



## CITY OF MIDDLETON Planning & Zoning Commission

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In Re:

B & S Investments  
October 9, 2015 Application

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

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### SUMMARY OF THE REQUEST

**A request by B & S Investments LLC to rezone 20 N. 3<sup>rd</sup> Ave. West, Middleton, Idaho, from R-8 (Residential) to M-U (Mixed Use) and a conditional use permit for a staging area. 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 Planning and Zoning Commission 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. City staff recommended that the Planning & Zoning Commission 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 is hereby adopted.



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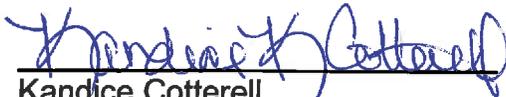
### DECISION AND ORDER

Based on the Findings of Fact, Conclusions of Law, the Planning & Zoning Commission approves the conditional use permit contingent upon rezoning approval by the City, and recommends that the City Council rezone the subject property from R-8 (Residential) to M-U (Mixed-Use).

DATED: December 14, 2015.

  
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Chairman, Planning & Zoning Commission

Attest:

  
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Kandice Cotterell  
Deputy Clerk

