

CITY OF PRESTON PLANNING AND ZONING MEETING

April 26, 2017

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

Staff present: Wendy Merrill, Mark Owens

Others: Eric Allred, Sandy Allred, Bailey Beckstead, Alzina Egbert, Francesca Garcia, Marty Hatch, Tiffany Hatch, Brittany Hoffman, Colleen Jensen, Trisha Olson, Scott Palmer, Tyrell Simpson, Whitney Simpson, Afton Winn, Berni Winn, Brackin Winn, Troy Winn

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

REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 04/12/17 It was moved by Commissioner Brock Alder and seconded by Commissioner Charles Chesney to approve the minutes of April 12, 2017. The motion received unanimous approval.

PUBLIC HEARING REZONE ERIC & SANDY ALLRED 304 PARK AVE. Chairman Linda Hansen called for the Public Hearing to give consideration to the application of Eric and Sandy Allred, 304 Park Avenue, Preston, Idaho, for the rezoning of certain property from its present classification of Residential A-1 to a classification of Residential A-2.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on April 26, 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 St., Preston, Idaho, to give consideration to the application of Eric and Sandy Allred, 304 Park Avenue, 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 A-2. More specifically, Eric and Sandy Allred desires that the parcels of property that make up 304 Park Avenue be zoned Residential A-2, allowing for a multiple family dwelling. A copy of the legal description of the property requested to be rezoned is attached hereto.

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 23rd day of March, 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 the Allreds to present their request to rezone the property at 304 Park Avenue from its present classification of Residential A-1 to a classification of Residential A-2.

CITY OF PRESTON PLANNING AND ZONING MEETING

April 26, 2017

Eric Allred stated they were seeking a rezone of the property at 304 Park Avenue, from its present classification of Residential A-1, to a classification of Residential A-2, to allow them to convert their home to a multi-family dwelling. He stated there is a critical need for additional housing in this area, and the location of this property is ideal for families with children as it is located within walking distance of schools and a nearby park.

City Engineer Mark Owens gave a staff report outlining the requested action to rezone the property at 304 Park Avenue from Residential A-1 to Residential A-2, asking the Planning and Zoning Commission to determine if the request is in accordance with the comprehensive plan and meets the requirements of the Zoning Ordinance.

Chairman Linda Hansen then read the following written factors in support submitted from the Allreds:

Factors in Support:

1. For a zone change:
 1. Long-term trends in promoting highest and best land uses focus closely on promoting sustainably greater housing density, especially near public facilities such as school, park, transportation (all of which apply in this case).
 2. Greater residential density makes more efficient use of public infrastructure: streets, storm drains, utilities, etc.
 3. Greater residential density promotes stronger property values that in turn support stronger tax base.
 4. "Mother-in-law" apartments and multifamily residences promote inter-generational support and unity as parents and children (and grandchildren) evolve and share duties.
 5. Modern U.S. land use planning practices promote transitional zones and uses, with land use buffers and higher density closer to business and public services. Ideally, A-2 should be placed between public facilities (such as parks) and business land uses. In the present case, A-2 zoning and multifamily are separated from city park space by A-1 zoning, of which this property is a part. Smoothing that transition by re-zoning would resolve that apparent discordance. The current use is compatible with the general model of buffering and transition between uses of differing density and intensity.
 6. Emerging U.S. national standards for housing type and density reflect policies for urban efficiency, energy conservation, prevention of homelessness, housing affordability and a host of other urban development goals, all of which are promoted by the intentions and performance of this property.
 7. Off-street and on-street parking and new curb, gutter, and sidewalk are performance aspects to which this property will comply to the letter and spirit of A-2 housing and will add value to the neighborhood.
 8. The history of urban development in communities such as Preston suggest a manifest destiny in gradual, coherent density increases over time.
2. For a special exception or other administrative allowance:
 1. The subject property has been maintained in good order from original construction and is a credit to the neighborhood.
 2. All construction has been initiated with building permits and done in compliance with building codes is evidence of applicant's good faith effort to participate fully in community standards and contribute to the order and quality intended by the City of Preston.

CITY OF PRESTON PLANNING AND ZONING MEETING

April 26, 2017

3. The subject property has no history of deficiency in performance in regard to substantive standards for health, safety, or nuisance abatement.

4. Because there is no deficiency in prior performance, any denial of petition and/or application would not contribute meaningfully to the practical purpose and intent of Preston City development codes and policies.

5. Standards for administrative allowances and/or special exceptions can incorporate performance standards to ensure continuation of successful performance indefinitely.

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

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide neutral testimony regarding the rezone request.

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide testimony against granting the rezone request.

