



AGENDA

Middleton Planning & Zoning Commission Meeting

Date: **Monday, November 14, 2022**

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 September 7, 2022 joint meeting
 - b. Consider approving minutes for September 12, 2022 regular meeting
 - c. Consider approving minutes for October 17, 2022 regular meeting
 - d. Consider approving FCO for Special Use Permit for CRMPRD at 18 Minot Street.
 - e. Consider approving FCO for Variance for Parcel R17787010. (Stephen's Application)
 - f. Consider approving FCR for City Code amendments (Sections MCC 1-3-1, 4-5-11, 5-4-1, Table 1, and 5-4-4).
2. Consider approving Design Review Application for a US Bank ATM Kiosk located in the Ridley's parking lot. – Ms. Reynolds
3. Consider approving Design Review Application for Republic Storage buildings. – Ms. Stewart
4. Consider approving dates for City Council and the Planning and Zoning Commission Regularly Scheduled Meetings in 2023. – Ms. Stewart

Public Comments, Commission and Staff Comments, Adjourn

Posted by:


Jennica Reynolds - Deputy Clerk, Planning

Date: November 10, 2022, at 5:00 p.m.

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

1a

**JOINT MEETING
MIDDLETON CITY COUNCIL, PLANNING & ZONING COMMISSION,
MIDDLETON URBAN RENEWAL AGENCY (MURA)
SEPTEMBER 7, 2022**

The Joint Meeting was called to order at on September 7, 2022, at 5:32 p.m. by Council President Rob Kiser.

Roll Call:

City Council: Council President Kiser, Council Members Huggins and O'Meara were present
Council Member Murray was absent.

P&Z Commission: Chairman Waltemate, Commissioners Summers, Christiansen and Tremble were present. Commissioner Crofts was absent.

MURA: Chairman Kiser, Commissioners Huggins and Waltemate were present. Commissioners Bishop and Lohrengel were absent.

City Attorney Douglas Waterman, City Administrator Becky Crofts, City Treasure Wendy Miles, Public Works Director Jason Van Gilder and Deputy Clerks Jennica Reynolds and Amber Day were present. Mayor Rule was absent. MURA attorney Meghan Conrad entered at 5:41 p.m.

Pledge of Allegiance, Invocation: JoEllen Ringer

Action Items

A. Approve Amended Agenda

Motion: Motion by Council President Kiser to approve the agenda as posted September 6, 2022, at 10:15 a.m. Motion seconded by Council Member O'Meara and approved unanimously by all the board members present.

Joint Workshop: Workshop to discuss Urban Renewal

City Administrator Becky Crofts, Public Works Director Jason VanGilder, City Attorney Douglas Waterman and MURA Attorney Meghan Conrad gave an update of the progress and next steps for the formation of the MURA East Revenue Allocation Area. Information was shared. No decisions were made.

Adjourn Joint Meeting: Council President Kiser adjourned the Joint Meeting at 5:56 p.m.

ATTEST:

Ray Waltemate, Chairman
Planning & Zoning Commission

Jennica Reynolds, Deputy Clerk
Minutes Approved: November 14, 2022

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
SEPTEMBER 12, 2022**

Pledge of Allegiance, Roll Call & Call to Order: The September 12, 2022, Planning and Zoning Commission Meeting was called to order by Vice Chairman Summers at 5:38 p.m. Commissioners Crofts, Christiansen and Tremble were present. Chairman Waltemate was absent. Planning & Zoning Official, Roberta Stewart and Planning Deputy Clerk, Jennica Reynolds and City Attorney Taylor Yett were also present.

Information Items

1. Middleton School District #134 status and information. – Superintendent Marc Gee.

Superintendent Gee gave a presentation on Middleton School District #134 enrollment numbers and how they are planning to address population growth.

Information was shared. No decisions or action was taken.

Action Items:

1. Consent Agenda (items of routine administrative business)

- a. Consider approving August 8, 2022, regular meeting minutes.
- b. Consider approving FCR for Hidden Mill Subdivision Preliminary Plat

Motion: Motion by Commissioner Tremble to approve the consent agenda items 1a & b. Motion seconded by Commissioner Christiansen and passed unanimously.

2. Design Review – Middleton Self Storage – Jennica Reynolds

Planning Staff – Jennica Reynolds presented the Design Review application for Middleton Self Storage. The initial design review had been approved in 2019. According to MCC design review is valid for only 12 months, thus the re-application.

Motion: Motion by Commissioner Christiansen to approve the Design Review for Middleton Self Storage with the conditions of approval set forth in the Staff Report from September 9, 2019. Motion seconded by Commissioner Tremble and passed unanimously.

3. Public Hearing: Application by Adam Capell/Toll Brothers Building Company & Nicolette Womack/Kimley-Horn Engineering for annexation and rezone, preliminary plat, and development agreement with respect to the Black Powder Subdivision located at 0 Cemetery Road, Middleton, Idaho (tax parcel no., R38207). The annexation involves 40.28 acres of vacant land currently zoned County "Agricultural." Applicants are requesting a rezone to R-3 (single family residential). The preliminary plat includes 105 single family home lots and 17 common lots. – Roberta Stewart

Vice Chairman Summers opened the public hearing at 6:05 p.m.

City Planner Stewart presented a PowerPoint presentation of the Staff Report (Exhibit 1)

Ms. Stewart answered Commissioner questions regarding the Traffic Impact Study that will be complete early 2023.

Applicant Representative Nicolette Womack – Kimley-Horn presented a slide show detailing the Black Powder Subdivision. (Exhibit 2)

Ms. Womack and Ms. Stewart answered Commissioners questions regarding: the power poles in the right of way, pathways and pro-rata traffic fees and School District.

Vice Chairman Summers opened the public testimony at 6:59 p.m.

Nathan Hilkey: In Favor- Even if the property is not annexed it will be developed and the unincorporated County residents will use all the parks, roads and concerned about power poles. They were just moved. He wants to make sure developers pay their fair share.

Applicant Rebuttal: Jeff Bowers – Applicant Representative – Toll Brothers does have a history of paying their fair share. They have paid \$350,000 towards SH44/Cemetery Rd intersection. They will also pay the Mid/Star CIP traffic impact fee. Currently the TIS does not address pro-rata share.

Vice Chairman Summers closed the public testimony at 7:06 p.m.

Discussion by Commissioners regarding the traffic concerns and waiting for the City Traffic Study to be completed in 2023. Then look at the development.

Motion: Motion by Commissioner Christiansen to recommend for denial to City Council an Application by Adam Capell/Toll Brothers Building Company & Nicolette Womack/Kimley-Horn Engineering for annexation and rezone, preliminary plat, and development agreement with respect to the Black Powder Subdivision siting lack of information from the City Traffic Study to be completed 2023. Motion seconded by Commissioner Tremble. Motion approved by a 3-1 vote. Christiansen, Crofts, Tremble – Yes. Summers – No.

Vice Chairman Summers closed the public hearing at 7:16 p.m.

Vice Chairman Summers called for a brief recess at 7:16 p.m. The meeting resumed at 7:28 p.m.

4. Public Hearing: Application by Patrick Connor/Hubble Homes for preliminary plat and development agreement termination with respect to the Waterford East Subdivision located at 0 Foothills Road (Tax Parcel Nos. R338540 & R33854011). The proposed preliminary plat consists of 164 single family home lots, 14 common lots, and 6 private lane lots on approximately 61 acres of vacant land zoned R-3 (Single-Family Residential). – Roberta Stewart

Vice Chairman Summers opened the public hearing at 7:29 p.m.

City Planner Stewart presented a PowerPoint presentation of the Staff Report (Exhibit 3) She introduced comment letter from the Richards received late and Exhibit F of the Staff Report into the record.

Ms. Stewart answered questions regarding prior annexation for this development and surrounding developments, preliminary plat compliance with city code and proposed stub roads.

Vice Chairman Summers opened public testimony at 7:51 p.m.

Applicant Patrick Connor – Hubble Homes presented a slide show detailing the proposed Waterford East Subdivision. (Exhibit 4)

Mr. Connor answered questions from the Commissioners about possible ways to work with the school districts in the area to promote the funding of schools.

Kasey Strohmeier: Concerned about Middleton Mill Ditch and future plans for 9th Street.

Roberta Stewart: Maps are found on the City website. 9th Street is planned as a collector road and will move traffic.

Kristi Cox: Concerned about the stub road that connects to the middleton of her lot. Wants it to go away.

Mikell Bartell: Concerned about traffic.

John Syme: Concerned about traffic.

Jerry Enos: Concerned about stub road and possible increase of traffic.

Ken Pahlas: Wants to see help from developers to promote school districts and bonds.

Concerned about stub road. Happy to see habitat preserved.

Bruce Bayne: Concerned about the weeds he has had to deal with. Wants a stub road to his property. Concerned about irrigation/floodwater, as well as double story homes abutting his property.

Applicant Rebuttal: Patrick Connor:

- City's pathway plan is to have access to slough. They are open to discussing safety fencing by the park.
- Stub roads are required by City for to and through access and utility access. They will provide fencing across stub road to prevent people accessing the Cox property.
- Doesn't make sense to require single family housing when the properties abut large fields.
- There was a problem with the weeds, but once they were made known to the developer, they have been taken care of within a week.
- There is a 15 ft access easement for the drainage district on the plat.

Commissioner Christiansen: City cannot demand they build only single-story homes. But perhaps the builder could look into it.

Mr. Connor: We want to be good neighbors and we can have conversations off-line.

Vice Chairman Summers closed public testimony at 8:38 p.m.

Discussion by Commissioners of stub road.

Summers stated that the plat meets City code, the property is already annexed and zoned. There is no reason to deny the application.

Motion: Motion by Commissioner Christiansen to recommend for approval to City Council the application by Patrick Connor/Hubble Homes for preliminary plat and development agreement termination with respect to the Waterford East Subdivision. Motion seconded by

Vice Chairman Summers.

Vote: TIE 2:2

Christiansen, Summers – Yes

Crofts, Tremble – No. Crofts said it doesn't feel right. Tremble denied based on the traffic and the Commission's decision of the previous application.

Application is recommended for denial due to a tie vote.

Vice Chairman Summers closed the public hearing at 8:48 p.m.

Public Comments, Commission and Staff Comments

Kristi Cox – Asked about the timeline for this application to go to City Council.

Mikel Bartol – Wants to see the City and County collaborate together.

Ken Pahlas – The City Planner should not advise the commission.

Jerry Enos – Wants to see larger lots in the city.

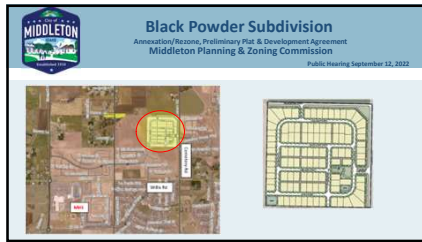
Adjourn: Vice Chairman Summers adjourned the meeting at 8:58 p.m.

Heidal Summers, Vice Chairman

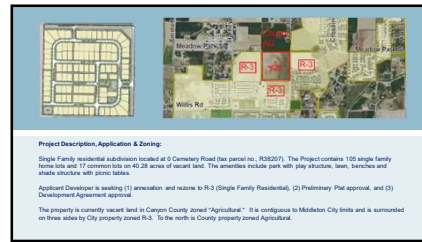
ATTEST: Jennica Reynolds
Deputy Clerk, Planning

Approved: November 14, 2022

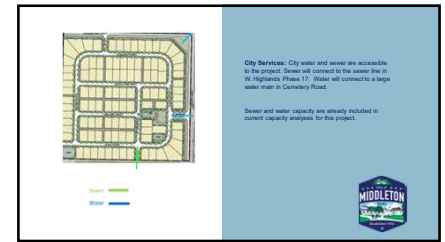
EXHIBIT “1”



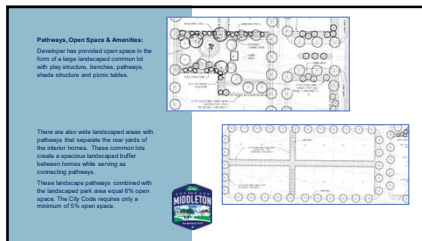
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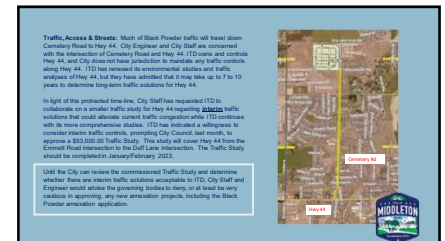
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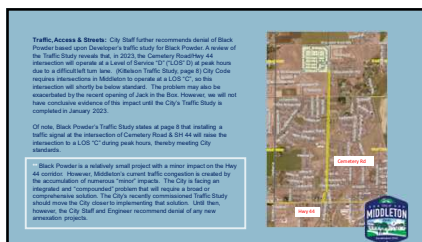
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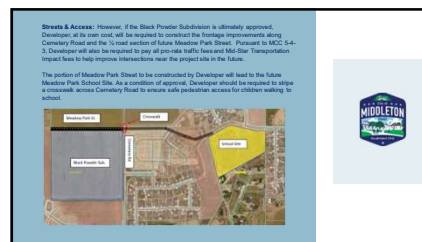
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Annexation and Rezoning: Applicant is requesting that the 40-acre project be annexed into the City of Middleton with a zone change to R-3 "Single Family Residential." There are three findings that must be made before annexation can be approved:

- 1) The property must be contiguous to City limits.
- 2) City services such as sewer, water, schools, and transportation systems can be extended to serve the site.
- 3) The annexation is determined to be an orderly development of the City, allowing an efficient and economical extension of City services. (State Code 50-222.)

An application for rezoning requires findings before the Commission on rezoning approval:

- 1) The rezoning will not adversely affect the City's delivery of services such as sewer, water, schools, and roadway systems.
- 2) The rezoning request is not in conflict with the Comprehensive Plan. (State Code 67-4511)



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Annexation and Rezoning: With respect to annexation, Planning Staff finds that Applicant's project meets the criteria of contiguity and the requirement that City sewer and water be readily available.

Planning Staff advises the governing bodies to carefully consider whether the proposed annexation can "orderly" development allowing the efficient and economical extension of services" and, specifically whether the City's roadway system can serve the site. Interactions along the way are efficiently serve the site.

As to the rezoning application, Planning Staff finds that the rezoning will not adversely affect the City's ability to deliver sewer and water as already noted above. But, the project may adversely impact the roadway system, affecting the City's ability to maintain a safe and viable roadway system. This would be in conflict with the Comprehensive Plan's Goals 1.6.2 to provide safe streets, pedestrian facilities, and adequate public services.

Staff cautions, however, that we cannot forget that a City generally needs growth and annexed property to remain healthy and vital. Moreover, many city needs are built by Developers (without taxpayer contribution), and Developers contribute millions of dollars in traffic fees that improve intersections and roads in Middleton. Therefore, any solution or decision should be a balanced decision.



We will not have a clear picture of the problem and any solutions for this. At until the Traffic Study is completed in early 2022. Therefore, City Staff recommends that the Annexation/Rezoning application be denied due to the lack of information on roadway services.



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Preliminary Plat Application: The preliminary plat shows two phases of development. Planning Staff finds that the proposed preliminary plat conforms with the State Code 50-222 and all the standards and dimensions set forth in the City Code for the R-3 Zone. Applicant is not requesting any variances, both Code and Standards.

The preliminary plat also provides less density than is permitted in City Code. Block Planter's density is 2.61 homes per gross acre, which is less than the 3 homes per gross acre allowed by code. (MCC 5-4-1, Table 2.)





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Development Agreement: A Development Agreement ("DA") Application is generally required for any request to rezone property. The conditions of development set forth in the proposed DA are:


1. Developer will develop the community generally consistent with the concept plans attached to the DA.
2. Developer will strip a crosswalk at the intersection of Cemetery Road and Meadow Park Street to provide safe access across Cemetery Road to the Future Meadow Park School site.
3. Developer to provide the following amenities: playground structure, benches, and shade structure with at least two picnic tables.
4. Developer shall improve the half road sections of Cemetery Road and Meadow Park Street at its own cost.
5. Developer to pay all code required Pro-Rata Share Traffic Fees pursuant to MCC 5-4-3.
6. Developer will have two years to obtain final plat approval for Phase 1. Developer may seek two 1-year extensions, thereby allowing a total of 4 years to bring Phase 1 to final plat approval. After Phase 1 final plat, Developer will have two years to obtain final plat approval for Phase 2. This two-year period may also be extended with two 1-year extensions. Failure to meet these time-lines may result in the City terminating the DA and nullifying the preliminary plat.

Of note, Planning Staff has had discussions with Developer about the traffic issues discussed earlier in this presentation. Any assistance or coordination between City and Developer be memorialized in the DA for this project. Developer has offered to pay its Mid-Star intersection area in 1/2 mile south of final plat for phases 1 and 2 rather than just their own time with each development. The Mid-Star fees are \$33,000. This would have been the Mid-Star program quarter. However, the Mid-Star fees are used at a myriad of intersections and roadways, so this accelerated funding may not effectively reduce any traffic solutions for the specific intersection of Cemetery Road and Dr. rd.



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Comprehensive Plan & Land Use Map: Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the proposed R-3 zone coincides with the "Woodfield Lane" shown on the FLUM.



Any noted earlier, Applicant's project is in conflict with Goals #1 and 3 to provide safe roads and adequate delivery of services. However, the project does comply with the following Goals, Objectives, and Strategies of the 2019 Middleton Comprehensive Plan as follows:

- a. Goal 6: Project creates quality lots for residential use that increase the quality of life and general welfare of the City as a whole.
- b. Goal 6: Water, sewer, and adjacent local roads will be expanded in an orderly manner consistent with population growth.
- c. Goal 10: Project provides playgrounds, pathways, and outdoor recreational activities.
- d. Goal 11: The housing type matches the residents' lifestyle in the area the project is located.


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Comments Received From Surrounding Landowners: None

Comments from Agencies: City received a comment from COMPAHS in April 2022 and ITD in August 2022. A comment letter from Middleton School District #14 was received on 9/8/2022. Copies of the letters were attached as Exhibit D to the Staff Report for public review and Commission consideration.

Comments from City Engineer and Planning Staff: Copies of Engineering and planning comments were attached as Exhibit "E" to the Staff Report.

Applicant Information: Applicants are Adam Capaldi/Tot Brothers and Nicollette Wismack/MonkeyPonies Engineering (3103 W. Sheng Dr. #100, Middleton 53642) 564 W. Barnett Street, #1100, Boise, 83702). Application was accepted on 1/25/2022.



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Notices & Neighborhood Meeting Dates:

Notice/Meeting	Date	Sign Posting	Date
Newspaper Notification	8/28/2022	Sign Posting	8/23/2022
Notice to adjacent landowners	8/23/2022	Neighborhood Meeting	1/10/2022
Conclusion to Agencies	8/23/2022		

Pertinent Codes and Standards:

State Standards for Public Works Construction, the Middleton Supplement to the State Standards for Public Works Construction, Middleton City Code 1-14, 1-16, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17, 3-18, 3-19, 3-20, 3-21, 3-22, 3-23, 3-24, 3-25, 3-26, 3-27, 3-28, 3-29, 3-30, 3-31, 3-32, 3-33, 3-34, 3-35, 3-36, 3-37, 3-38, 3-39, 3-40, 3-41, 3-42, 3-43, 3-44, 3-45, 3-46, 3-47, 3-48, 3-49, 3-50, 3-51, 3-52, 3-53, 3-54, 3-55, 3-56, 3-57, 3-58, 3-59, 3-60, 3-61, 3-62, 3-63, 3-64, 3-65, 3-66, 3-67, 3-68, 3-69, 3-70, 3-71, 3-72, 3-73, 3-74, 3-75, 3-76, 3-77, 3-78, 3-79, 3-80, 3-81, 3-82, 3-83, 3-84, 3-85, 3-86, 3-87, 3-88, 3-89, 3-90, 3-91, 3-92, 3-93, 3-94, 3-95, 3-96, 3-97, 3-98, 3-99, 3-100, 3-101, 3-102, 3-103, 3-104, 3-105, 3-106, 3-107, 3-108, 3-109, 3-110, 3-111, 3-112, 3-113, 3-114, 3-115, 3-116, 3-117, 3-118, 3-119, 3-120, 3-121, 3-122, 3-123, 3-124, 3-125, 3-126, 3-127, 3-128, 3-129, 3-130, 3-131, 3-132, 3-133, 3-134, 3-135, 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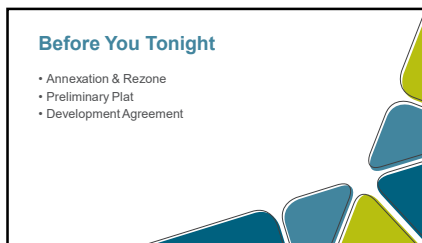
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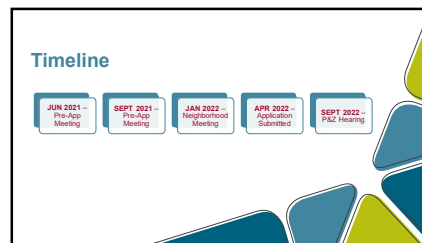
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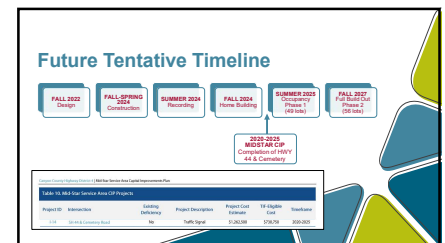
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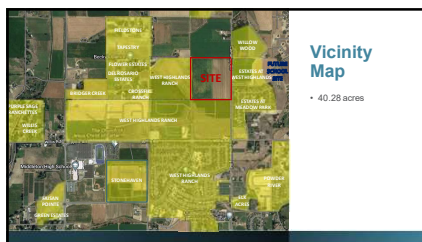
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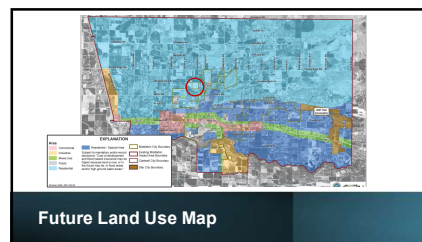
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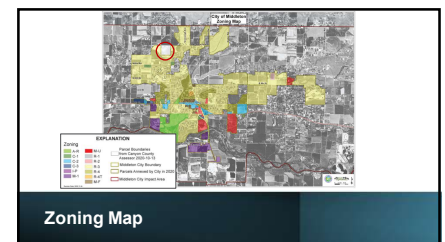
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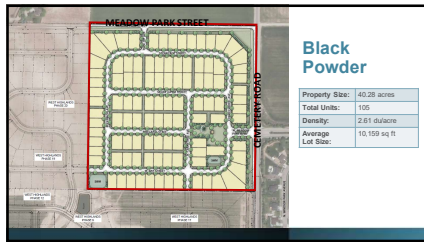
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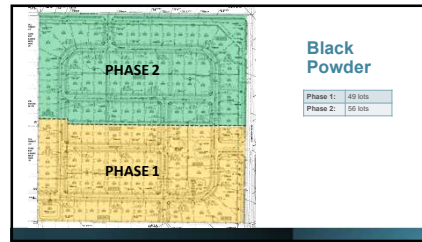
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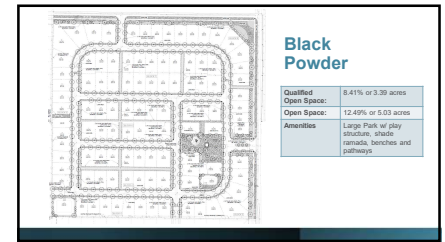
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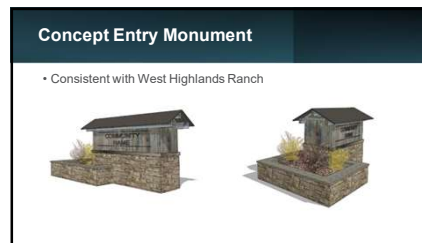
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Roadway Contributions

- 1/2 Street Improvements of Meadow Park Street (Leads to Future School Site)
- Stripe Crosswalk at Cemetery Road
- Improvements to Cemetery Road Frontage
- Pro-rata traffic fees to help improve intersections nearby
- \$5,050 Transportation Impact Fee with every building permit (\$530,000 Total) to be paid at start of each phase

16

ITD Comments

From: Vincent Trindall <vincent.trindall@itd.state.co.us>
Sent: Tuesday, August 23, 2022 2:48 PM
To: 'Kevin Hensley' <kevinhensley@denvergov.org>
Subject: RE: Rezone - Black Powder 02

ITD does not anticipate any significant traffic impacts to the State highway system from this development and has no objections to the proposed development.

