

CITY OF PRESTON PLANNING AND ZONING MEETING
March 24, 2021

ATTENDANCE **The following Board members were present: Chairman Fred Titensor, Commissioner Steve Call, Commissioner Berni Winn, Commissioner Adrienne Alvey, Commissioner Dave Cole, Commissioner Penny Wright, Commissioner Justin Carter**

Staff present: Tyrell Simpson, Shawn Oliverson, Preston Rutter, Becky Cox, Dan McCammon

Others: Dan Keller, Sandra Hubbard, Judy Priestley, Jeff Call, Dixon Beckstead, Mike Bridges, Dakota Reid, Vicky Kaae, Justin Facer, Jill Parrish, James Parrish, Tim Golightly, Natalie Golightly, Brad Wall, Kayla Cason, LeRoy Johnson, Rachel Lawver , Laura Facer

Meeting was called to order at 6:00 P.M. by Chairman Fred Titensor.

REVIEW & APPROVE P&Z MINUTES 2/24/2021 **It was moved by Commissioner Steve Call and seconded by Commissioner Adrienne Alvey to approve the Planning and Zoning Minutes of March 10, 2021 as written.**
The vote went as follows:

Chairman Titensor-	Aye
Commissioner Alvey -	Aye
Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Wright -	Aye
Commissioner Call-	Aye
Commissioner Carter-	Abstain

Motion passed by majority vote.

PUBLIC HEARING JUSTIN FACER 18 SOUTH 4TH WEST **Chairman Titensor called for a public hearing on Justin Facer's Variance application for 18 South 4th West.**

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on March 24, 2021, 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 Justin Facer, approximately 24 South 4th West, for a Variance to the requirements of Sections 17.12.020(K) of the Preston Municipal Code, which limits multiple family and three-family dwellings within the area between 4th North, 4th East, 4th South and 4th West streets, and 17.12.030(B) of the Preston Municipal Code, which specifies the minimum lot area for a twelve-plex at 37,000 square feet, or two six-plex buildings at a minimum of 56,000 square feet. Specifically, the applicant desires to build two six-plex buildings on the west side of 4th West, on a 43,560 square foot parcel.

Legal Description of the parcel:

A parcel of land located in Section 27, Township 15 South, Range 39 East, Boise Meridian, Preston City, Franklin County, Idaho and more particularly described as follows:

Beginning at the North Quarter corner of said Section 27 from which the Northwest corner of Section 27 Bears North 89° 34' 19" West 2641.40 feet; Thence South 00° 01' 12" West 140.37 feet along the centerline of 400 West Street; Thence North 89° 54' 32" West 33.00 feet to a 5/8" rebar with cap

CITY OF PRESTON PLANNING AND ZONING MEETING
March 24, 2021

labeled, "AA Hudson PLS 13173", set on the West right of way line of 400 South Street the True Point of Beginning; Thence North 89° 54' 32" West 195.01 feet along the South line and its extension of the parcel owned by Rachel A. Lawver, which parcel is described in Instrument #237082 in the official records of Franklin County, to a 5/8" rebar with cap; Thence South 00° 01' 12" West 188.29 feet along the East line of the parcel of land owned by Jerry C. Larsen and Marie S. Larsen, which parcel is described in Instrument #207126 in the official records of Franklin County, to a 5/8" rebar with cap; Thence South 89° 34' 19" East 195.02 feet along the North line of the parcel of land owned by Kevin Sharp and Debra Sharp, which parcel is described in Instrument #268575 in the official records of Franklin County, to a 5/8" rebar with cap set on the said West right of way line of 400 West Street; Thence North 00° 01' 12" East 189.44 feet along said right of way line to the True Point of Beginning.

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 18th day of February, 2021.
s/Linda Acock

Chairman Titensor gave guidelines for holding a public hearing and invited Justin Facer to present his variance application.

Mr. Facer explained that he would like to build two six-plex buildings on his property. The property sits just outside of the core of the city that is zoned for multi-family housing and the city code requires that twelve units be built in one building. Mr. Facer's variance application requests a variance to these two requirements. The location of the property is just off of Oneida street and all traffic would flow to Oneida so there would be little impact to city streets. Mr. Facer will do improvements on the sewer line and the road that will benefit the city road. All of the surrounding properties are already fenced and Mr. Facer will add fill to the property to bring it up to levels more even with the surrounding properties. If the twelve units are built in two buildings instead of one it allows for them to be built on a slab on grade and will help with flooding issues. Two buildings suits the property better than one bigger building.

Commissioner Dave Cole asked if he would fill in the lot to make for a level approach to the property. Mr. Facer said that he would. Chairman Titensor asked if he would repave the entire road or patch it. Mr. Facer said the he would have to raise and rebuild the entire road and then repave the whole thing. Commissioner Call asked if this would impact access to the business across the street. Mr. Facer said that the part of the road he will redo extends right to their access but will not impact it.

Chairman Titensor asked City Engineer Tyrell Simpson to comment on the variance application. Mr. Simpson stated that he reviews the water, sewer, storm water, traffic and other code requirements. He stated that the sewer will have to be extended 120-150 feet and that Mr. Facer has agreed to all of the code requirements.

