



AGENDA
Middleton Planning & Zoning Commission
& Design Review Committee

Date: **Monday, June 12, 2023,**

Time: 5:30 p.m.

Location: **City Hall Chambers - 1103 W Main St., Middleton, Idaho**

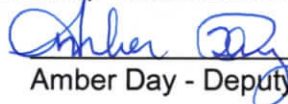
Call To Order, Pledge of Allegiance, Roll Call

Action Items

1. **Consent Agenda** (items of routine administrative business)
 - a. Consider approving minutes for May 8, 2023, regular meeting.
2. **Public Meeting:** Consider approval of the Design Review application for Middleton Drug/Pharmacy proposed for a parcel located at 324 Boise Street.
3. **Public Hearing:** Application by Christina Curry for special use permit to operate a licensed daycare center from her home located at 1151 Overland Trail, Middleton, Idaho (West Highlands Ranch Subdivision). The operation will provide daycare for up to 12 children that are unrelated to Ms. Curry. The hours of operation will be 7:00 a.m. to 5:00 p.m., Monday through Friday. – Ms. Stewart
4. **Public Hearing:** Application by City of Middleton for rezone and comprehensive plan map amendment with respect to parcels owned by the City of Middleton (Parcel No. R33900010A/0 Middleton Road and approximately six acres of Parcel No. R3391000/326 S. Hawthorne Road). City Staff is requesting the governing boards to rezone Parcel R33900010A0 from R-3 (Single Family Residential) to M-U (Mixed Use) and rezone six acres of Parcel No. R339100 from A-R (Agricultural Residential) to M-U (Mixed-Use) to potentially pave the way for a future mixed use project to be known as the Mill Creek Plaza. City is requesting that the designation of "Public" on the Comprehensive Plan Future Land Use Map be changed to "Mixed-Use."

Public Comments, Commission and Staff Comments, Adjourn

Posted by:


Amber Day - Deputy Clerk, Administration

Date: June 8, 2023, at 8:00 a.m.

Please contact the city at 208-585-3133 if you have special needs or require assistance.

1a

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
MAY 8, 2023**

Pledge of Allegiance, Roll Call & Call to Order: The May 8, 2023, Planning and Zoning Commission Meeting was called to order by Chairman Summers at 5:30 p.m. Commissioners Summers, Crofts, Christiansen, Tremble, and Watkins were present. Planning & Zoning Official Ms. Stewart, Planning Deputy Clerk Ms. Day were also present.

Action Items:

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving minutes for April 10, 2023, regular meeting.**

Motion: Motion by Commissioner Christiansen to approve the consent agenda items 1a. Motion seconded by Commissioner Watkins and approved unanimously.

2. **Public Meeting: Consider approval of the Design Review application for Caliber Collision proposed on Lots 5 & 6 of the Bozic Subdivision (913 & 957 Bozic Street).**

Ms. Stewart presented a PowerPoint presentation of the Staff Report. (Exhibit A)

Applicant reported on the Design Review application.

Brief discussion between the commissioners, the applicant, and Ms. Stewart.

Motion: Motion by Commissioner Tremble to approve Design Review application for Caliber Collision proposed on lots 5 & 6 of Bozic Subdivision (913 & 957 Bozic Street). Motion seconded by Commissioner Crofts and approved unanimously.

3. **Public Hearing: (Continued from April 10, 2023) Application by Furaha A. Bonane for special use permit to operate a licensed daycare center from her home located at 105 E. Rose Lake Drive, Middleton, Idaho (Middleton Lakes Subdivision). The operation will provide daycare for up to 13 children that are unrelated to Ms. Bonane. The hours of operation will be 7:00 a.m. to 5:00 p.m., Monday through Friday**

Chairman Summers opened the public hearing at 6:03 p.m.

Ms. Stewart reported that not all requirements were fulfilled on the applicant's agreement from the April 10, 2023, meeting.

The applicant spoke through an interpreter and answered various questions from the Commissioners.

Brief discussion between the Commissioners, the Applicant and Ms. Stewart.

Motion: Motion by Commissioner Christiansen to table to a date not certain, the application of Furaha A. Bonane for special use permit to operate a licensed daycare from her home so that Applicant can provide and complete the following: (1) Fire Inspection completed and Approved

(2) Provide a letter from the HOA approving the use of the park, and (3) Provide proof of proper insurance coverage for injury at HOA park. Motion seconded by Commissioner Watkins.

Roll Call: Chairman Summers – yes, Commissioner Christiansen – yes, Commissioner Crofts – yes, Commissioner Tremble – yes and Commissioner Watkins – yes approved unanimously.

Chairman Summers noted no public comments.

Chairman Summer closed public hearing at 6:22

Public Comments, Commissioner and Staff Comments

Public Comments

None

Commissioners Comment

Commissioner Christiansen asked about the script from Canyon County. Chairman Summers stated she still needs to email them.

Adjourn: Chairman Summers adjourned the meeting at 6:29 p.m.

Heidal Summers, Chairman

ATTEST:
Deputy Clerk, Planning

Approved: June 12, 2023

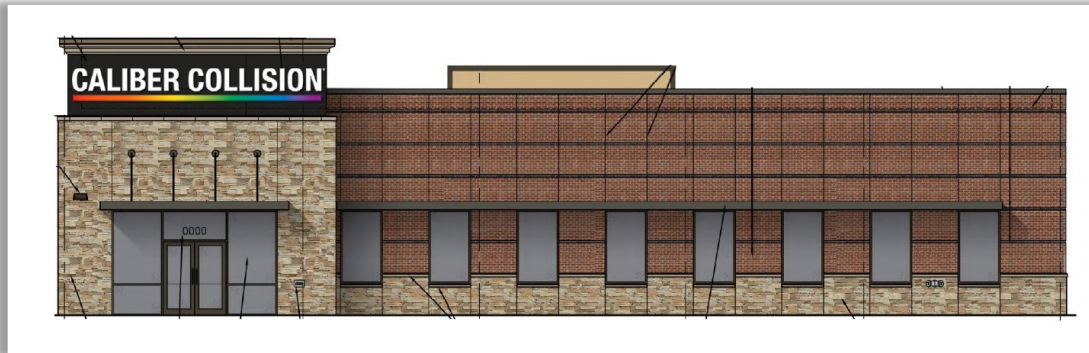
Exhibit “A”



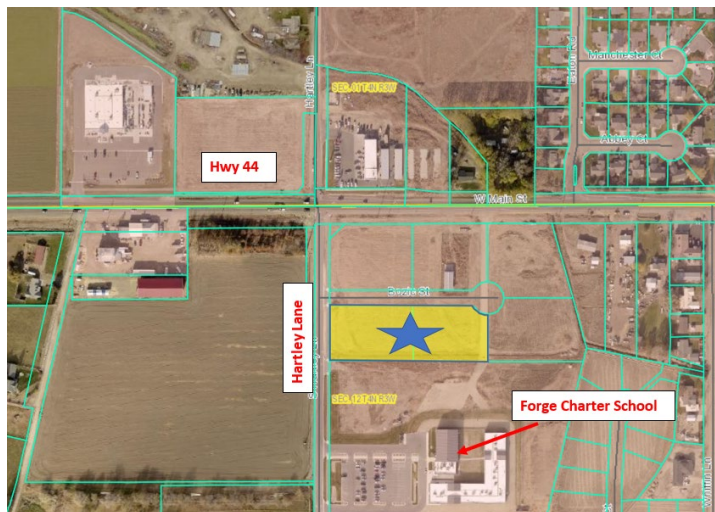
STAFF REPORT

Middleton Design Review Committee

Design Review – Caliber Collision Building Bozic Subdivision



- A. **Design Review Meeting Date:** May 8, 2023
- B. **Project Description and Property Condition:** The Caliber Collision building is proposed on Lots 5 and 6 of the Bozic Subdivision near the intersection of Hartley Lane and Hwy 44 (913 and 957 Bozic Street.) The project parcel is approximately 2.25 acres.



Caliber Collision is a national company that performs auto collision repair, including body work repair, sanding and painting. The proposed building will be 16,345 sf., and

it is equipped with state-of-the-art equipment to mitigate environmental hazards and prevent nuisances to surrounding parcels.

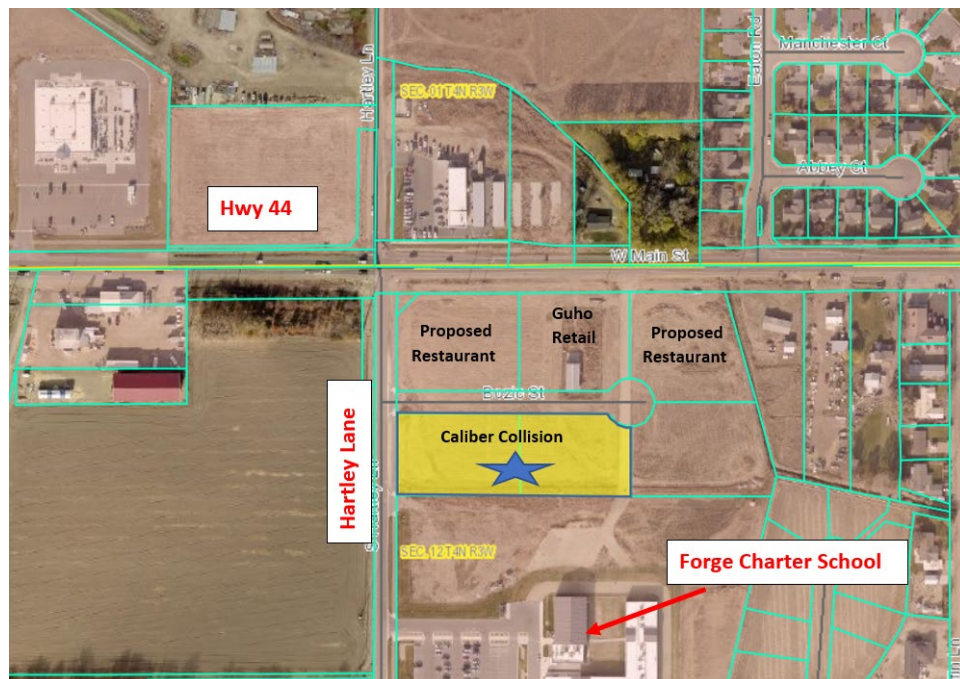
The large building spans over two Bozic Subdivision lots, so a lot consolidation application will be required to consolidate Lots 5 and 6 into a single lot. The lot consolidation application is an administrative application, and Staff must approve it before City will issue the building permit for the Caliber Collision building.

The Bozic subdivision contains four other lots. The Bozic developer has indicated that two of the 4 remaining lots will accommodate new restaurants, and one lot will accommodate the Guho retail building that has already received design review approval. See below.

Guho Retail Building



The locations of the new businesses are shown below:



- C. Zoning & Site Conditions:** The project parcel is approximately 2.25 acres and is zoned M-1 (Light Industrial). Auto repair is an allowed use in the M-1 Zone, so the project use complies with zoning. The proposed building also complies with all dimensional standards and other requirements for M-1 Zoning.
- D. Architectural Character:** MCC 1-15-8-2, requires the project material and colors to be in harmony with the townscape and surrounding neighborhood. Each building must also contain four or more of the following design elements: gable roof, stucco, brick/rock, accenting, metal siding, timberwork, or public art feature.

The Caliber Collision building will be used for a more light industrial use than other buildings slated for the Bozic Subdivision, but Applicant has still tried to make the industrial type building conform to the more “commercial atmosphere” that is being built in the Bozic Subdivision.

The Caliber Collision building technically complies with the Code and contains four of the required materials on the elevation fronting Hartley Lane. The four materials are brick, stucco, stone, and metal pop-outs/accents.



West elevation facing Hartley Lane.

On the north elevation fronting Bozic Street, the four materials are two-tone metal siding, stone, brick, and stucco.

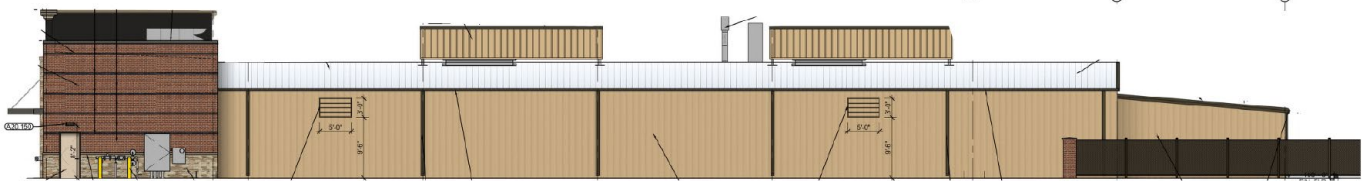


North Elevation facing Bozic Street

The east and south elevations do not front public streets; therefore, the same level of design is not required.



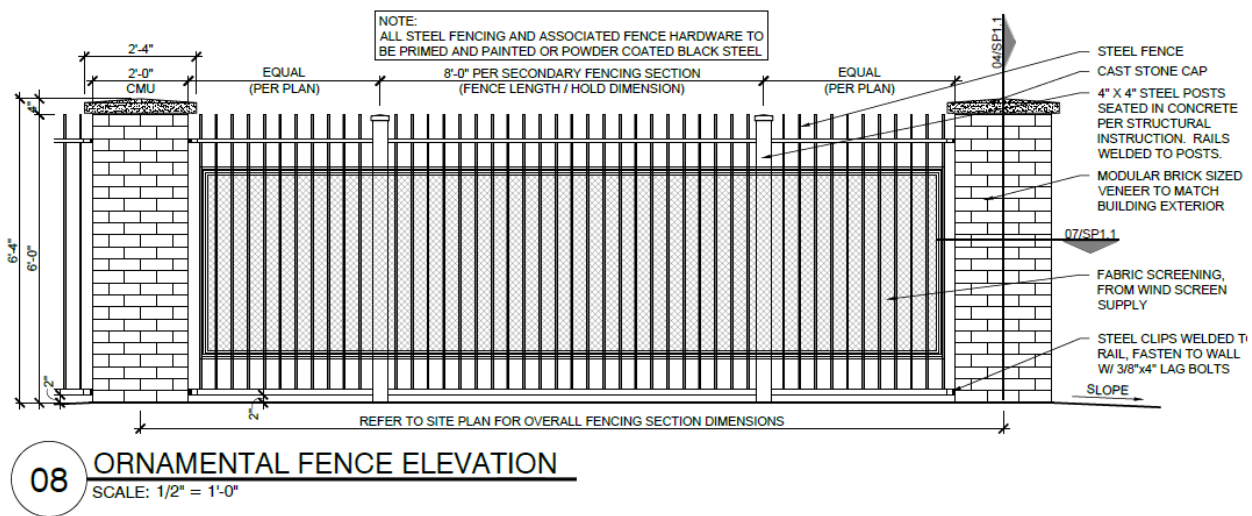
East Elevation

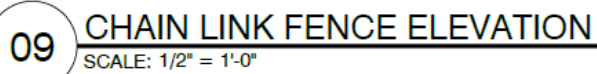


South Elevation facing Forge International School Yard.

[A copy of the Elevation Sheets is attached as Exhibit “A”]

The Caliber Collision facility contains a storage yard for cars undergoing repair. Fencing is required to protect the stored items and obscure the view of the storage yard. Caliber Collision intends to build a wrought iron and brick ornamental fence on the Hartley Lane and Bozic Street sides of the building. The east elevation and south elevation that faces Forge International will be chain link fence with privacy slats.

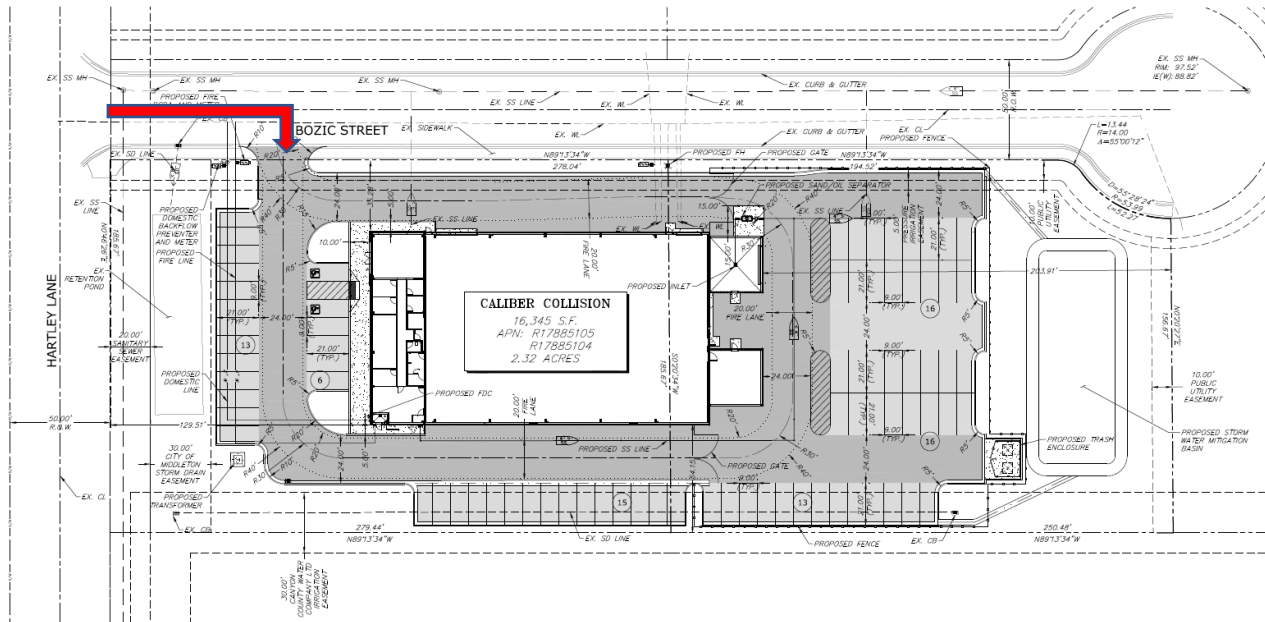




CALIBER COLLISION
 16,345 S.F.
 APN: R17885105
 R17885104
 2.32 ACRES

The site plan illustrates the proposed layout for the Caliber Collision facility. The main building is centrally located, with a proposed fire lane (20.00' wide) running along its eastern side. To the east of the building is a proposed sand/oil separator and a fire lane (20.00' wide). The parking areas are situated around the building and along the streets. The plan includes various setbacks, easements, and proposed infrastructure such as fire hydrants, fire lanes, and fire lines. The surrounding streets are labeled: BOZIC STREET to the north, and the intersection of BOZIC STREET and the proposed road to the east. The plan also shows the proposed fire hydrant, fire lane, and fire line along the eastern side of the building. The proposed fire hydrant is located at the intersection of BOZIC STREET and the proposed road. The proposed fire lane is 20.00' wide and runs along the eastern side of the building. The proposed fire line is 20.00' wide and runs along the eastern side of the building. The plan also shows the proposed fire hydrant, fire lane, and fire line along the eastern side of the building. The proposed fire hydrant is located at the intersection of BOZIC STREET and the proposed road. The proposed fire lane is 20.00' wide and runs along the eastern side of the building. The proposed fire line is 20.00' wide and runs along the eastern side of the building.