Vincent Trindall
Assistant Planning and Development Services Manager
Office: 303.534.3837
Cell: 303.540.0752

YOUR Safety ... YOUR Mobility ... YOUR Economic Opportunity

17

Requested Action

- Recommendation of approval for the Annexation & Rezone, Preliminary Plat and Development Agreement

18

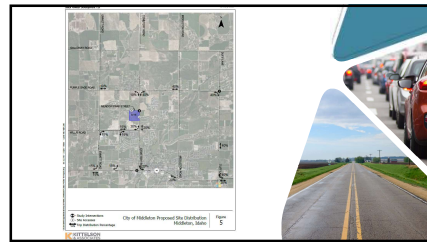
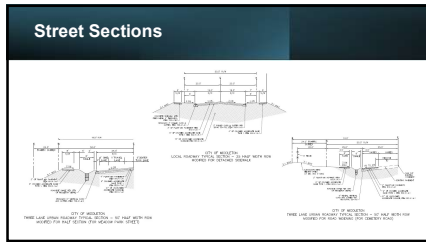


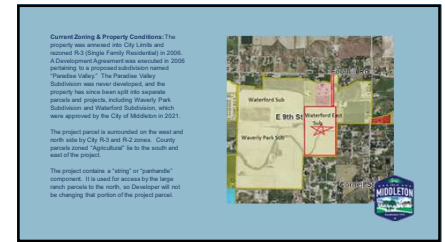
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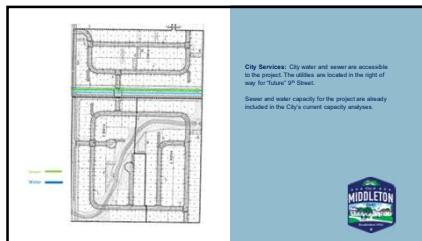
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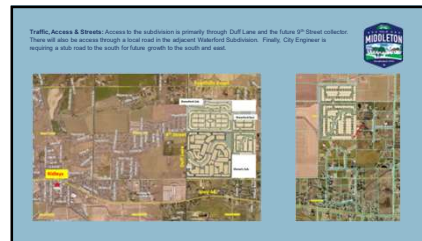
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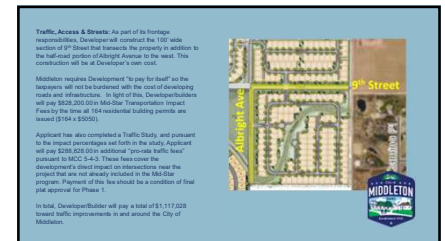
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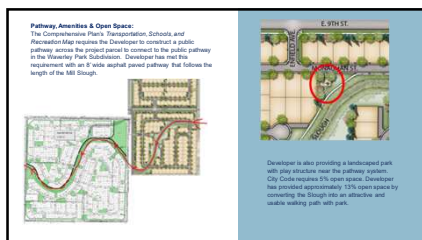
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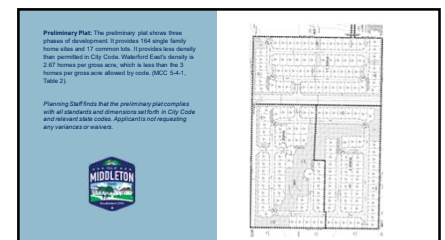
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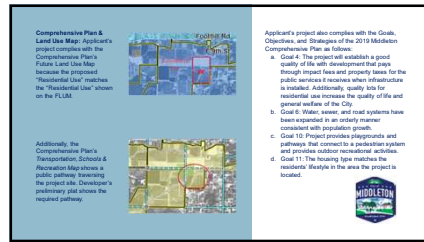
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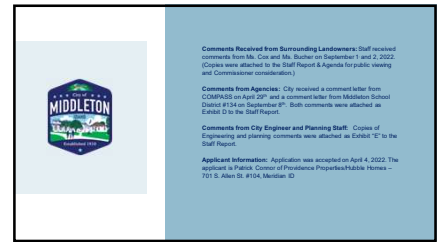
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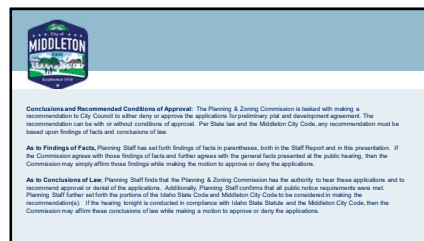
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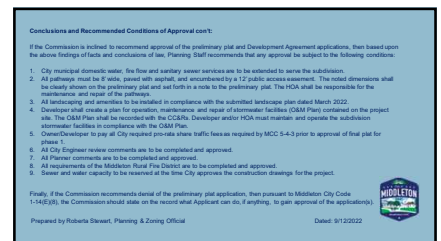
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EXHIBIT “4”

Waterford East

City of Middleton
Planning and Zoning Commission
September 12, 2022



Waterford East

This application is requesting approval of:

1. Preliminary Plat (164 SF lots)
2. Development Agreement Modification/Termination

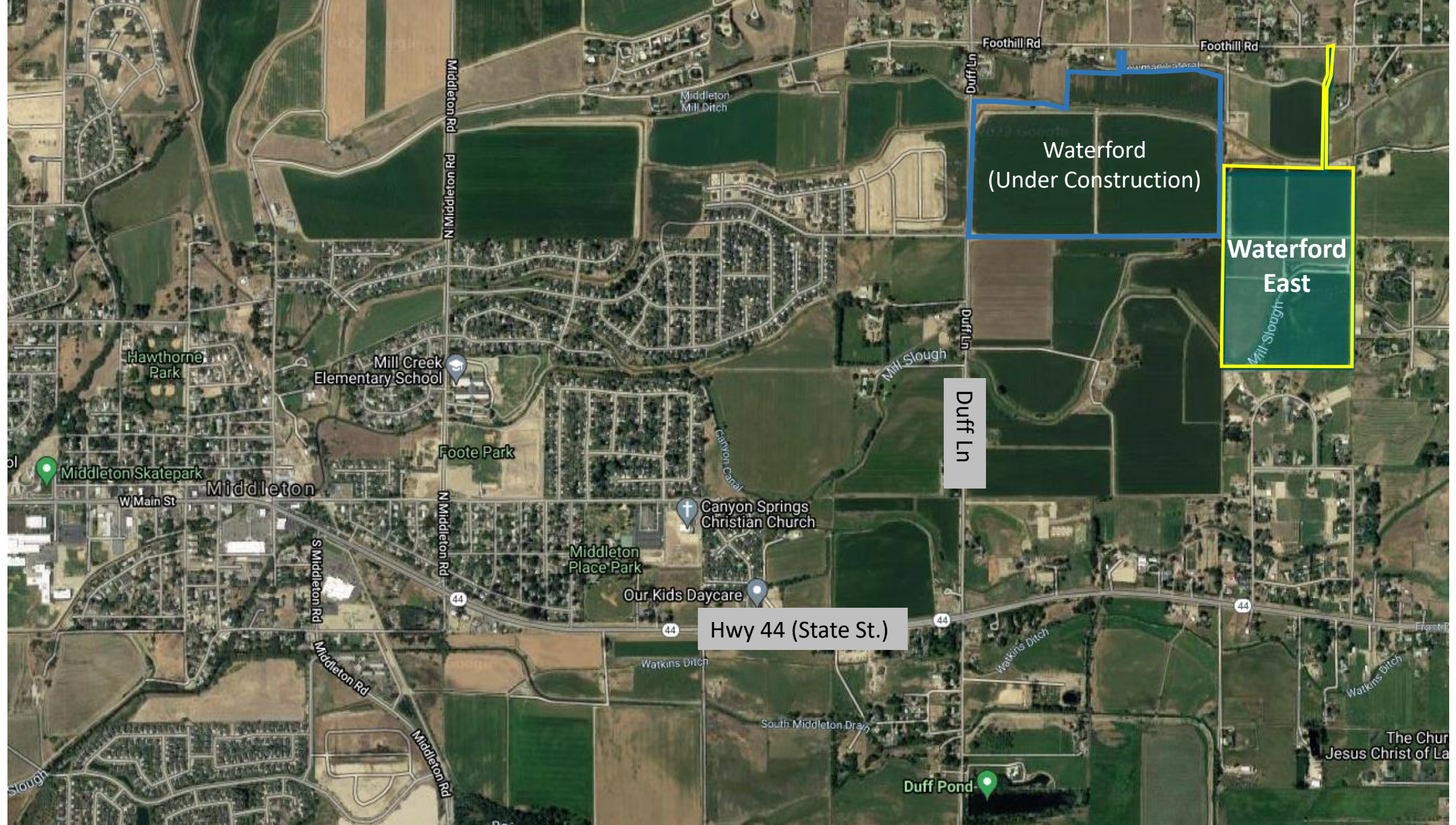


Waterford East

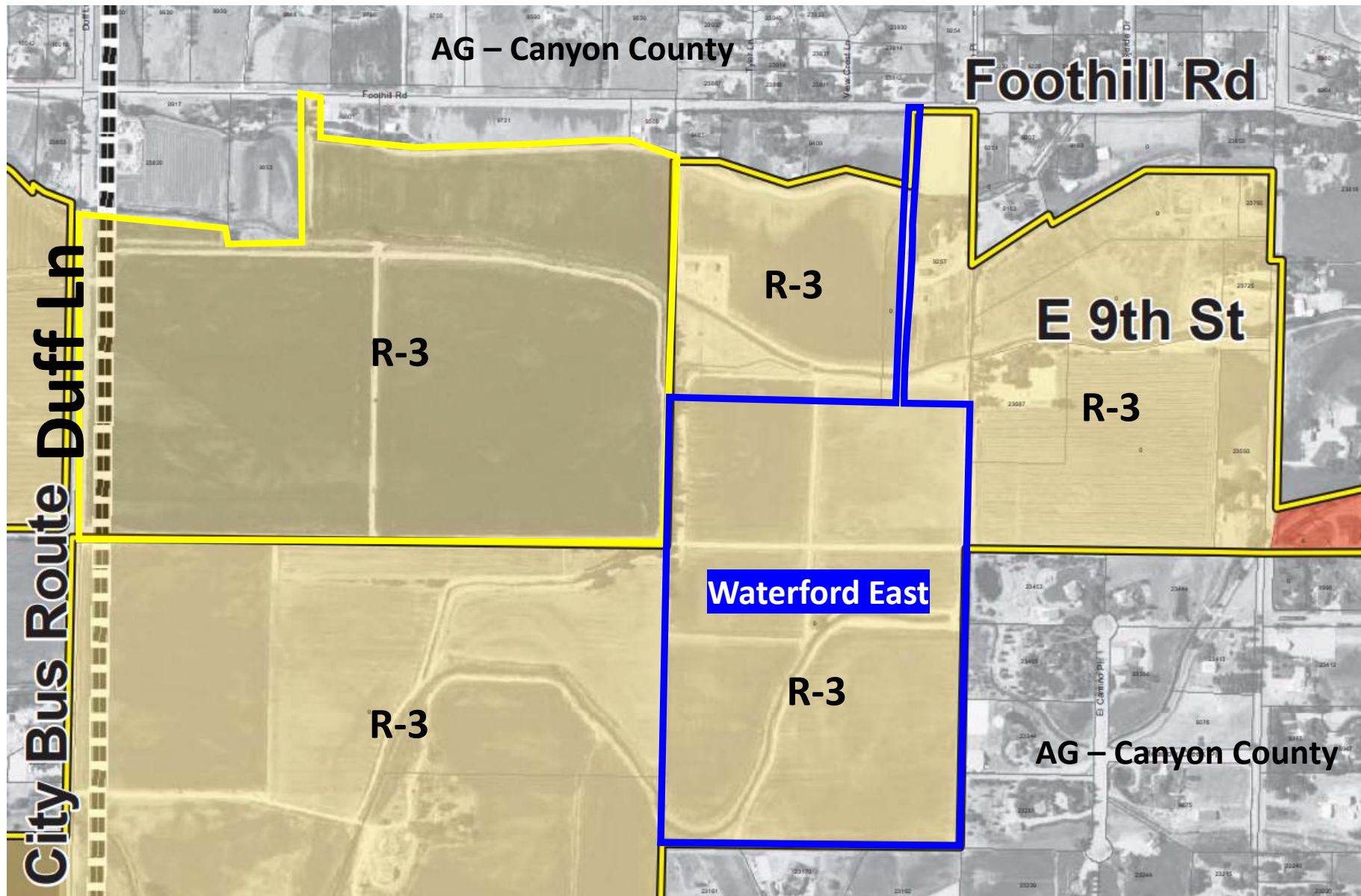
1. Vicinity Map
2. Zoning Map
3. Preliminary Plat
4. Housing Product
5. Amenities
6. Development Agreement Termination
7. Conclusion



WATERFORD EAST – Location in Northeast Middleton



Zoning Map



WATERFORD EAST & WATERFORD

Waterford
(Under Construction)



Waterford East

Waterford East Preliminary Plat

PRELIMINARY PLAT DATA

SITE DATA

PROPOSED ZONING
COMPREHENSIVE PLAN DESIGNATION

R-3
RESIDENTIAL

AREA CALCULATIONS

RESIDENTIAL BUILDABLE LOT AREA
COMMON AREA
COMMON DRIVE AREA
ROW
TOTAL AREA OF SITE

33.54 ACRES
12.33 ACRES
0.42 ACRES
14.76 ACRES
61.05 ACRES

OVERALL LOT DATA

SINGLE FAMILY RESIDENTIAL LOTS	164
COMMON LOTS	14
COMMON DRIVE LOTS	6
TOTAL LOTS	187
MINIMUM PROPERTY SIZE	8,000 SQ. FT.
AVERAGE PROPERTY SIZE	8,918 SQ. FT.

GROSS DENSITY	2.69 UNITS/ACRE
NET DENSITY	3.54 UNITS/ACRE

PHASE 1 LOT DATA

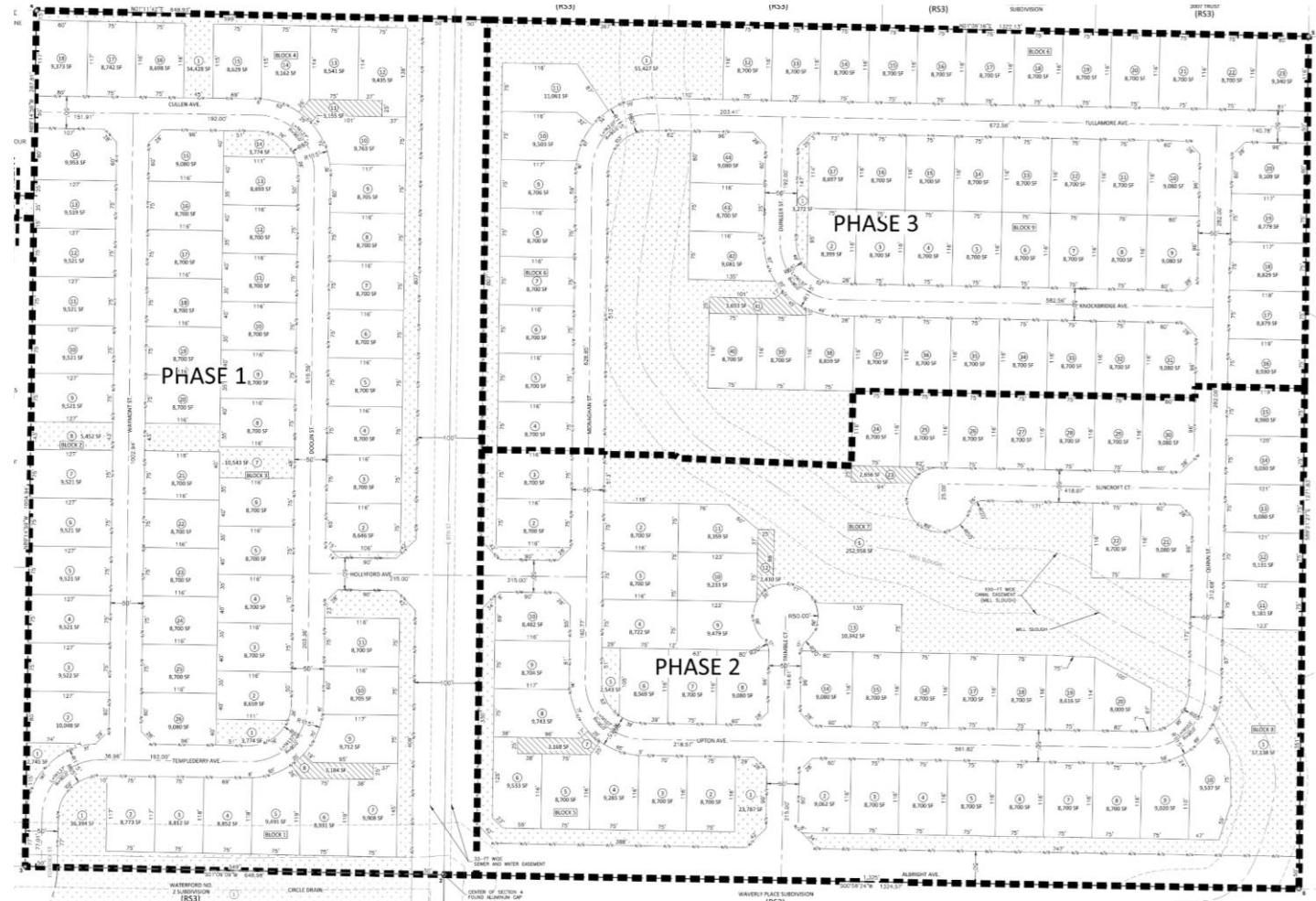
SINGLE FAMILY RESIDENTIAL LOTS	60
COMMON LOTS	8
COMMON DRIVE LOTS	1
TOTAL LOTS	69

PHASE 2 LOT DATA

SINGLE FAMILY RESIDENTIAL LOTS	50
COMMON LOTS	5
COMMON DRIVE LOTS	3
TOTAL LOTS	58

PHASE 3 LOT DATA

SINGLE FAMILY RESIDENTIAL LOTS	54
COMMON LOTS	3
COMMON DRIVE LOTS	1
TOTAL LOTS	58



Housing Product for 75' Wide Lots



Waterford East Amenities

20% Open
Space



Paved Pathway along
Mill Slough – 8' wide

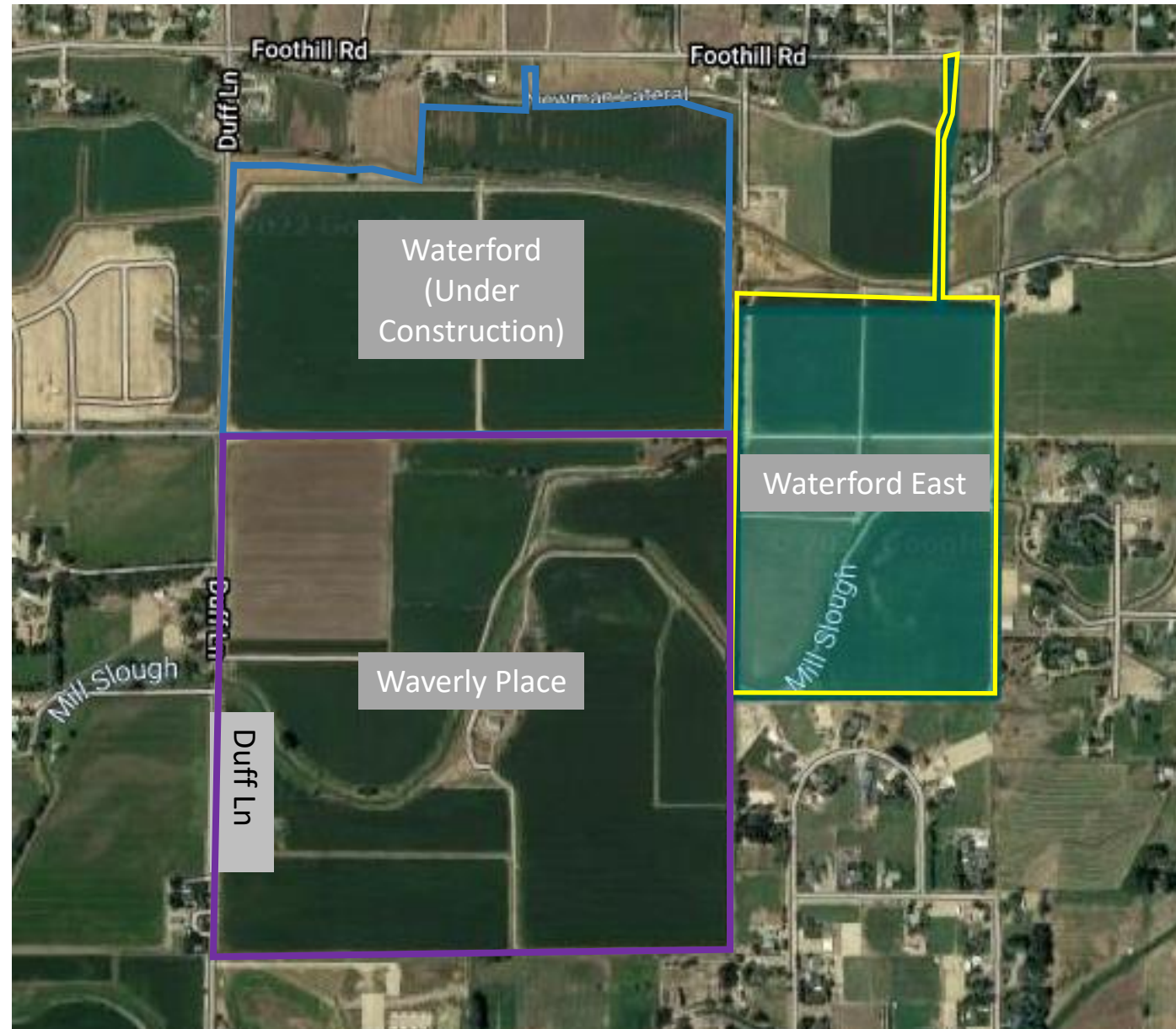


Community Playground

Waterford East – Development Agreement Termination

Area shown was once part of Paradise Valley Subdivision (2006). Since then has been broken up into 3 separate projects, each with the own separate Development Agreement.

New Development Agreements should be catered to each project specifically.



Waterford East – Transportation Impact Contribution

Middleton Intersection Mitigation

Fees: \$288,828 due at Phase 1 Final Plat

**Mid-Star Service Area Impact Fees:
\$5,050 per lot = \$828,200**

TOTAL: \$1,117,028

SUBDIVISION: Waterford East ---Pro-Rata Share aNALYSIS - TIS DATED 2/17/2022 - 2030 Build-out year						
Intersection	Improvement planned	Cost Estimate	<TIF Eligible>	Allowed Cost	Impact %	Pro-rata Share Due
Purple Sage & Duff Lane	Single Lane RAB (Mid-Star CIP)	\$1,800,000	\$1,728,000	\$72,000	0.01	\$720
Purple Sage & Lansing Lane	Single Lane RAB (Mid Star CIP)	\$2,400,000	\$2,304,000	\$96,000	0.014	\$1,344
9th Street and Duff Lane	Single Lane RAB (Mid Star - pg. 28)	\$2,000,000	\$0	\$2,000,000	0.056	\$112,000
9th Street & Lansing Lane	No RAB or Traffic Light Planned	\$0	\$0	\$0	0.121	\$0
Cornell Street & Duff Lane	RAB (Mid Star - pg. 28)	\$2,000,000	\$0	\$2,000,000	0.055	\$110,000
N. Middleton Rd & SH 44	Traffic Signal (Mid-Star CIP)	\$962,500	\$0	\$962,500	0.022	\$21,175
Duff Lane & SH 44	Traffic Signal (Mid-Star CIP)	\$962,500	\$742,750	\$219,750	0.026	\$5,714
Lansing Lane & SH44	Traffic Signal (Mid-Star CIP)	\$1,262,500	\$0	\$1,262,500	0.03	\$37,875
TOTAL						\$288,828



Traffic Impact Study Waterford East Subdivision - Middleton, Idaho

7.2 The estimated site traffic generated by Waterford East Subdivision as a percentage of the 2030 horizon year total traffic are as follows:

- Purple Sage Road and Duff Lane intersection : AM Peak = 0.9%, PM Peak = 1.0%
- Purple Sage Road and Lansing Lane intersection: AM Peak = 0.8%, PM Peak = 1.4%
- 9th Street and Duff Lane intersection : AM Peak = 5.7%, PM Peak = 5.6%
- 9th Street and Lansing Lane intersection : AM Peak = 13.3%, PM Peak = 12.1%
- Cornell Street and Duff Lane intersection : AM Peak = 5.3%, PM Peak = 5.5%
- N Middleton Road and SH 44 intersection : AM Peak = 1.8%, PM Peak = 2.2%
- Duff Lane and SH 44 intersection : AM Peak = 2.2%, PM Peak = 2.6%
- Lansing Lane and SH 44 intersection : AM Peak = 2.5%, PM Peak = 3.0%

We used the lowest Horizon Year, which was 2030, and we referred to the cost estimates set forth in the Mid-Star Transportation CIP. Your pro-rata percentages were not applied to any TIF Eligible costs set forth in the Mid-Star CIP because those costs will be covered by your \$5,050 Transportation Impact Fee paid at Building Permit issuance. The Pro-Rata fee under MCC 5-4-3 is applied against only costs that are "not TIF eligible" in the Mid Star CIP. That ensures there is no duplication of fees.

Waterford East



Waterford East-Exhibit F

From: David and Lisa
To: Roberta Stewart
Subject: Public Hearing Comments: Parcel R338540 & R33854011
Date: Monday, September 12, 2022 3:15:31 PM

Hi Roberta,

I am writing in response to the Public Hearing notice received for Parcels R338540 & R33854011.

Regarding the layout, we are concerned with the density backing up to adjacent houses as it is significantly different from the existing homes. I believe all that border the project would appreciate a lower density on the affected perimeter to keep some consistency with current surroundings.

Additionally, are there green space requirements in Middleton developments and does this layout meet those requirements? Typically there are gathering areas for communities that create a sense of connection within the subdivision. Is the required canal setbacks being met and is this qualified greenspace?

