

CITY OF PRESTON PLANNING AND ZONING MEETING
February 8, 2023

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

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

Meeting was called to order at 6:00 P.M. by Chairman Adrienne Alvey.

**REVIEW &
APPROVAL
P&Z MINUTES
1/18/2023** Commissioner Call moved to approve the minutes of January 18, 2023 as written. Commissioner Cole seconded the motion. Motion passed by unanimous vote.

**VARIANCE:
290 N 2ND E** Chairman Alvey called for a public hearing on the variance application of Bryon Martin at 290 North 2nd East.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on February 8, 2023, 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 Bryon Martin regarding property located at 290 North 2nd East, for a Variance to the requirements of Section 17.08.170(K) which states that, per city block, on the same side of the street, one total entrance into a single multi-unit complex shall be permitted. Specifically, the applicant desires to develop a multifamily development (anticipated assisted living). A copy of the Application for Variance, as well as the legal description of the property, 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 10th day of January, 2023.

Linda Acock

Publish: January 18, 2023 in The Preston Citizen

Commissioner Titensor made a motion to open the public hearing. Commissioner Swainston seconded the motion. Motion passed by unanimous vote.

Chairman Alvey read the procedures for the public hearing and invited Bryon Martin to present his application.

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Mr. Martin stated that he is requesting a variance to Preston Municipal Code 17.08.170 that states only one entrance into a single multi-unit complex per city block shall be permitted. Mr. Martin would like a second access on 2nd East to his property where he plans to build an assisted living center. He has invested time and resources into developing the property with this plan in mind but in January of 2022 city code was changed to only allow one entrance for multi-family housing per city block. Without a second entrance he has the option to put in a cul-de-sac but this would cause undue hardship because it would require him to relocate the building and put in a lift station for the sewer and would eliminate space for parking.

Chairman Adrienne Alvey invited city engineer Tyrell Simpson to make a statement. Mr. Simpson stated that because 3rd North was vacated the city block runs from 2nd North to 4th North. The Pines apartment complex also has an entrance on 2nd E. A major concern in that area is the high density of multi-family housing and the traffic that already uses that road. The intersection of 3rd North and State Street is particularly crowded. Commissioner Titensor asked if a cul-de-sac was feasible for the development. Mr. Simpson replied that Mr. Martin would have to go through the process of adding a street to the major street plan. Commissioner Swainston asked what the definition of a block is. Mr. Simpson replied that he believes it is from one street to another street.

Chairman Alvey called for supporting comments.

Steve Farrell commented that if something was legal when it was started and then the law changes, it should not affect what was already in progress. Mr. Martin has invested money and the development would be good for the neighborhood and the community.

Susan West commented that Preston needs competition in the businesses and it would be good for the community.

Two letters of support were read and are attached to these minutes.

Chairman Alvey called for neutral comments.

Doug Porter commented that he is not against an assisted living development but that the block is already very congested. He is the owner of West Motor and they have a lot of customers coming and going everyday along with semis and trucks and another multi-family property is going to add to that congestion. He would like to see more streets built to create another outlet.

Ralph West commented that he lives on the dead end of 1st East and there are cars driving down that road all day. They need more access in that area because there are so many apartments and the church has a lot of traffic. Until there is something done about the traffic, he would like the commissioners to take a hard look at the situation.

There were no written neutral comments.

Chairman Alvey called for opposing comments.

Amber Gallman commented that she lives in the Pines apartments and has young children who are active outdoors and she worries about their safety

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with all of the traffic. The road is already very busy and a new development will bring more traffic.

Katelyn Greaves commented that she lives in the Pines apartments and has young children, two with special needs, and she is concerned about adding more traffic in an already congested area. She already avoids driving on 3rd north because of the congestion.

Randy Taggart commented that he lives right next to the property and if it is built as proposed his front room window would look right out onto a parking lot twenty feet in front of his house. He purchased the house because there were no stairs and accommodated his wife's needs but she has passed away and he is considering selling the house but this development would bring down his property value. If a cul-de-sac is built the snow would get pushed right in front of his house. He is also concerned about people parking along the side of the road because of a lack of parking.