Marty Hatch, 302 Park Avenue, stated he did not want an apartment complex next door to him, and he was concerned about storm drainage if more curb and gutter were to be installed, due to the fact that storm drainage is already an issue in this area.

City Engineer Mark Owens suggested the applicant address drainage issues as one of the conditions of the rezone request.

Brittany Hoffman, 496 S. 4th E., stated she did not like the idea of having a parking lot in this area.

Chairman Linda Hansen then read the following letter in opposition to granting the rezone request:

To Preston City Planning and Zoning Committee,

In regards to the Allred's Multiple-Family building issue I would like to voice my concern. I am very upset about this issue for multiple reasons. Mainly, I do not want this to happen as it will lower my home's value. I do not believe that this is fair to all the surrounding neighbors as it has such a drastic effect on all of us. Our home is our starter home and eventually, as our family grows, we will need to sell our home. It is very unfair for our home's value to decrease so drastically.

My second issues comes with the noncompliance that has already been happening at the Allred residence. They have had a family living there for quite some time now. I have been informed by other neighbors that this is illegal as they are not suppose to be having anyone other than family living in their home. The family living there are clearly not relatives. They are not following the laws already, and it leaves me to wonder if they would continue to do so once this building is finished.

Third, is the safety of my family. Adding in this building will cause many more families to be added to our neighborhood and they will be in direct connection to my children as there is a park that links my yard to where the building will be. It is concerning to me is this aspect.

Finally, I do not see how this will be an asset to our community and town. I believe it will not benefit our neighborhood in anyway. As stated above, it

CITY OF PRESTON PLANNING AND ZONING MEETING

April 26, 2017

will only bring all the surrounding neighbor's property values down, thus benefiting only the Allreds.

If this is approved to be built I will very much consider selling my home in the meantime. I know I have neighbors who feel the same way.

I hope and pray the Planning and Zoning committee will deeply consider this issue and will determine that it is not something that should be done.

Thank you so much for allowing me to voice my opinion as this directly effects my family.

Sincerely,
Nicole Thomas
505 S. 3rd E.
Preston, Idaho 83263

In rebuttal, Eric Allred stated they are willing to address the drainage issues and comply with all conditions set forth by the Planning and Zoning Commission, and that granting the rezone request would not result in lower property values.

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

After discussion, it was moved by Commissioner Charles Chesney and seconded by Commissioner Steve Call to continue their deliberation to the meeting date of May 10, 2017, to give the Board additional time to consider the testimony given in this matter, and so the applicant could provide a survey addressing the storm water drainage issue to City Engineer Mark Owens. The motion received unanimous approval.

**PLANNING &
ZONING
COMMISSION
DECISION
TROY & BERNI
WINN
REZONE**

It was moved by Commissioner Steve Call and seconded by Commissioner Brock Alder to approve the Planning and Zoning Commission Decision for Troy and Berni Winn, to rezone the parcel at approximately 825 North 8th West, from Transitional to Commercial C-3. The motion received unanimous approval.

A copy of the Planning and Zoning Commission Decision for Troy and Berni Winn follows minutes.

**VARIANCE
FEASIBILITY
CHAD &
COLLEEN
JENSEN
620 EAST
ONEIDA**

Colleen Jensen, 96 North 3rd East, approached the Board to determine the feasibility of obtaining a variance allowing them to build a house at 620 East Oneida with a 15 foot setback instead of the required 20 foot setback. After discussion by the Board, this issue was taken under review until the next meeting of the Planning and Zoning Commission.

**DISCUSS
CHANGES
TO MINOR
SUBDIVISION
ORDINANCE**

City Engineer Mark Owens discussed Section 16.16.070, Preston Municipal Code, that sets forth the review fee a subdivider is required to pay to the City at the time of submitting a preliminary plat. He submitted a proposal for a revised fee schedule that would make the review fee more reasonable and suggested sending it to the City Council for consideration. He also suggested that Ordinance #2017-3, Preston Municipal Code 16.22.060, Section 5, Subsection A.2, be changed to allow a subdivision of up to four lots

CITY OF PRESTON PLANNING AND ZONING MEETING
April 26, 2017

with all accompanying conditions and a deferral agreement. It was moved by Commissioner Bruce Hodges and seconded by Commissioner Charles Chesney to allow the change to Ordinance #2017-3 to four lots instead of two with a deferral agreement and to have City Clerk Linda Acock set this issue for public hearing. The vote was as follows:

Chairman Linda Hansen	Aye
Commissioner Bruce Hodges	Aye
Commissioner Charles Chesney	Aye
Commissioner Steve Call	Nay
Commissioner Brock Alder	Aye

Motion passed by majority vote.

ADJOURN Meeting was adjourned at 7:20 P.M. by Chairman Linda Hansen.

Linda Hansen, Chairman

Linda Acock, Clerk