



CITY OF MIDDLETON City Council

In Re:

B & S Investments
October 9, 2015 Application

**Findings of Fact,
Conclusions of Law,
Decision and Order**

SUMMARY OF THE REQUEST

A request by B & S Investments LLC to rezone 20 N. 3rd Ave. West, Middleton, Idaho, from R-8 (Residential) to M-U (Mixed Use). The subject property is legally described as Lots 1-2, Block 1, Wieber's Addition Subdivision, Middleton, Idaho.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. **APPLICANT:** The applicant is B & S Investments LLC at 1980 S. Meridian Road, Suite 140, Meridian, Idaho 83642.
2. **APPLICATION:** The application was received and accepted by the City on October 9, 2015.
3. **NOTICE OF PUBLIC HEARING:** Notice of the public hearing before the City Council was published, mailed and posted as follows:

Published notice Idaho Press Tribune:	October 17, 2015
Letters to 300' Property Owners:	October 13, 2015
Letters to Agencies:	October 13, 2015
Property Posted:	October 17, 2015
4. **APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:

Middleton City Code, Title 5, Chapter 2
Middleton City Code, Title 5, Chapter 2, Tables 1 and 2 in Section 5-2-3
Middleton City Code, Title 5, Chapter 3: 1-4



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5. The subject property is zoned R-8 and is approximately 0.19 acres. The applicant requested to rezone the property from R-8 (Residential) to M-U (Mixed Use) as well as a conditional use permit for a staging area. The City Council will make a decision on the rezone request, but not the conditional use permit as the Planning & Zoning makes decisions on conditional use permits. Land uses for surrounding properties are:

South:	Residential land use, zoned R-8, and commercial, zoned C-2;
East:	Residential land use, zoned R-8;
North:	Residential land use, zoned R-4; and
West:	Residential land use, zoned R-4.

6. Granting this application will not be injurious to neighboring properties in the vicinity.

7. Granting this application will not be detrimental to the public health, safety or welfare and is not in conflict with public interest.

8. Granting this application will not interfere with street or traffic conditions.

9. The proposed zoning is harmonious with the comprehensive plan and map.

10. Middleton Planning and Zoning Commission recommended that the City Council approve this request.

11. No residents or agencies appeared in the record to oppose the request.

12. Prior to the November 9, 2015 Planning & Zoning Commission meeting no Commissioners or City staff were contacted about the name change from Agency LLC to B & S Investments and no audience members at the November 9, 2015 Planning & Zoning Commission meeting were aggrieved by the wrong name being sent out on the original Notice of Public Hearing. As a result, a finding of "no prejudice" was adopted by the Planning and Zoning Commission.

13. Prior to the December 2, 2015 City Council meeting no Council Members or City staff were contacted about the name change from Agency LLC to B & S Investments, and no audience members at the December 2, 2015 City Council meeting claimed to be aggrieved



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by the wrong name being sent out on the original Notice of Public Hearing. As a result, City Council finds and concludes no person was aggrieved because the City published an incorrect applicant name.

DECISION AND ORDER

Based on the Findings of Fact and Conclusions of Law, the City Council approves the rezone of the subject property from R-8 (Residential) to M-U (Mixed-Use).

DATED: December 16, 2015.



Mayor

Attest:



Kandice Cotterell
Deputy Clerk

