contact with the matter. There being none, Chairman Linda Hansen asked Robert and Myrna Ruffell to present their request for a variance.

Myrna Ruffell stated for the Board that their house has a shared driveway, and it would be easier and safer for them to use the shared driveway to access the detached garage, which would be located along their west side property line and against an existing wall belonging to Stokes Thriftway. She explained they would be able to back out of the garage and pull forward out of the driveway, increasing safety in an area that is close to Preston High School.

Commissioner Penny Wright asked if the garage would only be big enough to accommodate two vehicles.

Myrna Ruffell answered it would be 24 feet by 21 feet, just big enough to accommodate two vehicles.

Commissioner Joe Perry asked if the garage would be a metal building or a wood structure and if they had a hard surface or concrete pad to place the garage on.

Myrna Ruffell answered it will be a steel frame building with metal roofing and there is already a concrete pad that was poured three years ago in anticipation of building a garage, but due to a property dispute they were unable to do so at the time.

City Engineer Darek Kimball stated that after his review of the application, he could recommend approval of the Variance.

Larry Stokes, of Stokes Thriftway, stood before the Board to state that Stokes Thriftway has no objection to the Ruffells plan to build a garage against their existing wall, and they are in favor of the Variance.

Robert Ruffell stated for the Board that building the garage on the west side of the property would eliminate backing out of the shared driveway, and that he desired to proceed with his plans and order the garage before winter.

Chairman Linda Hansen asked if there was anyone in attendance who would like to offer further testimony in this matter. There being none, she then 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.

It was moved by Commissioner Charles Chesney and seconded by Commissioner Joe Perry to recommend to Preston City Council the approval of the Request For Variance for Robert and Myrna Ruffell, as presented, and to allow Chairman Linda Hansen to sign the Facts, Finding and Recommendation. The motion received unanimous approval.

The Facts, Findings, and Recommendation follow the Minutes.

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**PUBLIC
HEARING
PLANNED
UNIT
DEVELOPMENT**

Chairman Linda Hansen called for the Public Hearing to give consideration to a proposed ordinance amending Chapter 16.34 of the Preston Municipal Code relating to Planned Unit Developments within the City, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on the 26th day of August, 2015, at the hour of 6:30 P.M. at the City Hall located at 70 West Oneida St., Preston, Idaho, before the Planning and Zoning Commission to consider a proposed ordinance amending Chapter 16.34 of the Preston Municipal Code relating to Planned Unit Developments within the City and addressing matters such as minimum areas, permitted uses, landscaping, lot sizes, setbacks and heights, parking, residential unit placement, roadways, applications, Planning and Zoning recommendations, council action, phasing, fees for PUD's, secondary water, and water and sewer fees. A copy of a proposed ordinance is on file with the city clerk at the above address and copies of the same may be obtained from that office from and after July 30, 2015.

All persons present at the public hearing will be given the opportunity to be heard. Written comments and objections may be submitted to the City Clerk at the above address at any time prior to the public hearing, and the same shall be considered by the Commission in its deliberations.

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.

Commissioner Bruce Hodges explained that the Planning and Zoning Commission had been requested by the City Council to review the PUD ordinance and propose amendments to bring it up to date, since the Council had been approached by several people wishing to construct Planned Unit Developments within the City. Commissioner Bruce Hodges further stated that the proposed ordinance had been reviewed and revised by the Commission for approximately a year before finalizing the proposed ordinance amendment.

Chairman Linda Hansen stated that interest had been expressed in developing PUDs for senior housing, which the Planning and Zoning Commission agreed the City has a need for, but the ordinance, as currently written, does not allow small enough lots for this type of development.

Larry Stokes stated for the Board that he enjoys a spacious property here in Preston and a senior living property in St. George, Utah, and that after spending 40 years in Preston and watching a lot of senior citizens leave due to the lack of amenities for seniors, he encouraged the Board to take action now and move forward with the amendment of the ordinance. He further stated he felt the developers of any PUD in the City should be charged with creating pleasant, orderly, nice communities.

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Cody Ralphs stated for the Board that he felt the ordinance would be a plus for the community. Lowering the lot sizes from 12,500 feet to 6,000 feet per lot would avoid burdening residents with the maintenance of too much space.

Scott Beckstead stated for the Board that he encouraged the Board's recommendation for passage of this ordinance. He stated that although a 6,000 foot lot is small, if you place a 1500 square foot home on it leaving $\frac{3}{4}$ of the lot to be maintained, most seniors would not want that. He then asked if it would be possible to add something in the ordinance to allow clustering of homes on smaller lots by adjusting open spaces and keeping density the same. The Board replied it was already included in the proposed ordinance.

Mike Lower stated for the Board that, as he read and understood it, the ordinance would allow a four unit, two story building on a 6,000 square foot lot. City Engineer Darek Kimball assured him you would need 6,000 square feet per unit, or a total of 24,000 square feet to construct a four unit, two story PUD, as outlined in the proposed ordinance. Mr. Lower also expressed concerns about where the secondary water would come from and what constitutes a business, to which Chairman Linda Hansen replied it would be some type of business that would support the residents of the PUD.

Susan Anderson stated for the Board that she was opposed to smaller lots.