Chairman Titensor asked for comments in support of the variance.

CITY OF PRESTON PLANNING AND ZONING MEETING
March 24, 2021

Dixon Beckstead stated that he lives in the same neighborhood and he thinks that it makes good sense to build there. It will help provide much needed housing in Preston.

There were no written comments in support.

Chairman Titensor called for neutral comments.

There were no neutral comments and no written neutral comments.

Chairman Titensor called for opposing comments.

Judy Priestly stated that she lives across the street from this property and she is against it. She was of the understanding that this property was a natural drain field and could not be raised. She stated concern about runoff water being directed into the city sewer that is already over taxed. She stated that the apartments next to her have basements and they are always having problems with black mold.

Dakota Reid stated that he lives south of the property in question and asked if he will be required to pay for curbing in front of his house and that he does not want apartments in his backyard. Chairman Titensor answered that there will be no financial impact on the surrounding properties.

Rachel Lawver owns property on Oneida and these buildings would be in her backyard. She is against building apartments there, she stated that it is a nice quiet neighborhood and she doesn't want that to change.

There were no written opposing comments.

Commissioner Penny Wright questioned Mr. Facer about where his storm water runoff will go. Mr. Facer stated that it will not drain into the sewer but will be kept on site. Commissioner Wright also asked if Mr. Facer was concerned about flooding and mold problems. Mr. Facer said that if he can build two buildings he will be able to build them slab on grade and will not have a basement. He stated that the soil there is very sandy and he will have to raise the level of the lot quite a bit to work with the sewer. He will do this in a way that will not impact the neighbors' fences.

Commissioner Carter asked if raising the lot will cause more runoff onto the neighbor's properties. Mr. Facer responded that there will be minimal change in the water runoff and that the property is not currently a drainage pond. He will bring the level of the property up to match surround lots and will grade it to match the fence lines of the surrounding properties and any runoff water will divert into the grass swell strips of all the properties.

Chairman Titensor called for a motion to close the public hearing.

Commissioner Wright made a motion to close the public hearing.

Commissioner Alvey seconded the motion.

Vote was as follows:

Chairman Titensor-	Aye
Commissioner Alvey -	Aye
Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Wright -	Aye
Commissioner Call-	Aye
Commissioner Carter-	Aye

CITY OF PRESTON PLANNING AND ZONING MEETING
March 24, 2021

Vote was unanimous.

Commissioner Cole stated that he likes the layout of the two buildings and doesn't see a problem with the water. He stated that they are in the process of looking at the city zoning and extending the multi-family housing zone so he has no issue with that. He stated that the city needs more housing and he feels that Mr. Facer will work with the neighbors to address any concerns with them.

Commissioner Call stated that the variance is not in conflict with the comprehensive plan and that Preston needs multi-family housing and that the improvement to the road will be nice.

Chairman Titensor stated that two buildings is a better choice for this property but he has some reservations about there being too many multi-family buildings in the area. He likes that it is so close to Oneida for the traffic flow.

Chairman Titensor called for a motion on the variance application of Justin Facer.

Commissioner Winn made a motion to recommend to City Council approval of the variance application of Justin Facer at 18 South 4th West.

Commissioner Cole seconded the motion.

Vote went as follows:

Chairman Titensor-	Aye
Commissioner Alvey -	Aye
Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Wright -	Aye
Commissioner Call-	Aye
Commissioner Carter-	Aye

Vote was unanimous.

**PUBLIC
HEARING
TIM
GOLIGHTLY
10 EAST
4TH WEST**

Chairman Titensor called for a public hearing for Tim Golightly rezone application for 10 East 4th West.

Notice is hereby given that a public hearing will be held on March 24, 2021, before the City of Preston Planning and Zoning Commission at the hour of 6:10 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 Tim and Natalie Golightly, at 10 East 4th South, Preston Idaho for the rezoning of certain property located in the City of Preston, Idaho, from its present classifications of Residential A-1 and Industrial, to a classification of Industrial II. More specifically, the applicants desire that the entire property be zoned under one classification of Industrial II. A copy of the legal description of the property requested to be rezoned is attached hereto as Exhibit A.

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 25th day of February, 2021.

CITY OF PRESTON PLANNING AND ZONING MEETING
March 24, 2021

s/ Linda Acock, Preston City Clerk

EXHIBIT A
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 15 SOUTH, RANGE 39 EAST, BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 26, FROM WHICH THE SOUTHWEST CORNER OF SECTION 26 BEARS SOUTH 00° 01' 32" WEST;
THENCE SOUTH 00° 01' 32" WEST 148.50 FEET ALONG THE WEST BOUNDARY OF SAID SECTION 26 TO A MAG NAIL AND WASHER (PLS 9163) AT THE SOUTHWEST CORNER OF THE PARCEL OF LAND DESCRIBED IN INSTRUMENT NUMBER 277827; THENCE SOUTH 89° 48' 30" EAST 253.21 FEET ALONG THE SOUTH BOUNDARY OF SAID PARCEL TO A 5/8" REBAR AND CAP LABELED "A.L.S., PLS 9163 AT THE SOUTHEAST CORNER THEREOF;

Chairman Titensor gave guidelines for holding a public hearing and invited Tim Golightly to present his rezone application.