Thank you!

David & Lisa Richard
23161 Buskirk Dr.
Middleton, ID 83644

David-208-249-8020
Lisa 541-519-6958



4) Waterford East - Preliminary Plat & DA Temination

September 12, 2022 - Planning & Zoning Public Hearing

Please check

Name	Address	Phone or Email	Please check			
			In Favor	Neutral	Opposed	Testify
Terri Slay	9343 Ruth Marie Dr	Terslay55@gmail.com			✓	
✓ Kassie Strohmeier	26525 Middleton Rd Middleton, ID 83644	208-409-7064			✓	✓
✓ Krsti Cox	23162 Brady Ashley Dr Middleton, Id 83644	Jetsetfame@msn.com 208-250-2712			✓	✓
✓ Mikel Bartol	23041 BUSKIRK DR Middleton, 83644	calientejazz@outlook.com 208.631.3330			✓	✓
✓ JOHN SYME	23158 BUSKIRK DR MIDDLETON ID 83644	208-585-3285			✓	✓
W/ Shawn Cox	23162 Brady Ashley middleton	208-921-2081			✓	
Bryce Parker	2066 Ruth Marie Dr. Middleton	310-486-2001	✓	✓	✓	declined
✓ Jerry Enos	23024 BUSKIRK DR. Middleton	208-266-1543			✓	✓
Christine Spears DeLong	9251 Foothill Rd Middleton Id. 83644				✓	
✓ Ken Fahler	22978 Whisper Creek Dr Middleton ID 83644	208-899-0112				✓
Dale Sanger	9409 Foothill Rd Middleton, 83644	208-407-7008			✓	



Public Comment

September 12, 2022 - Planning & Zoning Meeting

Name	Address	Phone or Email	Topic
Kassie Strohmeier	26525 Middleton Rd. Middleton, ID 83644	208-409-7064	Waterford Subdivision
✓ Kristi Cox	23162 Brady Ashley Dr Middleton, ID 83644	208-250-2712	Waterford East
JOHN Syme	23158 BUSHY DR MIDDLETON, ID 83644	208 585-3285	WATERFORD EAST
✓ Mikel Bartol	23041 BUSKIRK DR. Middleton, ID 83644	208.631.3330	Waterford East
Christine Spears DeLong	9251 Foothill Rd Middleton, Id. 83644		Waterford East
✓ Ken Bahls	22928 Whisper Creek Dr. Middleton ID 83644	208 899 0112	Waterford East
Travis Wakole	9901 Foothill Rd Middleton, ID	971-235-9036	Waterford East
Dale Sanger	9409 Foothill Rd. Middleton, 83644	208-457-7008	Waterford East
May Slaughter	22933 Whisper Creek Dr Middleton, ID 83644	208-850-0983	Waterford East
Jeff Ewing	23024 BUSKIRK	208 866-1549	Middleton LIFE



4) Waterford East - Preliminary Plat & DA Temination

September 12, 2022 - Planning & Zoning Public Hearing

Please check

Name	Address	Phone or Email	Please check			
			In Favor	Neutral	Opposed	Testify
Zach Hart	26105 Gail Lane Middleton ID 83644	208-949-4654			✓	
✓ Peggy Bayne	23936 View Crest Middleton 83644	8183880576			✓	declined
✓ Bruce Barwa	"	"			✓	✓
Sam Thorne	23687 Lansing Ln	208 9208681			✓	declined
Opal Farnham	9499 Foothill Rd	208 817 0046			✓	declined
John Farnham	9499 Foothill	" "			✓	declined
Ryan MacDermott	9455 Foothill Rd	602 369-9006			✓	
Gary Butcher	9381 Foothill Rd	740 504 6550			✓	
Steve & Patty Cluff	23725 Lansing	208-559-6272			✓	

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
OCTOBER 17, 2022**

Pledge of Allegiance, Roll Call & Call to Order: The October 17, 2022, Planning and Zoning Commission Meeting was called to order by Vice Chairman Summers at 5:34 p.m. Commissioners Summers, Crofts, Christiansen and Tremble were present. Chairman Waltemate entered the meeting at 5:52 p.m. Planning & Zoning Official Roberta Stewart, Planning Deputy Clerk Jennica Reynolds and City Attorney Douglas Waterman were also present.

Action Items:

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving FCR for Black Powder Subdivision Project.**
 - b. **Consider approving FCR for Waterford East Subdivision Project.**

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

2. **Consider approving Resolution 476-22: "A RESOLUTION OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF MIDDLETON, IDAHO, VALIDATING CONFORMITY OF THE URBAN RENEWAL PLAN FOR THE MIDDLETON EAST DISTRICT URBAN RENEWAL PROJECT WITH THE CITY OF MIDDLETON'S COMPREHENSIVE PLAN." – Meghan Conrad**

Abbey Germaine from Elam & Burke, Jason VanGilder, City Public Works Director and Becky Crofts, City Administrator gave a presentation on the Urban Renewal Agency's East District.

Chairman Waltemate entered the meeting at 5:52 p.m. Vice Chairman Summers handed the balance of the meeting to the Chairman.

Motion: Motion by Commissioner Christiansen to approve Resolution 476-22. Motion seconded by Vice Chairman Summers and approved unanimously.

Information Item:

1. **Zoning law practice and procedures. – Attorney Douglas Waterman**

City Attorney gave a presentation on zoning law practice and procedures.

Action Items:

3. **Public Hearing: Application by Greater Middleton Parks & Recreation District for Special Use Permit with respect to the parcel located at 18 Minot Street (Parcel No. R17963). The parcel is a vacant parcel located within City limits. It is .752 acres and is currently zoned R-3 (Single-Family Residential). Applicant is requesting a Special Use Permit to use the site for the District operations for equipment storage and potential maintenance shop. The applicant is also requesting a waiver of the 8' privacy fence required to surround a metal storage container (MCC 8-1-2). – Jennica Reynolds**

Chairman Waltemate opened the public hearing at 6:59 p.m.

City Staff Reynolds presented a PowerPoint presentation of the Staff Report (Exhibit 1)

Applicant Representative Tim O'Meara, Greater Middleton Parks and Recreation District explained the intent of the District to use the property as a laydown yard for their construction and mowing equipment. They anticipate building a new storage shop/office in about 6 years.

Chairman Waltemate opened public testimony at 7:28 p.m.

None.

Chairman Waltemate closed public testimony at 7:29 p.m.

Discussion by Commissioners.

Motion: Motion by Chairman Waltemate to approve the Findings of Facts as presented to the Commission. Motion seconded by Commissioner Christiansen and approved unanimously.

Motion: Motion by Chairman Waltemate to accept the Conclusions of Law as presented by Staff. Motion seconded by Commissioner Tremble and approved unanimously.

Motion: Motion by Commissioner Christiansen to approve the application by Greater Middleton Parks & Recreation District for Special Use Permit with respect to the parcel located at 18 Minot Street. And to approve the waiver of the 8' privacy fence required to surround a metal storage container (MCC 8-1-2). Motion seconded by Commissioner Tremble and approved unanimously.

Chairman Waltemate closed the public hearing at 7:36 p.m.

4. Public Hearing: Application by Bruce & Sherrill Stephens, represented by Luke & Sarah Stephens, for Variance with respect to the parcel located at TBD 3rd Street (Parcel No. R17787010). The parcel is a vacant parcel located within City limits. It is .122 acres and is currently zoned R-4 (Single-Family). Applicant is requesting a Variance to the setbacks as follows: 5'-12' side set back reduced to 5'; 25' garage setback reduced to 20'; 20' front living space setback reduced to 15'; and 25' rear setback reduced to 15'. This Variance would allow the applicant to construct a single-family home on the project site. – Jennica Reynolds

Chairman Waltemate opened the public hearing at 7:36 p.m.

City Staff Reynolds presented a PowerPoint presentation of the Staff Report (Exhibit 2)

City Attorney clarified questions from the commissioners that the Commission will not be setting a precedence if they grant the variance. Variances are looked at on a case by case basis.

Applicant: Luke Stephens answered questions from the Commission regarding size of lot (5,319 sq ft) and the request for the variance. The home will be built for sale. It will be a new home, not intended to be historic.

Chairman Waltemate opened public testimony at 8:06 p.m.

None

Chairman Waltemate closed public testimony at 8:06 p.m.

Discussion by Commission regarding the setbacks.

Motion: Motion by Chairman Waltemate to approve the Findings of Facts as presented to the Commission. Motion seconded by Vice Chairman Summers and approved unanimously.

Motion: Motion by Chairman Waltemate to accept the Conclusions of Law as presented by Staff. Motion seconded by Vice Chairman Summers and approved unanimously.

Motion: Motion by Vice Chairman Summers to approve the application by Bruce & Sherrill Stephens, represented by Luke & Sarah Stephens, for Variance with respect to the parcel located at TBD 3rd Street (Parcel No. R17787010). The variance to the setbacks as follows: 5'-12' side set back reduced to 5'; 25' garage setback reduced to 20'; 20' front living space setback reduced to 15'; and 25' rear setback reduced to 15'. Motion seconded by Commissioner Christiansen and approved unanimously.

5. Public Hearing: Application by City of Middleton for amendment and revision to the following Middleton City Code sections: MCC 1-3-1, 4-5-11, 5-4-1, Table 1, and 5-4-4. – Roberta Stewart

Chairman Waltemate opened the public hearing at 8:26 p.m.

City Planner Stewart gave a Power Point presentation of the Staff Report (Exhibit 3) and explained the proposed amendments and revisions to Middleton City Code.

Discussion by Commissioners and Stewart regarding the definition of flex space and food trucks.

Chairman Waltemate opened public testimony at 9:20 p.m.

Mike Graefe: Wants to understand definition of flex space and please don't compare Middleton to Portland.

Chairman Waltemate closed public testimony at 9:22 p.m.

Discussion by Commission.

Motion: Motion by Chairman Waltemate to approve the Findings of Facts as presented to the Commission. Motion seconded by Commissioner Christiansen and approved unanimously.

Motion: Motion by Chairman Waltemate to accept the Conclusions of Law as presented by Staff. Motion seconded by Commissioner Tremble and approved unanimously.

Motion: Motion by Commissioner Christiansen to recommend for approval to City Council the application by City of Middleton for amendment and revision to the following Middleton City Code sections: MCC 1-3-1, 4-5-11, 5-4-1, Table 1, and 5-4-4. With the condition that the term for "flex space" with the definition, Land Use Table, and intent of flex space be

tightened up through all zones with a specific emphasis on the Mixed-Use zone. The Commission does recommend approval of the Food Truck definition. Motion seconded by Commissioner Tremble and approved unanimously.

Public Comments, Commission and Staff Comments

Lori Smith: Asked for clarification on zoning map and Urban Renewal area.

Mike Graefe: Question about where discussion regarding Gross Acres v.s. buildable acres has landed.

Chairman Waltemate said there is still discussion, but for now, the City is sticking with the code and 8,000 sq ft minimum lot size in R-3.

Adjourn: Chairman Waltemate adjourned the meeting at 10:01 p.m.

Ray Waltemate, Chairman

ATTEST: Jennica Reynolds
Deputy Clerk, Planning

Approved: November 14, 2022

EXHIBIT “1”

1

Project Description & Application Request

2

Current Zoning & Property Condition

3

City Services

4

Special Use Permit

5



6

- ▶ The P&Z Commission makes the final decision on whether to deny or approve an application for special use permit (MCC 1-15-7). The application does not proceed to City Council.
- ▶ Before the Commission can approve a special use permit application, it must make the following four findings: (1) the proposed use is not unreasonable or incompatible with other uses in the area, (2) the use is designated in the City's Use Table MCC 5-4-1, Table 1 as a "special use," (3) City services can be adequately extended to support the proposed use, and (4) the use is not in conflict with the Comprehensive Plan (MCC 1-15-7).
- ▶ Under MCC 1-15-7(c), the Commission may also mandate conditions of approval to mitigate any adverse impacts proposed by the special use.

7

Staff Findings:

8

Request for Waiver

9

Comments & Applicant Info:

- ▶ Comments Received from Surrounding Landowners (Exhibit 1 of full staff report)
Letter from Connie Elliot
- ▶ Letter from Tim O'Meara
- ▶ Comments from Agencies: None
- ▶ Comments from City Engineer and Planning Staff: None
- ▶ Applicant Information:
GMPRD/Tim O'Meara
310 N. Hawthorne Ave.
Middleton, Idaho 83644
timordt@gmail.com
208-585-3461.
- ▶ The application was received August 26, 2022.

10

Notices & Neighborhood Meeting:

- ▶ Newspaper Notification 10/2/2022
- ▶ Radius notification mailed to Adjacent landowners within 500' 9/30/2022
- ▶ Circulation to Agencies 9/30/2022
- ▶ Sign Posting property 9/30/2022
- ▶ Neighborhood Meeting 8/15/2022
- ▶ Planning Staff finds that all notice was appropriate and according to law.

11

Pertinent Codes & Standards



- ▶ Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-3, 1-14, 1-15, 5-1, 8-1 and Idaho Code Title 67, Chapter 65.

12

Conclusions & Recommended Conditions of Approval:

- ▶ 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 findings of facts above in parentheses.
- ▶ As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear the application and to approve or deny the special use permit with or without conditions. 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 an order or recommendation on the applications.

13

Order

- ▶ If the Commission is inclined to approve the Special Use Permit Application, Staff recommends the following conditions of approval:
 1. Applicant must comply with all dimensional standards and setbacks in the Middleton City Code for the R-3 zone.
- ▶ If the Commission denies the application, the Commission must state what steps the applicant can take to obtain approval. (MCC 1-15-7C)

Prepared by: Jessica Reynolds
Deputy Clerk, Planning

Dated: 10/17/2022



14

EXHIBIT “2”

Stephens Variance Application

0 (TBD) 3rd St – Tax Parcel No. R1778701



1


Project Description & Application Request

- Application by Bruce & Sherrill Stephens, represented by Luke & Sarah Stephens, for Variance with respect to the parcel located at TBD 3rd Street (Parcel No. R1778701). The parcel is a vacant parcel located within City limits. It is .122 acres and is currently zoned R-4 (Single-Family).
- Applicant is requesting a Variance to the setbacks as follows: 5'-12" side set back reduced to 5'; 25' garage setback reduced to 20'; 20' front living space setback reduced to 15'; and 25' rear setback reduced to 15'. This Variance would allow the applicant to construct a single-family home on the project site.

2

Current Zoning & Property Condition


- The property is within city limits and zoned R-4 and surrounded by homes built in the R-4 zone.



3

City Services

- City water is in 3rd Street adjacent to the property and City sewer is located in the alley also adjacent to the property.




Sewer ———

Water ———

4

Variance Request

- The parcel is located in the historic Foxe Addition (Subdivision) which was recorded in 1905. At that time the current parcel encompassed lots 15-17 of Block 3. Existing homes in the subdivision are not built to current R-4 setbacks. The alley in the back sets as a buffer so it could be reasonable to reduce the rear setbacks. The side and front setbacks could also be reduced per the request. It is likely that without some type of Variance approval the lot will not develop.



5


- The Applicant is also requesting the requirement to install a sidewalk in front of the property be waived. Planning Staff recommends against this, because the way that City streets, and neighborhoods are improved is one parcel at a time extending sidewalks and proper road frontages. Removing this requirement would create an undue burden on taxpayers to pay for future needed sidewalks. Middleton City Code directs that developers should complete all frontage improvements to their property.
- A sidewalk is such an improvement.



6

Single-Family Residence

- The Applicant desires to build a two-story, 2,400 sq ft. single-family residence on the property.



7

- The P&Z Commission makes the final decision on whether to deny or approve an application for Variance (MCC 1-15-6). The application does not proceed to City Council.
- Before the Commission can approve a Variance, it must make the following five findings:
 - Enforcing the City Code would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
 - The site has extraordinary characteristics which do not apply generally to other properties classified in the same zoning district.
 - Enforcing the City Code would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
 - Approving the variance will not constitute a grant or special privilege inconsistent with the limitations on other properties classified in the same zoning district.
 - Approval of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- Under MCC 1-15-6(D), the Commission may also mandate conditions of approval to mitigate any adverse impacts proposed.

8

Staff Findings:

- As to finding No. 1, Planning Staff finds enforcing the setbacks set forth in the City Code for R-4 zone would indeed result in physical hardship when attempting to build any type of desirable home on the parcel.
- As to finding No. 2, Planning Staff finds that the size of the lot is already non-conforming with city code regulations and as such the lot has extraordinary site characteristics that hamper its intended use.
- As to finding No. 3, Planning Staff finds enforcing the City Code without some type of Variance will likely prohibit the applicant from developing the property in similar ways consistent in the existing neighborhood.
- As to finding 4, Planning Staff finds that granting the variance will not allow for special privilege as the surrounding homes all have similar setbacks to what is being proposed.
- As to finding 5, Planning Staff finds that the variance will not be detrimental to the public health, safety or welfare or create injury to the surrounding properties or improvements in the vicinity. Properties in the surrounding area are already improved and improving this parcel will only enhance the surrounding neighborhood.

9

Comments & Applicant Info:

- ▶ Comments Received from Surrounding Landowners: None
- ▶ Comments from Agencies: None
- ▶ Comments from City Engineer and Planning Staff: None
- ▶ Applicant Information:
Bruce & Sherri Stephens/Sarah & Luke Stephens
9290 Whistled Dr.,
Boise, ID 83704
snwscapconstruction@gmail.com
208-315-0469

The application was received on July 11, 2022.

10

Notices & Neighborhood Meeting:

- ▶ Newspaper Notification 10/2/2022
- ▶ Radius notification mailed to Adjacent landowners within 500' 9/30/2022
- ▶ Circulation to Agencies 9/30/2022
- ▶ Sign Posting property 9/30/2022
- ▶ Neighborhood Meeting 6/21/2022
- ▶ Planning Staff finds that all notice was appropriate and according to law.

11

Pertinent Codes & Standards



- ▶ Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho standards for Public Works Construction, Middleton City Code 1-3, 1-14, 1-15, 5-1, 8-1 and Idaho Code Title 67, Chapter 65.

12

Conclusions & Recommended Conditions of Approval:

- ▶ 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 findings of facts above in parentheses.
- ▶ As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear the application and to approve or deny the Variance application with or without conditions. 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 an order or recommendation on the application.

13

Order

- ▶ If the Commission is inclined to approve the Variance Application, Staff recommends the following conditions of approval:
 1. Setbacks for construction of home to be the following:
 - Side set back: 5 ft.
 - Garage setback: 20 ft.
 - Front living space setback: 15 ft.
 - Rear setback: 15 ft.
 - Maximum Height: 35 ft.
 2. Applicant to construct improvements to the frontage by adding an attached 5 ft concrete sidewalk the entire frontage width.
 3. The City cannot guarantee the condition of the water main in 3rd Street due to its age and material construction. The Owner shall assume all costs to make a satisfactory service tap into the existing main, which costs may include replacement of the portion of the waterline fronting the property in order to make a water tight connection and any surface repairs connected therewith. All connections shall be witnessed and approved by the City's Public Works representative.
 4. Owner acknowledges that the existing water main is not sized to current City standards and therefore water flow quantity may be reduced at various steps. This condition will be more pronounced if the existing water main has been constructed of 2-inch galvanized piping.

14

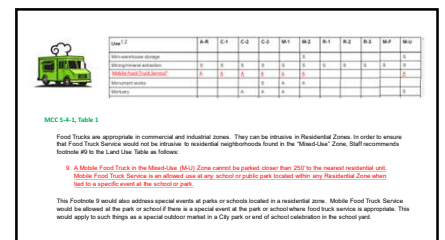
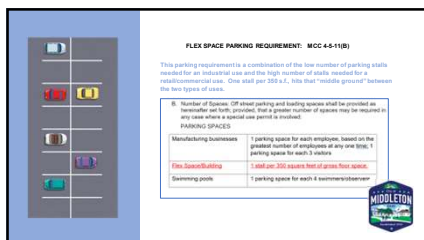
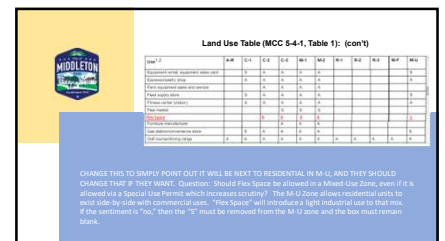
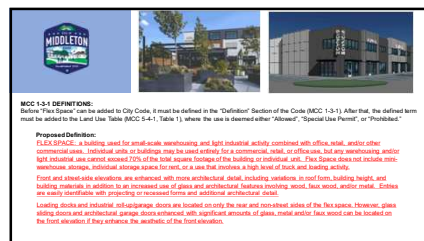
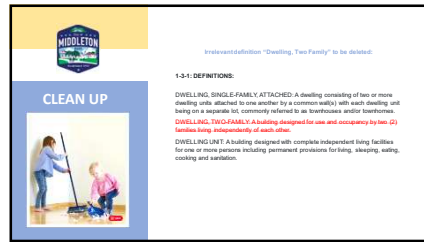


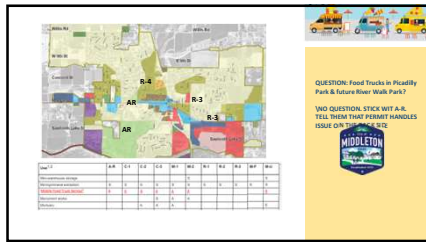
If the Commission denies the application, the Commission must state what item the applicant can take to obtain approval. (MCC 1-15-6(C))

Prepared by: Jerica Reynolds
Deputy Clerk, Planning
10/17/2022

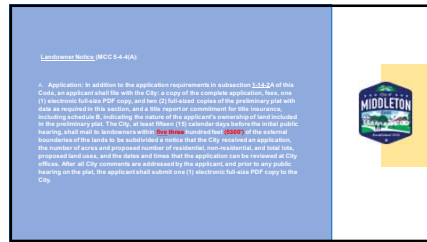
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EXHIBIT “3”





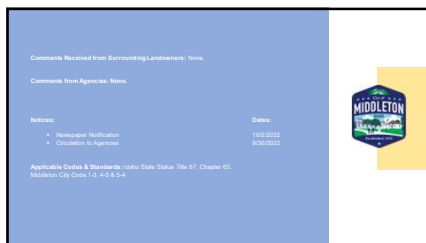
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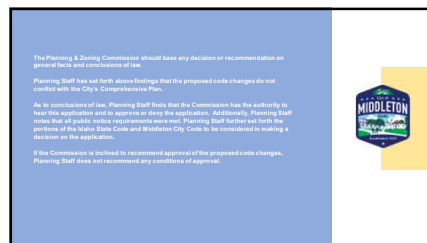
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Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Decision & Order

In the Matter of the Request of Greater Middleton Parks and Recreation District (GMPRD) for special use permit to use the site for the District operations for equipment storage and potential maintenance shop at 18 Minot Street (Tax Parcel No. 17963). The applicant is also requesting a waiver of the 8' privacy fence required to surround a metal storage container (MCC 8-1-2).

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of October 17, 2022, which Report is attached hereto as Exhibit "1" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of October 17, 2022, Exhibit "1".
3. Application and Property Facts: See Staff Report for the hearing date of October 17, 2022, Exhibit "1".
4. Required Findings per Idaho State Statue Title 67, Chapter 65; Idaho Standards for Public Works Construction and Middleton Supplement thereto; and Middleton City Code 1-3, 1-14, 1-15, 5-1, 8-1: See Staff Report for the hearing date of October 17, 2022, Exhibit "1".

B. Conclusions of Law:

1. That the Middleton Planning & Zoning Commission exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-3, 1-14, 1-15, 5-1, 8-1 and Idaho State Code Title 67, Chapter 65.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.

7. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of October 17, 2022, Exhibit "1".

C. Decision and Order:

Pursuant to the Planning & Zoning Commission's authority as provided in Middleton City Code 1-5-5, and based upon the above Findings of Facts and Conclusions of Law, it is hereby **ordered** that:

1. The Application by Greater Middleton Parks and Recreation District (GMPRD) for special use permit to use the site for the District operations for equipment storage and potential maintenance shop at 18 Minot Street (Tax Parcel No. 17963) is approved subject to the conditions of approval set forth in the Staff Report for the October 17, 2022 public hearing.
2. The waiver request for the 8' privacy fence is approved subject to the conditions of approval set forth in the Staff Report for the October 17, 2022 public hearing and additional condition that applicant comply with all dimensional standards and setbacks in the Middleton City Code for the R-3 zone.

WRITTEN RECOMMENDATION APPROVED ON: November ____, 2022.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

Jennica Reynolds
Planning and Zoning Department

Please take notice that pursuant to MCC 1-15-62(E), applicant shall have 15 days after a written order to appeal the order. Additionally, pursuant to Idaho State Statute 67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67. Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).

1e



Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Decision & Order

In the Matter of the Request of by Bruce & Sherrill Stephens, represented by Luke & Sarah Stephens, for Variance as to setbacks with respect to the parcel located at TBD 3rd Street (Parcel No. R17787010).

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of October 17, 2022, which Report is attached hereto as Exhibit "1" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of October 17, 2022, Exhibit "1".
3. Application and Property Facts: See Staff Report for the hearing date of October 17, 2022, Exhibit "1".
4. Required Findings per Idaho State Statue Title 67, Chapter 65; Idaho Standards for Public Works Construction and Middleton Supplement thereto; and Middleton City Code 1-3, 1-14, 1-15, 5-1, 8-1: See Staff Report for the hearing date of October 17, 2022, Exhibit "1".

