

CITY OF PRESTON PLANNING AND ZONING MEETING
March 23, 2022

ATTENDANCE The following Board members were present: Chairman Fred Titensor, Commissioner Steve Call, Commissioner Richard Swainston, Commissioner Adrienne Alvey, Commissioner Dave Cole, Commissioner Berni Winn, Commissioner Justin Carter.

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

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

REVIEW & APPROVAL P&Z MINUTES 3/9/2022 Commissioner Winn moved to approve the minutes of March 9, 2022 as written. Commissioner Call seconded the motion.
Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Winn	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Abstain</u>
Commissioner Call	<u>Aye</u>
Commissioner Cole	<u>Aye</u>
Commissioner Carter	<u>Aye</u>

Motion passed by majority vote.

PUBLIC HEARING: SPECIAL USE PERMIT LARRY CHECKETTTS 295 S 4TH W Chairman Fred Titensor called for a motion to open the public hearing for a Special Use Permit for Larry Checkett s at 295 S 4th W.
Commissioner Steve Call recused himself from this matter.
Commissioner Carter made a motion to open the public hearing for a Special Use Permit for Larry Checketts at 295 S 4th West. Commissioner Alvey seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Winn	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Call	<u>Abstain</u>
Commissioner Cole	<u>Aye</u>
Commissioner Carter	<u>Aye</u>

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on March 23, 2022, before the City of Preston Planning and Zoning Commission at the hour of 6:00 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Larry Checketts, 295 South 4th West, for a Special Use Permit in accordance with Preston Municipal Code 17.10.030 which states that Special Uses may be granted pursuant to PMC 17.40, subject to the ability of political subdivisions, including the City and school districts, to provide services for the proposed use, and when it is not in conflict with the

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comprehensive plan. Specifically, the applicant proposes to build and operate an auto repair and glass shop at 295 South 4th West, which is currently zoned Residential A1. A copy of the Application for Special Use Permit is on file with the City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

Legal Description of said property:

PARCEL A: TOWNSHIP 15 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO. SECTION 27; COMMENCING AT A POINT 415 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 27, THENCE NORTH 85 FEET, THENCE EAST 20 RODS; THENCE SOUTH 85 FEET; THENCE WEST 20 RODS TO THE POINT OF BEGINNING. (4643.01)

PARCEL B: TOWNSHIP 15 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO. SECTION 27; COMMENCING AT A POINT 500 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 27, THENCE NORTH 95 FEET; THENCE EAST 20 RODS; THENCE SOUTH 95 FEET; THENCE WEST 20 RODS TO THE POINT OF BEGINNING. (4643.02)

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 February, 2022

Linda Acock

Chairman Titensor explained the procedures for a public hearing and invited Larry Checketts to present his application.

Mr. Checketts told the commissioners that he has operated an auto body shop for many years in Preston but the building he has worked in has been sold and he is looking to build his own place. He would like to build on his empty lot next to his home but it is in a residential area. The special use permit would allow for him to build a shop and operate a business on this lot. He stated that he has contacted the DEQ to see what is allowed and will apply for an exemption from them as he is a small shop and will be within the usage of hazardous materials that they deem safe. Commissioner Cole asked how long the application process with the DEQ will take and Mr. Checketts replied that it is a quick process.

Chairman Titensor asked City Engineer Tyrell Simpson to give his comments. Mr. Simpson stated that this is a Residential A zone and his staff report shows what uses are allowed. Mr. Checketts comments about the DEQ requirements satisfies concerns about air quality but there are concerns about traffic on 4th West as that is a narrow road and highly traveled and concerns about noise in the residential neighborhood.

Chairman Titensor called for comments in support.

Tom Clements stated that he lives next to Mr. Checkett's current shop and has never been bothered by noise or fumes. He has been a good neighbor.

Mabel Larsen stated that she lives one house down from the property and she has no qualms about the shop being built there.

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There were no written comments.

Chairman Titensor called for neutral comments.

Norm Mayhew stated that he is a neighbor to Mr. Checketts and doesn't oppose the shop but has questions about what happens in the future. He asked if the Special Use Permit could allow for another type of business or a larger business to move in if Mr. Checketts sells the shop. City Attorney Preston Rutter stated that the scope of the business cannot be expanded under the Special Use Permit and if the use changed or the business expanded a new permit would have to be applied for.

There were no written comments.

Chairman Titensor called for opposing comments.

There were no opposing comments and no written comments.

Chairman Titensor invited Mr. Checketts to respond to the comments. Mr. Checketts stated that he does not plan to sell the shop after retirement but plans to keep it and continue to use it for personal use. He stated that he does have an occasional part-time employee working with him. Commissioner Cole asked how much traffic he usually gets to his shop. Mr. Checketts replied that traffic would be minimal, he might have a few cars in the parking lot at one time but the coming and going traffic is not much. Commissioner Alvey asked how deliveries would be handled. Mr. Checketts replied that he receives deliveries typically by a pickup with a trailer or a van, usually during the day but some may come in the evenings. He said that he will have parking space for them to pull into off of the street.

Commissioner Cole moved to close the public hearing. Commissioner Swainston seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Winn	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Call	<u>Abstain</u>
Commissioner Cole	<u>Aye</u>
Commissioner Carter	<u>Aye</u>

Commissioner Swainston asked if they had resolved Mr. Mayhew's concerns of the future use of the shop. Mr. Rutter explained that with the Special Use Permit this shop can only be an auto body shop, if any other use is desired, they would have to apply for a new special use permit. Chairman Titensor asked if the shop could be rented out if the use didn't change and Mr. Rutter replied that it could.

