

CITY OF PRESTON PLANNING AND ZONING MEETING
July 12, 2023

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

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

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

REVIEW & APPROVAL P&Z MINUTES 6/14/2023 Commissioner Carter moved to table approval of the minutes of June 14, 2023 because only two of the commissioners present were present at that meeting. Commissioner Swainston seconded the motion. Motion passed by unanimous vote.

PUBLIC HEARING REZONE: 700 W ONEIDA Chairman Alvey explained the procedure for a public hearing. Chairman Alvey called for a public hearing on the application for a rezone submitted by Brad Shurtliff.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on July 12, 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 Brad Shurtliff, Preston Idaho, for the rezoning of certain property located in the City of Preston, Idaho, from its present classification of Light Industrial and General Commercial, to a classification of Residential B. More specifically, the applicants desire that the property addressed at approximately 600 West Oneida between Oneida Street and 2 nd North Street, be zoned Residential B. 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 15 th day of June, 2023.

Linda Acock

Exhibit A

Parcel RP05112.00

Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho Section 22: Commencing at a point 990.00 feet West and 724.84 feet North of the Southeast corner of the Southwest Quarter of said Section 22, and running thence South 22° 58'31" West 719.85 feet along the East toe line of an existing canal to the North right of way line of West Oneida Street, thence South 89° 41' 11" West 237.32 feet, thence North 1265.90 feet, thence East 30 rods thence South along an existing fence line 595.16 feet to the place of

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beginning. (05112.00) Excepting Therefrom; Commencing at the Southeast corner of the Southwest Quarter of Section 22, and running West 1,257.17 feet and North 52.69 feet to the TRUE POINT OF BEGINNING: thence North 20° 58' 31" East 385.00 feet along an existing fence line; thence North 81° 28' 55" West 403.85 feet by survey (379.44 feet by record), to an existing fence; thence South 0° 11' 12" East 417.23 feet along said fence to the North right-of-way line of West Oneida Street; thence South 89° 32' 31" East 260.23 feet (237.32 feet by record) to the True point of beginning.

***SUBJECT TO BOUNDARY LINE AGREEMENT RECORDED
FEBRUARY 3, 1995 UNDER INSTRUMENT NUMBER 192804**
Parcel RP05113.00

Parcel 3: Township 15 South, Range 39 East of the Boise Meridian, Franklin County, Idaho Section 22: Commencing 40 rods East of the Southwest corner of Section 22 and running thence East 28-3/4 rods; thence North 80 rods; thence West 28-3/4 rods; thence South 80 rods to the place of beginning. (05113.00) Excepting Therefrom; Beginning at a point which is East 1010.38 feet, more or less, from the Southwest corner of Section 22, thence North 458.0 feet; thence East 124.0 feet; thence South 458.0 feet; thence West 124.0 feet to the point of beginning.

***SUBJECT TO BOUNDARY LINE AGREEMENT RECORDED
FEBRUARY 3, 1995 UNDER INSTRUMENT NUMBER 192804**

Chairman Alvey invited Brad Shurtliff to present his application. Christian Traeden, representing Brad Shurtliff, explained that they had gone through the procedure to get a modification and waiver to allow a PUD on this property and the next step for them is to rezone a portion of the property. He explained that the intended use is to put storage units on part of the property, which will remain zoned as light industrial, as a buffer between the residential and commercial zoning. The remaining portion of the property they are asking to be rezoned to residential B to allow for the PUD. He explained that they feel like this would blend the property uses from commercial to residential very nicely and gives the existing homeowners adjacent to the property a nice buffer.

Chairman Alvey asked City Engineer Tyrell Simpson to present his report. Mr. Simpson stated that there is not a lot of direction in the city code but that they would need to refer to the comprehensive plan. The comprehensive plan does state a need for more multi-family housing but there is also not a lot of land in the city zoned for commercial and light industrial.

Chairman Alvey called for public comments. There were no public comments in favor, neutral, or opposing, and no written comments.

Chairman Alvey invited Mr. Traeden to make any final comments. He stated that the comprehensive plan discusses a need for more housing in Preston and with the increase in population and the rental housing that is available getting old and run down, they feel like this would be a great project.

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

Vote went as follows:

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Commissioner Carter	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Call	<u>Aye</u>

Motion passed by unanimous vote.

The commissioners discussed the balance of needing new housing and needing space for businesses to build. They discussed the traffic flow from the property and the access points. Commissioner Swainston stated that it is hard to create new business if employees don't have anywhere to live. Commissioner Carter stated that it is not a bad spot for the project and asked how many townhouses they are planning to build. Mr. Traeden responded that they are planning one hundred twenty-one units built in two phases. He also pointed out that the major street plan carves up this property and creates parcels that are too small for industrial use. The commissioners discussed what the comprehensive plan states and what would be in accordance with the plan. City attorney Jared Coburn stated that the city is not compelled to make changes if they don't want to, just because they are in accordance with the comprehensive plan.

Commissioner Call made a motion to recommend to city council denial of the application for rezone at 700 W Oneida. Commissioner Call rescinded his motion due to lack of a second.

Commissioner Carter made a motion to recommend to city council approval of the application for rezone at 700 W Oneida. Commissioner Swainston seconded the motion.

Vote went as follows:

Commissioner Carter	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Nay</u>
Commissioner Call	<u>Nay</u>

Motion failed due to a tie vote.

Commissioner Call made a motion to table the decision on the application for rezone at 700 W Oneida until the next meeting on August 9, 2023. Commissioner Swainston seconded the motion.

Vote went as follows:

Commissioner Carter	<u>Aye</u>
Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Call	<u>Aye</u>

Motion passed by unanimous vote.

DISCUSSION: Chairman Alvey invited City Development Director Shawn Oliverson to present a draft of the code. Mr. Oliverson stated that this new code would be a stand-alone code and not subject to any other restrictions within other areas
PMC TITLE
17.64: ASSISTED

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LIVING of the code. Chairman Alvey stated that they wanted to have some restrictions on assisted living structures to protect the rights of property owners and neighbors and they needed to find a happy medium between making them allowable but also having some restrictions to govern them. City attorney Jared Coburn stated that they don't want to make it so restrictive that builders are asking for variances and special use permits. The commissioners discussed using tools such as a water and traffic study and state regulations to govern them. They decided to read through the multi-family code individually and decide what they would like to apply to the assisted living code and have ideas prepared for the next meeting.

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

Lance Hemsley	516 E 8 th S	Sign Permit
Ipex	640 S Hwy 91	Greenhouse
John Carter	774 E 750 S	House
Brent Lass	60 S 3 rd W	Accessory Building

CALENDARING Chairman Alvey stated that they would revisit the rezone application and the assisted living code at the August 9th meeting. The July 26th meeting is cancelled due to it being rodeo week.

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

Becky Cox

Adrienne Alvey, Chairman