B. Conclusions of Law:

1. That the Middleton Planning & Zoning Commission exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-3, 1-14, 1-15, 5-1, 8-1 and Idaho State Code Title 67, Chapter 65.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of October 17, 2022, Exhibit "1".

C. Decision and Order:

Pursuant to the Planning & Zoning Commission's authority as provided in Middleton City Code 1-5-5, and based upon the above Findings of Facts and Conclusions of Law, it is hereby **ordered that:**

The Application by Bruce & Sherrill Stephens, represented by Luke & Sarah Stephens, for Variance with respect to the parcel located at TBD 3rd Street (Parcel No. R17787010) is approved with the following conditions:

1. Setbacks for construction of home to be the following:
Side set back: 5 ft.
Garage setback: 20 ft.
Front living space setback: 15 ft.
Rear setback: 15 ft.
Maximum Height: 35 ft.
2. Applicants to construct, at their own cost, improvements to the frontage by adding an attached 5 ft concrete sidewalk that will span the entire width of the parcel frontage.
3. The City cannot guarantee the condition of the water main in 3rd Street due to its age and material construction. The Owner shall assume all costs to make a satisfactory service tap into the existing main, which costs may include replacement of the portion of the waterline fronting the property in order to make a water-tight connection and any surface repairs connected therewith. All connections shall be witnessed and approved by the City's Public Work representative.
4. Owner acknowledges that the existing water main is not sized to current City standards and therefore water flow quantity may be reduced at various times. This condition will be more pronounced if the existing water main has been constructed of 2-inch galvanized piping.

WRITTEN ORDER APPROVED ON: November ____, 2022.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

Jennica Reynolds
Planning and Zoning Department

Please take notice that pursuant to MCC 1-15-6(E), applicant shall have 15 days after a written order to appeal this order. Failure to appeal may invalidate a subsequent judicial appeal. Additionally, pursuant to Idaho State Statute 67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67.

Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).

Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Recommendation



**In the Matter of the Request of the City of Middleton for amendment to the following City Codes:
(a) 1-3-1, (b) 4-5-11 (c) 5-4-1, Table 1 and (d) 5-4-4:**

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of October 17, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process and Application Facts: See Staff Report for the hearing date of October 17, 2022 (Exhibit "A").
3. Required Findings per Middleton City Code 1-14-2(E)(7); Idaho State Statue Title 67, Chapter 65 and Title 50, Chapters 2 and 13; Idaho Standards for Public Works Construction; Middleton Supplement to the ISPWC; and Middleton City Code Sections 1-5, 1-14, 5-1 and 5-4: See Staff Report for the hearing date of October 17, 2022 (Exhibit "A").

B. Conclusions of Law:

1. That the Planning & Zoning Commission and City of Middleton exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent to the application are Idaho State Statue Title 67, Chapter 65 and Middleton City Code Sections 1-3, 4-5, and 5-4.

C. Decision and Recommendation:

Pursuant to the Planning & Zoning Commission's authority as provided in Middleton City Code 1-5-5, and based upon the above Findings of Facts and Conclusions of Law, it is hereby recommended that City Council approve the request of the City of Middleton to amend City Code sections (a) 1-3-1, (b) 4-5-11 (c) 5-4-1, Table 1, (d) 5-4-4 with the following condition of approval:

1. The definition for “Flex Space” in section 1-3-1 should be “tightened up” and revised to better define the type of industrial uses versus other uses to be contained in the “Flex Space”.
2. City Council should also consider the advisability of allowing “Flex Space” uses in the Mixed-Use Zone where residential units are located.

WRITTEN RECOMMENDATION APPROVED ON: November ____, 2022.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

Roberta Stewart
Planning and Zoning Official

Exhibit "A"

Staff Report



STAFF REVIEW AND REPORT Middleton Planning and Zoning Commission

Proposed Amendments to Middleton City Code



- A. **Planning & Zoning Public Hearing Date:** October 17, 2022
- B. **Application Request:** Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-3-1, (b) 4-5-11, (c) 5-4-1 Table 1, and (d) 5-4-4.

C. **Requested Code Changes:**

1. **Duplex Structure (MCC 1-3-1 & 5-4-1, Table 1):**

City Code requires that multi-family structures undergo review via a design review application and/or special use permit. However, duplex structures on a single lot avoided this type of review because of wording in the Land Use Table located at MCC 5-4-1, Table 1. That Table currently states that only multi-family dwellings “*exceeding*” 2 units must undergo the special use permit process. To fix the issue, City Staff proposes that the language be changed to state that any multi-family structure containing “*2 or more*” units must undergo the special use permit process.

See proposed revision to MCC 5-4-1, Table 1 below:

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
Motorcycle/motocross track					S	A					
Multi-family dwelling (exceeding 2 or more dwelling units per building) (apartments)										S	
Nursery, vegetation	A ⁷										

As additional clean-up, a reference to “*Dwelling, Two Family*” in the Definitions section of the code should be removed. The specific verbiage does not correspond to any current code section, and it increases confusion in light of other definitions for multi-family housing.

Accordingly, the following language should be stricken from Section 1-3-1 of the Code:

DWELLING, SINGLE-FAMILY, ATTACHED: A dwelling consisting of two or more dwelling units attached to one another by a common wall(s) with each dwelling unit being on a separate lot, commonly referred to as townhouses and/or townhomes.

~~DWELLING, TWO-FAMILY: A building designed for use and occupancy by two (2) families living independently of each other.~~

DWELLING UNIT: A building designed with complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

2. **Flex Spaces** (MCC 1-3-1, 5-4-1, Table 1, & 4-5-11):

Because of the changing nature of commercial goods and services, many Cities are adding to their code a “hybrid” land use generally known as “flex space” or “flex building.” A flex space is a building or project that combines a light industrial use with a commercial, office, and/or retail use. The front of a flex space building should be attractive and appear commercial or retail, while the back may include industrial roll up doors and a space for warehousing and light manufacturing.

Pretty on the front. Ugly in the rear.

A typical flex space user would be a flooring company with a showroom up front but a distribution warehouse in the rear. It is made for someone who experiences consumer traffic but still needs space for light processing, warehousing, or manufacturing. It also allows a unique mix of businesses to exist next to one

another. A flex space project may have a custom cabinet shop next to a crossfit gym next to an indoor/outdoor restaurant. It is a “twilight zone” that neither an “Industrial Zone” nor “Commercial Zone” can completely address on its own.

Some visual examples are below:





Before “Flex Space” can be added to City Code, it must be defined in the “Definition” Section of the Code (MCC 1-3-1). After that, the defined term must be added to the Land Use Table (MCC 5-4-1, Table 1), where the use is deemed either “Allowed”, “Special Use Permit”, or “Prohibited.”

City Staff proposes the following definition for “Flex Space” (MCC 1-3-1):

FLEX SPACE: a building used for small-scale warehousing and light industrial activity combined with office, retail, and/or other commercial uses. Individual units or buildings may be used entirely for a commercial, retail, or office use, but any warehousing and/or light industrial use cannot exceed 70% of the total square footage of the building or individual unit. Flex Space does not include mini-warehouse storage, individual storage space for rent, or a use that involves a high level of truck and loading activity.

Front and street-side elevations are enhanced with more architectural detail, including variations in roof form, building height, and building materials in addition to an increased use of glass and architectural features involving wood, faux wood, and/or metal. Entries are easily identifiable with projecting or recessed forms and additional architectural detail.

Loading docks and industrial roll-up/garage doors are located on only the rear and non-street sides of the flex space. However, glass sliding doors and architectural garage doors enhanced with significant amounts of glass, metal and/or faux wood can be located on the front elevation if they enhance the aesthetic of the front elevation.

In the Land Use Table (MCC 5-4-1, Table 1), “Flex Space” will be deemed an “Allowable” use in the more intensive commercial and industrial zones; however, it should be deemed a “Special Use” in the Mixed-Use zone because a Mixed-Use zone combines residential homes with commercial businesses. A special use process will ensure that the Flex Space use will not be overly intrusive to any residential uses within the zone.

Staff proposes changing the Land Use Table as follows:

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
Equipment rental; equipment sales yard		S	A	A	A	A					S
Espresso/pastry shop		A	A	A	A	A					A
Farm equipment sales and service			A	A	A	A					
Feed supply store		S	A	A	A	A					S
Fitness center (indoor)		A	A	A	A	A					A
Flea market				S	S	S					
<u>Flex Space</u>			<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>					<u>S</u>
Furniture manufacturer				A	A	A					
Gas station/convenience store		S	A	A	A	A					S
Golf course/driving range	A	A	A	A	A	A	A	A	A	A	A

A new land use will also require a City to consider parking requirements for the new use. In light of that, Staff is proposing a change to the “Parking” code found at MCC 4-5-11(B). Staff proposes that for Flex Space, Owner should provide one parking stall per 350 s.f. of gross floor space. This parking requirement is a combination of the low number of parking stalls needed for an industrial use and the high number of stalls needed for a retail/commercial use. One stall per 350 s.f., hits that “middle ground” between the two types of uses.

To achieve this, Staff is proposing the following revision to MCC 4-5-11(B):

- B. Number of Spaces: Off street parking and loading spaces shall be provided as hereinafter set forth; provided, that a greater number of spaces may be required in any case where a special use permit is involved:

PARKING SPACES

Manufacturing businesses	1 parking space for each employee, based on the greatest number of employees at any one <u>time</u> ; 1 parking space for each 3 visitors
<u>Flex Space/Building</u>	<u>1 stall per 350 square feet of gross floor space.</u>
Swimming pools	1 parking space for each 4 swimmers/observers

3. Mobile Food Truck Service (MCC 1-3-1 & 5-4-1, Table 1):

Mobile Food Truck Service is not a use that is defined in City Code, and it is not a “use” that is noted in the Land Use Table with respect to any particular zone. In order to add the use to City Code, we will need to define the use and then add it to the Land Use Table found at MCC 5-4-1, Table 1.

City Staff proposes defining “*Mobile Food Truck Service*” in the Definitions section (MCC 1-3-1) as follows:

MOBILE FOOD TRUCK SERVICE: A vehicle or a readily portable structure used solely for the purpose of preparing and selling food and beverages to the public at large. Food trucks used for catering a single event for pay is not included in this definition.

City Staff proposes that Mobile Food Truck Service be “allowed” in any commercial or industrial zone; however, it should not be allowed in residential zones where it could disturb the peacefulness of a residential neighborhood. In light of this, the proposed changes to the Land Use Table (MCC 5-4-1, Table 1) would look like this:

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
Mini-warehouse storage						S					S
Mining/mineral extraction	S	S	S	S	S	S	S	S	S	S	S
<u>Mobile Food Truck Service⁹</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>					<u>A</u>
Monument works				S	A	A					
Mortuary			A	A	A						S

In order to ensure that Food Truck Service would not be intrusive to residential neighborhoods found in the “Mixed-Use” Zone, Staff recommends a footnote to the Land Use Table as follows:

9. A Mobile Food Truck in the Mixed-Use (M-U) Zone cannot be parked closer than 250’ to the nearest residential unit. Mobile Food Truck Service is an allowed use at any school or public park located within any Residential Zone when tied to a specific event at the school or park.

This Footnote 9 would also address special events at parks or schools located in a residential zone. Mobile Food Truck Service would be allowed at the park or school if there is a special event at the park or school where food truck service is appropriate. This would apply to such things as a special outdoor market in a City park or end of school celebration in the school yard.

4. Landowner Notice (MCC 5-4-4(A)):

Middleton City Code requires all Developers to give notice and hold a neighborhood meeting prior to submitting a development application to the City. For a number of years, the Developer was required to give such notice to only those owners/residents living within 300' of the project boundary. In 2021, City Council approved an amendment to the Code to require Developers to give notice to landowners/residents within 500' feet of a project boundary.

At the time this change was made to the Code, City Staff failed to make the corresponding change to the Preliminary Plat code that requires City Staff to give landowner notice. Currently, MCC 5-4-4(A) requires City Staff to notify landowners within 300' of the project boundary of a new preliminary plat project. Staff is proposing that the distance be increased to 500' to match the increase that was made to the Neighborhood Notice code. The proposed change is as follows:

A. Application: In addition to the application requirements in subsection 1-14-2A of this Code, an applicant shall file with the City: a copy of the complete application, fees, one (1) electronic full-size PDF copy, and two (2) full-sized copies of the preliminary plat with data as required in this section, and a title report or commitment for title insurance, including schedule B, indicating the nature of the applicant's ownership of land included in the preliminary plat. The City, at least fifteen (15) calendar days before the initial public hearing, shall mail to landowners within ~~five~~ three hundred feet (5300') of the external boundaries of the lands to be subdivided a notice that the City received an application, the number of acres and proposed number of residential, non-residential, and total lots, proposed land uses, and the dates and times that the application can be reviewed at City offices. After all City comments are addressed by the applicant, and prior to any public hearing on the plat, the applicant shall submit one (1) electronic full-size PDF copy to the City.

D. Comprehensive Plan: Any changes to the City's Zoning Ordinance or Subdivision Ordinance should be in compliance with the City's Comprehensive Plan. (Idaho State Statute 67-6511 & MCC 1-14-3.)

Planning Staff finds that all proposed changes are in compliance with the Comprehensive Plan because nothing proposed is in conflict with requirements shown on any Comprehensive Plan Map. Additionally, none of the proposed changes conflict with any "Goals, Objectives or Strategies" set forth in the Comprehensive Plan. Finally, none of the proposed changes conflict with the requirements of LLUPA (the "Local Land Use Planning Act found at Idaho State Code, Title 67, Chapter 65).

E. Comments Received from Public: None.

F. Comments from Agencies: None.

G. Notices

Dates:

Newspaper Notification

10/2/2022

Circulation to Agencies

9/30/2022

H. Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65.

Middleton City Code 1-3, 4-5, and 5-4.

I. Conclusions and Recommended Conditions of Approval: The Planning & Zoning Commission should base any decision or recommendation on general facts and conclusions of law.

Planning Staff has set forth above findings that the proposed code changes do not conflict with the City's Comprehensive Plan.

As to conclusions of law, Planning Staff finds that the Commission has the authority to hear this application and to approve 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 decision on the application.

If the Commission is inclined to recommend approval of the proposed code changes, Planning Staff does not recommend any conditions of approval.

Prepared by Middleton P&Z Official, Roberta Stewart

Dated: 10/12/2022

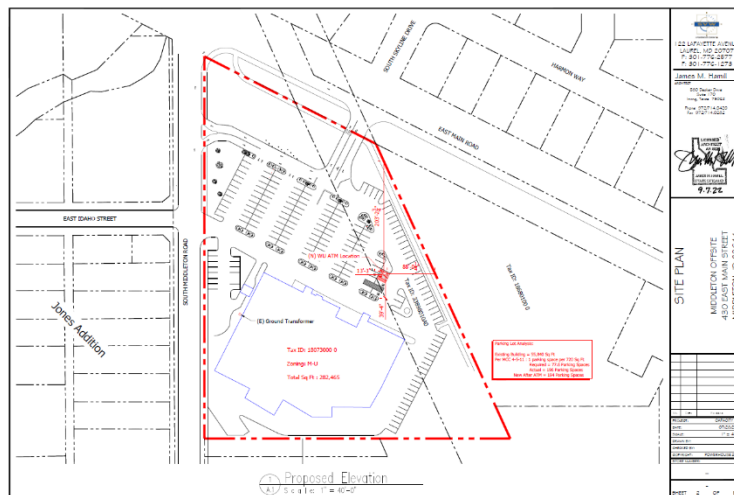


STAFF REPORT
Middleton Design Review Committee

Design Review

US Bank Kiosk – Ridley’s 430 E Main St.

- A. Design Review Meeting Date:** November 14, 2022
- B. Applicant:** Powerhouse Retail Services, 812 S Crowley Rd, Crowley TX 76036. Initial application was received 8/10/2022.
- C. Project Description:** A US Bank walk up ATM Kiosk to be located in the parking lot of Ridley's Family Market on the east side of the parking lot.



- D. Zoning & Site Conditions:** The kiosk will be located in the Ridley's parking lot. Ridley's parcel is zoned M-U and a bank is an allowable use in the Mixed Use zone.

A = Allowed uses

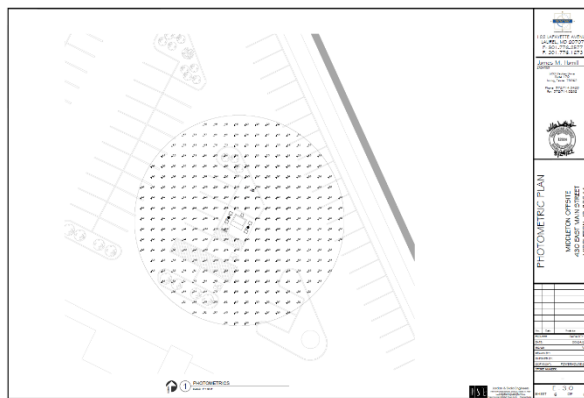
S = Special uses

Use 1,2	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	RRR	TOD	M-F	M-U
Auto lot, outdoor				A	A	A							
Auto lube shop, emission testing			A	A	A	A							A
Auto sale, repairs, storage, rental			A	A	A	A							S
Bakery or bakery goods store		A	A	A	A	A				A	A		A
Bank, savings and loan, credit union		A	A	A	A					S	A		A
Bar			S	S	S						S		
Barber, beauty shop, spa		A	A	A	A					A	A	S	A
Bed and breakfast	A	A	A	A			S	S			A	A	A
Beverage bottling plant				A	A	A							
Broadcasting			A	A	A	A					A		
Building supply outlet				A	A	A							

- E. Architectural Character:** Since this is just a kiosk and not an actual building, the required design elements for new construction are not applicable. The project will have a roof, with a sign on top.



- F. Parking:** Not applicable as this is a walk-up kiosk
- G. Utilities:** Not applicable
- H. Lighting:** Applicant provided a lighting schematic and photometric data. All exterior lighting is shielded downward per City Code.



- I. Landscaping:** There is no landscaping for this project, however the developer will demo existing Asphalt in the site area and pour a raised concrete pad in order to install the kiosk. Bollards will be installed on either side of the light poles for safety.

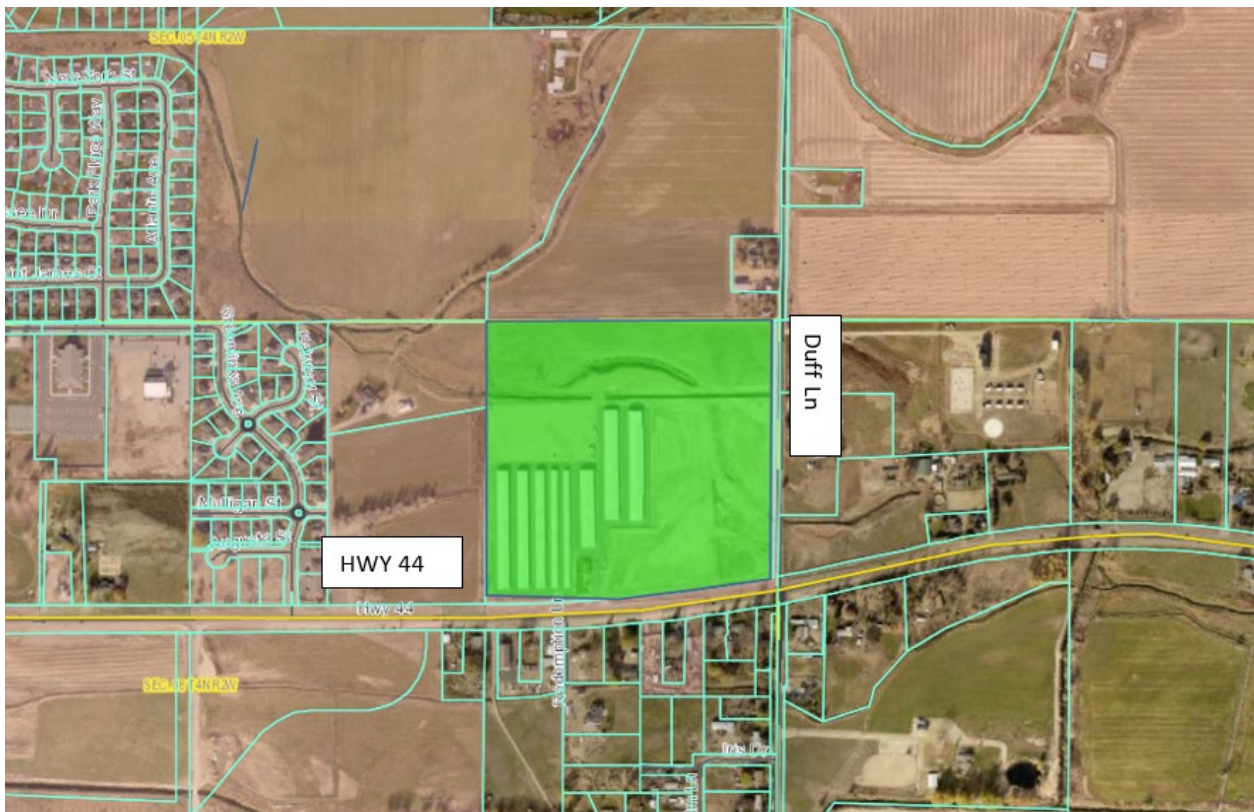


STAFF REPORT

Middleton Design Review Committee

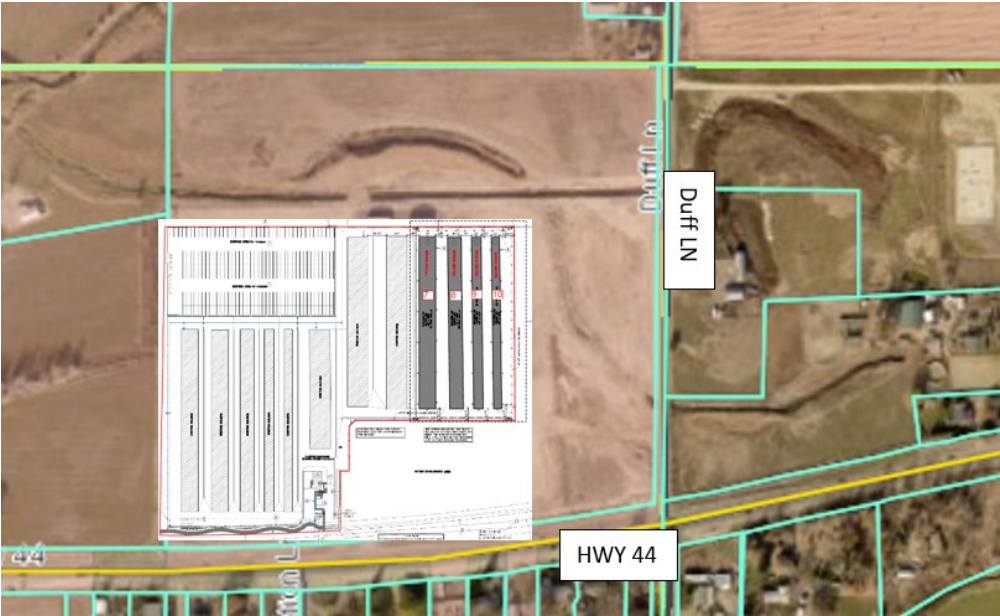
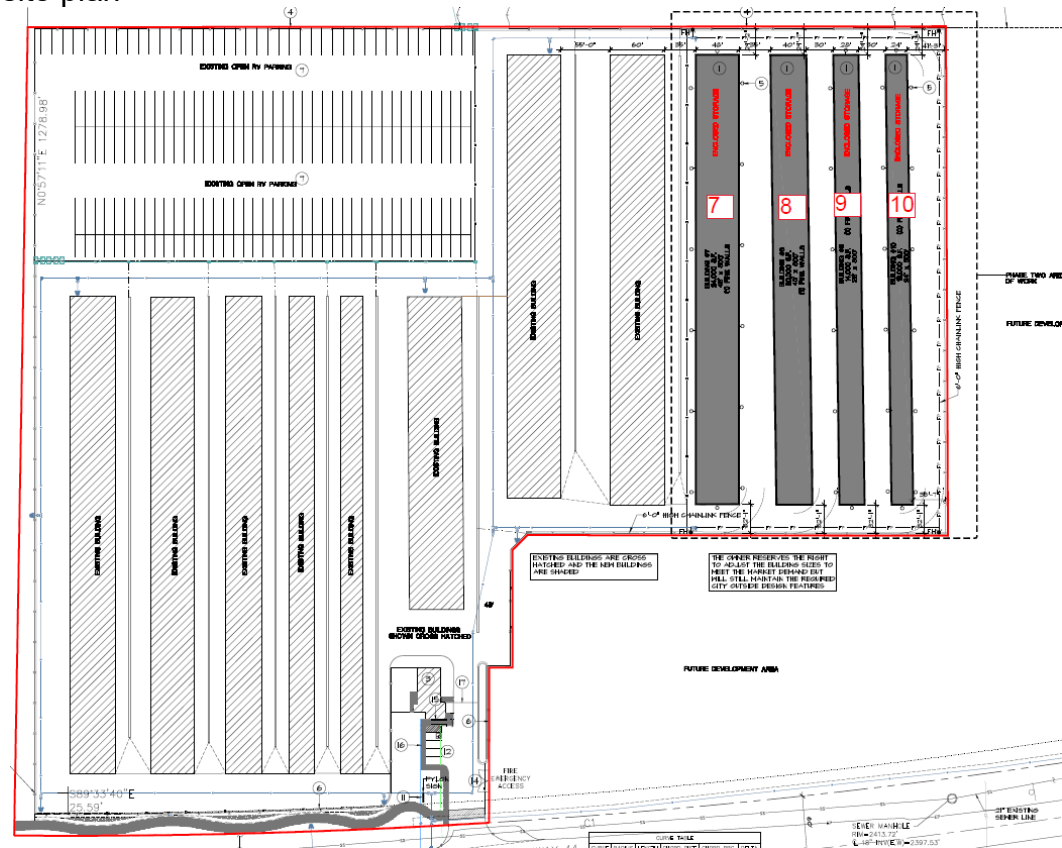
Design Review Application- Republic Storage

- A. **Design Review Meeting Date:** November 14, 2022
- B. **Project Description:** Additional four mini storage buildings to be constructed at the Republic Storage facility located at Duff Lane & Hwy 44 (23005 Duff Lane). The four buildings will all be enclosed storage units, no covered RV storage.



