

CITY OF PRESTON PLANNING AND ZONING MEETING
December 14, 2022

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

Staff present: Tyrell Simpson, Shawn Oliverson, Becky Cox, Jared Coburn.

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

Commissioner Adrienne Alvey was excused.

REVIEW & APPROVAL P&Z MINUTES 11/09/2022 Commissioner Winn moved to approve the minutes of November 9, 2022 as written. Commissioner Swainston seconded the motion.
Vote was unanimous.

TONY CROCKETT: BUILDING PERMIT APPEAL 575 EAGLE DR Tony Crockett came before the commissioners to appeal a denied building permit at 575 Eagle Dr. Mr. Crockett explained that the permit was denied because the road and the green space are not completed. He stated that supply issues have caused delays in finishing the concrete work needed to be able to complete the road and now the weather is prohibiting any work being done. He also has a plan in place for getting water to the green space but has to wait until spring to be able to dig trenches. He stated that being able to build a house during the winter would be good for his business and that the road and the green space would be completed before the house was finished. Mr. Crockett also pointed out that he has an active bond with the city to ensure that the improvements will be finished.

Commissioner Winn asked Mr. Crockett how many houses he currently has in progress. He stated that he has several around the county that he is working on, that if this building permit is approved, he will submit another one right for the lot right next to it, and that there are three houses in the same subdivision ready to sell when the road is done, and one more that is almost complete.

The commissioners confirmed with Mr. Crockett that the road base is laid and the road is drivable but asphalt can't be laid until we have warm weather. They also confirmed that the fire hydrants are active and the house would be reasonably accessible by emergency vehicles.

Chairman Titensor stated that they have been dealing with the unfinished green space for that development for a long time and that they owe it to the residents to make sure that gets done. Commissioner Cole stated that it is a matter of weather permitting and confirmed with Mr. Crockett that the new houses can't be sold until the improvements are finished. Commissioner Winn questioned who makes sure the houses aren't sold before the improvements are finished. Mr. Simpson stated that the building inspector issues the certificate of occupancy after the final inspection. Mr. Crockett stated that he can't pour the driveway before the sidewalk and he can't do that until spring. Chairman Titensor asked if the finished homes are listed for sale and Mr. Crockett said that they are just sitting waiting for the improvements to be completed and that he's not going to sale them because he's not going to be able to get a certificate of occupancy.

CITY OF PRESTON PLANNING AND ZONING MEETING
December 14, 2022

Commissioner Call made a motion to deny the appeal for a building permit at 575 Eagle Dr. because they have not let others do so in the past. Motion died for lack of a second.

Commissioner Swainston made a motion to approve the building permit with the stipulation that Mr. Crockett cannot sell the homes until the improvements are completed. Commissioner Cole seconded the motion.

Vote went as follows:

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

Motion was stalled due to tied vote.

Commissioner Call made a motion to table the issue until they had a full quorum and could break the tie vote. Commissioner Winn seconded the motion.

Vote went as follows:

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

Motion passed.

**SUB-
DIVISION
ORDINANCE:
FINAL
DRAFT**

Chairman Fred Titensor invited City Engineer Tyrell Simpson to present the final drafts of Preston Municipal Code 16: Subdivisions. Mr. Simpson reviewed the changes that the commissioners have been working on for several months. Chairman Titensor suggested one modification to section 16.34 Planned Unit Developments. He stated that the green space requirement and the setbacks allowed for buildings to be very close to the property line and he would like to see a better buffer around the developments, especially for developments going in next to existing homeowners. After some discussion the commissioners agreed to change the green space requirement to 15% and the setbacks to 30 feet.

City Attorney explained that the new option for a waiver is similar to a special use permit but is more applicable for subdivisions and will aid in determining when and how a variance, special use permit or a waiver are used.

Commissioner Call made a motion to accept the changes to Preston Municipal Code 16: Subdivisions, with the discussed changes to 16.34 Planned Unit

CITY OF PRESTON PLANNING AND ZONING MEETING
December 14, 2022

Developments, and set a public hearing. Commissioner Swainston seconded the motion.

Motion passed by unanimous vote.

**APPROVED
BUILDING
PERMITS**

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

Cody Ralphs	324 E 290 N	House
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**PUBLIC
INPUT**

None.

**CALEN-
DARING**

Chairman Titensor stated that they will not have another meeting in December and that the January meetings will be held on the first and third Wednesday's instead of the usual second and fourth.

ADJOURN

Meeting was adjourned at 6:57 P.M. by Chairman Titensor.

Becky Cox

Fred Titensor, Chairman