

**CITY OF PRESTON PLANNING AND ZONING MEETING**  
August 25, 2021

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

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

Others: Dan Keller, Joshua Steele, Zack Corbridge, Tony Crockett

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

**REVIEW &  
APPROVAL  
P&Z MINUTES  
07/14/2021**

Commissioner Alvey stated that there was an error in the minutes on the vote of Commissioner Winn in opposition to tabling the Special Use Permit Application of Joshua Steele. Commissioner Steve Call moved to approve the minutes of August 11, 2021 with that change made. Commissioner Cole seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Cole	<u>Aye</u>
Commissioner Carter	<u>Absent</u>
Commissioner Wright	<u>Aye</u>
Commissioner Call	<u>Aye</u>

Motion passed by majority vote.

Commissioner Carter arrived at 6:05.

**REZONE  
JOSHUA  
STEELE  
375 W.  
ONEIDA**

Chairman Titensor invited Joshua Steele to give an update on the snow removal and parking issues that had been discussed at the previous meeting. Mr. Steele stated that he had talked to his contractor and that they would build the building with a single slope onto the property so that no snow would slide onto the neighboring property. He also discussed the parking with City Engineer Tyrell Simpson and they agreed that there would be enough parking with what is available on his property and on the street. Commissioner Carter questioned what the setbacks are for a commercial zone. City Engineer Tyrell Simpson stated that they would be 15 feet. Commissioner Wright asked if Mr. Steele owns the retaining wall that is currently on the property line and he answered that he does.

Chairman Titensor invited City Attorney Preston Rutter to address the issues of whether this could be dealt with using the Special Use Permit or did they need to do a rezone. Mr. Rutter stated that the city code does not currently support this use of property in a Residential B area and he recommended the best route for the city would be to do a rezone. Commissioner Call asked about the legalities of spot zoning. Mr. Rutter said that in his research this property has had a historical use that fits better with a commercial zone and this type of spot zoning is allowed as it conforms with the Comprehensive Plan and the historical use of the property and is compatible with the neighborhood.

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Commissioner Cole stated that either route they take, the rezone or the special use permit, ends up with the same result but the rezone gives the city more legal protection.

Commissioner Wright stated that she has an issue with having no setbacks for the buildings and questioned what the setbacks are required to be in a commercial zone. Mr. Simpson stated that they would be fifteen (15) feet unless a variance was granted.

Commissioner Cole proposed a compromise to the setbacks of an eight (8) foot setback, which would still allow for a setback but also give Mr. Steele more space on the interior of the property. Commissioner Wright questioned why eight feet. Commissioner Cole responded that that is the required setback for residential areas, which this property borders.

Commissioner Call stated that if it simplified the process, they could just do a special use permit requiring some setbacks. Mr. Rutter reiterated that the code cannot authorize a special use permit and firmer ground would be a rezone.

Commissioner Call made a motion to rezone the property to a Commercial 3 zone and maintain eight (8) foot setbacks.

Motion died due to lack of a second.

The commissioners discussed the advantages of the setbacks. Commissioner Cole also noted that a rezone would require another public hearing and go straight to city council and would end up with the same result as a special use permit.

Commissioner Call made a motion for a rezone for Mr. Steele's property at 375 W. Oneida to a Commercial 3 zone and that he must maintain eight (8) foot setbacks for the buildings. Commissioner Carter seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Nay</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Cole	<u>Aye</u>
Commissioner Carter	<u>Aye</u>
Commissioner Wright	<u>Aye</u>
Commissioner Call	<u>Aye</u>

Motion passed by majority vote.

**JOSHUA  
STEELE  
VARIANCE  
375 W.  
ONEIDA**

Commissioner Call made a motion to approve a variance for Mr. Steele at 375 W. Oneida to maintain eight (8) foot setbacks around the residential zones bordering his property and be aware of the parking issues that may hold up the property. Commissioner Cole seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Cole	<u>Aye</u>

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Commissioner Carter	<u>Aye</u>
Commissioner Wright	<u>Nay</u>
Commissioner Call	<u>Aye</u>

Motion passed by majority vote.

**TONY  
CROCKETT  
GREEN  
SPACE AT  
COUNTRY  
CLUB  
ESTATES 5  
PHASE III**

Chairman Titensor invited Tony Crockett to present his information on the green space in the third phase of the Country Club Estates subdivision. Mr. Crockett stated that there had been an oversight on his final plat and the green space that had been approved is land locked and there is no way to get water to the space. The only access to the space is through the golf course and a drainage ditch borders that side of the property. Mr. Crockett stated that he would like to leave the property as is and use it as space to put residue from ditch when it needs to be cleaned out. He would like the commissioners to remove the sod requirement.

Commissioner Wright asked if there was any other green space in the subdivision. Mr. Crockett stated that the golf cart paths are identified as green space. Commissioner Alvey asked how the current property owners feel about the space being left as weeds. Mr. Crockett stated that that's how it has always been.

Chairman Titensor stated that he didn't know how that space got approved as green space in the first place and explained that they cannot deviate from the requirements that they have upheld for every other developer in the city, they need to follow the code.

Commissioner Cole stated that they have to keep consistent with the requirements of the code and he could see two options for moving forward, that Mr. Crockett could work out an easement and find access to the space or he could buy out the green space as allowed in the code.

Chairman Titensor stated that it was not their responsibility to manage how the developer works out the issue, but they are responsible for upholding the requirement.

Mr. Crockett said that he is more than willing to work on some options for the property and that he wants to make it right for the city and the property owners. He asked the commissioners to give him some time to come up with a few options.

Commissioner Cole made a motion to table the decision on the green space at County Club Estates 5 Phase III to allow Mr. Crockett time to gather more information. Commissioner Call seconded the motion. The vote was unanimous.

**DOWN  
TOWN  
DESIGN  
CRITERIA**

Economic Development Planner Shawn Oliverson explained to the commissioners that he has been approached by a group of citizens who would like to make an investment into Preston's downtown area but would like to see some design criteria put into place to assure that improvements in the downtown would continue to look nice.

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The commissioners discussed who would decide what the criteria would be, if funds would be available to assist business owners and if so, how they would be held and distributed and how they can help business owners but not impede any improvements.

Mr. Oliverson said that he would take the information back to the group and continue discussions with them.

**DISCUSSION:  
ZONING  
CODE  
GENERAL  
PROVISIONS**

The commissioners reviewed the general provisions of the city zoning code Title 17. They discussed adding provisions for shipping containers, tiny homes and Air BNB's. They also discussed amending provisions regarding allowed fence types, snow removal requirements and assisted living buildings.

**REPORT OF  
APPROVED  
BUILDING  
PERMITS**

Chairman Fred Titensor reported the following approved building permits:

Scott Palmer	13 E 6 <sup>th</sup> N	Commercial
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**PUBLIC  
INPUT**

No comments.

**CALENDARING**

Chairman Fred Titensor advised the Board that they will continue the discussion on the zoning code at the next meeting. The September 22<sup>nd</sup> meeting is canceled due to staff being out of town for training.

**ADJOURN**

Meeting was adjourned at 7:40 P.M. by Chairman Fred Titensor.

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Becky Cox

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Fred Titensor, Chairman