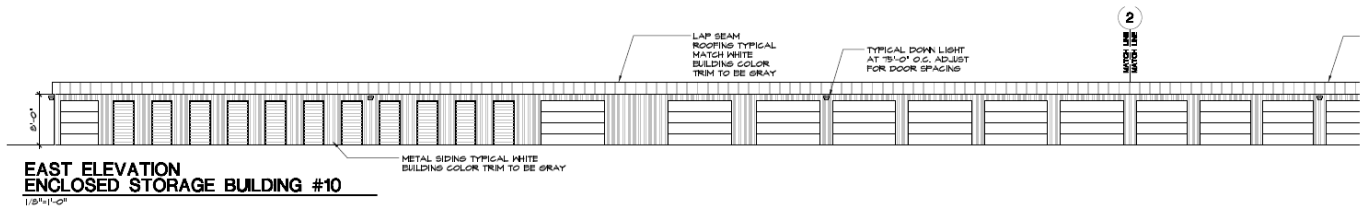
The Republic Storage project is part of a 40 acre project known as Middleton Town Square. The Development Agreement for the Middleton Town Square project allows 17 acres of mini/RV Storage and 20 acres of light commercial, including office, retail, and service business. (See copy of Development Agreement attached as Exhibit "A".) In 2019, Applicant applied for a design review permit to construct all of the storage buildings. The application was approved in May 2020. However, the design review permit expired 12 months later before Applicant could build the remaining four buildings. City Code requires Applicant to re-apply for design review permit before it can build the remaining four buildings. (MCC 1-15-8 and 1-15-8-7.)

C. **Site Plan:** Applicant is proposing the addition of buildings 7 through 10 shown below on the site plan

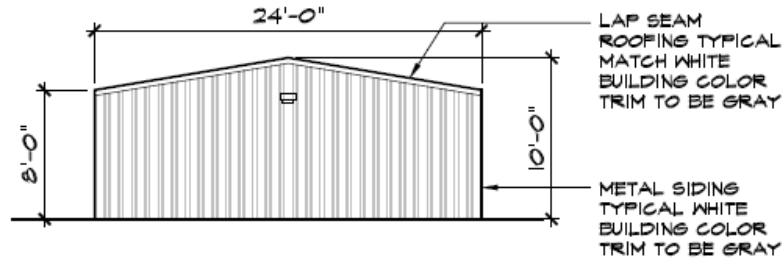


[Larger site plan is attached as Exhibit “B”]

D. Elevations and Architectural Character: Applicant is requesting permission to match the exterior design and elevation of the expired May 2020 approval. The elevations will have no stone or detail, just metal siding and roll up doors

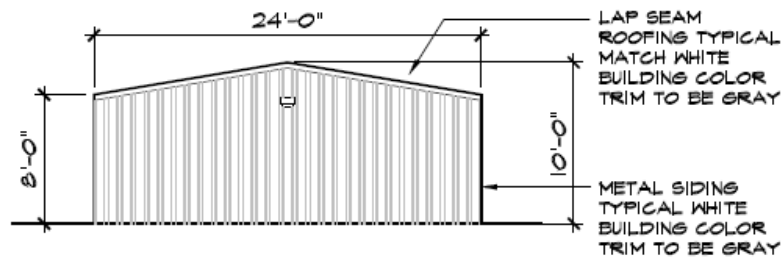


This view (or elevation) is what will be seen from Duff Lane and the commercial part of the future Middleton Town Square.



NORTH ELEVATION ENCLOSED STORAGE BUILDING #10

1/8" = 1'-0"



SOUTH ELEVATION ENCLOSED STORAGE BUILDING #10

1/8" = 1'-0"

This elevation is what will be seen from Hwy 44 and the future Cornell Street to the North.

(Larger copies of elevation are attached as Exhibit "C".)

Although Applicant is requesting to match the current elevations already built pursuant to the expired May 2020 design review approval, it should be noted that City Council changed the Design Review Code in September 2020 to require enhanced elevations with a combination of four of the following design elements: stucco, brick/rock, accent features, metal siding, timberwork, public art feature, or gable roof. Since the old design review permit expired, this new design review application is subject to the new code.

There are at least three ways to handle the situation in light of the changed code. First, the Committee can default to the earlier design review approval, and for the sake of uniformity, the Committee can allow these last 4 buildings to be built exactly like the previous buildings, which means there are only two design elements present.

Second, The Committee can choose to follow the current code “100%” and require applicant to apply four design elements to these last 4 buildings.

Third, and the solution recommended by Staff, would be to allow buildings 7, 8, and 9 to match the existing buildings, but require Building 10, which is easily seen from Duff Lane and the commercial portion of the project, to have an enhanced elevation with three or more design elements, not just two.

Also, Staff recommends that the north and south (end cap) elevations should be enhanced with more than just two elements. Applicant’s elevations in Exhibit “C” show only vertical siding and a gable roof. There should be at least a third, or possibly a 4th, design element added to the end caps because they can be easily seen from Hwy 44 and future Cornell Street.

E. Zoning & Site Conditions: The zoning for the parcel is currently C-2 or “light commercial”. Storage Units are no longer allowed in the C-2 Zone per amendments to the Land Use Table (MCC 5-4-1, Table 1.) However, this applicant is entitled to still build storage units on site pursuant to their 2006 Development Agreement with the City. The Development Agreement trumps the changed city code in this case. (Exhibit “A”).

F. Adjacent Street Improvements: As part of the Middleton Town Square Development Agreement, Applicant is required to construct, at its own cost, all adjacent street improvements and dedicate the same to the City as part of the development requirements. This is also a code requirement.

Applicant improved the Hwy 44 frontage in 2020 as part of the earlier Design Review approval. City is now requiring Applicant to improve and dedicate the 50’ half road portion of Duff Lane to facilitate the future improvements to the SH44 & Duff Lane intersection. The ½ road portion of Duff Lane to be improved is shown on the Construction Drawing concept attached hereto as Exhibit “D”. As a condition of approval to this design review, Applicant should be required to construct and dedicate the Duff Lane ½ road improvements prior to issuance of Certificate of Occupancy on the first building to be constructed. No certificate of occupancy should be issued until the roadway improvements are completed and dedicated.

G. Pro-rata Traffic Fee: Pursuant to the Middleton Town Square development agreement and the prior design review approval, Applicant is required to submit a traffic study for the entire project and pay Pro-Rata Traffic fees pursuant to MCC 5-4-3. Applicant has submitted the Traffic Study, and pursuant to the impact percentages set forth therein, Applicant will be required to pay \$416,403 in pro-rata traffic fees. (See Pro-Rata analysis attached as Exhibit “E” that covers both the storage project and the future commercial project.)

As a condition of approval, Applicant should not be able to pick up the building permits for the four new buildings until it has paid the \$416,403 pro-rata traffic fee due.

- H. Utilities:** City services are already located on site and servicing the project.
- I. Parking:** Mini-Storage is considered an industrial use in Middleton (MCC 5-4-1, Table 1). Parking for an industrial use is very low. It is one stall for every 1.5 employees plus three additional parking stalls for visitors. (MCC 4-5-11.) Applicant has provided this parking pursuant to the earlier design review approval.
- J. Lighting:** Lighting must be downlit, and this should be a condition of approval.
- K. 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.
- L. Conclusions and Recommended Conditions of Approval:**

Applicant's Design Review application complies with dimensions and standards 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. Before City will issue a certificate of occupancy for the first building constructed, Applicant must, at its own cost, construct and dedicate the 50' wide ½ road portion of Duff Lane sufficient to facilitate the future improvement of the Duff Lane & SH44 intersection. The length of that Duff Lane improvement shall be as shown on the construction drawing attached hereto as Exhibit "D". The portion of improvements in the SH44 right of way as shown on Exhibit "D" will not be required and will be completed at a future date.
2. Before City will issue the first building permit for the four proposed buildings, Applicant must pay the City the outstanding Pro-Rata Traffic fee of \$416,403 as shown in the Pro-Rata Analysis attached hereto as Exhibit "E".
3. All outdoor lighting on site must be down lit or shielded downward.

EXHIBIT "A"

Middleton Town Square Development Agreement

WHEN RECORDED RETURN TO:

City Clerk
City of Middleton
P.O. Box 487
Middleton, Idaho 83644

**DEVELOPMENT AGREEMENT
MIDDLETON TOWN SQUARE**

THIS DEVELOPMENT AGREEMENT (the "Development Agreement"), made and entered into this 4 day of October, 2006, by and between the City of Middleton, a municipal corporation (the "City"), and Richard M. Phillips and Staci Phillips Trust, ("Developer/owner"), or its successors and/or assigns.

WITNESSETH

LEGAL AUTHORITY

This Agreement is made pursuant to and in accordance with the provisions of Idaho Code Section 67-6511A and Middleton City Code, Title 5, Chapter 7.

WHEREAS, Developer/owner has applied to the City for annexation and zoning commercial C2 to develop a commercial business center in anticipation of developing the property located adjacent to and North of Highway 44 and adjacent to and West of Duff Road, encompassing approximately 37 acres, described more particularly on "Exhibit A" attached hereto (the "Property") for the development, construction, and operation of a commercial business center with related uses and self storage facilities (the "Project"); shown as "Exhibit B" concept plan and

WHEREAS, the Property is currently owned by Richard M. Phillips and Staci Phillips Trust, (collectively, the "Developer/owner"); and

WHEREAS, the Middleton City Code allows a property owner or developer to request that an application for zoning or zoning map amendment be processed in connection with the execution of a development agreement, wherein through such development agreement, a property owner or developer may agree to make written commitments concerning the use or development of a subject parcel in exchange for the change of zoning requested; and

WHEREAS, the City desires to induce Developer/owner to develop the Property because the development proposed by Developer/owner is in the public interest. The City believes that development by Developer/owner will generate additional tax revenue, provide employment, and stimulate beneficial commercial growth and development; and

C:\NEW WORD DOCS\TACT\MIDDLETON TOWN SQUARE.DOC

REQUEST Middleton City
TYPE 1/3 A FEE 1000
BY Richard M. Phillips
CANYON CITY RECORDER
2006 OCT 16 PM 4 39
RECORDED

200683376

RECEIVED
SEP 08 2006

WHEREAS, the City acknowledges that Developer/owner and its successors and/or assigns are relying upon the effectiveness of this Development Agreement in the decision to purchase the Property; and

WHEREAS, the City has approved the requested annexation and zoning C2 subject to the following terms and/or commitments and desires to formalize and clarify the respective obligations of the parties.

NOW THEREFORE, in consideration of the foregoing recitals, which the parties acknowledge are true and correct, and for other good and valuable consideration, the parties hereby agree to the following commitments or terms as follows:

1. This Development Agreement shall not prevent the City in subsequent actions applicable to the Property, from applying new ordinances and regulations of general application adopted by the City in exercise of its police powers that do not conflict with Developer/owner's property rights, the parties' commitments applicable to the Property as set forth herein, or the C2 zone classification approved hereby. Any such subsequent ordinances shall not supersede the specific commitments set forth herein.

2.

The Project shall generally conform in type of usage to the conceptual site development plan (the "Conceptual Plan") attached hereto as Exhibit B, provided, however, that Developer/owner Developer shall develop the Property subject to the conditions and limitations set forth in this Agreement, and to the standards that the City has in force at the time of the annexation application for the C2 zoning classification except as otherwise provided in this Agreement (the "Project"). Developer shall further submit such applications regarding preliminary and final plat reviews and any other applicable applications as may be required by the City. Developer agrees that, unless otherwise agreed to by the Parties, the conceptual site development plan (the "Conceptual Plan") attached hereto as Exhibit B shall dictate the type of development to be constructed in each of the components of the Project.

The Project shall comply with the Middleton Comprehensive Plan and Middleton City Code, and all state and federal law as they exist in final form at the time the development application was submitted, except as otherwise provided in this Agreement and will require a complete set of plans which shall include:

- 3.4.1 Site plan including street, curb and gutter, street signs, irrigation lines, sidewalk and site lighting.
- 3.4.2 Underground utility plan including water, sanitary sewer, storm drainage, irrigation, and fire protection.
- 3.4.3 Any other required improvements set forth as conditions of approval; Soils report, including bearing values, soils profile, ground water and other elements as requested by the City Engineer or Building Official.
- 3.4.4 Review and Approval by the City Engineer and Building Official of site, utility, and landscape plans before a building permit is issued.

3.4 Unless otherwise agreed, Developer will at its sole expense design and construct all public improvements as shown in this development agreement in strict accordance with the Middleton City Code in existence at the time of the development application or as otherwise provided in this Agreement.

3. **Scope of Development.** The project shall include approximately 20 acres for general commercial uses and 17 acres for self storage facility.

4. **Street Improvements and Access.**

- a. Developer/owner shall make any and all necessary street improvements as generally depicted on the Conceptual Plan;
- b. Developer/owner shall construct the street improvements to standards adopted by the City, including associated curb, gutter and sidewalk per the requirements of the Middleton City Code in effect as of the effective date of this Development Agreement.
- c. Project accesses shall generally conform to the diagram contained in Exhibit "B". Highway 44 access subject to approval by Idaho State Transportation Department. The South Duff Road access is subject to Canyon highway district No. 4 approval.
- d. Developer agrees to submit a traffic impact study to the City acceptable to the City Engineer. In particular, the traffic study shall be in accordance with the standards identified in the *Transportation Impact Analyses for Site Development, 2005*, by the Institute of Transportation Engineers. At a minimum, such a traffic study must consider the cumulative impacts of surrounding developments. Developer at its sole expense agrees to mitigate adverse traffic impacts as required by the City.

5. **Landscaping.**

- a. Developer/owner shall provide landscaping on public highway frontages in accordance with the provisions of the Middleton City Code in place as of the effective date of this Development Agreement.
- b. Developer/owner will provide landscaping along perimeters in accordance with the provisions of the Middleton City Code in place as of the effective date of this Development Agreement.
- c. Developer/owner will provide interior parking lot landscaping in accordance with the provisions of the Middleton code for C2 zoned properties in place as of the effective date of this Development Agreement as generally depicted with the Conceptual Plan.
- d. Developer/owner or its successors or assigns shall maintain all site landscape areas as required by law.

6. **Parking and Loading.**

- a. Developer/owner shall provide off-street parking in accordance with the provisions of the Middleton City Code in effect as of the effective date of this Development Agreement. Developer/owner may exceed the minimums in the code at its sole discretion.
- b. Developer/owner shall meet all standards the City has established for configuration of parking lot areas for adequate fire truck access and all special

conditions that the Middleton fire department reasonably requires as of the effective date of this Development Agreement.

7. **Setbacks.** Developer/owner shall comply with the setbacks for C2 zoned property as provided in the Middleton City Code in effect as of the effective date of this Development Agreement.
8. **Signs.** In lieu of meeting any sign requirements of the Middleton City Code, Developer/owner shall adopt sign criteria for the Project generally in conformance with Exhibit B, recognizing the need for flexibility to meet the needs of particular tenants and/or owners within the Project. Signs shall generally be on the buildings and along the street for each different tenant. There will be three free standing signs along Highway 44 and 2 free standing signs along Duff Road. The sign design will be reviewed by the design review committee.
9. **Utilities.**
 - a. Developer/owner shall bring to the Property all utilities it requires for development subject to appropriate reimbursement provisions in latecomers' agreements, except for sanitary sewer.
 - b. Developer/owner shall construct all on-site utilities required for development of the Property, including sewer, water, electricity, natural gas, and any others Developer/owner deems appropriate.
 - c. All on-site utilities shall be constructed underground.
10. Effective upon recordation of this Development Agreement, the City has approved C2 zoning for the Property. Provided, however, that land uses allowed on the Property shall be either permitted uses "P" or the conditional uses "C" under Section 5-2-4 of the Middleton Zoning ordinance for the C2 zoning district except that the certain uses otherwise allowed in the C2 zone are not permitted for the Project, and certain uses beyond those allowed in the C2 zone shall be allowed, all as set forth in Exhibit B. Convenience stores are a permitted use and gas pumps are to be permitted with this use. "C" uses will still require a conditional use.
11. Upon Developer/owner's request, the City shall issue a letter of certification stating that, if true, Developer/owner is not in violation of this Development Agreement as of the date of the letter.
12. The City shall grant Developer/owner all easements necessary for Developer/owner to meet its obligations under this Development Agreement. Furthermore the City acknowledges and hereby allows developer to sub-divide the property as to building pads for the users who must own their site. This is to be done in the form that is standard for the shopping center industry. Middleton agrees to allow up to four signs on each frontage street.
13. Prior to issuance of any building permit beyond a foundation permit, Developer/owner shall submit detailed building, parking, sign and landscaping plans, sufficient to show compliance with this Development Agreement and the applicable provisions of the Middleton City Code. The City shall approve such submittals and issue

building permits and certificates of occupancy in conformance with the Middleton City Code in place as of the effective date of this Development Agreement.

14. This Development Agreement is intended to be supplemental to all other local, City, State and Federal Code requirements, rules and regulations, and is established to assure compatibility of the resulting land use with the surrounding area. Provided, however, that to the extent this Development Agreement conflicts with any provision of the Middleton City Code, this Development Agreement shall prevail to the extent permitted by law.

15. The provisions and stipulations of this Development Agreement shall be binding on and shall inure to the benefit of the City, Developer/owner, each subsequent owner of the Property, and each other person acquiring an interest in the Property.

16. This Development Agreement may be modified only by written agreement of Developer/owner and the City Council of the City of Middleton, Idaho after complying with any notice and hearing procedures that may be required under Idaho Code 67-6509 or Middleton City Code Title 5, Chapter 7 or successor provisions.

17. Subject to Paragraph 18 below, the execution of this Development Agreement and the written commitments contained herein shall be deemed written consent to change the zoning of the Property to R-3 designation upon failure of the conditions imposed upon Developer/owner by this Development Agreement, provided, however, that no such consent shall be deemed to have been given unless the City provides written notice of any such failure and Developer/owner or its successors and/or assigns fail to cure such failure within six months of such notice.

18. This Development Agreement and the commitments contained herein shall be terminated, and the zoning designation upon which the use is based reversed, upon the failure of Developer/owner or each subsequent owner or each person acquiring an interest in the subject parcel to comply with the commitments contained herein within 5 years of the effective date of this Development Agreement and after complying with the notice and hearing procedures of Idaho Code 67-6509; provided, however, no such termination or reversal shall occur unless the City provides written notice of any such failure to comply and Developer/owner (or its successors and/or assigns) fails to cure such failure within six months of such notice; further provided that no default by a subsequent owner of a portion of the Property shall constitute a default by Developer/owner for the portion of the Property still owned by Developer/owner. Following Developer/owner's application for extension of this Development Agreement, the City may extend the five-year period of time for compliance with the commitments in this Development Agreement, after complying with the notice and hearing provisions of Idaho Code 67-6509.

19. Following execution of this Development Agreement, the City shall promptly record it at the developers expense, and the Development Agreement shall thereafter run with the Property, as described in Exhibit A, consisting of _ pages, attached hereto and incorporated herein by this reference. Further, Developer/owner/owners shall have the right to assign the Development Agreement, without prior approval of the City, on the assignment, sale, or

transfer of the Property or any interest therein or portion thereof (as to that portion of the Property).

20. Final building permit approval and construction of the improvements on the Property, in accordance with those approved conceptual plans as submitted, shall be deemed to satisfy the conditions and obligations of Developer/owner set forth in this Development Agreement.

21. Revocation or reversal of zoning as set forth in Paragraphs 15 and 16 shall be the City's remedy if Developer/owner's obligations and/or conditions under this Development Agreement are not met. Any costs associated with or improvements required to be completed by this agreement will be at the expense of the developer.

22. **Notices.** Any notice which a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same by registered or certified mail, return receipt requested postage prepaid, or by Federal Express or other reputable overnight delivery service, to the party to whom the notice is directed at the address of such party set forth below.

Middleton:

City Clerk

City of Middleton

P.O Box 487

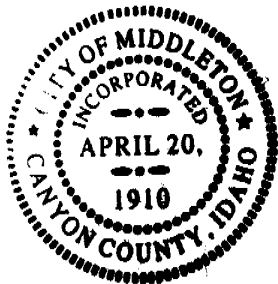
Middleton, Idaho 83644

Developer: Mr. Richard Phillips and Staci Phillips Trust
210 Murray Street
Boise, Idaho 83714

or such other address and to such other persons as the parties may hereafter designate in writing to the other parties. Any such notice shall be deemed given upon delivery if by personal delivery, upon deposit in the United States mail, if sent by mail pursuant to the foregoing.

23. **Choice of Law.** This Development Agreement shall be construed in accordance with the laws of the State of Idaho in effect at the time of the execution of this Development Agreement. Any action brought in connection with this Development Agreement shall be brought in a court of competent jurisdiction located in canyon County, Idaho.
24. **Effective Date.** This Development Agreement shall be effective after delivery to each of the parties hereto of a fully executed copy of the Development Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this day and year first above written.



CITY OF MIDDLETON:

Frank McKeen

Mayor, City of Middleton, Idaho

Ellen Smith CMK

Attest: _____, City Clerk

City of Middleton, Idaho

STATE OF IDAHO)

) ss

County of Canyon)

On this 12 day of October, in the year of 2006, before me Elena Gomez, personally appeared Frank McKeen and Ella Smith, known or identified to me, to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same, and were so authorized to do so for and on behalf of said City of Middleton.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Elena Gomez
Notary Public for Idaho
Residing at Middleton, Idaho
My Commission expires: 3-14-11

Richard M. Phillips

Richard M. Phillips
By: Richard M. Phillips

Staci Phillips Trust

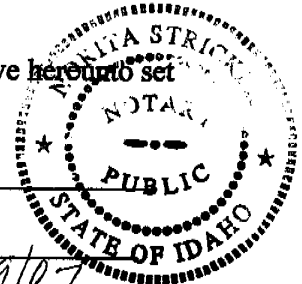
Richard M. Phillips
By: Richard M. Phillips
Its: Trustee

STATE OF IDAHO)
)ss
County of Ada)

On this 7 day of Sept, in the year 2006, before me, personally appeared Richard M. Phillips, known or identified to me to be the Trustee of the Staci Phillips Trust and acknowledged to me that he executed the same, and was so authorized to do so for and on behalf of Staci Phillips Trust.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my official seal the day and year first above written.