E. Streets & Access: Access to the parcel is via Hartley Lane and Bozic Street.



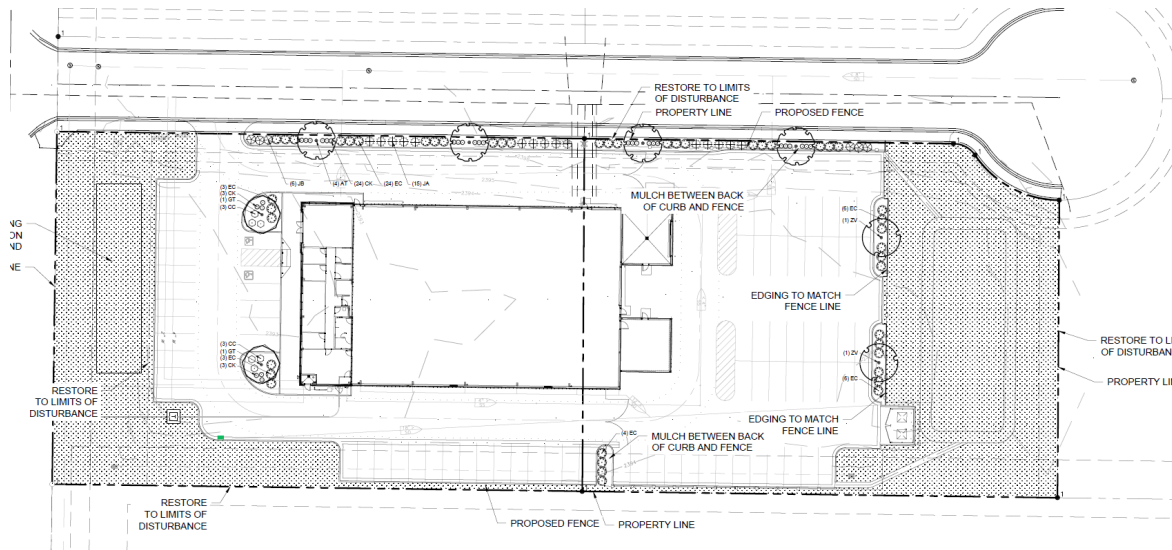
[Larger Site Plan is attached as Exhibit "B"]

- F. Parking:** City code requires one parking stall per 720 s.f. of auto shop floor space. In light of this, the Caliber Collision building requires 23 public parking stalls. Applicant has provided 34 stalls. (See site plan above) The additional stalls shown behind the gated fence are for auto storage, not public parking, so those parking stalls do not count toward the minimum code requirement.
- G. Utilities:** Sewer and water are already located in the Bozic Subdivision and stubbed to this parcel. Any fine-tuning of the utility connections will be handled at the building permit stage by City Engineer and the Public Works Department.
- H. Stormwater:** Stormwater facilities were constructed by the subdivision developer and have already been approved by City Engineer. However, Developer must submit a stormwater facilities design for this specific project parcel. That will occur at the building permit stage. The proposed stormwater facilities may not incorporate the stormwater facilities constructed along Hartley Lane because those facilities have been designed to handle only the run-off from City right of way.
- I. Lighting:** Applicant provided a photometric plan that showed little to no light spillage across the property boundary. Lighting in the City of Middleton must be shielded downward to prevent light pollution.

- J. Landscaping and Fencing:** Applicant submitted a proposed landscape plan dated 4/25/2023. The plan shows sufficient landscaping along the frontage of Bozic Street together with landscape in and around the large retention pond on the eastern part of the project parcel.

[See landscape below. Full copy of the Landscape plan is attached as Exhibit "C".]

A condition of Design Review approval should be compliance with the 4/25/2023 landscape plan.



- K. Irrigation Easement:** A portion of Applicant's storage parking stalls, landscape and fence are in the Canyon County Water Company's irrigation easement. Applicant must provide City with a signed copy of a license agreement allowing Applicant to construct permanent structures in the irrigation company's easement.
- L. Applicable Codes and Standards:** Per MCC 1-15-8-1, a design review is required for all nonresidential structures in Middleton. The applicable Codes and Standards relevant to the review are MCC 1-15, 5-1, and 5-4.
- M. Conclusions and Recommended Conditions of Approval:**

Applicant's Design Review application complies with dimensions and standards of the Middleton City Code for M-1 Zoning. If the Design Review Committee is inclined to approve the application, City Planning Staff recommends that the following Conditions of Approval be made a part of the approval:

1. Applicant must submit and obtain approval of an administrative Lot Consolidation application before City will issue a building permit for the building.
2. Applicant to comply with all Canyon County Water Company irrigation comments.

3. Prior to City issuing a building permit, Applicant must provide City with a copy of an executed and recorded license allowing Applicant to construct permanent structures in the Canyon County Water Company easement.
4. Applicant to comply with all Engineering & Planning Comments
5. Applicant to comply with all Middleton Rural Fire Department comments.
6. Applicant to comply with all comments and requirements of the City Building Department.
7. Applicant to comply with all Middleton City Public Works comments, including possible comments regarding required sewer pre-treatment requirements, required spill response plan and other safety measures.
8. Applicant to submit an Industrial User Survey with the building permit application.
9. Storm facility design must be entirely contained on the project parcel. Storm facility along Hartley Lane may not be used or intermingled with parcel stormdrain design.
10. All storm facilities on site to be landscaped with irrigated landscape and maintained by parcel owner or entity other than City.
11. No visibly damaged vehicles may be stored outside the gated area.
12. Applicant's activities may not create any environmental hazards nor cause a nuisance to the surrounding area.
13. Fence to be ornamental wrought iron fence with brick columns and wind screen on the Bozic Street and Hartley Lane sides of the building. The southern and eastern boundary may be chain link fence with privacy slats.
14. All asphalt must meet the minimum thickness and standards of the City of Middleton
15. All exterior lighting must be downlit
16. Landscape must be installed per the landscape plan dated 4/25/2023.

Prepared by Middleton Planning & Zoning Official,
Roberta Stewart
Dated: May 2, 2023

EXHIBIT "A"

ELEVATION PAGES

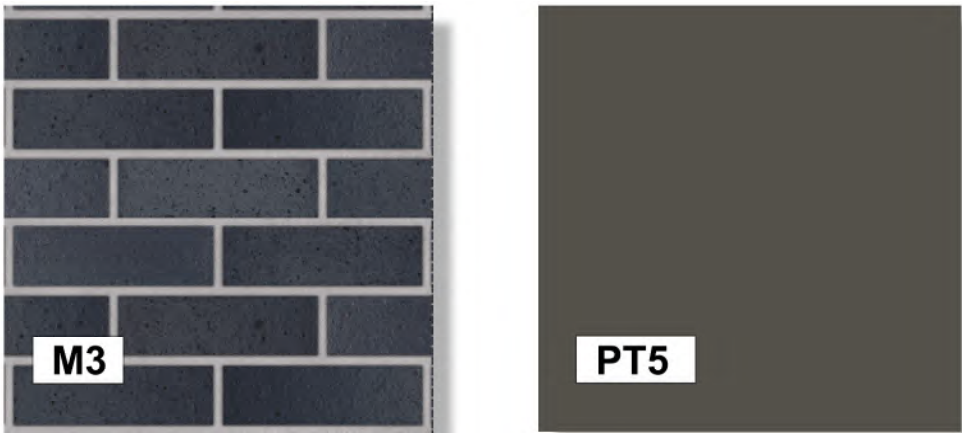
MATERIAL LEGEND



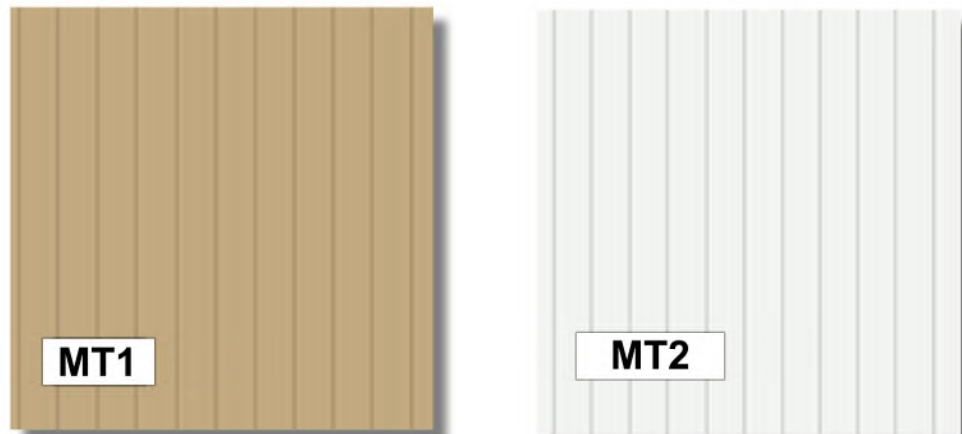
TRICORN BLACK
PAINT
SW NOMADIC DESERT



NATURAL STONE
BRAZOS BLEND
MODULAR BRICK
MEDIUM IRONSPOT



MODULAR BRICK
MANGANESE IRONSPOT
EXPOSED STEEL
URBANE BRONZE



PRE-FINISHED METAL
SIDING "SADDLE TAN"
SPECTRALITE 2000"
STANDING SEAM
METAL ROOF
SOLAR WHITE



PRE-FINISHED METAL
SIDING "BURNISHED SLATE"
SPECTRALITE 2000"



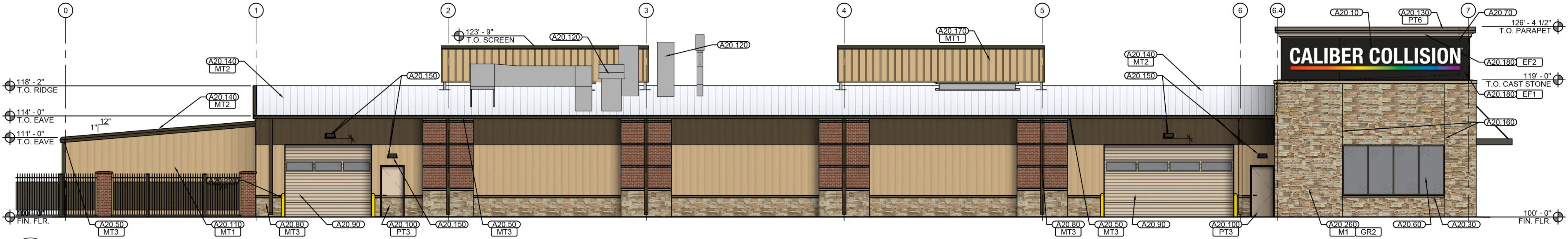
ARCHITECT
BRET FLORY
1913 GARDENGROVE COURT
PLANO, TEXAS 75075
PH: 972.467.9749
bflory@crossarchitects.com

CALIBER COLLISION

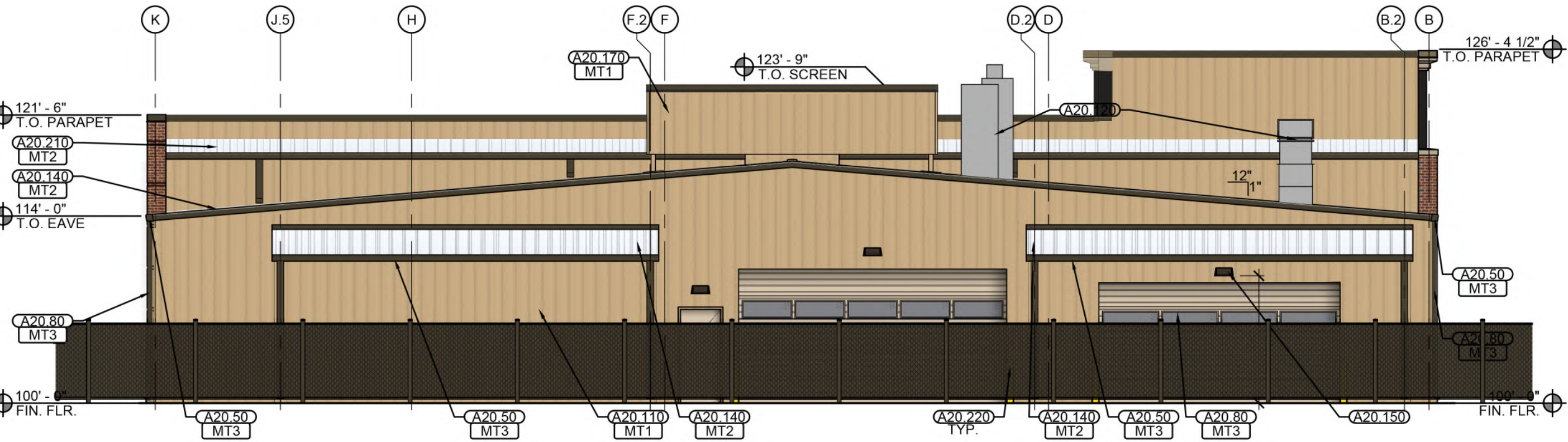
CONCEPTUAL ELEVATIONS

MIDDLETON, ID

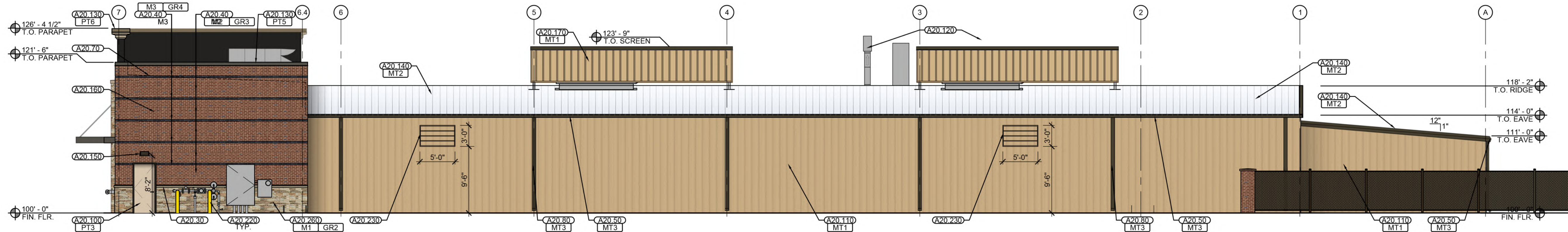
DRAWN	DATE	PROJECT NO.	CITY PROJECT NO.	SHEET NO.
-	23.04.26	22113	-	-



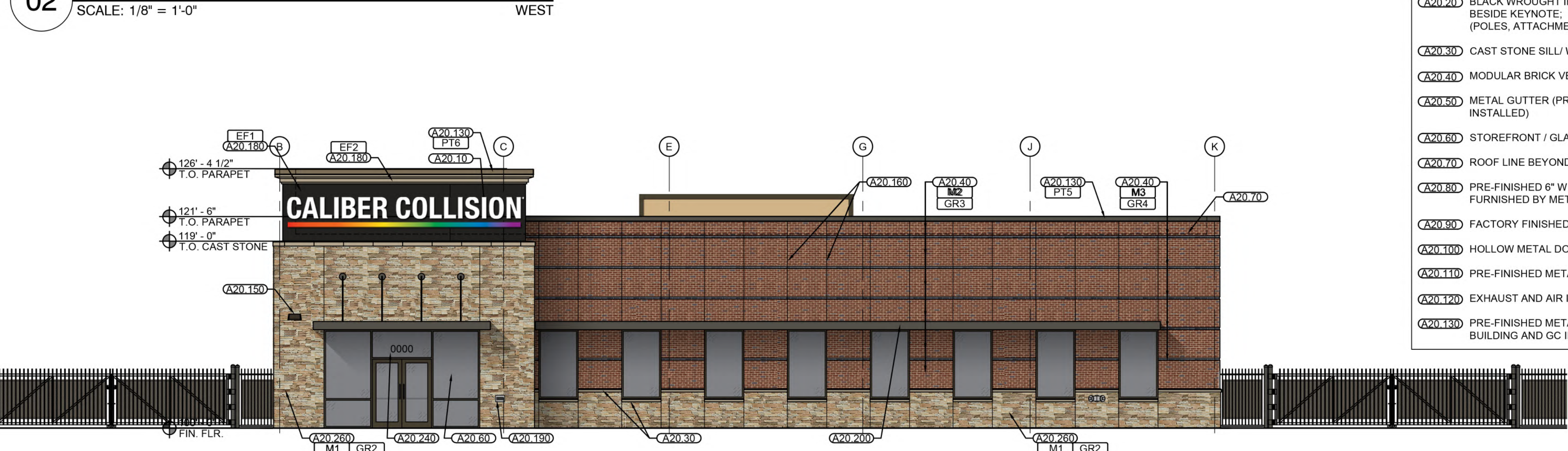
04 RIGHT ELEVATION
SCALE: 1/8" = 1'-0"
EAST



03 REAR ELEVATION
SCALE: 1/8" = 1'-0"
NORTH



02 LEFT ELEVATION
SCALE: 1/8" = 1'-0"
WEST



01 FRONT ELEVATION
SCALE: 1/8" = 1'-0"
SOUTH

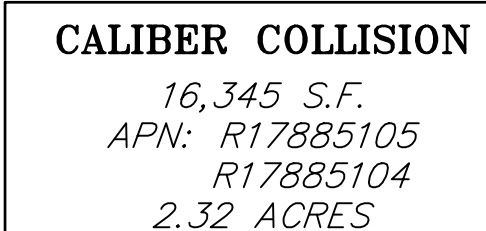
- GENERAL NOTES:
1. DOWNSPOUTS ARE INDICATED FOR SIZE, QUANTITY, AND APPROXIMATE LOCATION ONLY.
 2. HOLLOW METAL STEEL DOORS, FRAMES, EXPOSED METAL FLASHING AND EXPOSED MISCELLANEOUS STEEL SHALL MATCH ADJACENT BUILDING COLOR UNLESS NOTED OTHERWISE.
 3. CONTRACTOR TO PROVIDE FIRE RETARDANT PLYWOOD BACKING FOR SIGNAGE AS SHOWN. PLYWOOD BACKING TO EXTEND TO WALL EXTENTS.
 4. REF. A1.3 FOR FINISH AND MATERIAL DESIGNATIONS.
 5. ALL EXTERIOR EXPOSED STRUCTURAL STEEL AT FRONT CANOPY TO BE URBANE BRONZE, INCLUDE UNDERSIDE OF DECK.