Tim Golightly explained that he is trying to sell his property which he has used for his business for several years and was a commercial building before he purchased it. The parcel has two different zoning designations and he would like to have it all zoned Industrial-1.

Commissioner Steve Call asked if Mr. Golightly had two lots at that location. Mr. Golightly said that he split his property and sold his house separate of the commercial building. The rezone applies only to the lot that the commercial building is on.

Chairman Titensor called for comments in support of the rezone application.

Kayla Casen recently purchased the house that was split away from this lot and she is concerned that the house may be rezoned away from residential in the future. Mr. Titensor assured her that this would not affect the lot that her house sits on.

Brad Wall stated that this zoning change would make this lot match the adjacent property and that it has always been used as commercial.

Mike Bridges is wanting to purchase this lot and run his business out of the commercial building. He has been operating his business, ABC Seamless, out of Smithfield for several years and is excited to move it to Preston. The building will mostly be used for storage and there will not be a lot of customer traffic at the location.

There were no written comments in favor.

Chairman Titensor called for neutral comments.

There were no neutral comments or written neutral comments.

Chairman Titensor called for opposing comments.

CITY OF PRESTON PLANNING AND ZONING MEETING
March 24, 2021

There were not opposing comments or written opposing comments.

Chairman Titensor called for a motion to close the public hearing.

Commissioner Wright made a motion to close the public hearing for Tim Golightly rezone application. Commissioner Alvey seconded the motion.

Vote went as follows:

Chairman Titensor-	Aye
Commissioner Alvey -	Aye
Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Wright -	Aye
Commissioner Call-	Aye
Commissioner Carter-	Aye

Vote was unanimous.

Chairman Titensor asked City Attorney Preston Rutter if he had any comments. Mr. Rutter stated that city statute demands that if a citizen is granted a rezone then it is locked in for four years and the city cannot change the zone without written consent from the owner. He advised the commissioners to be cautious in granting a rezone for this reason.

Chairman Titensor stated that there is already a transaction in progress on this property and he does not want to hold them up any longer and that he did not foresee any issues with future rezoning plans.

Chairman Titensor called for a motion regarding the rezone application for Tim Golightly.

Commissioner Winn moved to recommend to city council to approve the rezone application for Tim Golightly at 10 East 4th South. Commissioner Carter seconded the motion.

Vote went as follows:

Chairman Titensor-	Aye
Commissioner Alvey -	Aye
Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Wright -	Aye
Commissioner Call-	Aye
Commissioner Carter-	Aye

Vote was unanimous.

LAND USE
MAP NORTH
-WEST
QUADRANT

City Engineer Tyrell Simpson presented the land use map with the changes that had been requested at the last meeting. Commissioner Dave Cole stated he thought there was not enough commercial space with the new changes. He said that businesses on the North end of town need more space and there needs to be more space for new businesses to come in. He recommended that they extend the commercial zone to 6th South. The commissioners discussed extending the commercial zone and including more Residential A3 on the south side of 6th south as a buffer between commercial and residential areas. It was agreed to make these changes to the proposed map and discuss again at the second meeting in April.

CITY OF PRESTON PLANNING AND ZONING MEETING
March 24, 2021

MULTI-FAMILY HOUSING

Chairman Titensor asked City Economic Development Director Shawn Oliverson to present the draft of the multi-family housing ordinance that the commissioners have been working on. Mr. Oliverson recognized that they have been stuck on how to regulate nursing homes and suggested that they remove nursing homes from the multi-family ordinance. The smaller nursing homes would be regulated under state code and the larger buildings would be in commercial areas and regulated by those codes. The commissioners agreed that this was a good idea.

Mr. Oliverson also brought up that the proposed language that allows only one entrance to a multi-family unit per city block is very prohibitive. Chairman Titensor agreed and stated that if the property meets the zoning requirement they should be allowed to build. City Engineer Tyrell Simpson said that it would be very difficult to limit it to one per block. The commissioners discussed better ways to control traffic flow around multi-family units and considered ideas such as requiring the developer to do a traffic study and improve roads accordingly. They discussed wanting to accommodate developers but also needing to control traffic flow and density. They asked Mr. Oliverson and Mr. Simpson to research some ideas and make some recommendations.

PUBLIC INPUT

Dixon Beckstead: Stated that if a developer has to jump through a lot of hoops it increases costs and they have to build more units to make up for it which creates larger complexes.

CALENDAR-DARING

Chairman Titensor reminded that commissioners that their next meeting on April 14th will be public hearings for changes to the comprehensive plan and three ordinances. They discussed looking at the proposed land use map and the multi-family housing ordinance again at the April 28th meeting.

ADJOURN

Meeting was adjourned at 7:30 P.M. by Chairman Fred Titensor.

Becky Cox

Fred Titensor, Chairman