Norita Stricker
Notary Public for Idaho
Residing at: Eagle, Id
My Commission expires: 2/9/07

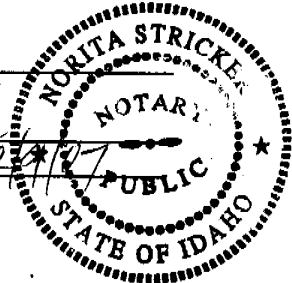


STATE OF IDAHO)
)ss.
County of Ada)

On this 7 day of Sept, in the year 2006, before me, personally appeared Richard M. Phillips, known or identified to me to be the person whose name is subscribed to the within and forgoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Norita Stricker
Notary Public for Idaho
Residing at: Eagle, Id
My Commission expires: 2/9/07



ANNEXATION SURVEY MAP

A PORTION OF THE NE 1/4 OF
SECTION 8, T.4 N., R.2 W., B.M. CANYON COUNTY,
IDAHO, (THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST SECTION LINE OF S&D SECTION 8 BETWEEN
THE NORTH 1/16 CORNER AND THE NORTHEAST CORNER OF S&D SECTION 8, S&D LINE BEARS N 01°02'16" E).
- JOHNSON ENGINEERING 2008 -

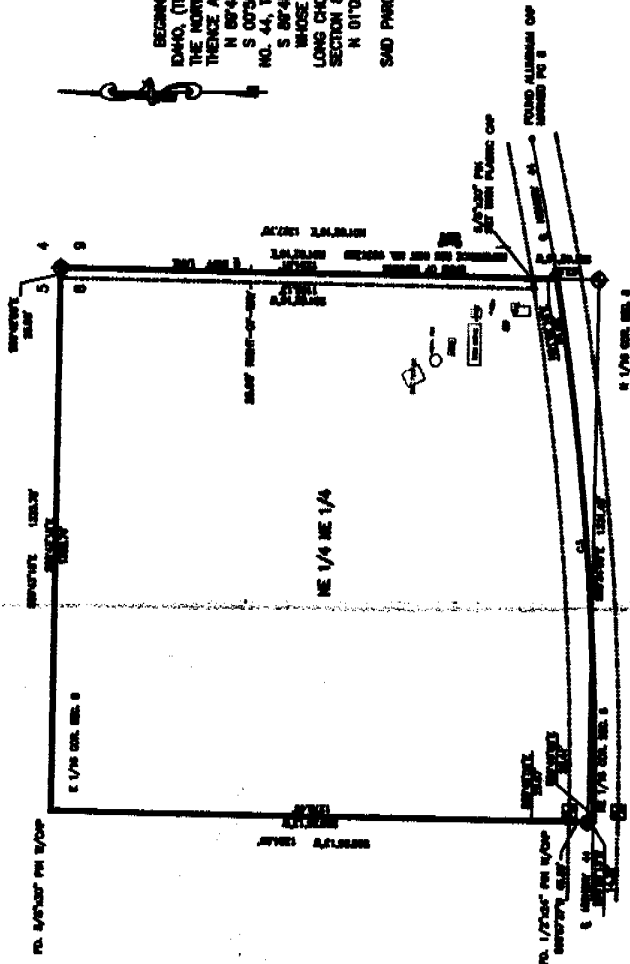
EXHIBIT "A"

EXHIBIT A

BOUNDARY DESCRIPTION

BEGINNING AT THE NORTHEAST CORNER OF SECTION 8, T.4 N., R.2 W., B.M. CANYON COUNTY,
IDAHO, (THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST SECTION LINE OF S&D SECTION 8 BETWEEN
THE NORTH 1/16 CORNER AND THE NORTHEAST CORNER OF S&D SECTION 8, S&D LINE BEARS N 01°02'16" E).
THENCE ALONG THE NORTH LINE OF S&D SECTION 8
N 01°02'16" E 1333.75 FEET, TO THE EAST 1/16 CORNER OF S&D SECTION 8, THENCE
S 01°02'16" E 1333.75 FEET, TO A POINT ON THE CENTERLINE OF STATE HIGHWAY
NO. 44, THENCE ALONG S&D CENTERLINE
S 01°02'16" E 28.41 FEET TO A POINT, THENCE ON A CURVE TO THE LEFT
WHOSE RADIUS IS 7639.44 FEET, WHOSE LENGTH IS 1313.05 FEET, WHOSE DELTA IS 9°50'32" AND WHOSE
LONG CHORD BEARS N 80°15'10" E 1311.43 FEET TO A POINT ON THE EAST SECTION LINE OF S&D
SECTION 8 AND THE CENTERLINE OF THE DUFF LAKE RIGHT-OF-WAY, THENCE ALONG S&D EAST SECTION LINE
N 01°02'16" E 1224.81 FEET TO THE POINT OF BEGINNING.

S&D PARCEL CONTAINS 30.81 ACRES.



LEGEND
 BOUNDARY RIGHT-OF-WAY MARKERS
 S&D SECTION 8
 S&D SECTION 8
 LAND CORNER
 POINT OF BEGINNING
 RIGHT-OF-WAY
 STATE HIGHWAY NO. 44

GRAPHIC SCALE
 (IN FEET)
 1 inch = 100 ft.

WHITELEY SURVEY
 ANNEXATION SURVEY

JOHNSON ENGINEERING	SCALE: 1" = 200'
2222 CANYON BLVD. SUITE J CANYON CITY, IDAHO 83415 (208) 233-7863	DATE: 3/21/08
	DRAWN BY: R.E.L.
	CHECKED: 1 OF 1
	DESIGNED BY: R.E.L.
	PROJECT NO.: 12345

"Exhibit B"

212

Emergency Access

Sign

Sign

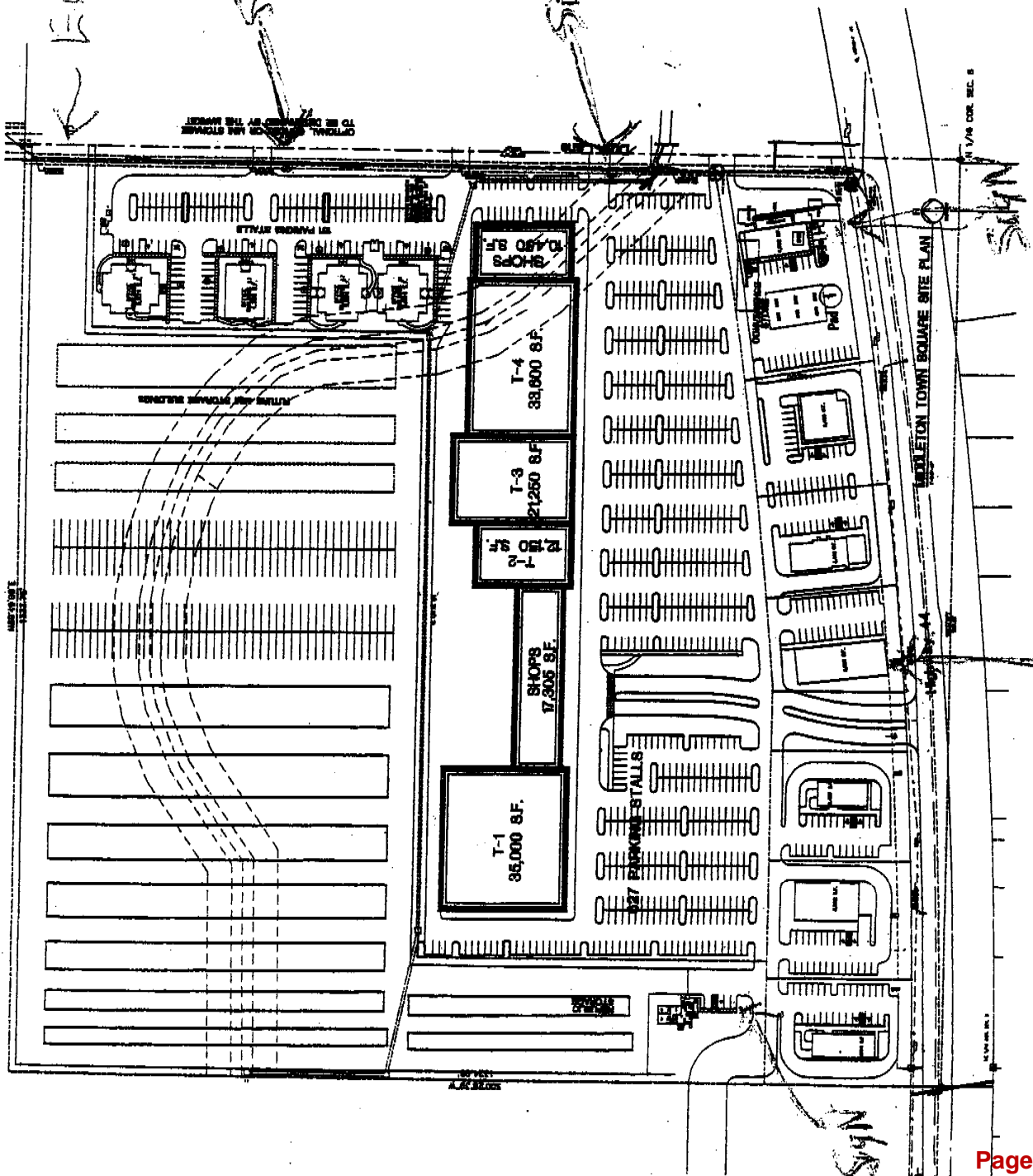
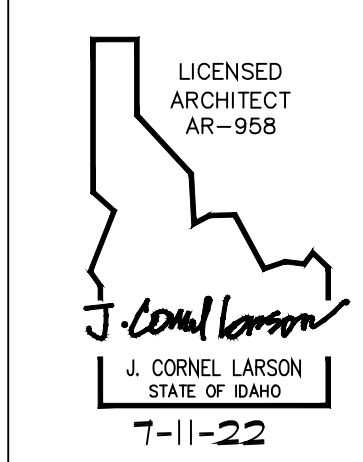


EXHIBIT “B”

Site Plan



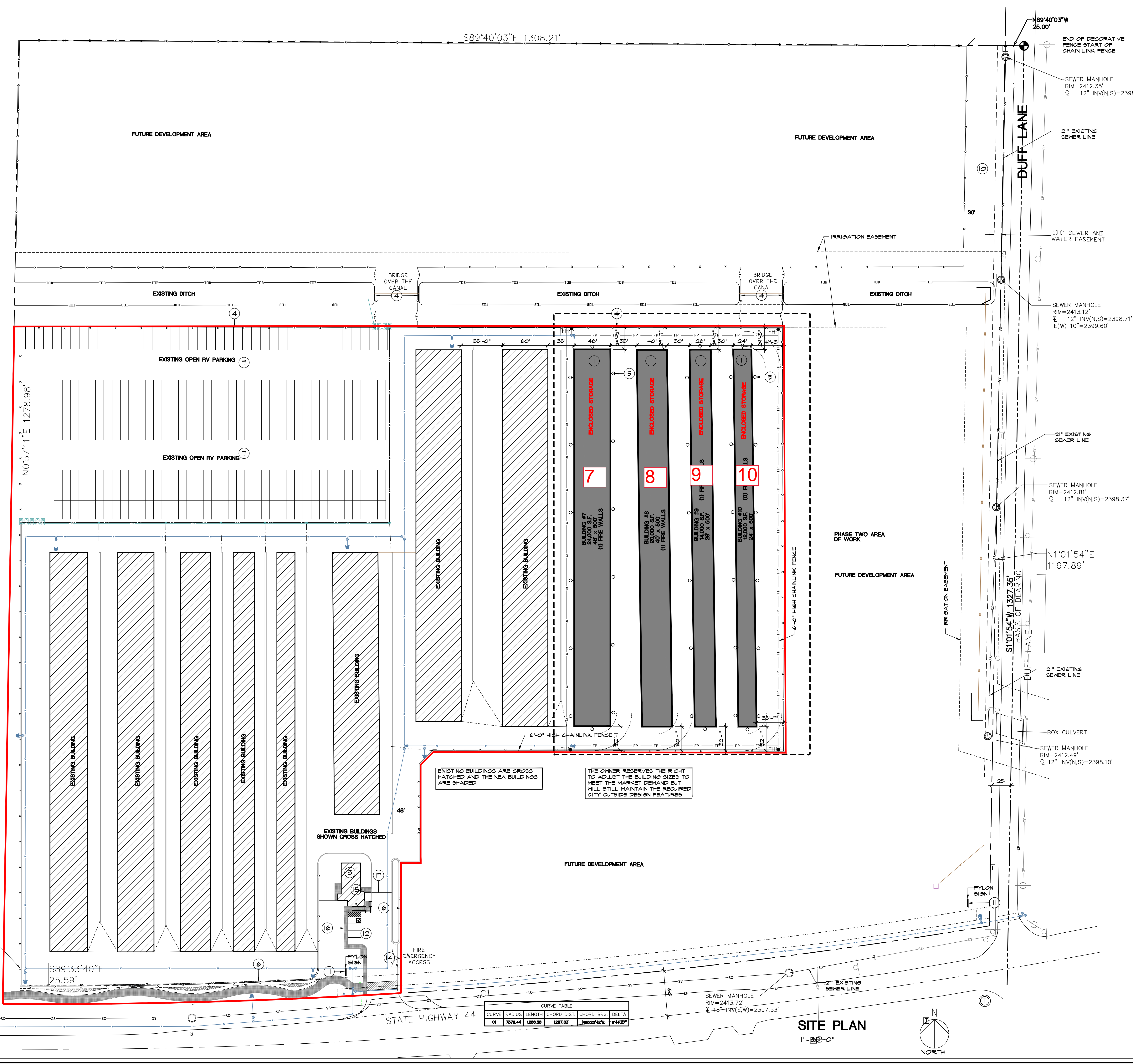
Larson Architects, P.A.
Architecture and Real Estate Planning
210 Murray Street
Boise, Idaho 83714
(208) 376-7502

**ADDITION TO:
REPUBLIC STORAGE MIDDLETON**
10150 HIGHWAY 44
MIDDLETON, IDAHO 83644

PROJECT NAME
REVISIONS
DRAWN BY
DATE
SHEET NUMBER

SP-1

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PROJECT NOTES

1. PROVIDE FIRE EXTINGUISHERS AT ALL BUILDINGS AS REQUIRED BY THE IFC AND THE FIRE DEPARTMENT.
2. PROVIDE KNOX BOX AS REQUIRED.
3. PROVIDE FIRE HYDRANT SPACING AT 400 FEET MAXIMUM SPACING.

OWNER DATA

OWNER: EMBASSY INC.
REPUBLIC STORAGE OF MIDDLETON LLC
210 MURRAY STREET
BOISE, IDAHO 83714
ARCHITECT: LARSON ARCHITECTS, P.A.
210 MURRAY STREET
BOISE, IDAHO 83714

SITE DATA

PARKING SHOWN	4 STALLS W/ ACCESSIBLE STALLS
PHASE ONE:	
SELF STORAGE ENCLOSED	125,700 S.F.
SELF STORAGE COVERED	50,460 S.F.
RESIDENCE	1,569 S.F.
TOTAL BUILDING AREA PHASE ONE	177,729 S.F. THIS PHASE
PHASE TWO:	
SELF STORAGE ENCLOSED	70,000 S.F.
SELF STORAGE COVERED	0 S.F.
TOTAL BUILDING AREA PHASE TWO	70,000 S.F. THIS PHASE
TOTAL BUILDING AREA	247,729 S.F.
GROSS SITE AREA	57.51 ACRE OR 1,625,240 S.F.
PHASE ONE SITE AREA	17.54 ACRE OR 1,211,124 S.F.
PHASE TWO SITE AREA	19.96 ACRE OR 664,451 S.F.
INCLUDES THE DITCH AREA	
TOTAL SITE COVERAGE	52.7% PHASES 1 AND 2 OF 17.54 ACRES
TOTAL LANDSCAPE AREA	19,481 S.F. OR 2.6%
PHASE TWO LANDSCAPE AREA	NO NEW PROPOSED
PHASE TWO GRAVEL AREA	119,295 S.F. OR 13.6%
PAVED OR GRAVEL AREA	440,515 S.F. OR 64.71%
ZONING	C-2

KEY NOTES

1. ENCLOSED STORAGE BUILDING
2. COVERED STORAGE BUILDINGS
3. EXISTING OFFICE/RESIDENCE
4. NEW 6'-0" CHAIN LINK FENCE
5. BUILDING 4 SITE LIGHTING
6. EXISTING DECORATIVE FENCE
7. GRAVEL
8. EXISTING LANDSCAPE - SOD AND TREES
9. NOT USED
10. EXISTING AUTOMATIC SPRINKLER SYSTEM
11. EXISTING PROJECT SIGN
12. (3) CUSTOMER PARKING STALLS
13. EXTRUDED CURB SHOWN DOUBLE LINE
14. 20'-0" EMERGENCY GATE IN CHAIN LINK FENCE
15. EXISTING 1:12 HANDICAPPED RAMP AND WALK
16. EXISTING CONNECT TO CITY SEWER
17. ELECTRONICALLY ACTUATED GATE
18. SIREN OPERATING SYSTEM PER STAR CITY

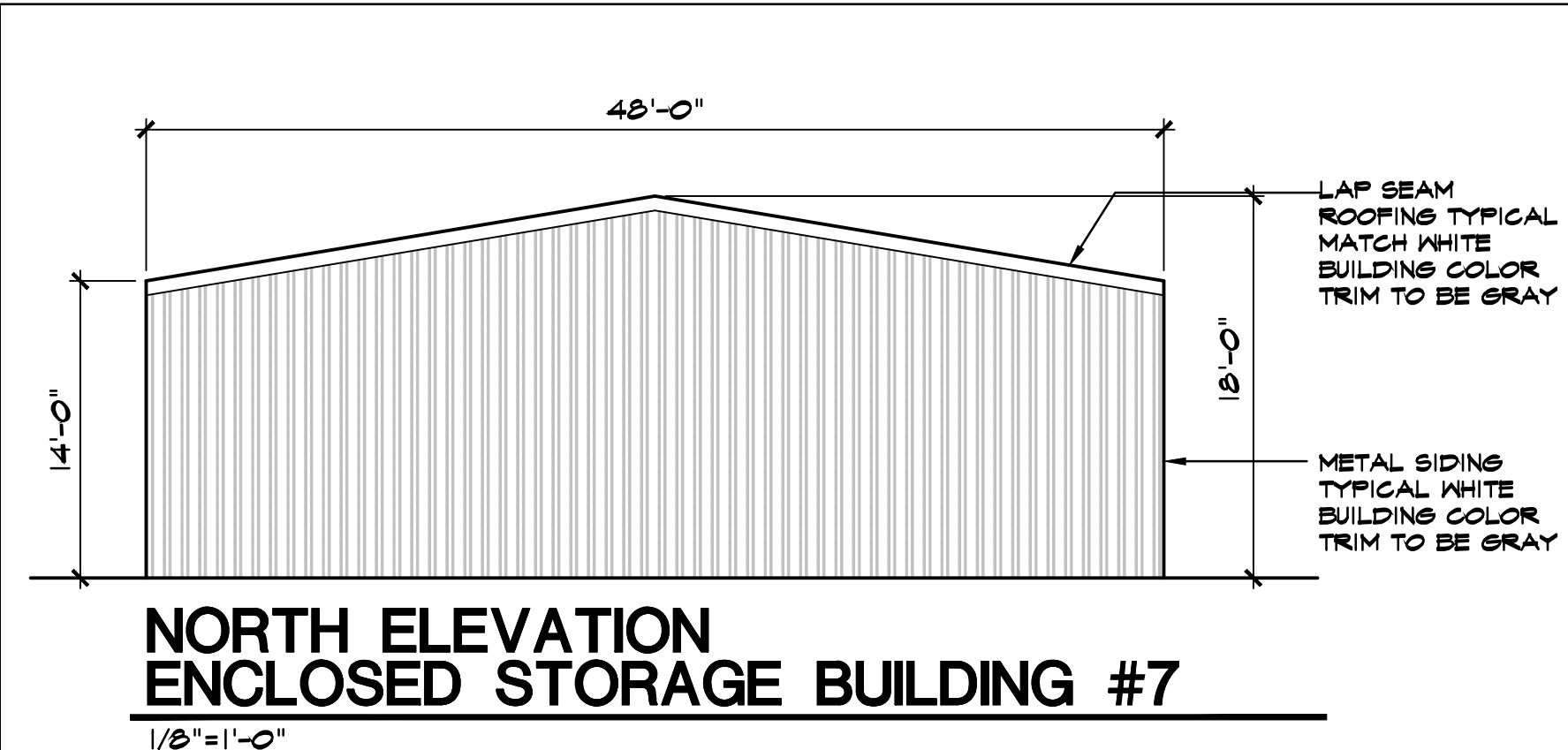
ZONING INFORMATION

MINIMUM FRONT YARD SETBACK	10'-0"
MINIMUM SIDE YARD SETBACK	0'-0"
MINIMUM REAR YARD SETBACK	0'-0"
MINIMUM SIDE STREET SETBACK	10'-0"
MAXIMUM HEIGHT	55'-0"
DESIGN REVIEW IS REQUIRED	

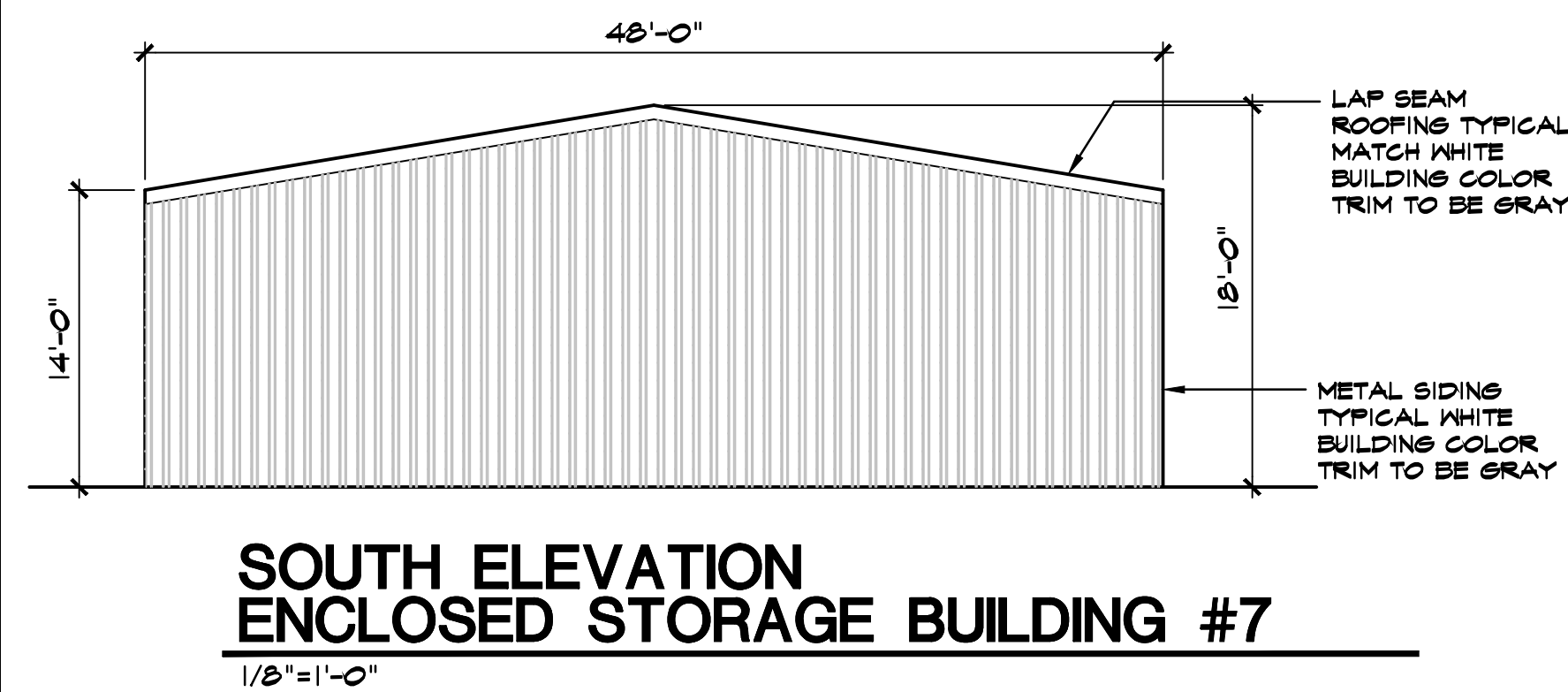
CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD DIST.	CHORD BRG.	DELTA
C1	7870.44	1288.08	1287.03	N89°22'42"E	94°42'27"

EXHIBIT "C"

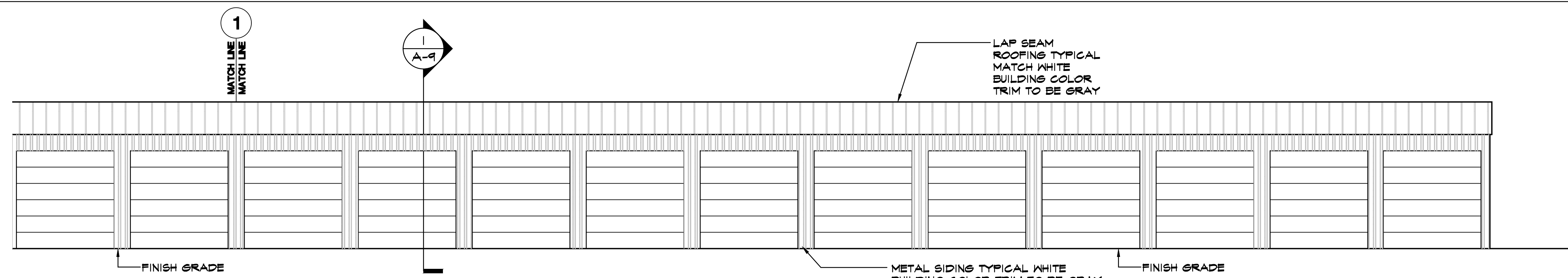
Building Elevations



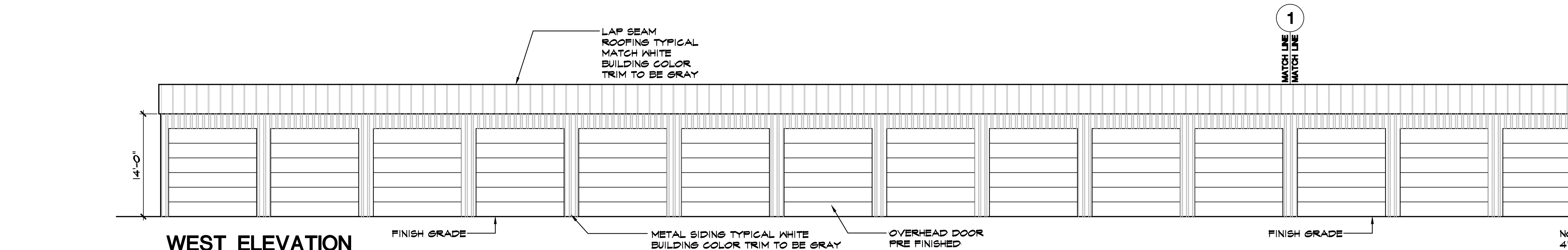
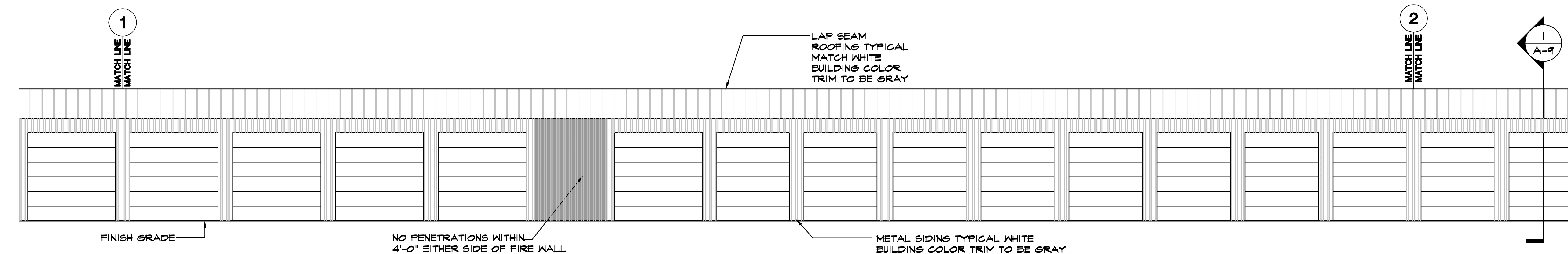
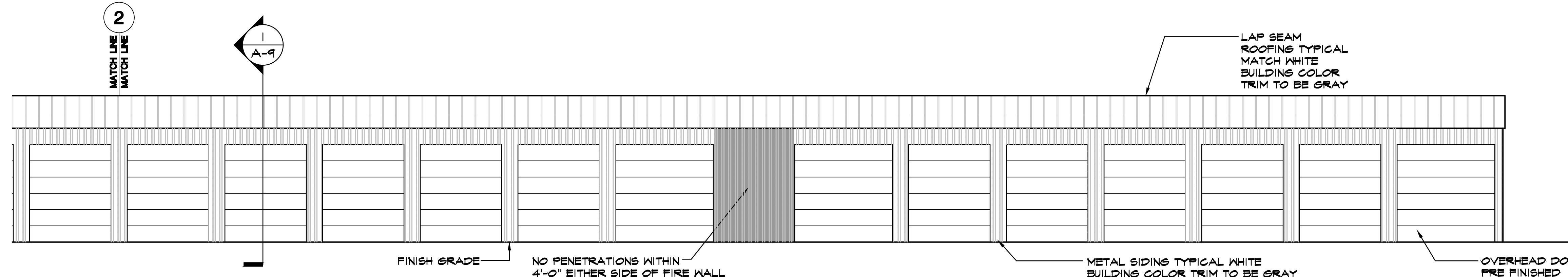
**NORTH ELEVATION
ENCLOSED STORAGE BUILDING #7**
1/8"=1'-0"