FINISH KEY	DESCRIPTION/ LOCATION	COLOR	IDENTIFICATION/ FINISH/ STYLE
AL1	STOREFRONT SYSTEM	DARK ANODIZED BRONZE	ALUMINUM FRAME
CS1	CAST STONE (REF. ELEVATIONS)	BUFF	SMOOTH
EF1	EXTERIOR EIFS (TOWER ELEMENT)	TRICORN BLACK (SW 6258)	SAND PEBBLE
EF2	EXTERIOR EIFS (CORNICHE)	CUSTOM MATCH CAST STONE COLOR	SAND PEBBLE
GR2	EXTERIOR MASONRY MORTAR FOR STONE	10X LT. BUFF	TYPE S
GR3	EXTERIOR MASONRY MORTAR FOR BRICK	30X LT. BROWN	TYPE S
GR4	EXTERIOR MASONRY MORTAR FOR BRICK	97X SUPER BLACK	TYPE S
M1	NATURAL STONE	BRAZOS BLEND (CAN BE SUBSTITUTED W/ DEVELOPER APPROVED LOCAL STONE)	NATURAL STONE (SIZES VARY 4", 6", 8", 10", AND 12")
M2	EXTERIOR MASONRY - FIELD	MEDIUM IRON SPOT 46	VELOUR MODULAR BRICK
M3	EXTERIOR MASONRY - ACCENT	MAGNESIUM IRON SPOT	MODULAR BRICK
MT1	PREFINISHED METAL SIDING EXT. WALL R-PANELS	SADDLE TAN	SPECTRALITE 2000
MT2	PREFINISHED METAL ROOFING ROOF PANELS AND REAR CANOPY	SOLAR WHITE	SPECTRALITE 2000
MT3	PREFINISHED SHOP TRIM, GUTTER, DOWNSPOUTS, HORIZONTAL BAND	BURNISHED SLATE	SPECTRALITE 2000
PT3	EXTERIOR DOOR PAINT, INTERIOR SHOP DOOR PAINT	NOMADIC DESERT	SW 6107 - EXTERIOR LOW SHEEN - UDB
PT5	EXTERIOR EXPOSED STEEL	URBANE BRONZE	SW 7048 - EXTERIOR LOW SHEEN - UDB
PT6	EXTERIOR FINISH	SURREY BEIGE	SW 9116 - EXTERIOR LOW SHEEN - UDB

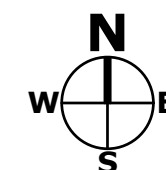
- KEY NOTES:
- A20.10 SIGNAGE (BY OTHERS)
 - A20.20 BLACK WROUGHT IRON FENCE AND GATE, HEIGHT NOTED BESIDE KEYNOTE. PAINT ALL FENCE PARTS BLACK (POLES, ATTACHMENTS, ETC.)
 - A20.30 CAST STONE SILL/ WATER TABLE
 - A20.40 MODULAR BRICK VENEER
 - A20.50 METAL GUTTER (PROVIDED BY METAL BUILDING AND GC INSTALLED)
 - A20.60 STOREFRONT / GLAZING
 - A20.70 ROOF LINE BEYOND
 - A20.80 PRE-FINISHED 6" W x 4" D (SQUARE) METAL DOWNSPOUT, FURNISHED BY METAL BUILDING AND GC INSTALLED
 - A20.90 FACTORY FINISHED OVERHEAD DOOR, DESERT TAN
 - A20.100 HOLLOW METAL DOOR AND FRAME
 - A20.110 PRE-FINISHED METAL BUILDING SIDING
 - A20.120 EXHAUST AND AIR INTAKE (REF. PAINT BOOTH DRAWINGS)
 - A20.130 PRE-FINISHED METAL COPING, PROVIDED BY METAL BUILDING AND GC INSTALLED
 - A20.140 PRE-FINISHED METAL BUILDING "R" PANEL ROOFING
 - A20.150 WALL MOUNTED LIGHT FIXTURE (REF. MEP)
 - A20.160 CONTROL JOINT
 - A20.170 METAL EQUIPMENT SCREENING, OUTWARD FACE OF ALL SCREENING TO BE R-PANEL, ALL SUPPORT FRAMING TO BE PRIMED AND PAINTED TO MATCH WALLS
 - A20.180 EIFS VENEER
 - A20.190 KEYKEEPER WB, PROVIDED & INSTALLED BY G.C.
 - A20.200 PRE-FINISHED METAL AWNING
 - A20.210 PRE-FINISHED METAL STANDING SEAM ROOFING
 - A20.220 CONCRETE FILLED STEEL BOLLARD, REF. 04/SP1.2
 - A20.230 60" X 36" LOUVERS, PROVIDE FRAMED OPENINGS - MATCH ADJACENT MATERIAL, REF. MEP
 - A20.240 STREET ADDRESS NUMBERS TO BE SIZED AND COLORS TO BE APPROVED BY FIRE MARSHAL
 - A20.250 FACTORY FINISH COILING OVERHEAD DOOR, DESERT TAN
 - A20.260 NATURAL STONE VENEER

EXHIBIT "B"

SITE PLAN



SCALE: 1" = 30'-0"



NOTES:

1. STORMWATER MANAGEMENT AREA TO BE DEVELOPED WITH DROUGHT TOLERANT TURF/GRASS FOR PERMANENT WATER QUALITY BMP

TECTONICS
DESIGN GROUP

tel 775-824-9988
fax 775-824-9886
www.tectonicsdesigngroup.com

730 Sandhill Road, Suite 250, Reno, NV 89521

Caliber Collision
Middleton, Idaho

Cross Architects
1255 West 15th Street, Suite 125, Plano, Texas 75075

C2.1

EXHIBIT C

Landscape Plan

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PLANTING SPECIFICATIONS

GENERAL

- A. QUALIFICATIONS OF LANDSCAPE CONTRACTOR
1. ALL LANDSCAPE WORK SHOWN ON THESE PLANS SHALL BE PERFORMED BY A SINGLE FIRM SPECIALIZING IN LANDSCAPING.
 2. A LIST OF SUCCESSFULLY COMPLETED PROJECTS OF THIS TYPE, SIZE AND NATURE MAY BE REQUESTED BY THE OWNER FOR FURTHER QUALIFICATION MEASURES.
- B. SCOPE OF WORK
1. WORK COVERED BY THESE SECTIONS INCLUDES THE FURNISHING AND PAYMENT OF ALL MATERIALS, LABOR, SERVICES, EQUIPMENT, LICENSES, TAXES AND ANY OTHER ITEMS THAT ARE NECESSARY FOR THE EXECUTION, INSTALLATION AND COMPLETION OF ALL WORK, SPECIFIED HEREIN AND /OR SHOWN ON THE LANDSCAPE PLANS, NOTES, AND DETAILS.
 2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES AND REGULATIONS REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER SUCH WORK, INCLUDING ALL INSPECTIONS AND PERMITS REQUIRED BY FEDERAL, STATE AND LOCAL AUTHORITIES IN SUPPLY, TRANSPORTATION AND INSTALLATION OF MATERIALS.
 3. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITY LINES (WATER, SEWER, ELECTRICAL, TELEPHONE, GAS, CABLE, TELEVISION, ETC.) PRIOR TO THE START OF ANY WORK.

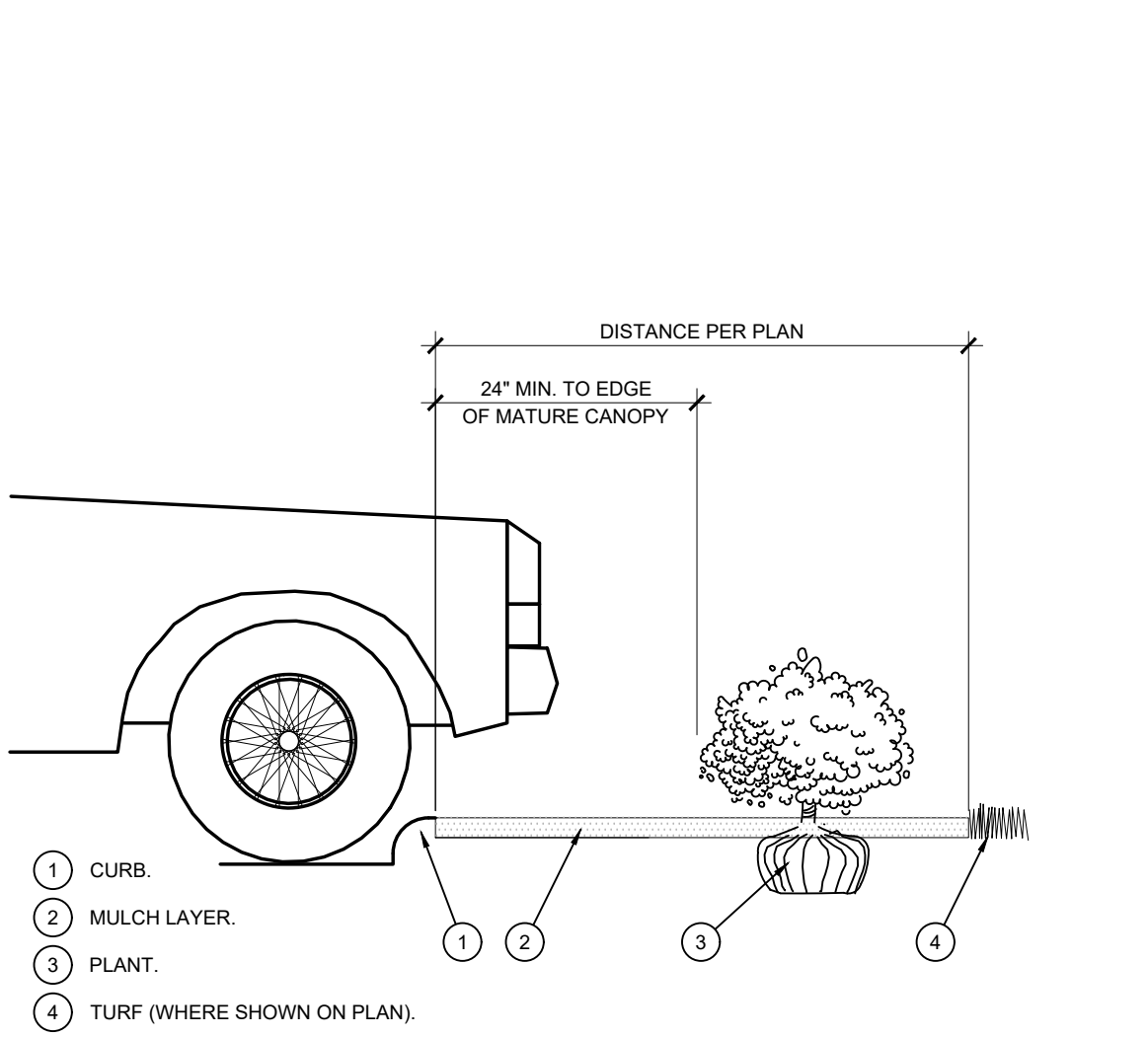
PRODUCTS

- A. ALL MANUFACTURED PRODUCTS SHALL BE NEW.
- B. CONTAINER AND BALLED-AND-BURLAPPED PLANTS:
1. FURNISH NURSERY-GROWN PLANTS COMPLYING WITH ANSI Z60.1-2014. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A FORM TYPICAL FOR THE SPECIES. ALL TREES SHALL BE OBTAINED FROM SOURCES WITHIN 200 MILES OF THE PROJECT SITE, AND WITH SIMILAR CLIMATIC CONDITIONS.
 2. ROOT SYSTEMS SHALL BE HEALTHY, DENSELY BRANCHED ROOT SYSTEMS, NON-POD-BOUND, FREE FROM ENCRICLING ROOTS, AND FREE FROM ANY OTHER ROOT DEFECTS OR DISTURBANCES (SUCH AS J-SHAPED ROOTS).
 3. ANY PLANT DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT OR OWNER SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND SHALL BE REPLACED WITH AN ACCEPTABLE PLANT OF LIKE TYPE AND SIZE AT THE CONTRACTOR'S OWN EXPENSE. ANY PLANTS APPEARING TO BE UNHEALTHY, EVEN IF DETERMINED TO STILL BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT AND OWNER SHALL BE THE FINAL AUTHORITY ON THE ACCEPTABILITY OF PLANT MATERIAL.
 4. ALL TREES SHALL BE STAKED IN FORM, UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING.
 5. CALIPER MEASUREMENTS FOR STANDARD (SINGLE TRUNK) TREES SHALL BE AS FOLLOWS: SIX INCHES ABOVE THE ROOT FLARE FOR TREES UP TO AND INCLUDING FOUR INCHES IN CALIPER, AND TWELVE INCHES ABOVE THE ROOT FLARE FOR TREES EXCEEDING FOUR INCHES IN CALIPER.
 6. MULTI-TRUNK TREES SHALL BE MEASURED BY THEIR OVERALL HEIGHT, MEASURED FROM THE TOP OF THE ROOT BALL.
 7. ANY TREE OR SHRUB SHOWN TO HAVE EXCESS SOIL PLACED ON TOP OF THE ROOT BALL, SO THAT THE ROOT FLARE HAS BEEN COMPLETELY COVERED, SHALL BE REJECTED.
- C. SOD: PROVIDE WELL-ROOTED SOD OF THE VARIETY NOTED ON THE PLANS. SOD SHALL BE CUT FROM HEALTHY, MATURE TURF WITH SOIL THICKNESS OF 3/4" TO 1". EACH PALLET OF SOD SHALL BE ACCOMPANIED BY A CERTIFICATE FROM SUPPLIER STATING THE COMPOSITION OF THE SOD.
- D. SEED: PROVIDE BLEND OF SPECIES AND VARIETIES AS NOTED ON THE PLANS, WITH MAXIMUM PERCENTAGES OF PURITY, GERMINATION, AND MINIMUM PERCENTAGE OF WEED SEED AS INDICATED ON PLANS. EACH BAG OF SEED SHALL BE ACCOMPANIED BY A TAG FROM THE SUPPLIER INDICATING THE COMPOSITION OF THE SEED.
- E. TOPSOIL: SANDY TO CLAY LOAM TOPSOIL, FREE OF STONES LARGER THAN 1/2 INCH, FOREIGN MATTER, PLANTS, ROOTS, AND SEEDS.
- F. COMPOST: WELL-COMPOSTED, STABLE, AND WEED-FREE ORGANIC MATTER, pH RANGE OF 5.5 TO 6. MOISTURE CONTENT IS TO 55 PERCENT BY WEIGHT; 100 PERCENT PASSING THROUGH 3/4-INCH SIEVE; SOLUBLE SALT CONTENT OF 5 TO 10 DECIGMENS/M; NOT EXCEEDING 0.5 PERCENT INERT CONTAMINANTS AND FREE OF SUBSTANCES TOXIC TO PLANTINGS. NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED.
- G. FERTILIZER: GRANULAR FERTILIZER CONSISTING OF NITROGEN, PHOSPHORUS, POTASSIUM, AND OTHER NUTRIENTS IN PROPORTIONS, AMOUNTS, AND RELEASE RATES RECOMMENDED IN A SOIL REPORT FROM A QUALIFIED SOIL-TESTING AGENCY (SEE BELOW).
- H. MULCH: SIZE AND TYPE AS INDICATED ON PLANS; FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS.
- I. WEED FABRIC: 5 OUNCE, WOVEN, NEEDLE-PUNCHED FABRIC, SUCH AS DEWITT PROS LANDSCAPE FABRIC (OR APPROVED EQUAL).
- J. TREE STAKING AND GUYING
1. STAKES: 6" LONG GREEN METAL T-POSTS.
 2. GUY AND TIE WIRE: ASTM A 641, CLASS 1, GALVANIZED-STEEL WIRE, 2-STRAND, TWISTED, 0.106 INCH DIAMETER.
 3. STRAP CHAFING GUARD: REINFORCED NYLON OR CANVAS AT LEAST 1-1/2 INCH WIDE, WITH GROMMETS TO PROTECT TREE TRUNKS FROM DAMAGE.
- M. STEEL EDGING: PROFESSIONAL STEEL EDGING, 14 GAUGE THICK X 4 INCHES WIDE, FACTORY PAINTED DARK GREEN. ACCEPTABLE MANUFACTURERS INCLUDE COL-MET OR APPROVED EQUAL.
- N. PRE-EMERGENT HERBICIDES: ANY GRANULAR, NON-STAINING PRE-EMERGENT HERBICIDE THAT IS LABELED FOR THE SPECIFIC ORNAMENTALS OR TURF ON WHICH IT WILL BE UTILIZED. PRE-EMERGENT HERBICIDES SHALL BE APPLIED PER THE MANUFACTURER'S LABELED RATES.

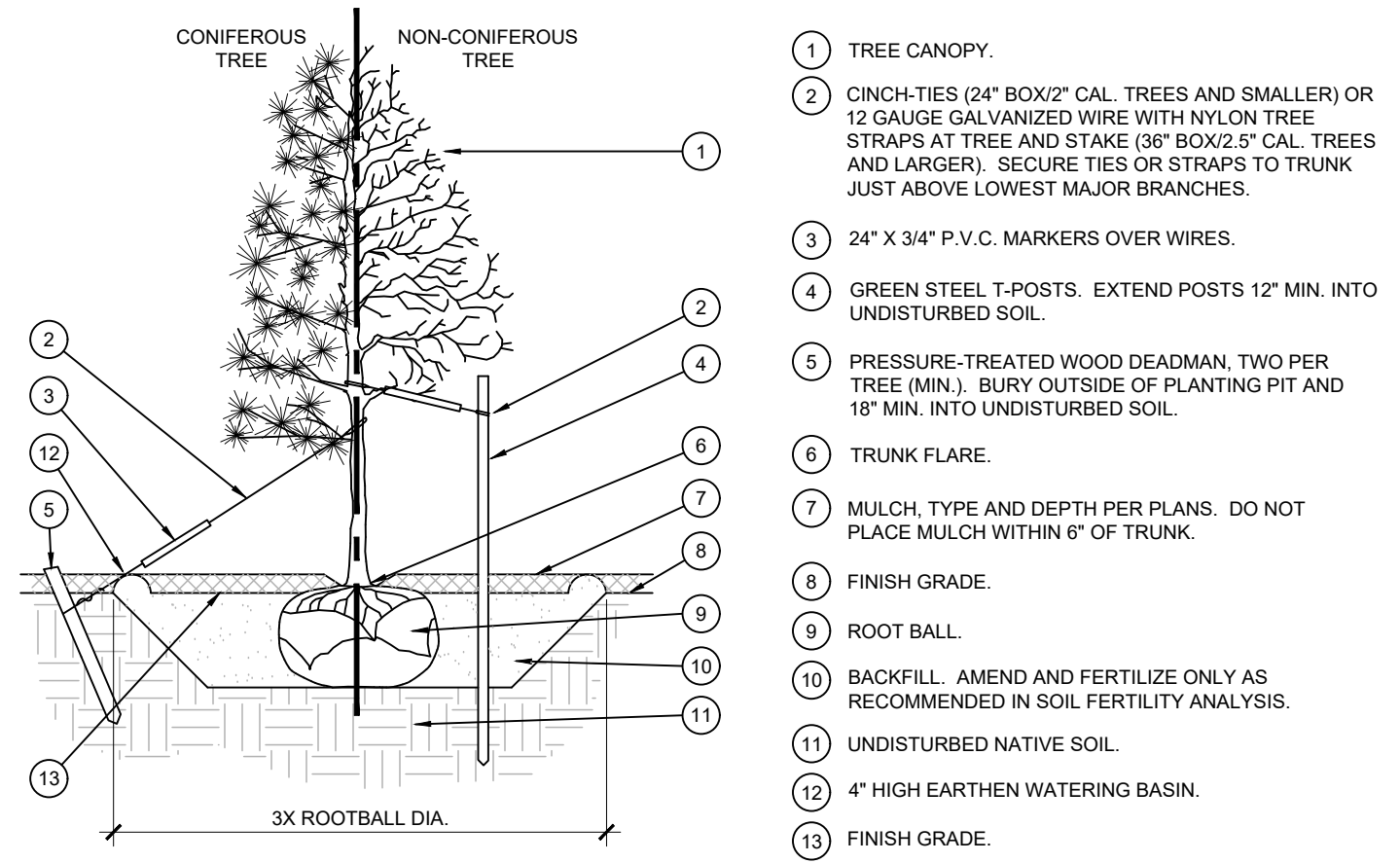
METHODS

- A. SOIL PREPARATION
1. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +0.1' OF FINISH GRADE. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST.
 2. SOIL TESTING
 - a. AFTER FINISH GRADES HAVE BEEN ESTABLISHED, CONTRACTOR SHALL HAVE SOIL SAMPLES TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY FOR THE FOLLOWING: SOIL TEXTURAL CLASS, GENERAL SOIL FERTILITY, pH, ORGANIC MATTER CONTENT, SALT (CEC), LIME, SODIUM ADSORPTION RATIO (SAR) AND BORON CONTENT. EACH SAMPLE SUBMITTED SHALL CONTAIN NO LESS THAN ONE QUART OF SOIL.
 - b. CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES.
 - c. THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): GENERAL SOIL PREPARATION AND BACKFILL MIXES, PRE-PLANT FERTILIZER APPLICATIONS, AND ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
 3. THE CONTRACTOR SHALL INSTALL SOIL AMENDMENTS AND FERTILIZERS PER THE SOILS REPORT RECOMMENDATIONS. ANY CHANGE IN COST DUE TO THE SOIL REPORT RECOMMENDATIONS, EITHER INCREASE OR DECREASE, SHALL BE SUBMITTED TO THE OWNER WITH THE REPORT.
 4. FOR BIDDING PURPOSES ONLY, THE SOIL PREPARATION SHALL CONSIST OF THE FOLLOWING:
 - a. TURF: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
 - i. NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
 - ii. PREPLANT TURF FERTILIZER (10-20-10 OR SIMILAR, SLOW RELEASE, ORGANIC) - 15 LBS PER 1,000 S.F.
 - iii. "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE.
 - b. TREES, SHRUBS, AND PERENNIALS: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
 - i. NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
 - ii. 12-12-12 FERTILIZER (OR SIMILAR, ORGANIC, SLOW RELEASE) - 10 LBS. PER CU. YD.
 - iii. "CLAY BUSTER" OR EQUAL - USE MANUFACTURER'S RECOMMENDED RATE.
 - iv. IRON SULPHATE - 2 LBS. PER CU. YD.
 5. CONTRACTOR SHALL ENSURE THAT THE GRADE IN SOD AREAS SHALL BE 1" BELOW FINISH GRADE BEFORE INSTALLING SOIL AMENDMENTS, AND 2" BELOW FINISH GRADE IN SHRUB AREAS BEFORE INSTALLING SOIL AMENDMENTS. MULCH COVER WITHIN 6" OF CONCRETE WALKS AND CURBS SHALL NOT PROTRUDE ABOVE THE FINISH SURFACE OF THE WALKS AND CURBS. MULCH COVER WITHIN 12" OF WALLS SHALL BE AT LEAST 3" LOWER THAN THE TOP OF WALL.
 6. ONCE SOIL PREPARATION IS COMPLETE, THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT THERE ARE NO DEBRIS, TRASH, OR STONES LARGER THAN 1" REMAINING IN THE TOP 8" OF SOIL.