Mike Anderson commented that the Martin's are great neighbors and great people but he doesn't like this proposal. His property value is going to go down and he worries about kids at the bus stop with all of the traffic. He doesn't want to shoot down Mr. Martin's project but he wishes it was somewhere else. This entrance will cause traffic problems and he should have an entrance on 3rd East instead.

Jordan Snedaker commented that he owns the Pines apartments and he is opposed to this project for a number of reasons. The undue hardship is by Mr. Martin's own free will and choice and he did the improvements knowing the risks and the city shouldn't be responsible for him doing those before having the project approved. He said that five years ago when Mr. Martin applied to rezone the property that traffic was an issue because of all the multi-family units in the area. Mr. Martin stated that he was planning to develop single level senior living units, not multi-family units and the rezone was granted for that plan. Mr. Martin also requested that 3rd North be abandoned and this gave him more land for the development but increased traffic in the area. One person's hardship by their own choice cannot affect the rest of the neighborhood. The majority of multi-family housing is in that quadrant of town and there is a lot of traffic. It is a safety concern at the bus stops and there are a lot of children in the area. When the city code was changed there was a public hearing and Mr. Martin did not choose to attend and voice his opinion. In the minutes for the P&Z meeting where the rezone was approved Mr. Martin stated that he was not going to build multi-family on the property.

One letter in opposition was read and is attached to these minutes.

Chairman Alvey invited Mr. Martin to rebut the comments. Mr. Martin explained that when he sold Heritage Home to Mr. Snedaker seven years ago, he signed a non-compete agreement and that expires this year. Five years ago, he wanted to build single level senior living homes to bridge the gap between home living and assisted living. The rezone was granted but he got a cease-and-desist letter from Mr. Snedaker stating that he was violating the non-compete agreement. He stopped his plans and waited and has kept his options open. The definition of a block is abstract and should follow the house numbers and a new block should start at the 300's. He also has concerns about the traffic but doesn't want to hold up necessary services because the roads haven't kept up with development. The property is zoned for multi-family and his development is allowed there. If the variance is not granted, he will

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proceed with the development but it will cause undue hardship because of the extra expenses.

Commissioner Titensor made a motion to close the public hearing.
Commissioner Cole seconded the motion. Motion passed by unanimous vote.

Commissioner Steve Call was excused at 7:15

Commissioner Carter stated that this property was rezoned five years ago for single family dwellings, now it is being proposed as multi-family and if the access is approved maybe next month, it could be apartments. He asked if they need to just look at the access issue or the development as a whole. Commissioner Titensor replied that they need to just look at the issue in the variance, the second access in one block. When the code was changed the purpose was to control the quantity of high-density housing and the issue here is are they going to allow higher density in this area no matter what the development is. City Attorney Jared Coburn read the definition of a city block as stated in Preston Municipal Code 16.08.040 that states "Block" means a piece or parcel of land or group of lots entirely surrounded by public streets, streams, railroads or parks, or a combination thereof.

Commissioner Titensor made a motion to recommend to City Council denial of the variance. Commissioner Swainston seconded the motion.

Vote went as follows:

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

Motion passed by majority vote.

**COMPRE
-HENSIVE
PLAN**

Community Development Director Shawn Oliverson was excused and Mr. Simpson explained that the information to update the school and hospital sections of the plan had been received and the rest of the changes had been incorporated into the draft.

Commissioner Titensor made a motion to set a public hearing on the changes to the comprehensive plan. Commissioner Swainston seconded the motion.
Vote was unanimous.

**APPROVED
BUILDING
PERMITS**

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

Leslie DeLong	988 N 1400 W	House
Bontrager, Gordon	43 N 1 st E	Remodel

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**PUBLIC
INPUT**

None.

**CALEN-
DARING**

Chairman Alvey stated that she will get with staff to discuss plans for future meetings.

ADJOURN

Meeting was adjourned at 7:25 P.M. by Chairman Alvey.

Becky Cox

Adrienne Alvey, Chairman