**SOUTH ELEVATION
ENCLOSED STORAGE BUILDING #7**
1/8"=1'-0"



**EAST ELEVATION
ENCLOSED STORAGE BUILDING #7**
1/8"=1'-0"



**WEST ELEVATION
ENCLOSED STORAGE BUILDING #7**
1/8"=1'-0"

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PROJECT NAME

**PHASE TWO:
REPUBLIC STORAGE MIDDLETON**
10150 HIGHWAY 44
MIDDLETON, IDAHO 83644

REVISIONS

DRAWN BY
JCL

DATE
7-11-22

SHEET NUMBER

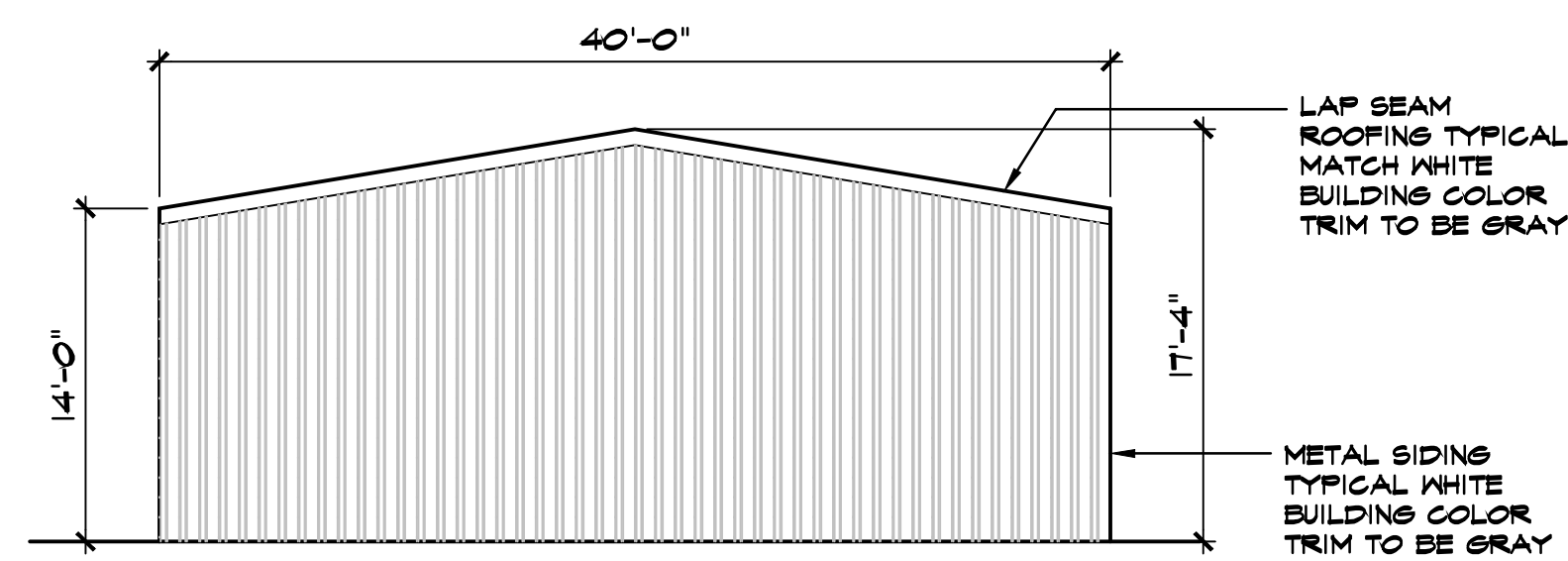
A-5

Larson Architects, P.A.

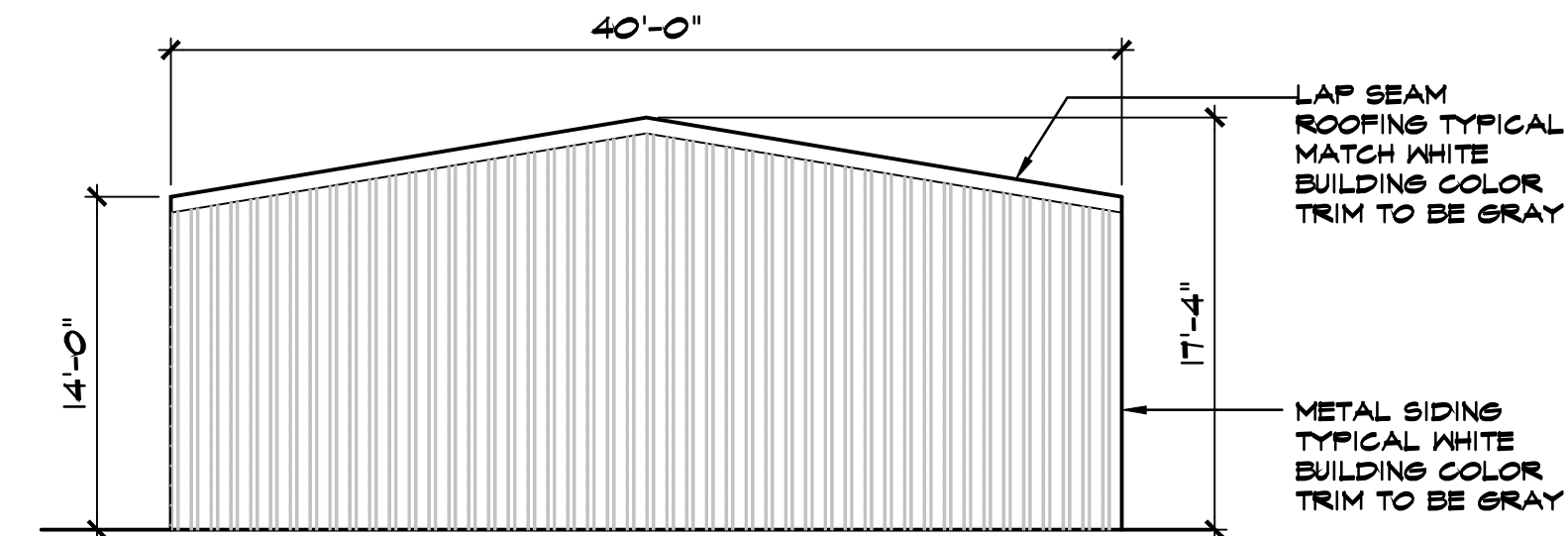
Architecture and Real Estate Planning

210 Murray Street
Boise, Idaho 83714
(208) 376-7502

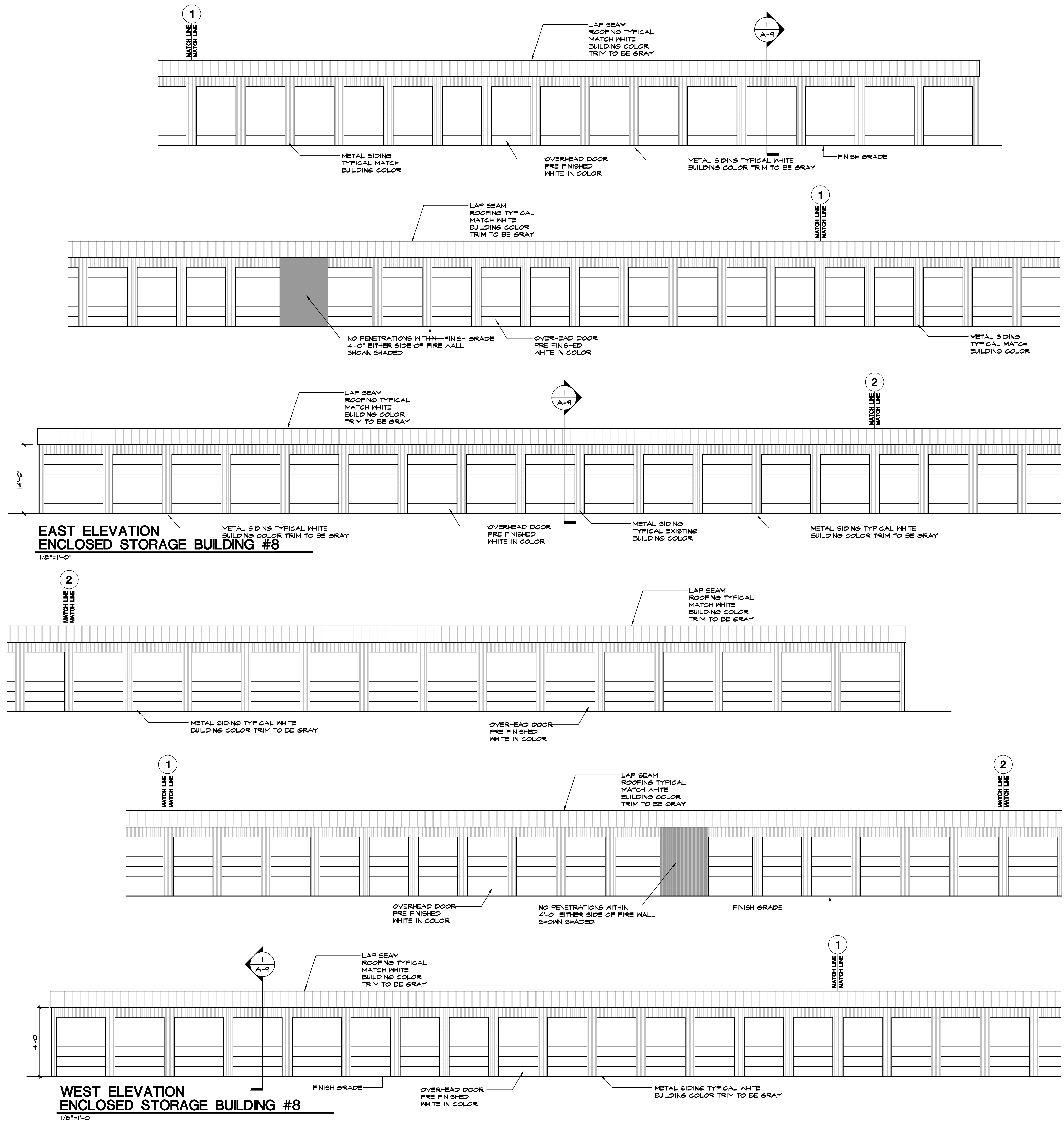
LICENSED
ARCHITECT
AS-958
J. CORNEL LARSON
STATE OF IDAHO
7-11-22

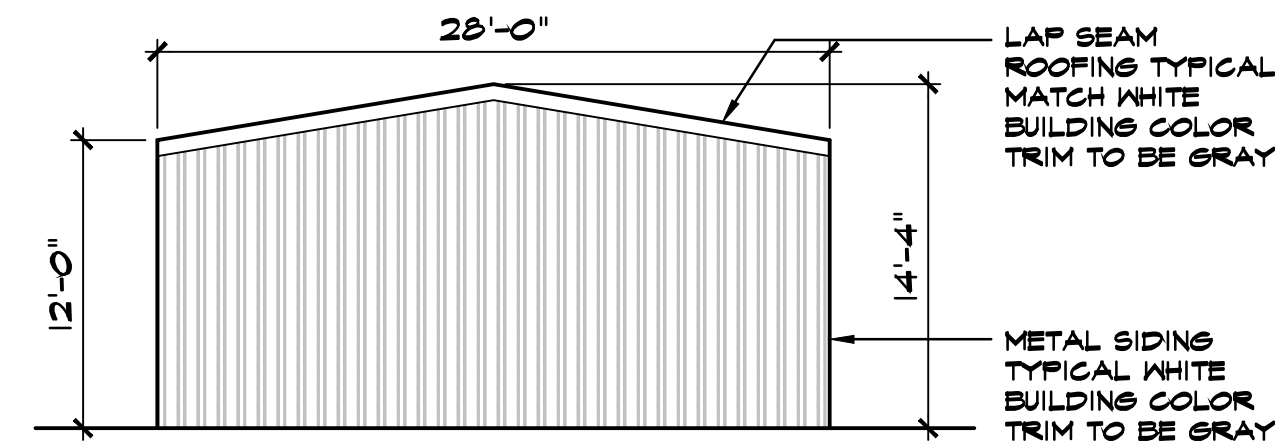


**NORTH ELEVATION
ENCLOSED STORAGE BUILDING #8**
1/8"=1'-0"

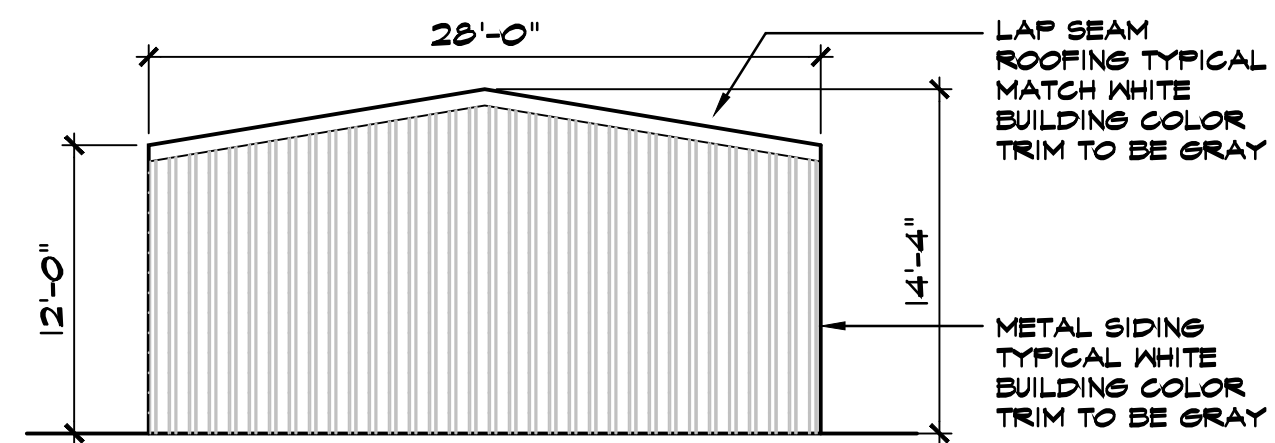


**SOUTH ELEVATION
ENCLOSED STORAGE BUILDING #8**
1/8"=1'-0"

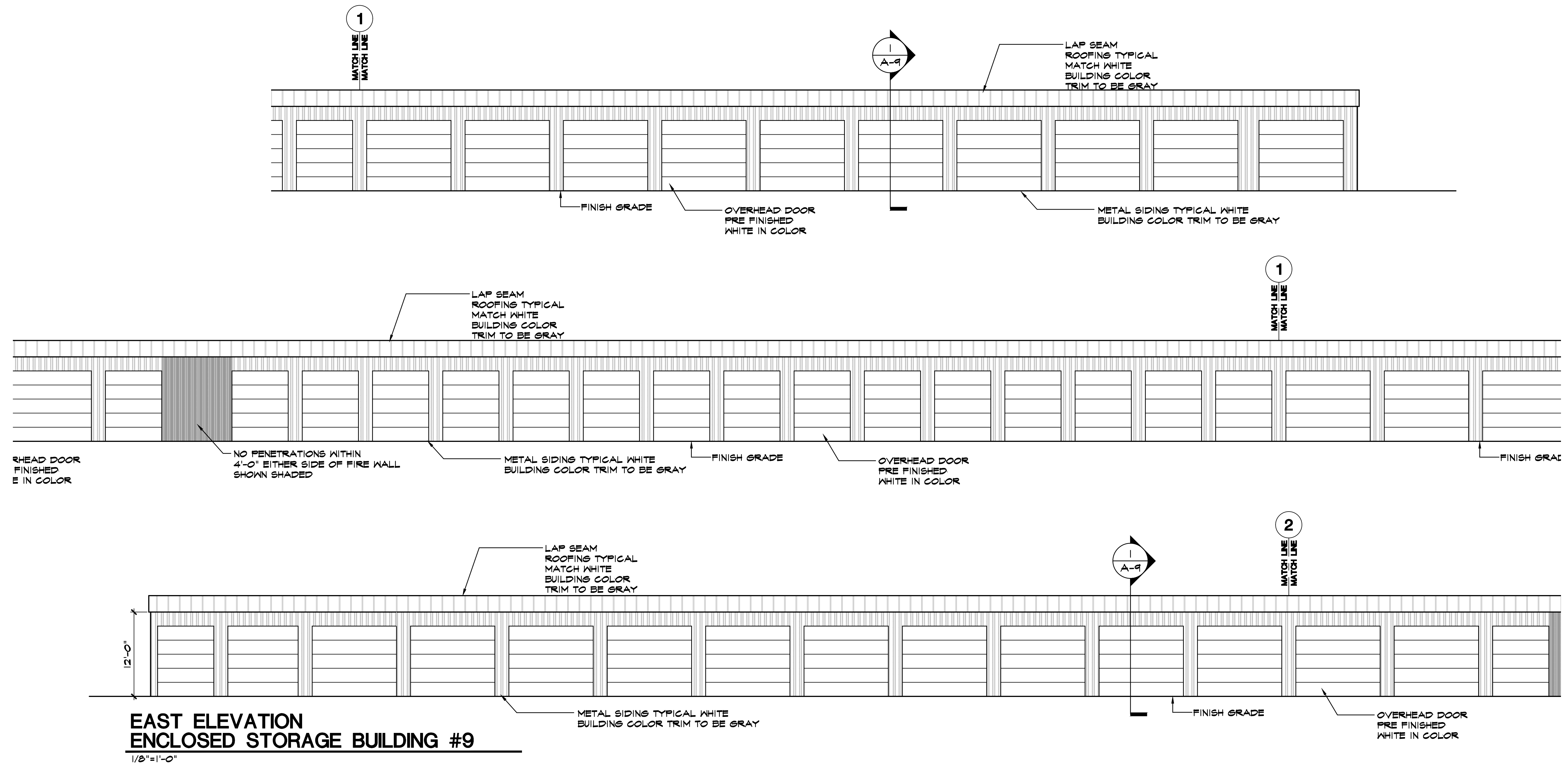




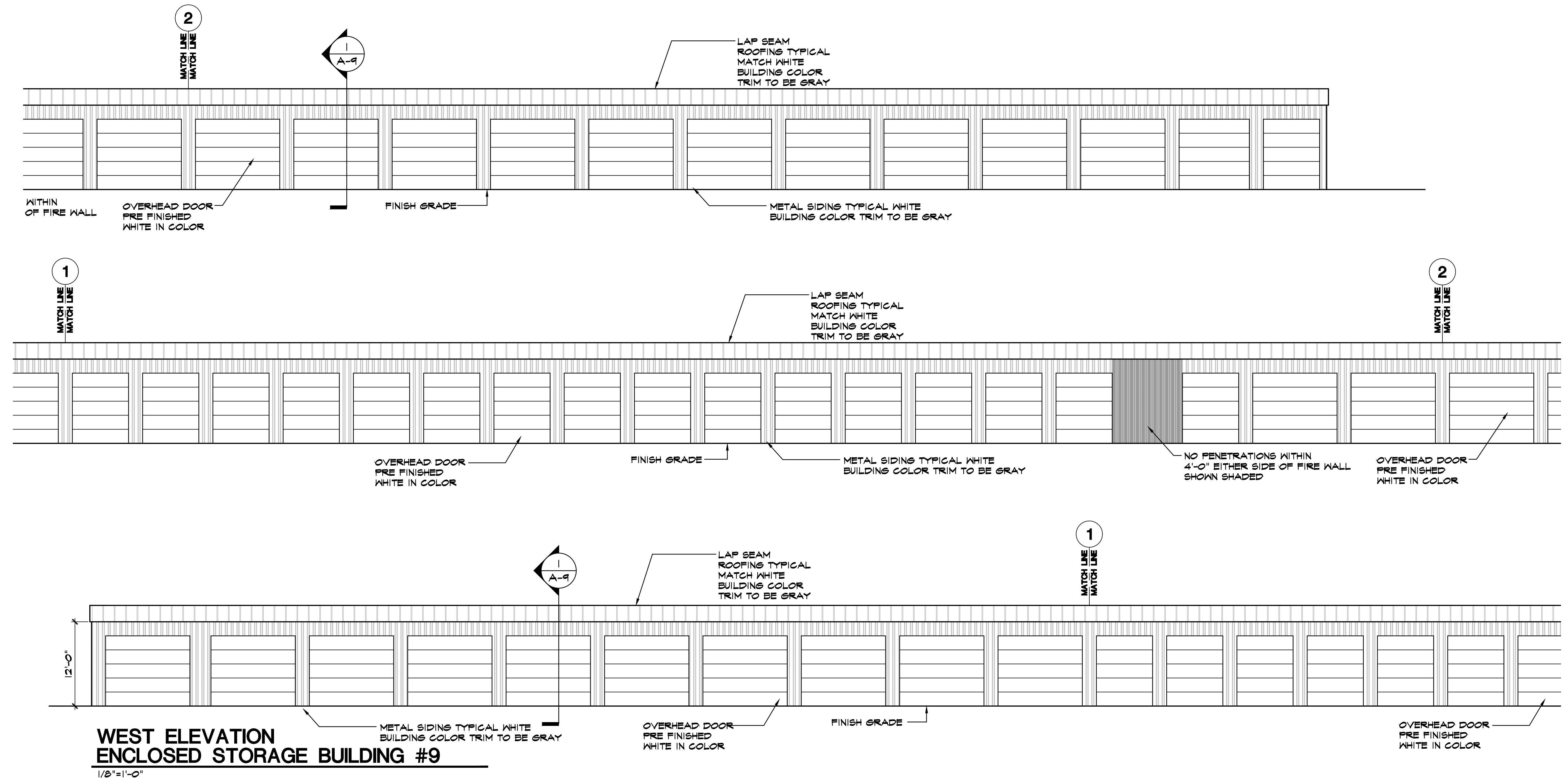
**NORTH ELEVATION
ENCLOSED STORAGE BUILDING #9**
1/8"=1'-0"



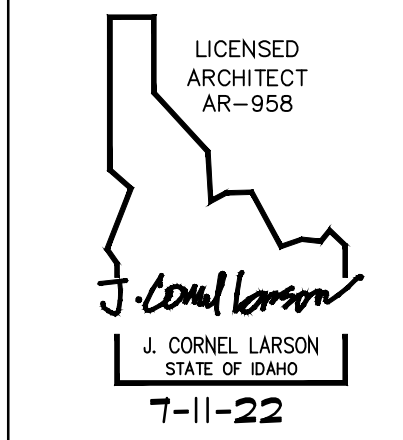
**SOUTH ELEVATION
ENCLOSED STORAGE BUILDING #9**
1/8"=1'-0"



**EAST ELEVATION
ENCLOSED STORAGE BUILDING #9**
1/8"=1'-0"



**WEST ELEVATION
ENCLOSED STORAGE BUILDING #9**
1/8"=1'-0"



Larson Architects, P.A.
Architecture and Real Estate Planning
210 Murray Street
Boise, Idaho 83714
(208) 376-7502