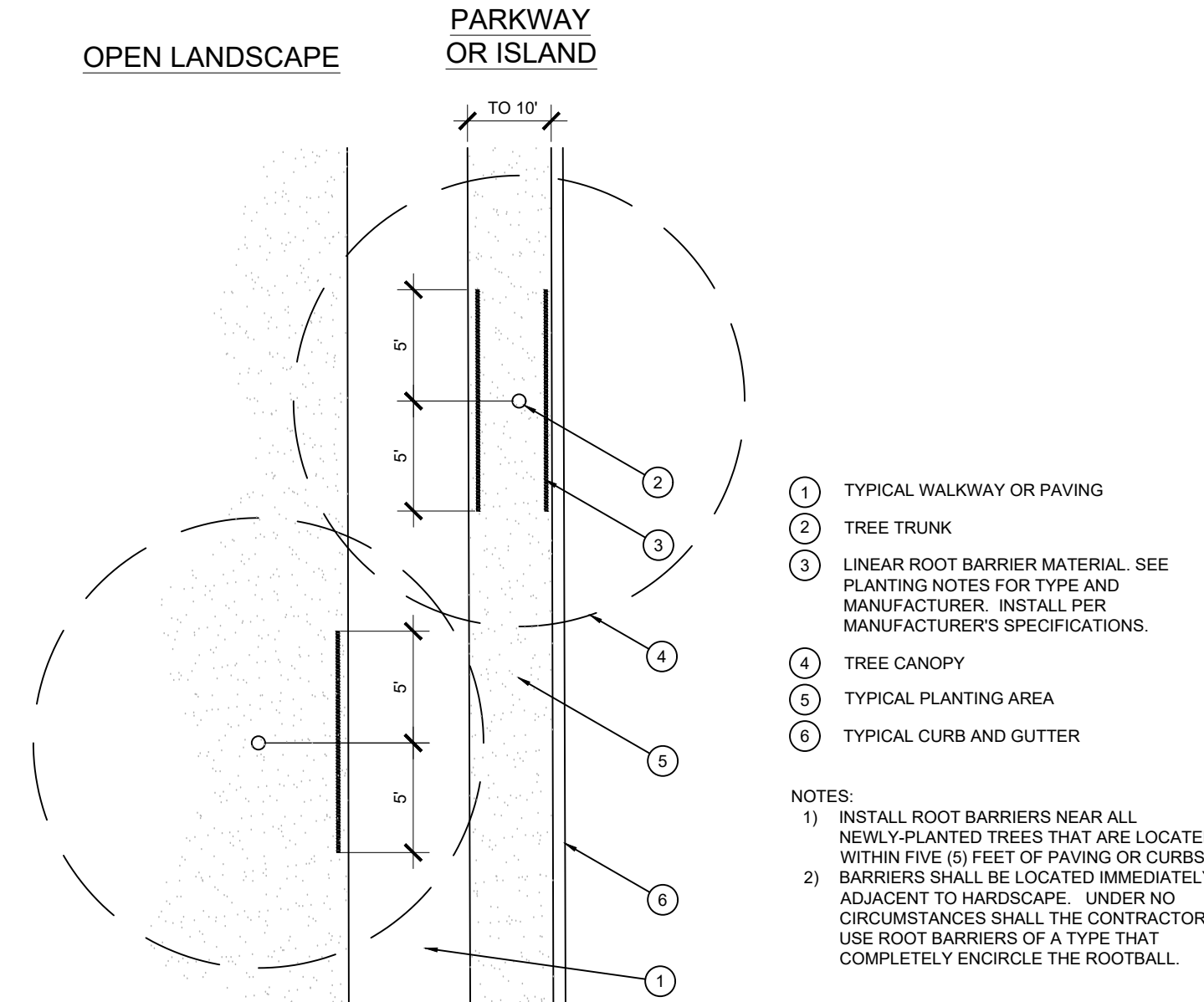
- B. GENERAL PLANTING
1. REMOVE ALL NURSERY TAGS AND STAKES FROM PLANTS.
 2. EXCEPT IN AREAS TO BE PLANTED WITH ORNAMENTAL GRASSES, APPLY PRE-EMERGENT HERBICIDES AT THE MANUFACTURER'S RECOMMENDED RATE.
 3. TRENCING EXISTING TREES
 - a. CONTRACTOR SHALL NOT DISTURB ROOTS 1-1/2" AND LARGER IN DIAMETER WITHIN THE CRITICAL ROOT ZONE (CRZ) OF EXISTING TREES, AND SHALL EXERCISE ALL POSSIBLE CARE AND PRECAUTIONS TO AVOID INJURY TO TREE ROOTS, TRUNKS, AND BRANCHES. THE CRZ IS DEFINED AS A CIRCULAR AREA EXTENDING OUTWARD FROM THE TREE TRUNK, WITH A RADIUS EQUAL TO 1" FOR EVERY 1" OF TRUNK DIAMETER-AT-BREAST-HEIGHT (4.5' ABOVE THE AVERAGE GRADE AT THE TRUNK).
 - b. ALL EXCAVATION WITHIN THE CRZ SHALL BE PERFORMED USING HAND TOOLS. NO MACHINE EXCAVATION OR TRENCING OF ANY KIND SHALL BE ALLOWED WITHIN THE CRZ.
 - c. ALTER ALIGNMENT OF PIPE TO AVOID TREE ROOTS 1-1/2" AND LARGER IN DIAMETER, WHERE TREE ROOTS 1-1/2" AND LARGER IN DIAMETER ARE ENCOUNTERED IN THE FIELD, TUNNEL UNDER SUCH ROOTS. WRAP EXPOSED ROOTS WITH SEVERAL LAYERS OF BURLAP AND KEEP MOIST. CLOSE ALL TRENCHES WITHIN THE CANOPY DRIP LINES WITHIN 24 HOURS.
 - d. ALL SEVERED ROOTS SHALL BE HAND PRUNED WITH SHARP TOOLS AND ALLOWED TO AIR-DRY. DO NOT USE ANY SORT OF SEALERS OR WOUND PAINTS.
 4. TREE PLANTING
 1. TREE PLANTING HOLES SHALL BE EXCAVATED TO MINIMUM WIDTH OF TWO TIMES THE WIDTH OF THE ROOTBALL, AND TO A DEPTH EQUAL TO THE DEPTH OF THE ROOTBALL LESS TWO TO FOUR INCHES.
 2. SCARIFY THE SIDES AND BOTTOM OF THE PLANTING HOLE PRIOR TO THE PLACEMENT OF THE TREE.
 3. REMOVE ANY GLAZING THAT MAY HAVE BEEN CAUSED DURING THE EXCAVATION OF THE HOLE.
 4. FOR CONTAINER AND BOX TREES, TO REMOVE ANY POTENTIALLY GIRDLING ROOTS AND OTHER ROOT DEFECTS, THE CONTRACTOR SHALL SHAVE A 1" LAYER OFF OF THE SIDES AND BOTTOM OF THE ROOTBALL OF ALL TREES JUST BEFORE PLACING INTO THE PLANTING PIT. DO NOT TEAR UP ROOTS OUT FROM THE ROOTBALL.
 5. INSTALL THE TREE ON UNDISTURBED SUBGRADE SO THAT THE TOP OF THE ROOTBALL IS TWO TO FOUR INCHES ABOVE THE SURROUNDING GRADE.
 6. BACKFILL THE TREE HOLE UTILIZING THE EXISTING TOPSOIL FROM ON-SITE. ROCKS LARGER THAN 1" DIA. AND ALL OTHER DEBRIS SHALL BE REMOVED FROM THE SOIL PRIOR TO THE BACKFILL. SHOULD ADDITIONAL SOIL BE REQUIRED TO ACCOMPLISH THIS TASK, USE STORED TOPSOIL FROM ON-SITE OR IMPORT ADDITIONAL TOPSOIL FROM OFF-SITE AT NO ADDITIONAL COST TO THE OWNER. IMPORTED TOPSOIL SHALL BE OF SIMILAR TEXTURAL CLASS AND COMPOSITION IN THE ON-SITE SOIL.
 7. THE TOTAL NUMBER TO TREE STAKES (BY NUMBER LISTED BELOW) WILL BE LEFT TO THE LANDSCAPE CONTRACTOR'S DISCRETION. SHOULD ANY TREES FALL OR LEAN, THE LANDSCAPE CONTRACTOR SHALL STRAIGHTEN THE TREE, OR REPLACE IT SHOULD IT BECOME DAMAGED. TREE STAKING SHALL ADHERE TO THE FOLLOWING GUIDELINES:
 - a. 1"-2" TREES TWO STAKES PER TREE
 - b. 2-1/2" 4" TREES THREE STAKES PER TREE
 - c. TREES OVER 4" CALIPER GUY AS NEEDED
 - d. MULTI-TRUNK TREES THREE STAKES PER TREE MINIMUM, QUANTITY AND POSITIONS AS NEEDED TO STABILIZE THE TREE
 5. SHRUB, PERENNIAL, AND GROUNDCOVER PLANTING
 1. DIG THE PLANTING HOLES TWICE AS WIDE AND 2" LESS DEEP THAN EACH PLANT'S ROOTBALL. INSTALL THE PLANT IN THE HOLE. BACKFILL AROUND THE PLANT WITH SOIL AMENDED PER SOIL TEST RECOMMENDATIONS.
 2. INSTALL THE WEED BARRIER CLOTH, OVERLAPPING IT AT THE ENDS. UTILIZE STEEL STAPLES TO KEEP THE WEED BARRIER CLOTH IN PLACE.
 3. WHEN PLANTING IS COMPLETE, INSTALL MULCH (TYPE AND DEPTH PER PLANS) OVER ALL PLANTING BEDS, COVERING THE ENTIRE PLANTING AREA.
- E. SODDING
1. SOD VARIETY TO BE AS SPECIFIED ON THE LANDSCAPE PLAN.
 2. LAY SOD WITHIN 24 HOURS FROM THE TIME OF STRIPPING. DO NOT LAY IF THE GROUND IS FROZEN.
 3. PROVIDE A STRAIGHT, CLEAN-CUT EDGE OF EXISTING TURF TO WHICH NEW SOD CAN BE ABUTTED.
 4. LAY THE SOD TO FORM A SOLID MASS WITH TIGHTLY FITTED JOINTS. BUTT ENDS AND SIDES OF SOD STRIPS. DO NOT OVERLAP. STAGGER STRIPS TO OFFSET JOINTS IN ADJACENT COURSES.
 5. ROLL THE SOD TO ENSURE GOOD CONTACT OF THE SOD'S ROOT SYSTEM WITH THE SOIL UNDERNEATH.
 6. WATER THE SOD THOROUGHLY WITH A FINE SPRAY IMMEDIATELY AFTER PLANTING TO OBTAIN AT LEAST SIX INCHES OF PENETRATION INTO THE SOIL BELOW THE SOD.
- F. CLEAN UP
1. DURING LANDSCAPE PREPARATION AND PLANTING, KEEP ALL PAVEMENT CLEAN AND ALL WORK AREAS IN A NEAT, ORDERLY CONDITION.
 2. DISPOSED LEGALLY OF ALL EXCAVATED MATERIALS OFF THE PROJECT SITE.
- G. INSPECTION AND ACCEPTANCE
1. UPON COMPLETION OF THE WORK, THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE SITE CLEAN, FREE OF DEBRIS AND TRASH, AND SUITABLE FOR USE AS INTENDED. THE LANDSCAPE CONTRACTOR SHALL THEN REQUEST AN INSPECTION BY THE OWNER TO DETERMINE FINAL ACCEPTABILITY.
 2. WHEN THE INSPECTED PLANTING WORK DOES NOT COMPLY WITH THE CONTRACT DOCUMENTS, THE LANDSCAPE CONTRACTOR SHALL REPLACE AND/OR REPAIR THE REJECTED WORK TO THE OWNER'S SATISFACTION WITHIN 24 HOURS.
 3. THE LANDSCAPE MAINTENANCE PERIOD WILL NOT COMMENCE UNTIL THE LANDSCAPE WORK HAS BEEN REINSPECTED BY THE OWNER AND FOUND TO BE ACCEPTABLE. AT THAT TIME, A WRITTEN NOTICE OF FINAL ACCEPTANCE WILL BE ISSUED BY THE OWNER, AND THE MAINTENANCE AND GUARANTEE PERIODS WILL COMMENCE.
- H. LANDSCAPE MAINTENANCE
1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK SHOWN ON THESE PLANS FOR 90 DAYS BEYOND FINAL ACCEPTANCE OF ALL LANDSCAPE WORK BY THE OWNER. LANDSCAPE MAINTENANCE SHALL INCLUDE WEEKLY SITE VISITS FOR THE FOLLOWING ACTIONS (AS APPROPRIATE): PROPER PRUNING, RESTAKING OF TREES, RESETTling OF PLANTS THAT HAVE SETTLED, MOWING AND AERATION OF LAWNS, WEEDING, RESEEDING AREAS WHICH HAVE NOT GERMINATED WELL, TREATING FOR INSECTS AND DISEASES, REPLACEMENT OF MULCH, REMOVAL OF LITTER, REPAIRS TO THE IRRIGATION SYSTEM DUE TO FAULTY PARTS AND/OR WORKMANSHIP, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON TO MAXIMIZE WATER CONSERVATION.
 2. SHOULD SEEDED AND/OR SODDED AREAS NOT BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING THESE AREAS AND OBTAINING A FULL, HEALTHY STAND OF GRASS AT NO ADDITIONAL COST TO THE OWNER.
 3. TO ACHIEVE FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD, ALL OF THE FOLLOWING CONDITIONS MUST OCCUR:
 - a. THE LANDSCAPE SHALL SHOW ACTIVE, HEALTHY GROWTH (WITH EXCEPTIONS MADE FOR SEASONAL DORMANCY). ALL PLANTS NOT MEETING THIS CONDITION SHALL BE REJECTED AND REPLACED BY HEALTHY PLANT MATERIAL PRIOR TO FINAL ACCEPTANCE.
 - b. ALL HARDSCAPE SHALL BE CLEANED PRIOR TO FINAL ACCEPTANCE.
 - c. SODDED AREAS MUST BE ACTIVELY GROWING AND MUST REACH A MINIMUM HEIGHT OF 1 1/2 INCHES BEFORE FIRST MOWING. HYDROMULCHED AREAS SHALL SHOW ACTIVE, HEALTHY GROWTH. BARE AREAS LARGER THAN TWELVE SQUARE INCHES MUST BE RESEEDDED OR RESEEDDED (AS APPROPRIATE) PRIOR TO FINAL ACCEPTANCE. ALL SODDED TURF SHALL BE NEATLY MOWED.
- I. WARRANTY PERIOD, PLANT GUARANTEE AND REPLACEMENTS
1. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, SEEDED/HYDROMULCHED AREAS, AND IRRIGATION SYSTEMS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE OWNER'S FINAL ACCEPTANCE (90 DAYS FOR ANNUAL PLANTS). THE CONTRACTOR SHALL REPLACE, AT HIS OWN EXPENSE AND TO THE SATISFACTION OF THE OWNER, ANY PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
 2. AFTER THE INITIAL MAINTENANCE PERIOD AND DURING THE GUARANTEE PERIOD, THE LANDSCAPE CONTRACTOR SHALL ONLY BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHEN PLANT DEATH CANNOT BE ATTRIBUTED DIRECTLY TO OVERWATERING OR OTHER DAMAGE BY HUMAN ACTIONS.
- J. PROVIDE A MINIMUM OF (2) COPIES OF RECORD DRAWINGS TO THE OWNER UPON COMPLETION OF WORK. A RECORD DRAWING IS A RECORD OF ALL CHANGES THAT OCCURRED IN THE FIELD AND THAT ARE DOCUMENTED THROUGH CHANGE ORDERS, ADDENDA, OR CONTRACTOR/CONSULTANT DRAWING MARKUPS.