John Brough stated for the Board that he did not think PUDs should be allowed next to existing homes just because there happens to be an empty lot there. His concern was that the PUDs would be like the senior housing behind West Motor with their accompanying small lots. He stated he felt 6,000 square foot lots are too small.

Suzanne Ward asked the Board what impact the PUDs would have on the density of the areas in which they are built.

Chairman Linda Hansen asked if there was anyone in attendance who would like to offer further testimony in this matter. There being none, she then read the following letter from Craig Thomas:

To the P&Z board and city council:

I used to think that inner-city decline was only a problem that big cities have. But, as we were recently showing visitors from Salt Lake City around the town that I have spent my entire life in, it occurred to me that what the code refers to as the core of Preston has, for the most part, become old and worn down.

The vast majority of my growing up years and all of my adult years, I have lived in the core of Preston (within the boundaries of fourth north, east, south, and west). It is sad to see all the growth going to the outskirts of the city and to the county. My wife took a drive up and down the streets of the core and found less than 10 homes that in our estimation had been constructed in the last ten years. But you make a similar drive in other parts of the city or county and you find new construction all over the place.

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One of the appeals that these older houses in the core have is that they often come with big lots. Not necessarily large frontage, but deep lots where kids can play and a garden can be grown. To help stem the tide of inner-city decline, we do not need an ordinance that allows smaller lots. This not only leads to more congestion, but makes fewer attractive large lots available. People are building on the outskirts because they don't want neighbors packed in on both sides of them.

I am particularly concerned about the proposed PUD to the north of my home on 3rd East which would be on the pasture formerly owned by Don Carter.

We already have two high density apartment complexes in that area. A third one is not needed. I think our city leaders agree because as I understand Section 6 of the proposed changes, a clause is being added that says, "...and to avoid the density problems created by clustering of planned unit developments, no planned unit development shall be permitted within 1800 feet of any other planned unit development...". That is a great start, but does not accomplish much unless it includes a similar limitation that prohibits a new PUD within 1800 feet of any existing high density complexes (apartments) that already exist.

In other words, take the specific piece of property that I am talking about to the north of my home. It is within 1800 feet of Cedarwood (24 apartments) and Vista (36 apartments). Clustering already exists, but if this ordinance is passed as written, more high density housing can be added. The ordinance needs to include a provision that prohibits PUDs within 1800 feet of existing apartments as well as other PUDs.

I understand that the plan for this piece of property is to fill it up with small retirement homes. What I fear is that a few years down the road when the demand from retired people has not materialized, the remaining ground will then be filled up with more low-income housing in order for the developer to recoup his investment. (I believe that the demand for small retirement properties in Preston is not very great. It is true, that many people who grew up in Preston, and made their fortune elsewhere, then desire to return to the serenity of Franklin County. But they have the money to buy or build a much larger home on the outskirts of Preston or in the county. In reality, we have many of our older residents move away from Preston to be near their children in their elder years.)

It appears to me that the acreage by my house and some land to the north and west of the rodeo grounds are the only two sizable developable pieces of property located within the core of Preston. It behooves the present P&Z board and city council to see that those two locations are developed in a way that will make the core a better place to live in. (By the way, the property by the rodeo grounds is not already burdened with apartment complexes of 60 aggregate units).

Sincerely,

s/ Craig Thomas

Cody Ralphs again stated to the Board he felt the ordinance would be an asset to the City.

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

The Board will come to the next Planning and Zoning meeting ready to render their decision.

**PUBLIC
HEARING
ZONING
ORDINANCES
FOR PLANNED
UNIT
DEVELOPMENTS**

Chairman Linda Hansen called for the public hearing to give consideration to a proposed ordinance to amend Chapters 17.08, 17.10, 17.12 and 17.14 of the Preston Municipal Code relating to Planned Unit Developments within the City, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on the 26th day of August, 2015, at the hour of 6:45 P.M. at the City Hall located at 70 West Oneida St., Preston, Idaho, before the Planning and Zoning Commission to consider a proposed ordinance amending Chapters 17.08, 17.10, 17.12 and 17.14 of the Preston Municipal Code relating to Planned Unit Developments within the City and addressing matters such as allowed uses, and minimum areas. A copy of a proposed ordinance is on file with the city clerk at the above address and copies of the same may be obtained from that office from and after July 30, 2015.

All persons present at the public hearing will be given the opportunity to be heard. Written comments and objections may be submitted to the City Clerk at the above address at any time prior to the public hearing, and the same shall be considered by the Commission in its deliberations.

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.

Cody Ralphs stated to the Board he has been waiting a long time for the passage of the PUD ordinance, and is in full support of this ordinance.

Chairman Linda Hansen asked if there was anyone in attendance who would like to offer further testimony in this matter. There being none, she then 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.

It was moved by Commissioner Bruce Hodges and seconded by Commissioner Joe Perry to recommend to Preston City Council the approval of the proposed ordinance amending Chapters 17.08, 17.10, 17.12 and 17.14 of the Preston Municipal Code relating to Planned Unit Developments within the City and addressing matters such as allowed uses, and minimum areas. The motion received unanimous approval.

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ADJOURN Meeting was adjourned at 7:33 P.M. by Chairman Linda Hansen.

Linda Hansen, Chairman

Linda Acock, Clerk