Commissioner Carter asked if this is in accordance with the comprehensive plan. Mr. Rutter said it is. Chairman Titensor asked if they could approve the Special Use Permit with Conditions and Mr. Rutter replied that they can.

Commissioner Cole stated that concerns about toxicity were appeased with the information from the DEQ and that he doesn't think that traffic will be a problem.

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He stated that he grew up with a shop in his neighborhood and didn't feel there was any negative impact.

Commissioner Cole made a motion to recommend approval to city council of a Special Use Permit for Larry Checketts auto body shop at 295 S 4th W with the condition that he keeps his business license renewed during the course of time that he is conducting business and if the business license lapses for a year's period the Special Use Permit is forfeited. Commissioner Winn seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Winn	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Call	<u>Abstain</u>
Commissioner Cole	<u>Aye</u>
Commissioner Carter	<u>Aye</u>

Motion was approved by majority vote.

**PUBLIC
HEARING:
COMPRE-
HENSIVE
PLAN**

Chairman Titensor called for a motion to open the public hearing on the City of Preston Comprehensive Plan.

Commissioner Alvey made a motion to open the public hearing on the City of Preston Comprehensive Plan. Commissioner Cole seconded the motion. Vote was unanimous.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on March 23, 2022 at 6:00 P.M., or as soon thereafter as this matter may be heard, at City Hall located at 70 West Oneida St., Preston, Idaho, before the City of Preston Planning and Zoning Commission to consider an update and amendment to the City's Comprehensive Plan, specifically to change the title of the plan to 2022 City of Preston Comprehensive, clean up the language throughout the Comprehensive Plan, remove portions of ELEMENT 3: Transportation, related to the Architectural Review and the Prioritized Planned Improvements and to update statistical data throughout.

The proposed amendment is available for review at the above address during regular business hours.

Written comments and objections may be submitted to the City Clerk at the above address prior to the public hearing, and the same shall be considered by the Commission in its deliberations.

S/Linda Acock, City Clerk
Publish March 2, 2022

Chairman Titensor invited City Planner Shawn Oliverson to explain the changes made to the Comprehensive Plan. Mr. Oliverson explained that the changes were to update the title, statistical information throughout and to fix wording for ease of reading, there was no change in content.

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Chairman Titensor called for comments in favor. There were no comments and no written comments.

Chairman Titensor called for neutral comments. There were no comments and no written comments.

Chairman Titensor called for opposing comments. There were no comments and no written comments.

Commissioner Call made a motion to close the Public Hearing on the City of Preston Comprehensive Plan. Commissioner Swainston seconded the motion. Vote was unanimous.

Commissioner Call made a motion to recommend approval to City Council of the City of Preston Comprehensive Plan. Commissioner Carter seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Winn	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Call	<u>Aye</u>
Commissioner Cole	<u>Aye</u>
Commissioner Carter	<u>Aye</u>

**PUBLIC
HEARING
MUNI-
CIPAL
CODE 16.34.100
PLANNED
UNIT DEVE-
LOPMENTS**

Chairman Titensor called for a motion to open the public hearing for municipal code 16.34.100: Planned Unit Developments.

Commissioner Winn made a motion to open the public hearing for municipal code 16.34.100: Planned Unit Developments. Commissioner Swainston seconded the motion. Vote was unanimous.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on March 23, 2022 at 6:00 P.M., or as soon thereafter as this matter may be heard, at City Hall located at 70 West Oneida St., Preston, Idaho, before the City of Preston Planning and Zoning Commission to consider an amendment to Preston City Municipal Code 16.34.100, specifically to amend clustering of planned unit developments permitted from eight hundred feet (800') to one thousand eight hundred feet (1,800') from any other planned unit development.

The proposed amendment is available for review at the above address during regular business hours.

Written comments and objections may be submitted to the City Clerk at the above address prior to the public hearing, and the same shall be considered by the Commission in its deliberations.

s/
Linda Acock, City Clerk
Publish March 2, 2022

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Chairman Titensor explained that City Council had asked P&Z to review the section of code that requires a certain distance between PUD's. The commissioners discussed the requirement and agreed to keep the recommendation for Eighteen Hundred (1800) feet between developments.

Commissioner Winn made a motion to close the public hearing. Commissioner Call seconded the motion. Vote was unanimous.

Commissioner Winn made a motion to recommend approval to city council of Municipal Code 16.34.100: Planned Unit Developments. Commissioner Call seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Winn	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Call	<u>Aye</u>
Commissioner Cole	<u>Aye</u>
Commissioner Carter	<u>Aye</u>

**SHORT
TERM
RENTALS**

The commissioners discussed some wording changes to the draft of the ordinance. They discussed the requirement for the rental to be owner occupied and agreed to change that to four (4) months in a calendar year. They discussed the difference between the wording of primary residence and residential use.

Commissioner Call made a motion to set a public hearing on the short-term rental's ordinance. Commissioner Swainston seconded the motion. Vote was unanimous.

**APPROVED
BUILDING
PERMITS**

The following approved building permits were reviewed, there were no comments.

Ryan Bodily	1377 West Industrial Park Road	Addition
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**PUBLIC
INPUT**

City Attorney Preston Rutter told the commissioners that he has accepted a new position in Boise. He thanked the commissioners for the time they have worked together. Mr. Rutter introduced Jared Coburn, who will be joining the Fuller & Fuller law firm. Mr. Coburn stated that he is excited to be joining the firm.

**CALEN-
DARING**

Chairman Titensor stated that they discuss the major subdivision ordinance for the next several meetings.

ADJOURN

Meeting was adjourned at 7:14 P.M. by Chairman Titensor.