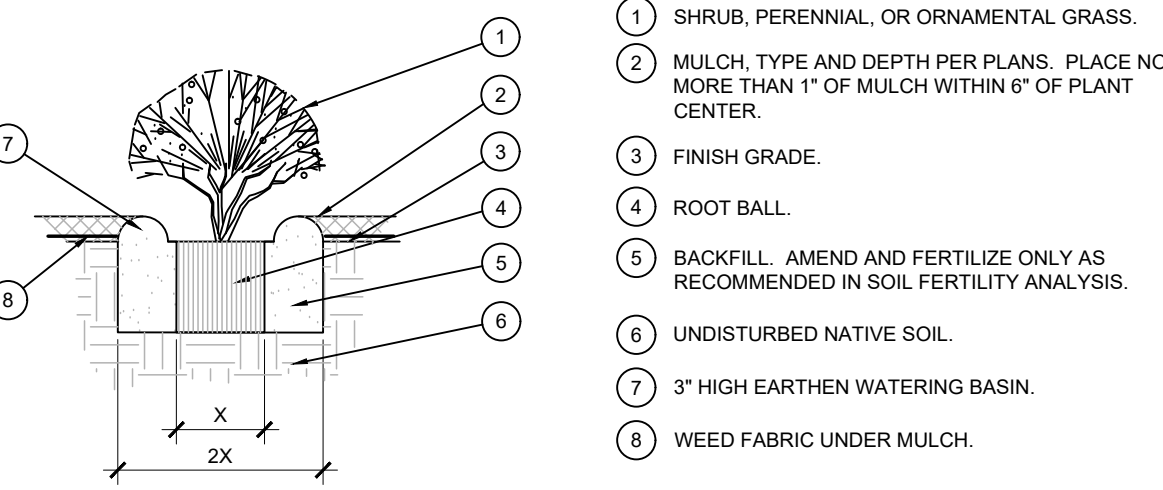
C PLANTING AT PARKING AREA
SCALE: NOT TO SCALE



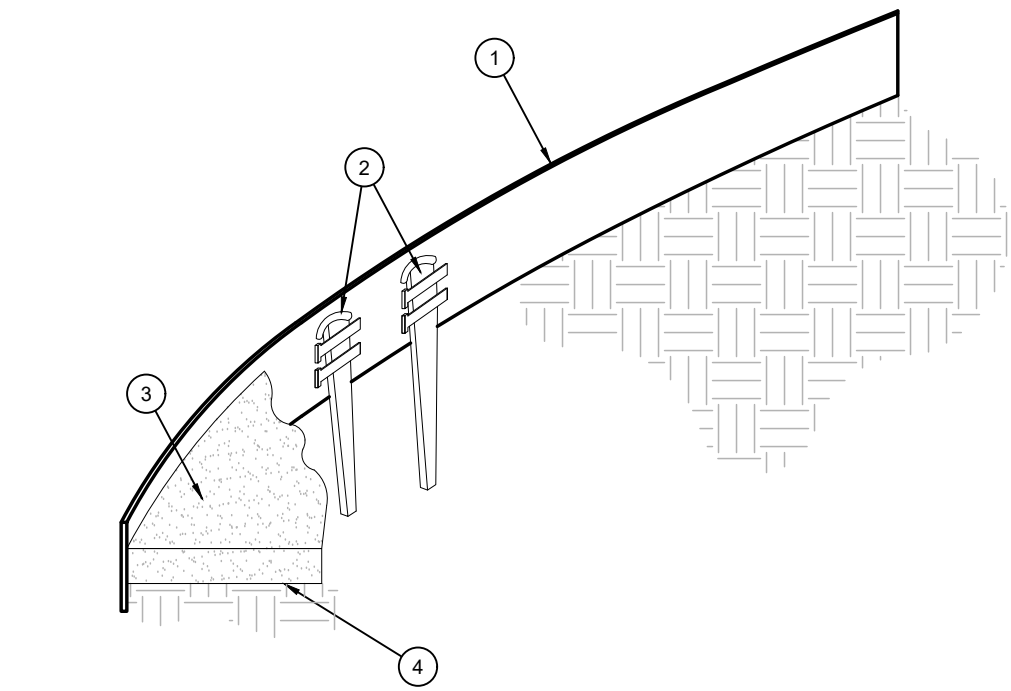
A TREE PLANTING
SCALE: NOT TO SCALE



B ROOT BARRIER - PLAN VIEW
SCALE: NOT TO SCALE



D SHRUB AND PERENNIAL PLANTING
SCALE: NTS



E STEEL EDGING
SCALE: NOT TO SCALE



Bret
FLORY

ARCHITECT:
BRET FLORY
1913 GARDENGROVE COURT
PLANO, TX 75075
P: 972.467.9749

CALIBER COLLISION
MIDDLETON, ID

DATE: 04/13/23

PROJECT NUMBER:

22113

ISSUE LOG

NO DATE

DRAWINGS ISSUED FOR:

REVIEW

SHEET NUMBER

LP-2
LANDSCAPE
DETAILS AND
SPECIFICATIONS

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STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

Special Use Permit Application

(Furaha A. Bonane Daycare – 105 E. Rose Lake Dr.)

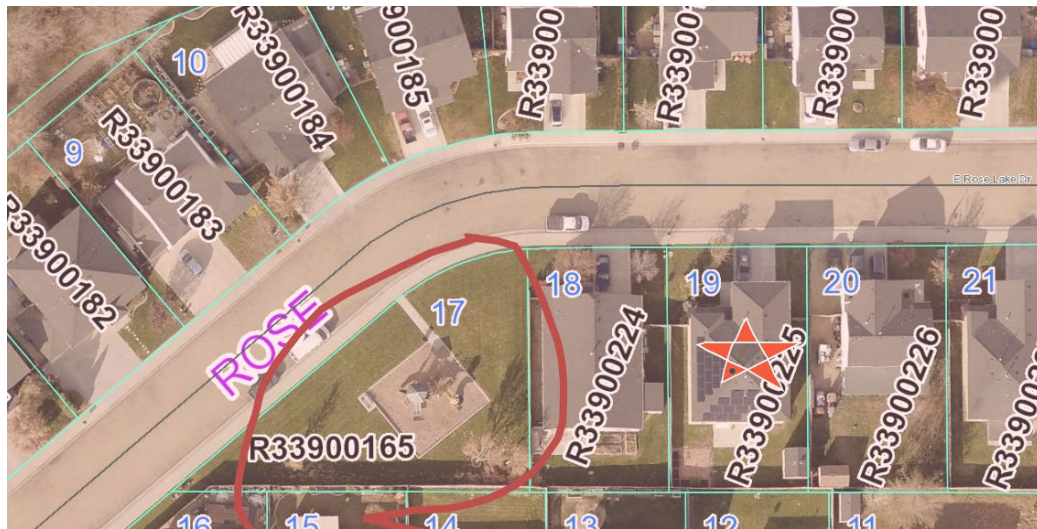


- A. **Planning & Zoning Commission Hearing Date:** April 10, 2023
- B. **Application & Description:** Application by Furaha A. Bonane for special use permit to operate a daycare in her home located at 105 E. Rose Lake Dr. (Middleton Lakes Subdivision). Applicant is requesting a permit to care for up to 13 children. Ages of the children are newborn to 13 years old. Applicant also has four other children in the

home who are related to her. Their ages are 17, 15, 13 and 7 years old. Ms. Bonane will be the only care provider in the home. There will be no additional employees.

The home is 5500 s.f., not including the garage. Proposed daycare hours are 7 a.m. to 5 p.m., Monday through Friday. Applicant will be responsible for picking up and dropping off the children. (During the hearing, Applicant should be able to elaborate on the plan for pick up and drop off.)

Applicant proposes using a nearby subdivision park as the outdoor play area as shown below.



Staff requested Applicant to schedule an in-home inspection by Middleton Fire Marshall Victor Islas. Fire Marshall will apply the requirements of the Idaho State Code to determine how many children Ms. Bonane can safely care for at any one time. The number is determined by square footage of usable space and other considerations detailed in the Code.

Ms. Bonane's representative indicated that they would set up the inspection and had the ability to set up the inspection. However, they have failed to schedule an inspection with the Fire Marshall.

Planning Staff cannot confirm that Ms. Bonane is allowed, under the State Code, to have up to 13 children in her in-home daycare.

- C. Current Zoning, Land Use & Property Condition:** The property is currently zoned R-3 (Single Family Residential). A single family home is located on the lot. The lot is surrounded on all sides by R-3 zoning and single family homes.

- D. **City Services:** The lot is located in an established neighborhood, so water, sewer, police and fire protection are already servicing the subject lot.
- E. **Traffic, Access & Streets:** Depending upon Applicant's description at the public hearing of pick-up and drop-off procedures, traffic and access may be an issue.
- F. **Special Use Permit:** Middleton City Code 1-15-7 sets forth the law on Special Use Permits within City limits. Section 1-15-7 provides specifically:

"1-15-7: SPECIAL USE PERMITS:

A. Description:

1. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in the area. Nothing construed herein shall be deemed to require the commission to grant a special use permit.

2. Certain types of uses possess unique and special characteristics which require special consideration prior to their being permitted in a particular district. A special use permit may be granted to an applicant if the proposed use is allowed by a special use permit under the land use schedule in section [5-4-1](#), Table 1 of this Code.

3. No building permit shall be issued when a special use permit is required by the terms of this chapter, unless a special use permit has been previously granted by the City and then only in accordance with the terms and conditions of the special use permit.

4. No special use permit shall be transferable from one property to another. In the event the property changes hands, the new owner, if he or she desires to continue the special use, shall appear before the commission for review. Said continuance use shall be subject to the same terms and conditions of the permit.

5. Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use.

6. The granting of a special use permit shall not be considered as establishing a binding precedent to grant other special use permits.

B. Procedures: *The commission shall conduct at least one public hearing on the application.*

C. Action By Commission: *After notice and hearing, the commission may approve, conditionally approve or deny a special use permit application. Whenever the commission approves or denies a permit, it shall specify in writing: 1) the ordinance and standards used in evaluating the application (city code, Idaho Standards for Public Works Construction and Middleton Supplement to the Idaho*

Standards for Public Works Construction); 2) the reasons for approval or denial; and 3) if denied, the actions, if any, that the applicant can take to obtain approval. The commission shall make a decision within thirty (30) days of the conclusion of the public hearing.

D. Conditions: Upon granting a special use permit, conditions may be attached to:

- 1. Minimize adverse impact on other development (spaces, fences, parking, traffic flow, etc.).*
- 2. Control the sequence and timing.*
- 3. Control duration of the use.*
- 4. Assure that development is maintained properly.*
- 5. Designate the location and nature of development, including signs.*
- 6. Require the provision for on site or off site public facilities or services.*
- 7. Require more restrictive standards than those generally required in an ordinance (surfacing of parking areas to City specifications, regulation of points of vehicular ingress and egress, landscaping and maintenance, regulation of noise, vibration, odors or other similar nuisances).*
- 8. Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the special use permit.*
- 9. Require mitigation of effects of the proposed use upon service delivery by any political subdivision, including school districts, providing services within the planning area of Middleton.*

E. Appeal: An affected person aggrieved by the commission decision may, within fifteen (15) days of the written commission decision, file a written appeal with the City, along with a nonrefundable fee. The Council shall consider the appeal at a noticed public hearing and may approve, approve with conditions or deny the application.”

In short, the Commission will consider whether Ms. Bonane’s proposed daycare involving 13 children is not “unreasonable or incompatible” with the surrounding neighborhood. In other words, is the daycare in harmony with the surrounding neighborhood. The code section allows the Commission to approve the application and apply conditions of approval that will make the special use “reasonable and compatible” with the surrounding neighborhood.

The Commission must also ensure that the special use requested is shown appropriately in the Land Use Schedule as a “special use.” Daycare for 13 children is indeed shown in the Land Use schedule as an “S” (special use) for the R-3 Zone.

TABLE 1
LAND USE SCHEDULE

A = Allowed uses

S = Special uses

Use 1,2	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	M-F	M-U
Concrete batch plant						S					
Contractor's shop/storage yard				A	A	A					S
Convalescent/nursing home		A	A	A			S	S	S	S	S
Daycare center (13 or more children)		A	A	A	A		A	S	S	A	A
Daycare, facility (7 or more children unrelated to provider)		A	A	A	A		A	S	S	A	A
Daycare, family (6 or fewer children)		A	A	A	A		A	A	A	A	A

- G. Comments Received from Surrounding Landowners:** None.
- H. Comments from Agencies:** Fire Marshall Islas contacted Planning Staff by telephone to report his inability to set up an in-home inspection of the Bonane home despite reaching out to the Applicant.
- I. Comments from City Engineer and Planning Staff:** None (not applicable).
- J. Application Information:** Applicant is Furaha A. Bonane, 105 E. Rose Lake Dr. Application was accepted on 12/13/2022.
- K. Notices & Neighborhood Meeting:**
- | | Dates: |
|--------------------------------------|---------------|
| Newspaper Notification | 2/26/2023 |
| Radius notice to adjacent landowners | 2/23/2023 |
| Circulation to Agencies | 2/22/2023 |
| Sign Posting property | 2/22/2023 |
| Neighborhood Meeting | 9/20/2022 |
- (Hearing was continued from the March 13, 2023, regularly scheduled meeting)

L. Applicable Codes and Standards:

Middleton City Code 1-15-7, Idaho State Statute 67-6512 and IDAPA rules regarding daycare.

M. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission will make the final decision and order on this application. It does not proceed to City Council for consideration. Per State law and the Middleton City Code, any final order must be based upon findings of facts and conclusions of law.

As to Findings of Facts, Planning Staff has set forth above the facts to be considered in the application. Planning Staff further finds that the City does not know if allowing 13 children in the daycare will be in compliance with State Code because Applicant did not schedule an in-home inspection with the Fire Marshall.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear the application (MCC 1-5-5). The Commission has the authority to approve the application with or without conditions of approval or deny the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a recommendation on the application.

Special Use Permit Application: If the Commission is inclined to approve the application, then Planning Staff recommends that any approval be subject to the following conditions:

1. All requirements of the Middleton Rural Fire District are to be completed and approved.
2. All requirements of local, state and federal agencies are to be completed and approved.

Finally, if the Commission denies the application, then the Commission should state what the applicant could do, if anything, to obtain approval. (Middleton City Code 1-14(E)(8)).



STAFF REPORT

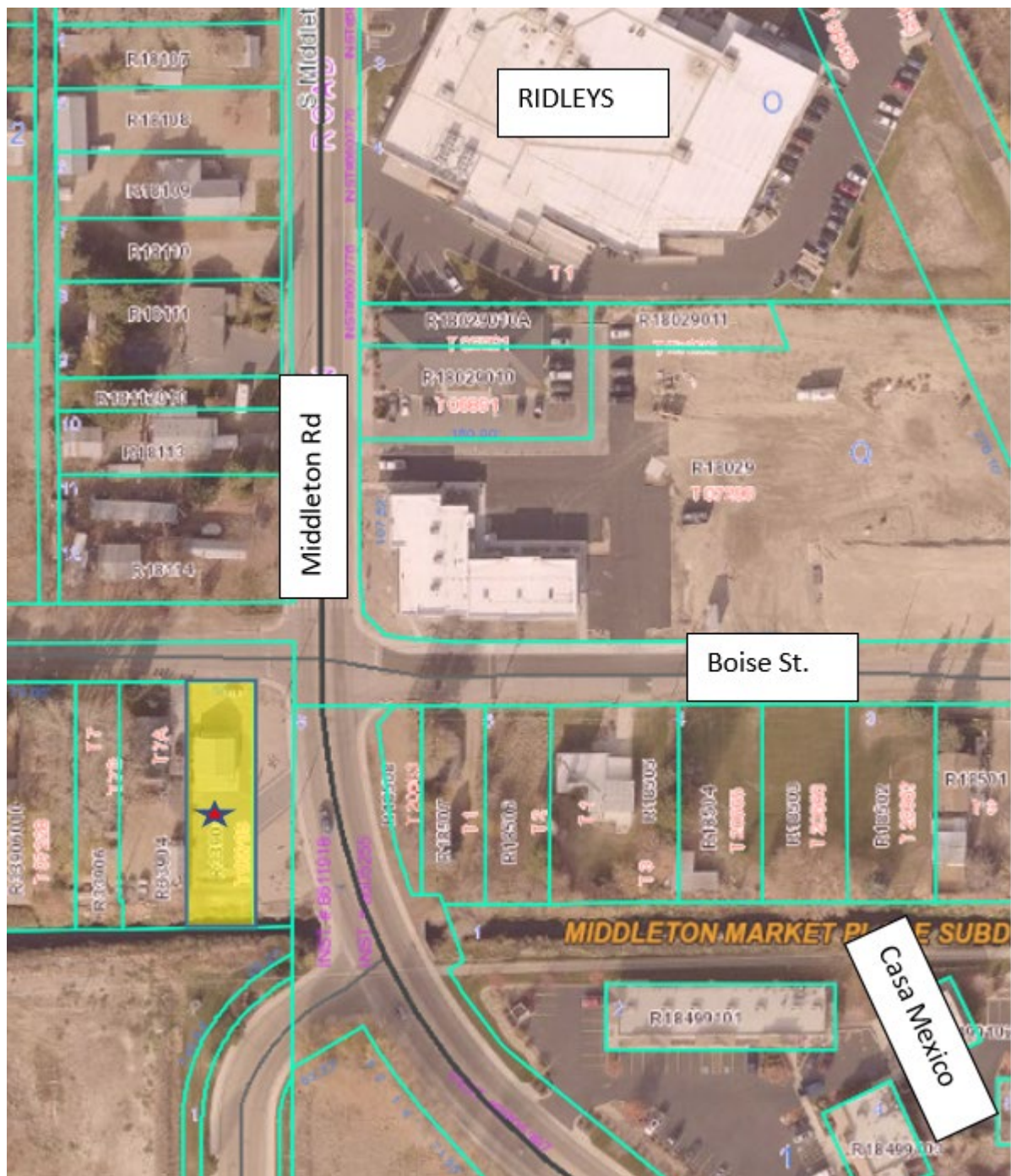
Middleton Design Review Committee

Design Review – Middleton Drug (324 Boise Street)



- A. **Design Review Meeting Date:** June 12, 2023
- B. **Project Description, Property Condition & Zoning:** The Middleton Drug building is a proposed remodel of the old "computer" building located at 324 Boise Street.





The project will be used for a walk-in pharmacy with drive through. At peak hours, it will have a maximum of three employees on staff.

The project parcel is approximately .23 acres. It is zoned Mixed-Use (M-U). A commercial pharmacy is an allowed use in the M-U zone.

The current building does not meet the current 12' setback for interior side. It is a non-conforming circumstance that has existed for a number of years but is permissible because the Applicant will not be changing the footprint of the building.

- C. Architectural Character:** MCC 1-15-8-2, requires the project material and colors to be in harmony with the townscape and surrounding neighborhood. Each building must also contain four or more of the following design elements: gable roof, stucco, brick/rock, accenting, metal siding, timberwork, or public art feature.

The Middleton Drug building more than meets this standard by providing gable roof, stucco, shake siding, cultured stone, wood beam accenting, eave braces, and stucco banding.



It will blend well with the commercial buildings across Middleton Road to the north/east.



[Larger Elevation Page attached as Exhibit "A"]

- D. Streets, Access & Parking:** Customer access will be from only Middleton Road with a one-way drive aisle next to the building for drive-through services. Signage and striping will be installed to help with access coordination. Middleton Road already has a center turn lane to assist with a northbound left turn lane into the Pharmacy.

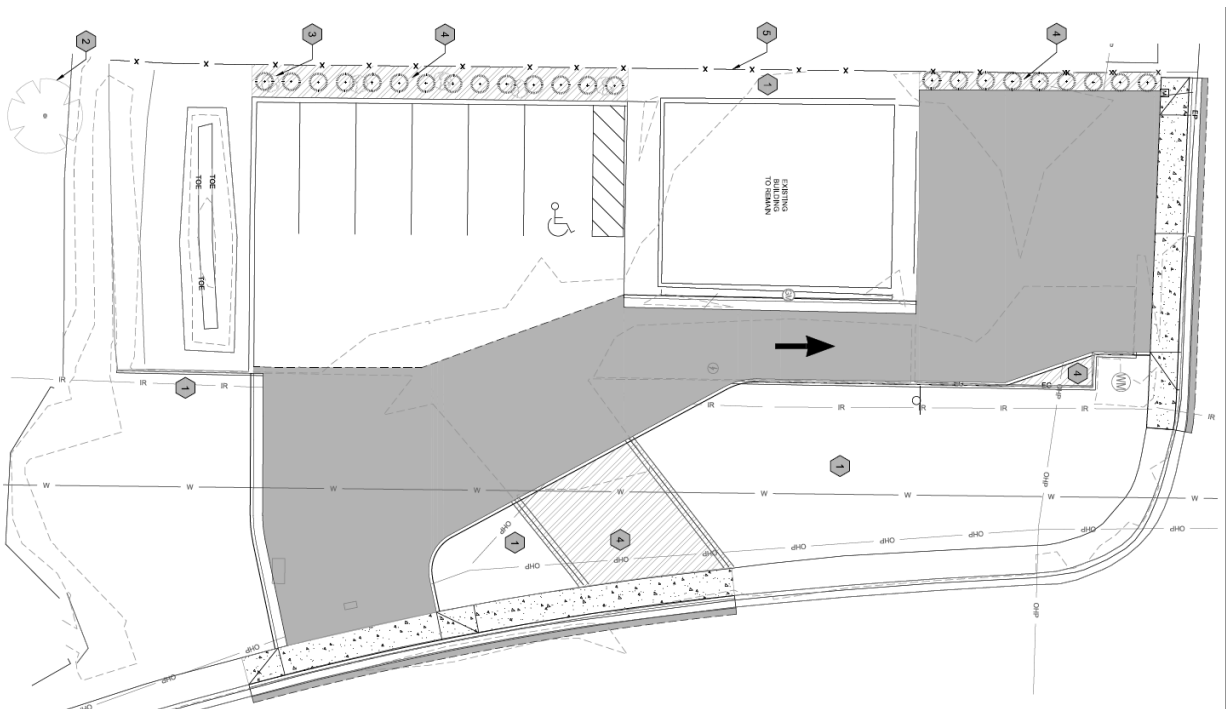


[Larger Site Plan is attached as Exhibit "B"]

Parking requirement is one stall per 300 s.f. The building is approximately 1100 s.f., so rounding up makes a requirement of four stalls. Applicant has provided public

parking on the south side of the building with a total of five stalls, one of which meets handicapped/ADA parking standards. Additional parking will be provided on the north side of the building for the three employees.

- E. Utilities:** Sewer and water are already stubbed to the building.
- F. Stormwater:** Stormwater facilities will be addressed at length with City Engineer in the building permit stage.
- G. Lighting:** Lighting on and around the building must be downlit to comply with City Code.
- H. Landscaping and Fencing:** Applicant submitted a proposed landscape plan dated 5/20/2023. Much of the property along Middleton Road appears to be on the project parcel, but it is actually City easement and right of way area. Applicant is not required to landscape that area. Applicant's plan, however, shows landscaping along the western boundary of the parcel.



[See larger landscape plan attached as Exhibit "C".]

A condition of Design Review approval should be compliance with the 5/20/2023 landscape plan.

I. Applicable Codes and Standards: Per MCC 1-15-8-1, a design review is required for all nonresidential structures in Middleton. The applicable Codes and Standards relevant to the review are MCC 1-15, 5-1, and 5-4.

J. Conclusions and Recommended Conditions of Approval:

Applicant's Design Review application complies generally with the requirements of the Middleton City Code. If the Design Review Committee is inclined to approve the application, City Planning Staff recommends that the following Conditions of Approval be made a part of the approval:

1. Applicant must ensure that all lighting is downlit and shielded away from the residential neighbor to the west.
2. Applicant to comply with all Engineering & Planning Comments during the building permit phase.
3. Applicant to comply with all Middleton Rural Fire Department comments.
4. Applicant to comply with all comments and requirements of the City Building Department.
5. Applicant to comply with all Middleton City Public Works comments.
6. Storm facility design must be entirely contained on the project parcel.
7. Landscape must be installed per the landscape plan dated 5/20/2023.

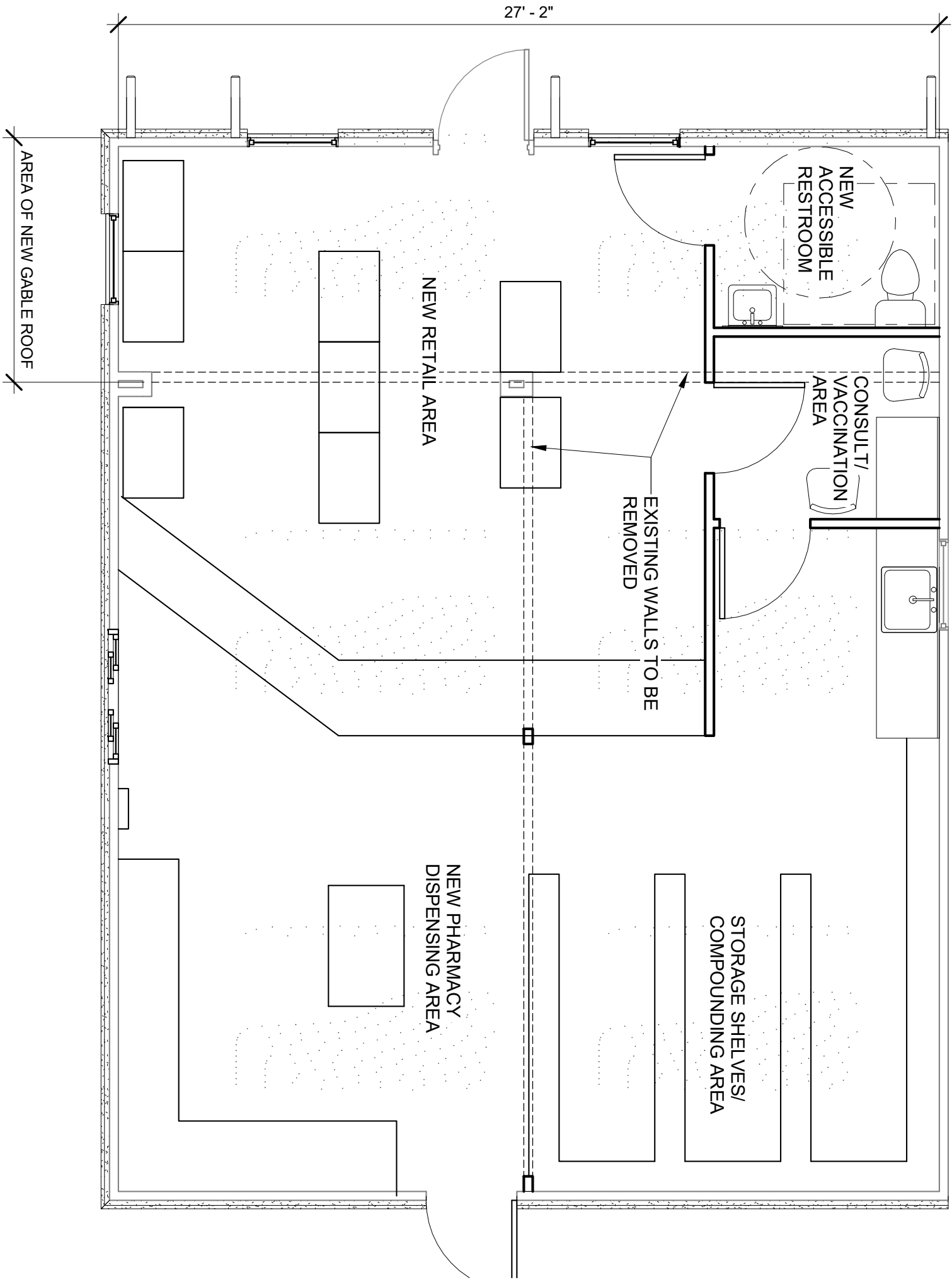
Prepared by Middleton Planning & Zoning Official,
Roberta Stewart
Dated: June 2, 2023

EXHIBIT "A"

ELEVATION PAGES

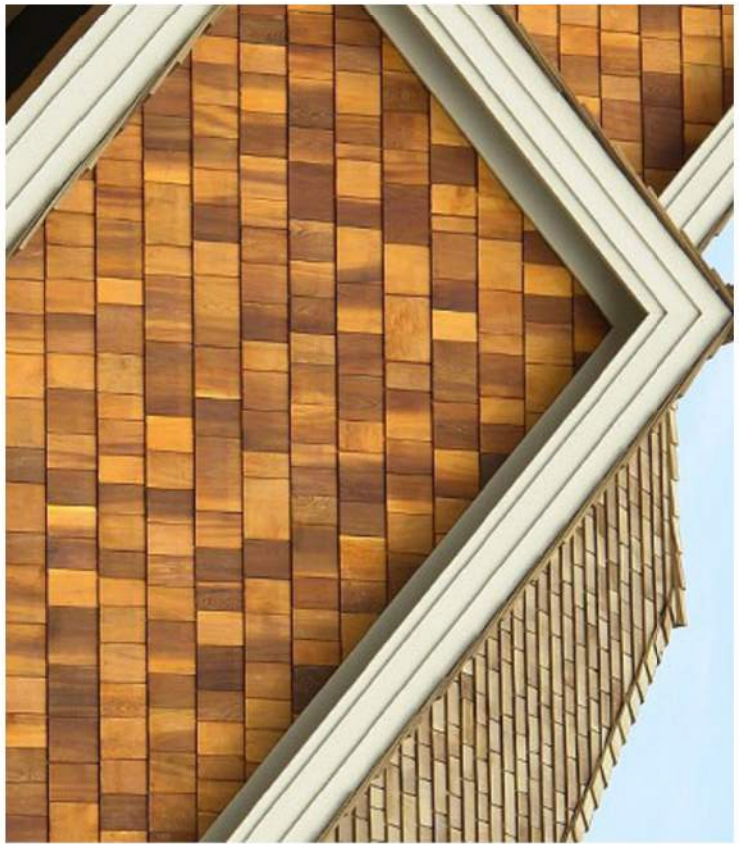


IMAGE OF EXISTING BUILDING VIEWED FROM MIDDLETON RD.



1 FLOOR PLAN

1/4" = 1'-0"



STAINED SHINGLE SIDING



NEW STUCCO COLOR



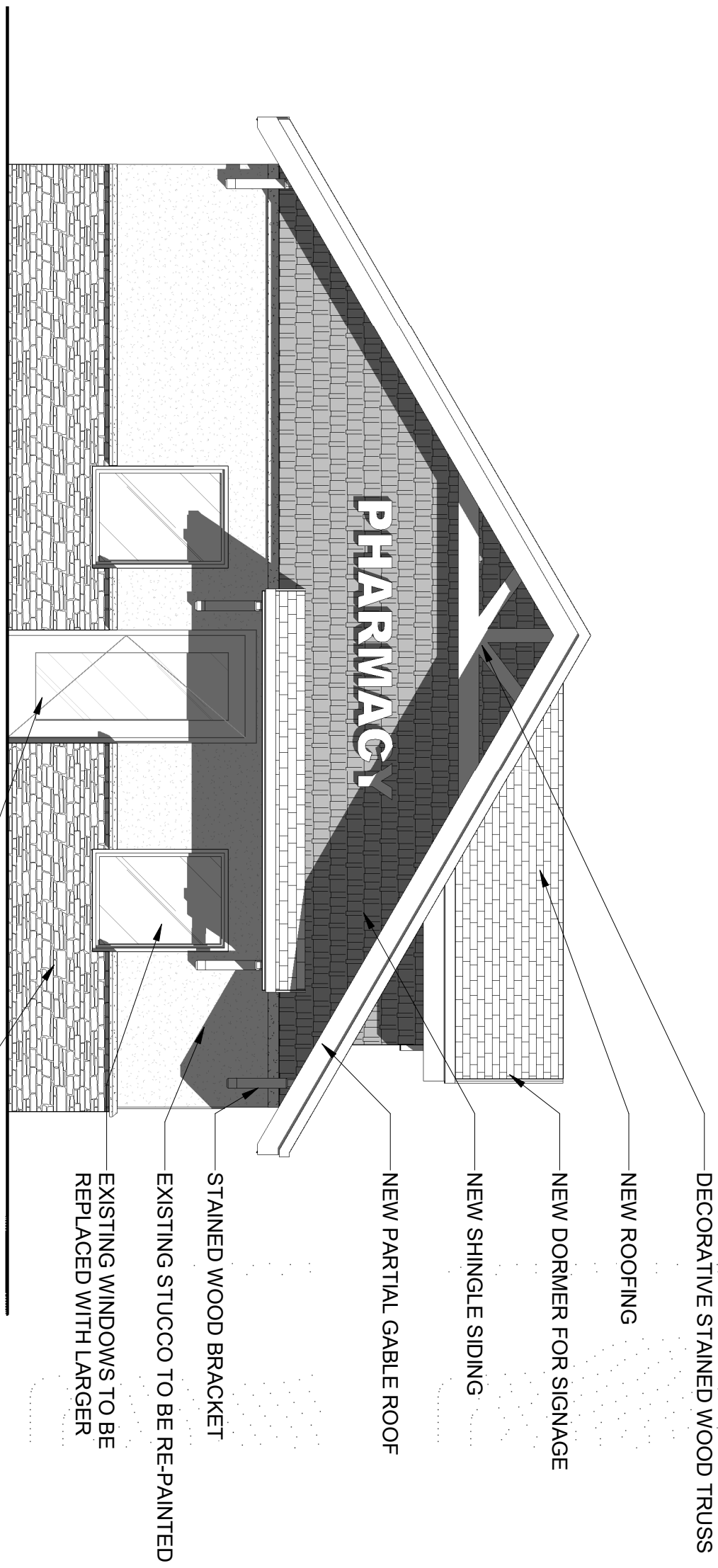
NEW ASPHALT SHINGLE ROOFING



FASCIA AND TRIM COLOR

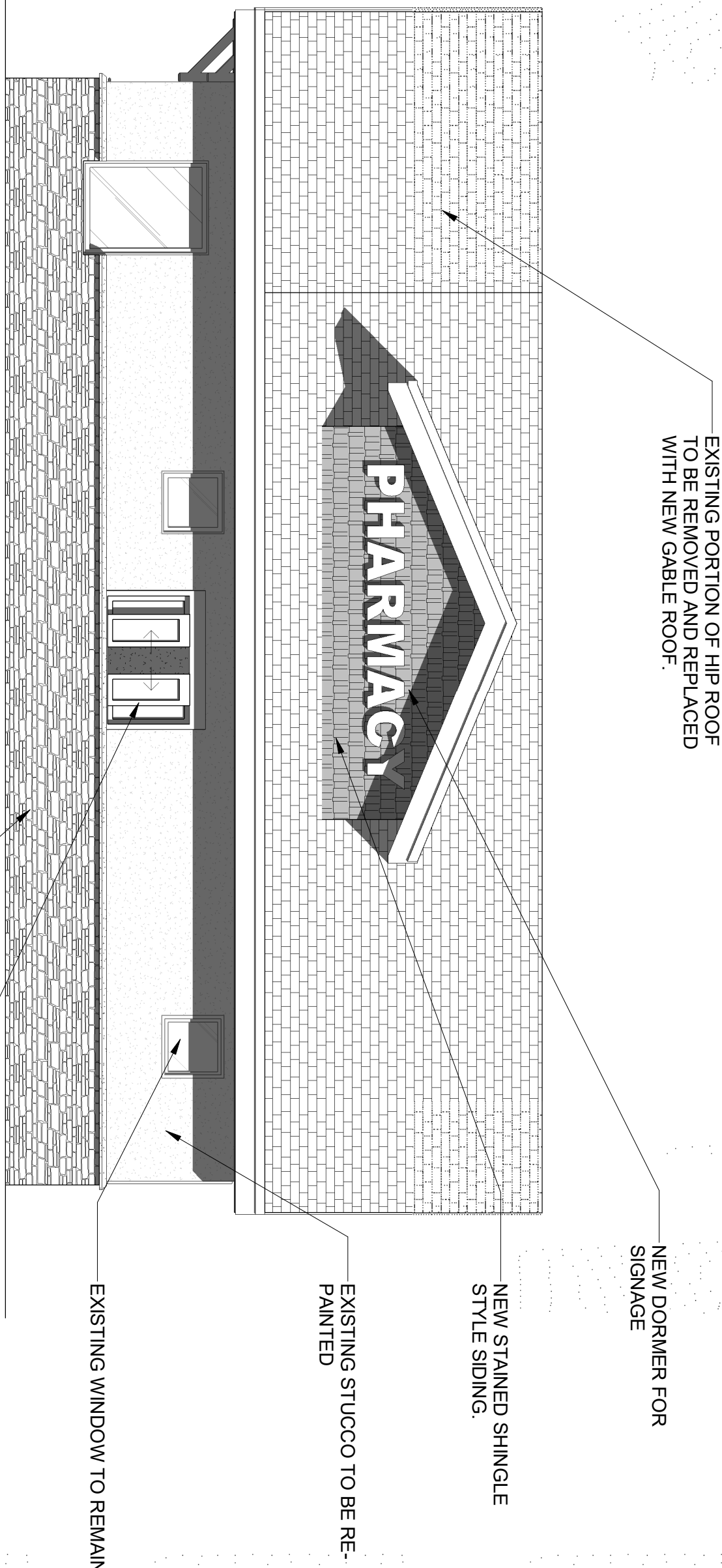


EXISTING STONE TO REMAIN



4 SOUTH ELEVATION

1/4" = 1'-0"



3 EAST ELEVATION

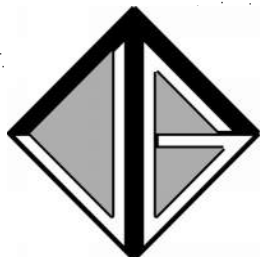
1/4" = 1'-0"



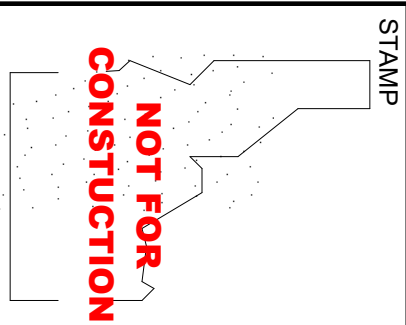
2 PERSPECTIVE VIEW

1/4" = 1'-0"

REVISIONS:	



jgt architecture
1135 12th avenue road, nampa, idaho 83686
phone: (208) 463-9295 . fax: (208) 463-9299
email: jgt@jgt-architecture.com



FACILITY REMODEL
FOR
MIDDLETON DRUG
324 BOISE ST. MIDDLETON, ID 83644

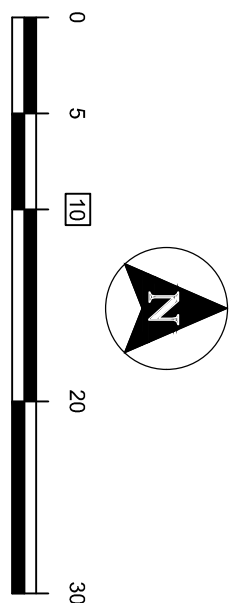
DRAWN BY DATE:	JPV 05/01/2023
CHECKED:	JOB NO.: 2260
JPV	

DESIGN REVIEW
DRAWINGS

DR-1.0
SHEET
OF

EXHIBIT "B"

SITE PLAN



PRESERVATION KEYNOTES

1	PORTION OF EXISTING WALL TO REMAIN
2	EXISTING SIDEWALK TO REMAIN
3	EXISTING GAS METER TO REMAIN
4	EXISTING GAVITY RIGIDIZATION STRUCTURE TO REMAIN & OF UNOBTAINED PATH OF TRAVEL SURROUNDING STRUCTURE TO COMPLY WITH CURRENT ADA REQUIREMENTS
5	EXISTING POWER POLE TO REMAIN
6	PORTION OF EXISTING ASPHALT PAVEMENT TO REMAIN

SITE INFORMATION

PARCEL #: R3390300000
AREA: 0.233 ACRES

NOTES

1. STORMWATER MANAGEMENT AREA MAY NEED TO BE EXPANDED FOR THE ADDITIONAL RUNOFF GENERATED AND THE SWALE PLANTED WITH DROUGHT TOLERANT TURF/GRASS FOR PERMANENT WATER QUALITY BMP.

[illegible]

MIDDLETON DRUG

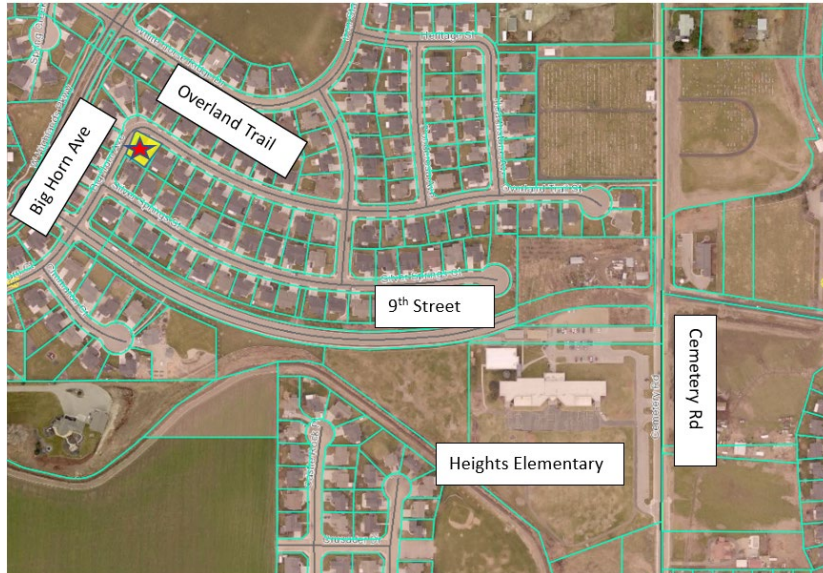
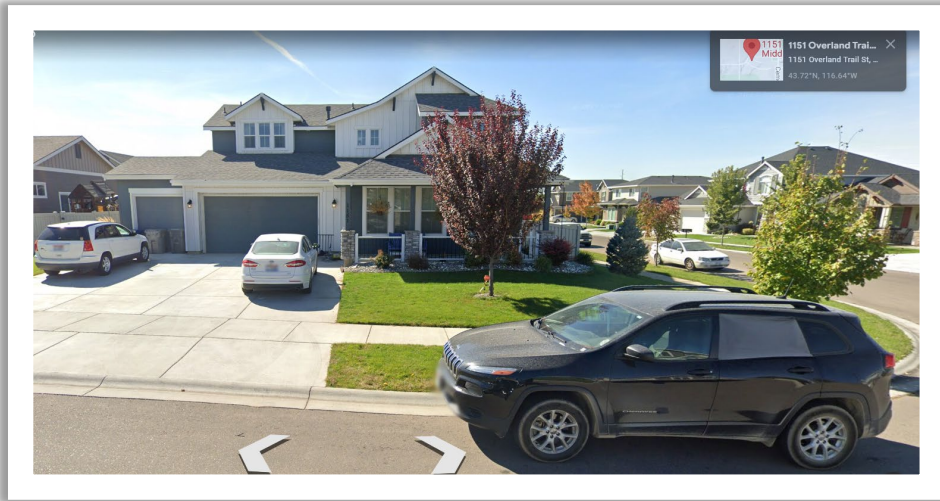
SITE PLAN

EXHIBIT C
LANDSCAPE PLAN



STAFF REVIEW AND REPORT Middleton Planning and Zoning Commission

Special Use Permit Application (Curry Daycare – 1151 Overland Trail.)



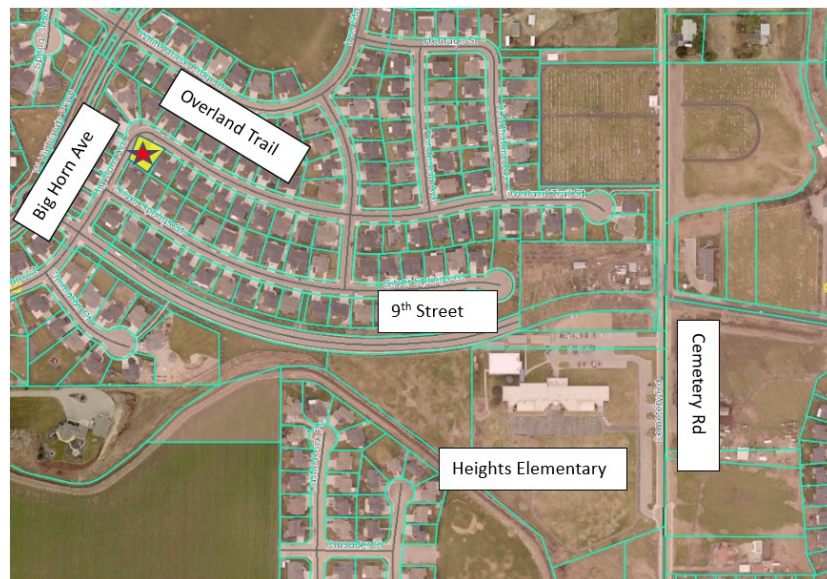
- A. **Planning & Zoning Commission Hearing Date:** June 12, 2023
- B. **Application & Description:** Application by Christina Curry for special use permit to operate a daycare in her home located at 1151 Overland Trail, (W. Highlands Ranch

Subdivision). Applicant is requesting a permit to care for up to 12 children. Currently she is operating a daycare for less than seven children, which is allowed by the Middleton City Code and State law. Ages of the children are newborn to 10 years old, and that will remain the same under the new special use permit.

Applicant also has three other children in the home who are related to her. Their ages are 17, 13 and 8 years old. An adult child, aged 19, is also currently living in the home but will be moving out soon.

Proposed hours of operation are 7:00 a.m. to 5 p.m., Monday through Friday. No additional employees are currently planned for the daycare.

The planned drop-off/pick up is set for staggered times. There are usually no more than two parents dropping off or picking up at the same time. (Most of the daycare families are residents of W. Highlands Ranch.) All parents are instructed to avoid parking on Overland Trail Street. Parking is generally appropriate in the 3 car driveway expanse. If the 3 car driveway is insufficient, parents have been instructed to park on Big Horn Avenue instead of Overland Trail.



Outdoor play occurs primarily at Applicant's house although there will be short walking trips to the Heights Elementary fields. Since most of the children reside in W. Highlands, the occasional use of the subdivision common areas would not be inappropriate.

- C. Licensing:** Fire Marshall, Victor Islas, of the Middleton Rural Fire Department inspected Ms. Curry's home on February 14, 2023. She has fulfilled all safety requirements. No violations were found, and Fire Marshall authorized Ms. Curry to

care for up to 18 children in her home. (See Fire Department permit attached as Exhibit “A”).

Applicant is also finalizing her State license for daycare, but that cannot be finalized without an approved special use permit from the City of Middleton.

- D. Current Zoning, Land Use & Property Condition:** The property is currently zoned R-3 (Single Family Residential). A single family home is located on the lot. The lot is surrounded on all sides by R-3 zoning and single family homes.
- E. City Services:** The lot is located in an established neighborhood, so water, sewer, police and fire protection are already servicing the subject lot.
- F. Traffic, Access & Streets:** Depending upon Applicant’s detailed description at the public hearing of pick-up and drop-off procedures, traffic and access may be an issue.
- G. Special Use Permit:** Middleton City Code 1-15-7 sets forth the law on Special Use Permits within City limits.

In short, the Commission will consider whether Ms. Curry’s proposed daycare involving 12 children is not “unreasonable or incompatible” with the surrounding neighborhood. In other words, is the daycare in harmony with the surrounding neighborhood. The code section allows the Commission to approve the application and apply conditions of approval that will make the special use “reasonable and compatible” with the surrounding neighborhood.

Section 1-15-7 provides specifically:

“1-15-7: SPECIAL USE PERMITS:

A. Description:

- 1. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in the area. Nothing construed herein shall be deemed to require the commission to grant a special use permit.*
- 2. Certain types of uses possess unique and special characteristics which require special consideration prior to their being permitted in a particular district. A special use permit may be granted to an applicant if the proposed use is allowed by*

a special use permit under the land use schedule in section 5-4-1, Table 1 of this Code.

3. No building permit shall be issued when a special use permit is required by the terms of this chapter, unless a special use permit has been previously granted by the City and then only in accordance with the terms and conditions of the special use permit.

4. No special use permit shall be transferable from one property to another. In the event the property changes hands, the new owner, if he or she desires to continue the special use, shall appear before the commission for review. Said continuance use shall be subject to the same terms and conditions of the permit.

5. Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use.

6. The granting of a special use permit shall not be considered as establishing a binding precedent to grant other special use permits.

B. Procedures: The commission shall conduct at least one public hearing on the application.

C. Action By Commission: After notice and hearing, the commission may approve, conditionally approve or deny a special use permit application. Whenever the commission approves or denies a permit, it shall specify in writing: 1) the ordinance and standards used in evaluating the application (city code, Idaho Standards for Public Works Construction and Middleton Supplement to the Idaho Standards for Public Works Construction); 2) the reasons for approval or denial; and 3) if denied, the actions, if any, that the applicant can take to obtain approval. The commission shall make a decision within thirty (30) days of the conclusion of the public hearing.

D. Conditions: Upon granting a special use permit, conditions may be attached to:

1. Minimize adverse impact on other development (spaces, fences, parking, traffic flow, etc.).

2. Control the sequence and timing.

3. Control duration of the use.

4. Assure that development is maintained properly.

5. Designate the location and nature of development, including signs.

6. Require the provision for on site or off site public facilities or services.

7. Require more restrictive standards than those generally required in an ordinance (surfacing of parking areas to City specifications, regulation of points of

vehicular ingress and egress, landscaping and maintenance, regulation of noise, vibration, odors or other similar nuisances).

8. Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the special use permit.

9. Require mitigation of effects of the proposed use upon service delivery by any political subdivision, including school districts, providing services within the planning area of Middleton.

E. Appeal: An affected person aggrieved by the commission decision may, within fifteen (15) days of the written commission decision, file a written appeal with the City, along with a nonrefundable fee. The Council shall consider the appeal at a noticed public hearing and may approve, approve with conditions or deny the application.”

The Commission must also ensure that the special use requested is shown appropriately in the Land Use Schedule as a “special use.” Daycare for 12 children is indeed shown in the Land Use schedule as an “S” (special use) for the R-3 Zone.

A = Allowed uses

S = Special uses

Use ^{1,2}	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	M-F	M-U
Community, youth, or activity center											
Concrete batch plant						S					
Contractor's shop/storage yard				A	A	A					S
Convalescent/nursing home		A	A	A			S	S	S	S	S
Daycare center (13 or more children)		A	A	A	A		A	S	S	A	A
Daycare, facility (7 or more children unrelated to provider)		A	A	A	A		A	S	S	A	A
Daycare, family (6 or fewer children)		A	A	A	A		A	A	A	A	A
Daycare, group (7 - 12 children)		A	A	A	A		A	S	S	A	A

H. **Comments Received from Surrounding Landowners:** See comments attached as Exhibit “B”.

I. **Comments from Agencies:** See comments attached as Exhibit “A”.

J. **Application Information:** Applicant is Christina Curry, 1151 Overland Trail St., Middleton, Idaho. Application was accepted on 5/4/2023.

K. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	5/28/2023
Radius notice to adjacent landowners	5/24/2023
Circulation to Agencies	5/23/2023
Sign Posting property	5/23/2023
Neighborhood Meeting	3/30/2023

L. Applicable Codes and Standards:

Middleton City Code 1-15-7, Idaho State Statute 67-6512 and IDAPA rules regarding daycare.

M. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission will make the final decision and order on this application. It does not proceed to City Council for consideration. Per State law and the Middleton City Code, any final order must be based upon findings of facts and conclusions of law.

As to Findings of Facts, Planning Staff has set forth above the facts to be considered in the application.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application (MCC 1-5-5). The Commission has the authority to approve the application with or without conditions of approval or deny the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a recommendation on the application.

Special Use Permit Application: If the Commission is inclined to approve the application, then Planning Staff recommends that any approval be subject to the following conditions:

1. State licensing must be finalized after City issues the Special Use Permit. Special Use Permit to be revoked if Applicant does not provide City Planning Staff with a copy of the State license within nine months of Special Use Permit approval.
2. All requirements of local, state and federal agencies are to be completed and approved.

Finally, if the Commission denies the application, then the Commission should state what the applicant could do, if anything, to obtain approval. (Middleton City Code 1-14(E)(8)).

Prepared by Roberta Stewart
Planning & Zoning Official

Dated: June 2, 2023

Exhibit "A"

Agency Licensing & Comments



Middleton Star Fire Districts

11665 W. State St, Suite B, Star, ID 83669

FD Daycare Inspection

Issued

Permit Number	23MF-041	Issued To	Love Grows Here LLC
Effective	02/14/2023	Located On	1151 Overland TRL
Expires	02/14/2025		Middleton, ID 83644
		Fee	\$25.00

Issued On	02/14/2023	Authorized On	02/14/2023
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Victor Islas

Victor Islas

VICTOR ISLAS

Victor Islas, Deputy Chief

Middleton Star Fire District
11665 W. State St., Suite B
Star, Idaho 83669
Victor Islas, Fire Code Official

MIDDLETON STAR FIRE DISTRICTS
INSPECTION REPORT
LOVE GROWS HERE LLC, 1151 OVERLAND TRL, MIDDLETON ID 83644



DETAILS

Inspection Date: 02/14/2023 | Inspection Type: Daycare Facility | Inspection Number: 69 | Shift: N/A | Station: N/A | Unit: F503 |
Lead Inspector: VICTOR ISLAS | Other Inspectors: N/A

VIOLATIONS

No Violations Found

GENERAL NOTES

VICTOR ISLAS - 02/14/2023 @ 10:43	Occupancy Load Max 18 (Net 35)
VICTOR ISLAS - 02/14/2023 @ 10:43	Inspection Valid 2/14/2023-2/14/2025
VICTOR ISLAS - 02/14/2023 @ 10:44	Permit 23MS-041

NEXT INSPECTION DATE

02/14/2025

FEE

Invoice Date: 02/14/2023 | Inspection Fee: \$25.00 | Date Paid: 02/14/2023 | Amount Paid: \$25.00 | Invoice Number: N/A |
Check Number: 127 | Transaction Number: N/A

CONTACT SIGNATURE

Christina Curry
Signed on: 02/14/2023 @ 10:47





Certificate of Completion

Christina Curry

has successfully completed requirements for

Adult and Pediatric First Aid/CPR/AED

conducted by
American Red Cross

Date Completed: **04/09/2022**

Valid Period: **2 Years**

Instructors: **Kenneth McCord**



Certificate ID: 00T4PIN

To verify, scan code or visit: <https://www.redcross.org/take-a-class/qrcode?certnumber=00T4PIN>

INSPECTOR SIGNATURE

VICTOR ISLAS

Signed on: 02/14/2023 @ 10:47



QUESTIONS ABOUT YOUR INSPECTION?

VICTOR ISLAS

vislas@starfirerescue.org

2088601078

Exhibit "B"

Public Comments

From: [Bradley Bingham](#)
To: [Roberta Stewart](#)
Subject: Day care center in West highlands
Date: Wednesday, May 24, 2023 4:36:15 PM

To whom it may concern:

I want to oppose the special use permit within our neighborhood. First, the traffic from others visiting their home has already caused issues with multiple cars parking on the corner of Big Horn and Overland. I have been a witness to a few close calls with other cars that have been blocking sight to see around the bend in the street. Their neighbors have a Ford SUV parked that hasn't moved in a year on the same corner across the street. I go past this house every day to work and have had issues with cars blocking the street when picking up or dropping off children

Second, I know that our HOA has rules regarding businesses within the community and the Currys signed an agreement when they purchased the property to follow the HOA rules. It might not be all legal, but a contract with the other neighbors has been signed by the HOA policies.

Third over the last few years, the Currys leave a huge 30+ foot camping trailer parked for weeks on end on the side of their house, plugged in with a cord across the public sidewalk causing a tripping hazard. They have left utility trailers parked as well and all these are causing more traffic. Our streets were not designed to have this issue. Also, it is against our HOA rules. How are we as neighbors going to believe they will not cause issues if they are already willing to break the trust of the neighborhood by breaking the HOA agreement that they have signed?

In the best interest, this type of business needs to be placed in a zone that is already allowed to have this type of business. Please again let it be known that I oppose this action to allow the special permit to allow. Please allow my note to be heard.

I oppose the Application by Christina Curry for a special use permit to operate a licensed daycare center from her home located at 1151 Overland Trail, Middleton, Idaho. The operation will provide daycare for up to 12 children that are unrelated to Ms. Curry.

//Signed//

Bradley W. Bingham
208-965-9560

From: [Dwayne Chris Christensen](#)
To: [Roberta Stewart](#)
Subject: Special use permit.
Date: Saturday, May 27, 2023 11:40:07 AM

We are in favor of the special use permit to operate a daycare center on 1151 Overland Trail street by Christine Curry.
Please save this for the meeting.
Thank you

Dwayne (Chris) Christensen
208-850-9973
1112 Overland Trail St.
Middleton, Id. 83644

From: [Donn Hessman](#)
To: [Roberta Stewart](#)
Subject: Public Hearing Notice - Special Use Permit to Operate Daycare in home
Date: Monday, June 5, 2023 4:26:24 PM

We live at 1030 Overland Trail St in the West Highlands. We are totally against this request for the following reasons.

First it is a safety issue, especially during the school year. During this past school year, there were many times that there was traffic congestion, children darting out between parked cars, cars parking right on the corner or even double wide causing several almost accidents. If this permit allows for even more children, it will certainly get even worse. On several occasions we were forced to go another direction thus adding traffic to another street.

Secondly, we are concerned about property values being affected by having a business in the neighborhood. Will this permit allow for even more businesses in the future?

We moved to this residential area for a reason. We wanted a quiet and low traffic residential homesite. Not a neighborhood that has businesses operating in it.

Donn and Jan Hessman
1030 Overland Trail St.

From: frankanddee2@frontier.com
To: [Roberta Stewart](#)
Subject: Proposed Daycare in West Highlands on Overland Trail street
Date: Monday, June 5, 2023 4:36:55 PM

Hello,

My name is Frank and I live on Overland Trail Street just down from the proposed Daycare site on the corner. I am concerned about this because the residence already suffers from parking issues. This is already a very busy location with vehicles parking on the side of the street causing traffic to take alternate routes. I know our HOA does not allow long term street parking but this location has many cars parked on the street in front and by their house. I am in no way trying to say they cannot have a Daycare but I am concerned about the congestion and parking problems it will cause. Thank you for your consideration.

Frank

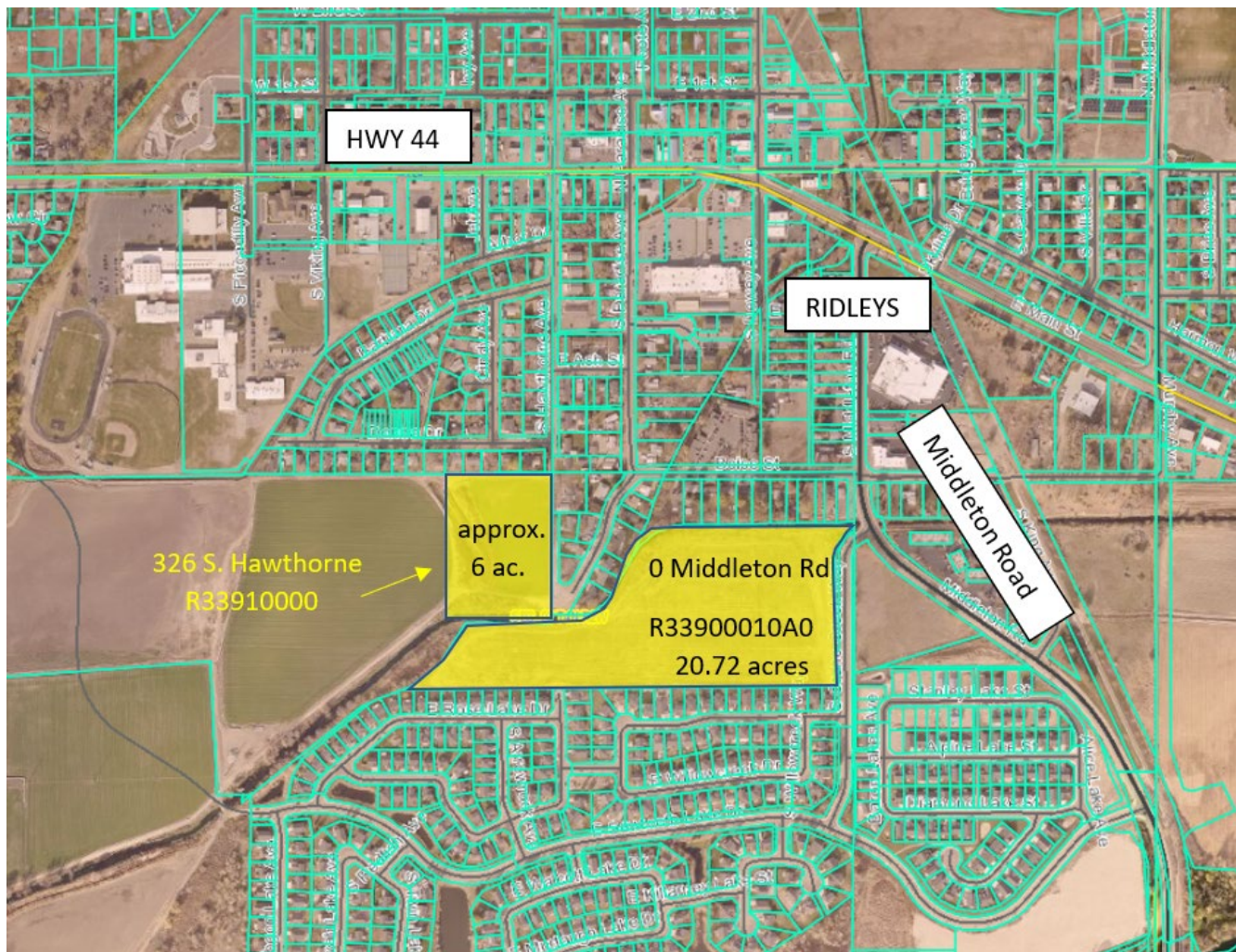


STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

Mill Creek Plaza

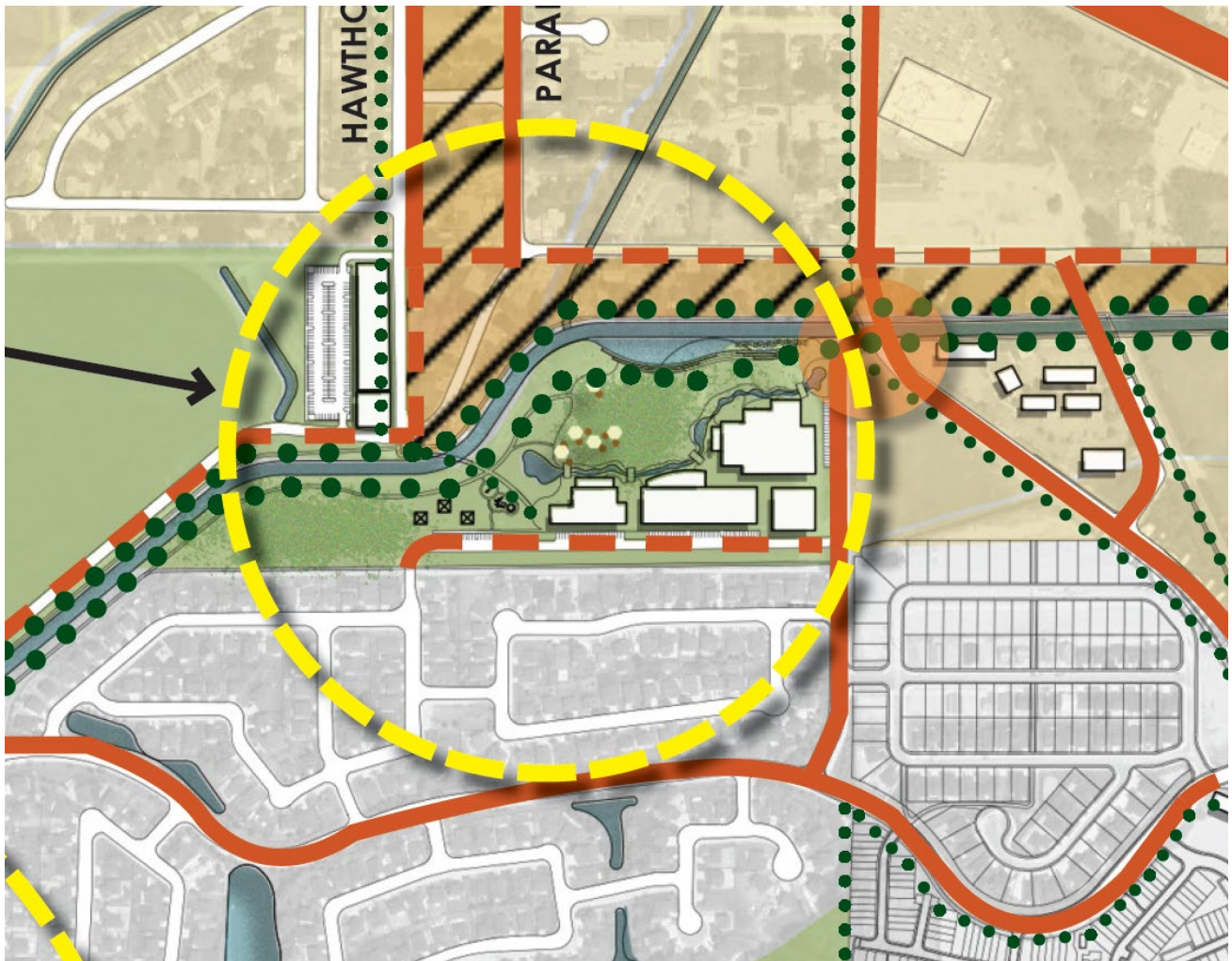
Rezone & Comprehensive Plan Amendment



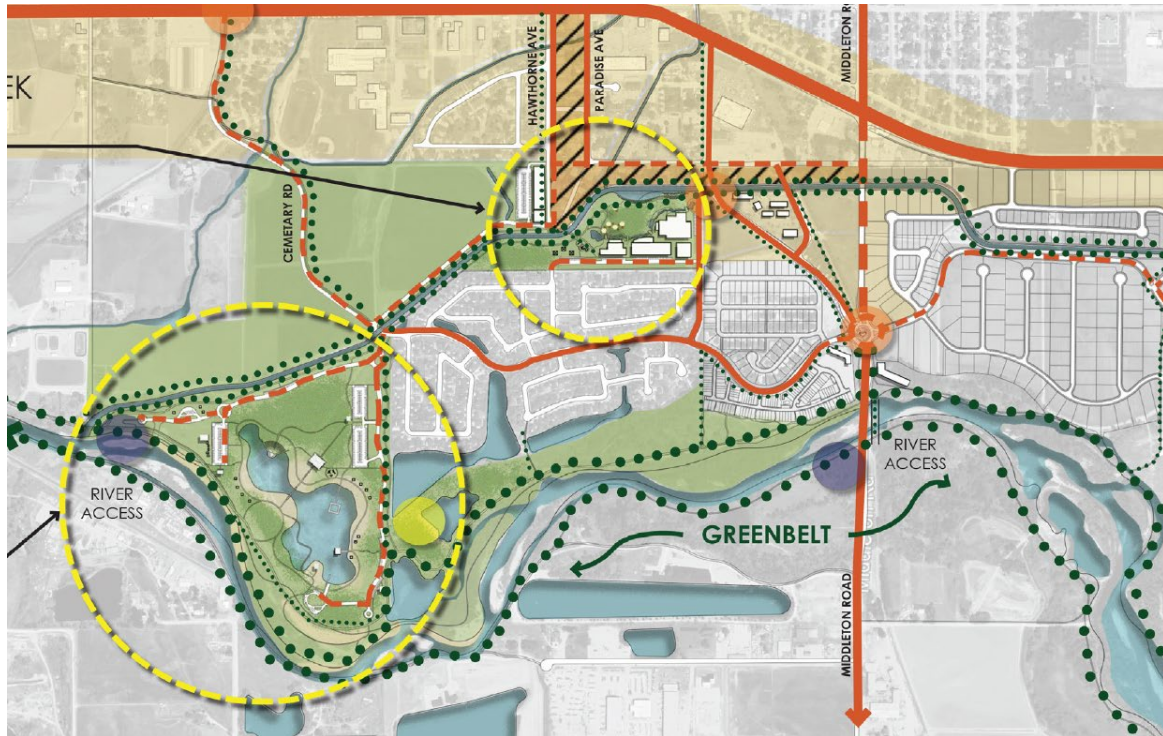
- A. Planning & Zoning Commission Hearing Date:** June 12, 2023
- B. Application Request & Project Description:** City application for rezone of two parcels owned by the City of Middleton (Parcel No. R33900010A / 0 Middleton Road and Parcel No. R3391000 / 326 S. Hawthorne Road). City Staff is requesting the

governing boards to rezone the property from R-3 (Single Family Residential) and A-R (Agricultural Residential) to M-U (Mixed-Use) to pave the way for a future mixed use project to be known as the Mill Creek Plaza. The Rezone request will also require a change to the Comprehensive Plan's Future Land Use Map ("FLUM") to change the designation on the FLUM from "Public" to "Mixed Use".

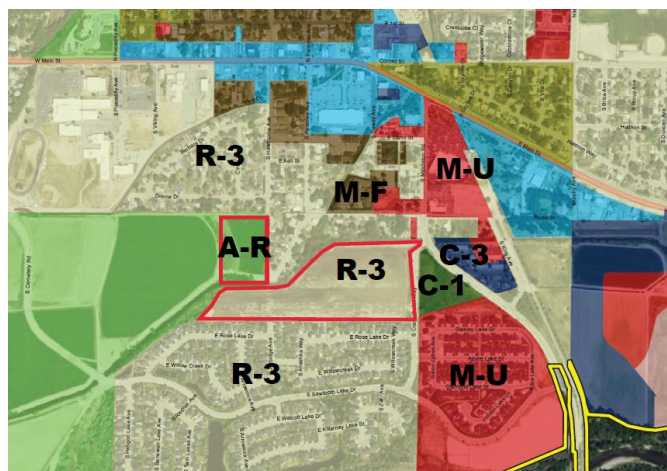
The new City Plaza is intended to be a gathering place that will be in the heart of the City's planned "River Walk District." The new plaza may have restaurants, retail, office, and possibly some residential components that will create a vibrant place for residents of Middleton to visit, live, shop, and play. The plaza will provide plaza areas for relaxing and event areas for winter play, summer play, concerts, markets and other outdoor events.















The Mill Creek Plaza will also tie into the five miles of River Walk pathways that lead to the 98 acre River Walk Park and Boise River greenbelt trail.



- C. Current Zoning, Land Use & Property Condition:** Currently the project parcels are vacant land zoned R-3 (Single Family Residential) and A-R (Agricultural Residential). The parcels are surrounded by a variety of zones, including some zones with high density: M-F (Multi-Family), C-3 (Heavy Commercial), C-1 (Neighborhood Commercial), M-U (Mixed Use), R-3 (Single Family Residential) and A-R (Agricultural Residential).



Zoning

	A-R		R-1
	C-1		R-2
	C-2		R-3
	C-3		R-4
	M-1		R-4T
	M-2		M-F
	M-U		

A rezone to Mixed Use will allow commercial uses such as retail, restaurants, banks, spas, art studio, entertainment facilities, professional services, drycleaning, office...etc. Mixed Use zoning also accommodates single family residential housing and townhomes. Apartments or multi-family dwellings are strictly prohibited in the M-U zone.

- D. **City Services:** Water and sewer are immediately adjacent to the property on three sides and transect the property right below the drain and pedestrian bridge, so City Services are readily available to the site.
- E. **Rezone:** Applicant is requesting that the 20 acre parcel that is currently zoned R-3 be rezoned to M-U and requesting that the six acre property that is currently zoned A-R be rezoned to M-U.

An application for rezone requires two findings before the Commission can recommend approval: (1) the rezone will not adversely affect the City's delivery of services and (2) the rezone request is not in conflict with the Comprehensive Plan. (Idaho Code 67-6511)

FINDINGS:

Planning Staff finds that the rezone will not adversely affect the City's ability to deliver services because sewer and water service are adjacent to the project site on three sides.

Planning Staff also finds that the rezone request is in harmony with the Comprehensive Plan. Specifically, the rezone is in compliance with the following Goals & Strategies:

Goal 7: The rezone and subsequent project will "invite commercial development that provides employment opportunities for residents."

Goal 8: The project will "promote a vibrant community that attracts businesses and people. It will also improve the tourism economy in the City and will establish facilities that help utilize the river frontage and outdoor recreation areas."

*Goal 9, Strategy 2: The project "**creates a river district between Whiffin Lane and Duff Lane south of Highway 44 and adjacent to the Boise River**".*

Goal 10: Project "designs open spaces as part of large-scale developments and locates buildings near open, public spaces to promote activity."

Goal 22: Project "establishes interesting gathering places that encourage walkability and promotes good health and positive social interaction."

- F. Comprehensive Plan Map Amendment:** Although the rezone and future Plaza project are in harmony with the Goals and Strategies of the City’s Comprehensive Plan, it does not fit squarely with the Future Land Use Map that shows the project parcels to be “Public.” City Staff requests that the FLUM be amended to show the project parcels as Mixed Use, which is defined in the Comprehensive Plan as a combination of Commercial and Residential uses.



In order to amend the Comprehensive Plan Maps, the Governing Boards need to find that the proposed amendment is in harmony with the Comprehensive Plan. (MCC 1-14-3)

City Staff finds that an amendment to the FLUM changing the project parcels from “Public” to “Mixed Use” is in harmony with the stated goals in the Comprehensive Plan. As shown above, the Comprehensive Plan contemplates a River District with commercial plaza and gathering place south of Hwy 44 between Whiffen and Duff Lane. Additionally, changing the FLUM from “Public” to “Mixed-Use” comports with Goals, 7, 8, 9, 10 & 22, as already stated above.

- G. Comments Received from Surrounding Landowners:** Public Comments received via email are attached as Exhibit “A”
- H. Comments from Agencies:** None.
- I. Comments from City Engineer and Planning Staff:** None N/A
- J. Notices & Neighborhood Meeting:**

	Dates:
Newspaper Notification	5/28/2023
Radius notice to adjacent landowners	5/12/2023
Circulation to Agencies	5/23/2023
Sign Posting property	5/23/2023
Neighborhood Meeting	5/25/2023

K. Applicable Codes and Standards:

Middleton City Code 1-14 and 5-2, and Idaho State Statute 67-6511.

L. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with making recommendations to City Council to either deny or approve the applications for rezone and comprehensive plan map amendment.

Per State law and the Middleton City Code, any recommendation must be based upon findings of facts and conclusions of law.

As to Findings of Facts, Planning Staff has set forth findings of facts above in parentheses.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear these applications and to recommend approval or denial of the applications. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a recommendation on the applications.

Rezone and Preliminary Plat Applications: If the Commission is inclined to recommend approval of the applications, then Planning Staff does not recommend any conditions of approval.

If the Commission recommends denial of the applications, then the Commission should state what the applicant could do, if anything, to obtain approval. (Middleton City Code 1-14(E)(8)).

Prepared by Roberta Stewart
Planning & Zoning Official

Dated: 6/2/2023

EXHIBIT "A"

Public Comments

From: [Connor Southerton](#)
To: [Roberta Stewart](#)
Subject: Neighborhood meeting for May 25th
Date: Tuesday, May 16, 2023 3:02:57 PM

for the rezoning of the lots near Middleton Road and Middleton Lakes Subdivision.

I cannot make the meeting, but wanted it known as a resident of Middleton Lakes. I am for the rezoning of that area to mixed use. I am also for the park and river walk behind the subdivision. Thank you! Let me know if I can do anything else to help.

--

Connor Southerton, Middle School Minister

eaglechristianchurch.com | 503.360.4198



From: [Brian Jordan](#)
To: [Roberta Stewart](#)
Subject: Rezoning S. Hawthorne
Date: Monday, May 15, 2023 10:17:24 AM

I am writing today about the cities plan to rezone South Hawthorne south of Donna st. I am 100% against this idea. We don't need any more traffic on Hawthorne. Paradise already has business on it, and the road already extends to the creek. We do not need businesses North of mill creek. South of the creek is fine, but this is a quiet neighborhood that does not need the extra traffic and the potential crime related to more traffic.

Thank you for your time

Brian Jordan
313 Cindy Ave

From: [Sioux Danes](#)
To: [Roberta Stewart](#)
Subject: rezone parcel number R33900010A0 AND R339100000
Date: Thursday, May 25, 2023 3:45:58 PM
Attachments: [park.pdf](#)

ABSOLURELY NOT!!!!!!

THIS IS TO BE PARK, NEEDS TO REMAIN BEING PARK, WE DO NOT NEED MORE HOUSES AND DEFINITELY NO MORE TRAFFIC!

FIRST THE MAYOR AND CITY COUNCIL PUT IN A ROCK QUARRY WHERE THE LOWER END OF THE PARK WAS TO BE WITHOUT NOTIFYING US AND NOW THIS!

YOU NEED MORE REVENUE, IT NEEDS TO BE BUSINESS IN A BUSINESS AREA. NOT STUFF MORE OF THIS DOWN OUR THROATS,

THEY ARE DESTROYING THIS PART OF OUR COMMUNITY AND THIS NEIGHBORHOOD. THIS IS JUST ONE OF THE SEVERAL INFARCTIONS THEY HAVE IMPOSED ON OUR NEIGHBORHOOD.

I ALSO REALIZE THAT IT WAS BY DESIGN THAT YOU PICKED THIS DATE FOR THE MEETING, SCHOOL IS OUT TODAY, PEOPLE ARE ATTENDING GRADUATIONS, LEAVING TOWN FOR THE THREE DAY WEEKEND,

GUARANTEEING LOW ATTENDANCE TO THE MEETING... I AM TIRED OF THESE SIDEWAYS POLITICS

ATTACHED YOU WILL FIND A MAP OF THE PARK.....

KEEP IT A PARK!!!!