**PHASE TWO:
REPUBLIC STORAGE MIDDLETON**
10150 HIGHWAY 44
MIDDLETON, IDAHO 83644

REVISIONS

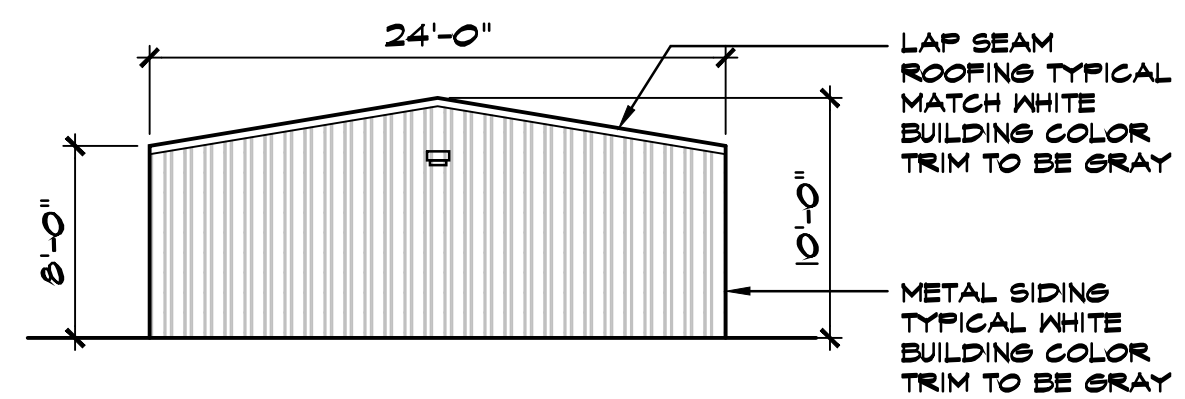
DRAWN BY
JCL

DATE
7-11-22

SHEET NUMBER

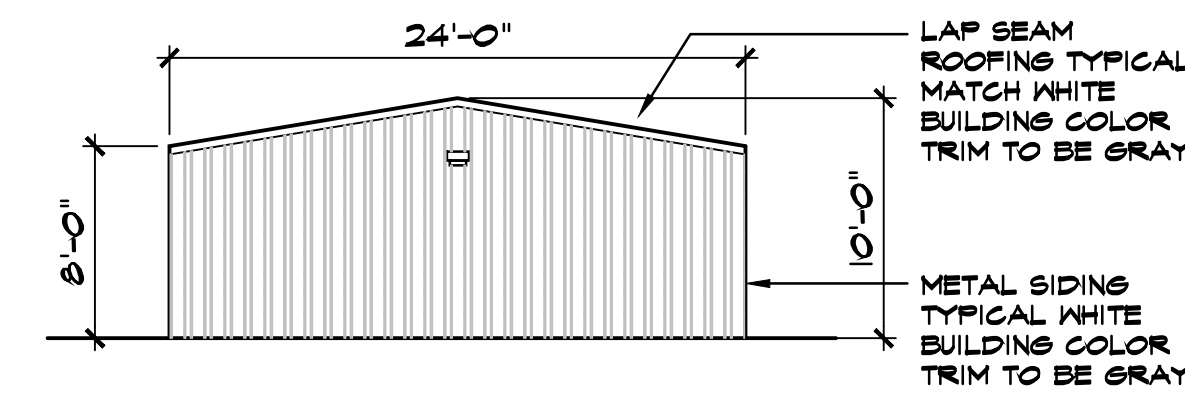
A-7

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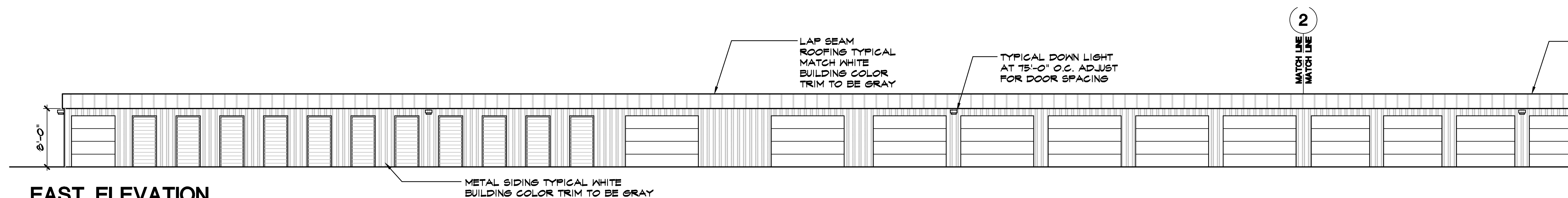
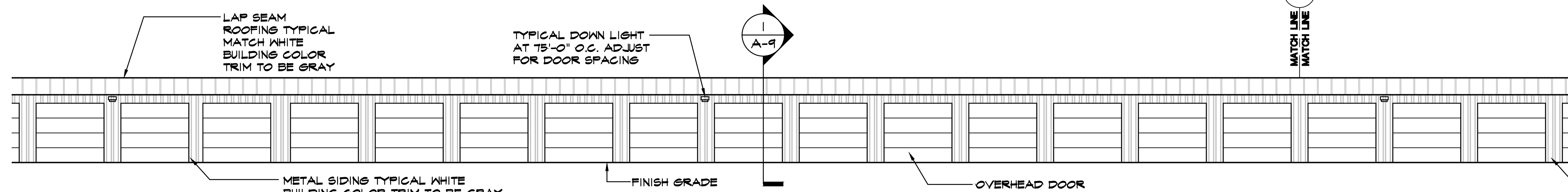
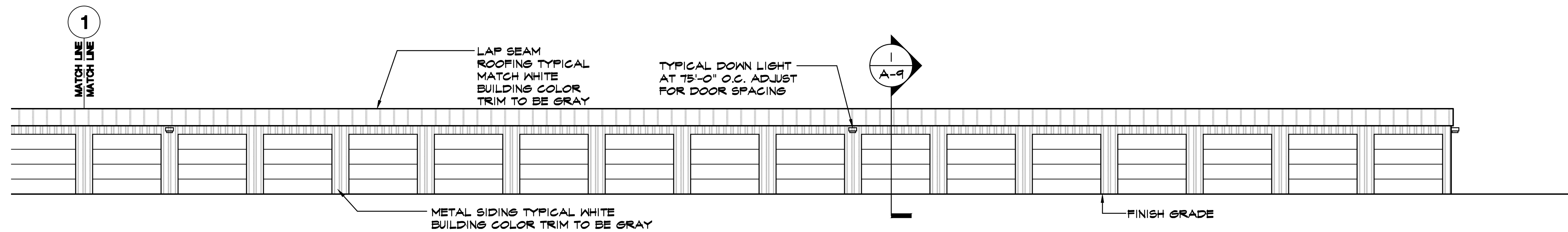
**NORTH ELEVATION
ENCLOSED STORAGE BUILDING #10**

1/8"=1'-0"



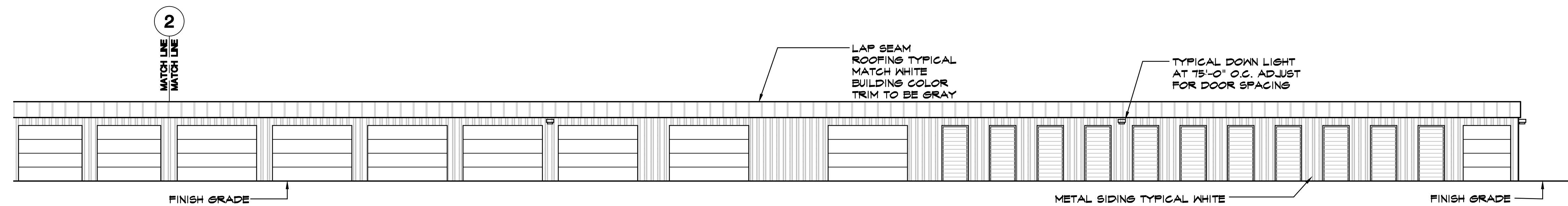
**SOUTH ELEVATION
ENCLOSED STORAGE BUILDING #10**

1/8"=1'-0"



**EAST ELEVATION
ENCLOSED STORAGE BUILDING #10**

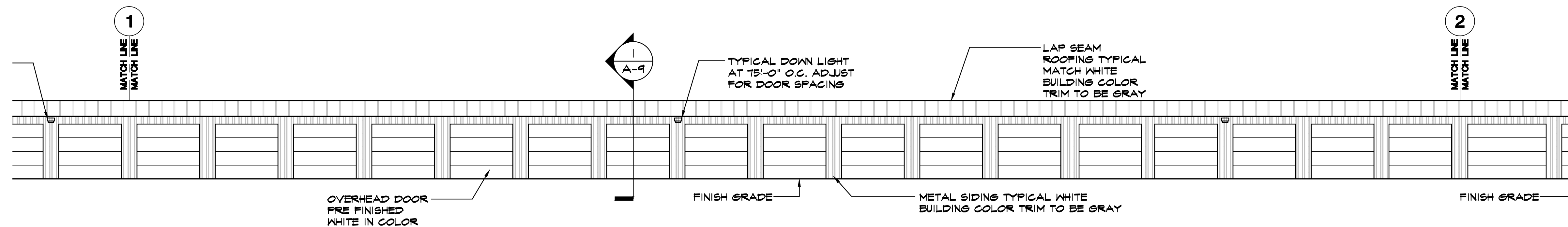
1/8"=1'-0"



FINISH GRADE

METAL SIDING TYPICAL WHITE
BUILDING COLOR TRIM TO BE GRAY

FINISH GRADE

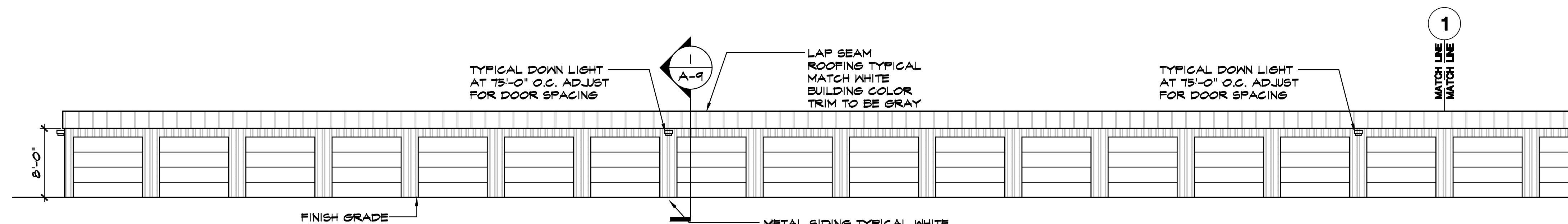


OVERHEAD DOOR
PRE FINISHED
WHITE IN COLOR

FINISH GRADE

METAL SIDING TYPICAL WHITE
BUILDING COLOR TRIM TO BE GRAY

FINISH GRADE

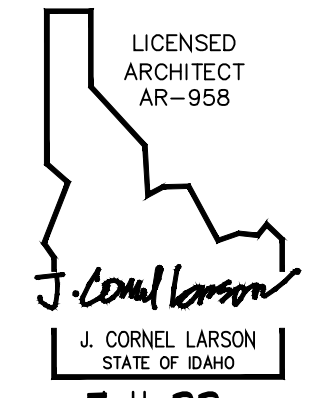


FINISH GRADE

METAL SIDING TYPICAL WHITE
BUILDING COLOR TRIM TO BE GRAY

**WEST ELEVATION
ENCLOSED STORAGE BUILDING #10**

1/8"=1'-0"



Larson Architects, P.A.

Architecture and Real Estate Planning

210 Murray Street

Boise, Idaho 83714

(208) 376-7502

PHASE TWO:
REPUBLIC STORAGE MIDDLETON
10150 HIGHWAY 44
MIDDLETON, IDAHO 83644

PROJECT NAME

REVISIONS

DRAWN BY

JCL

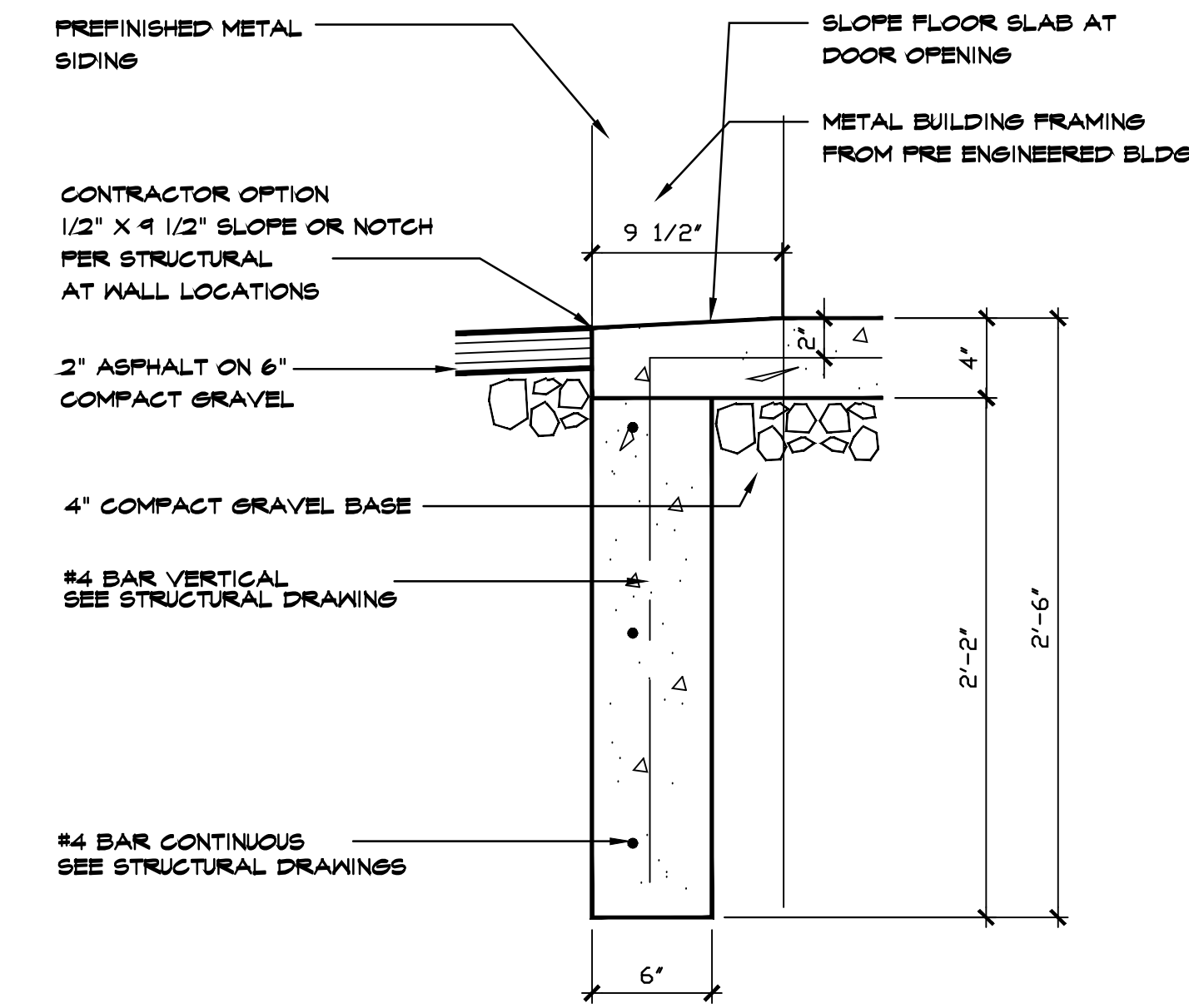
DATE

7-11-22

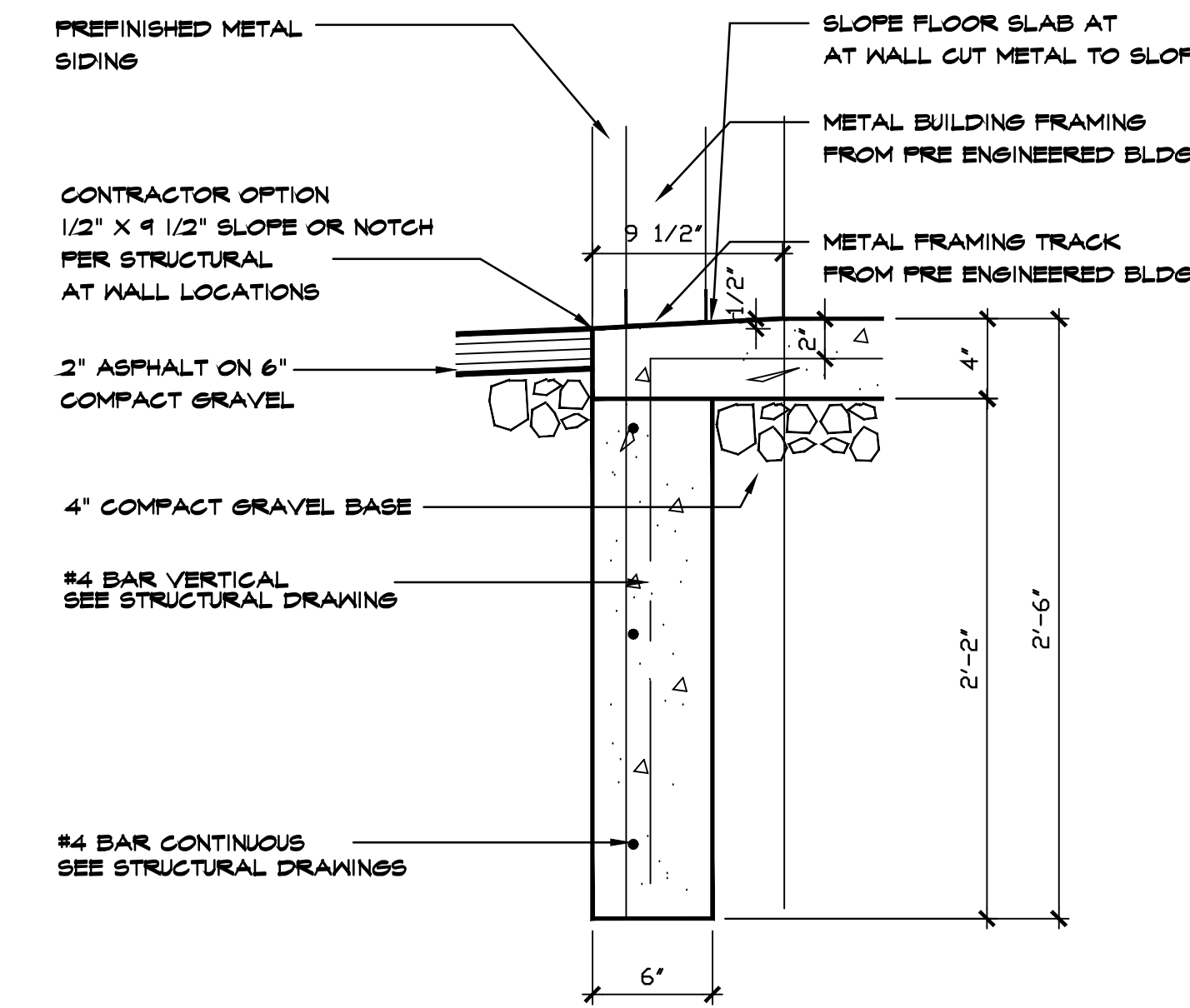
SHEET NUMBER

A-9

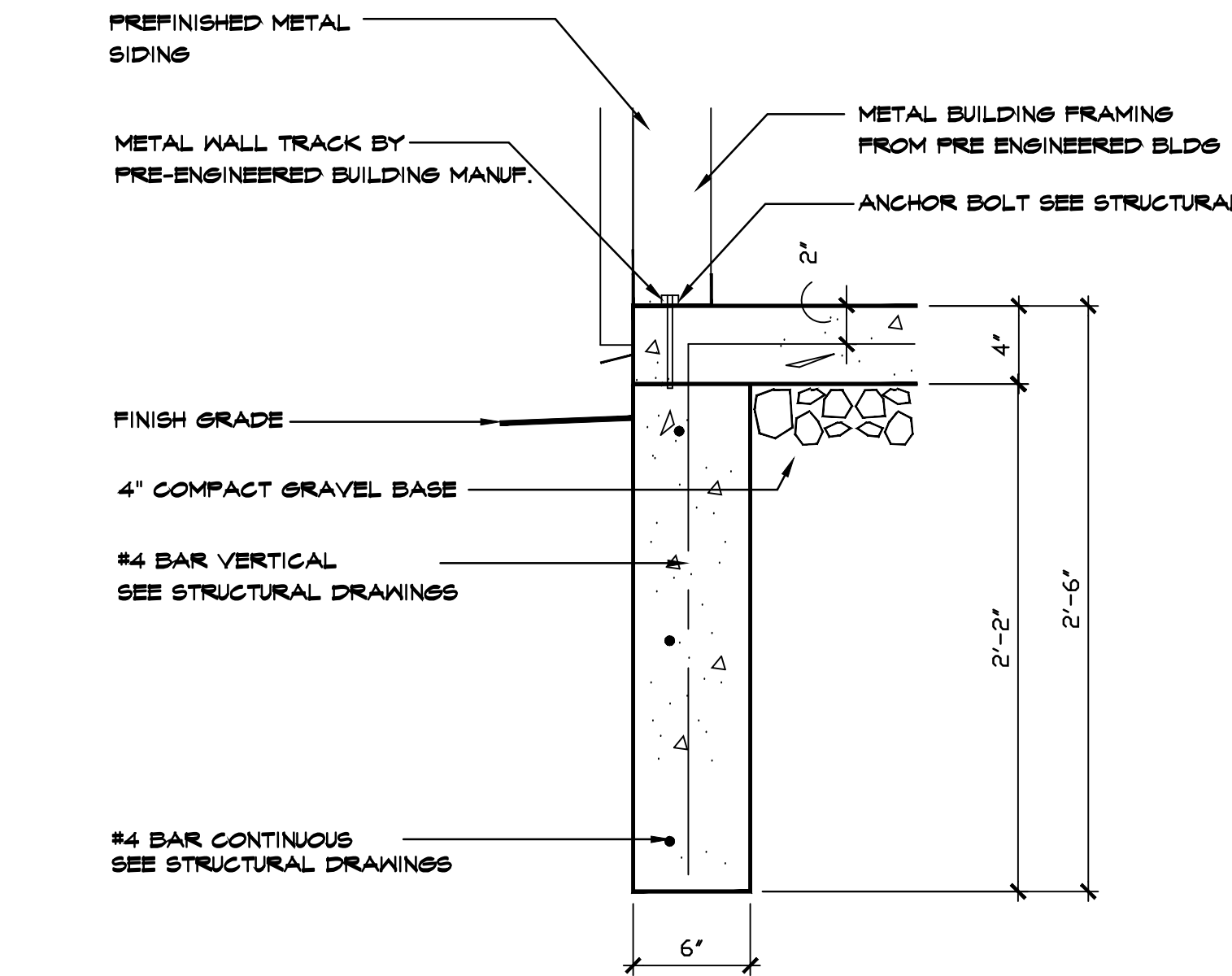
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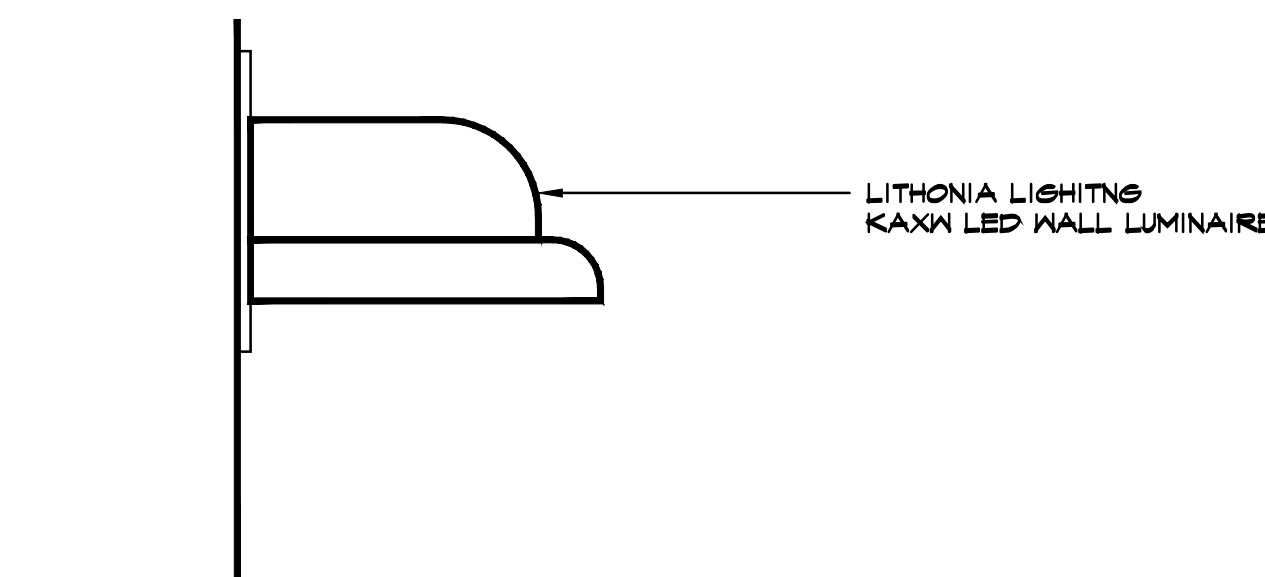
2 NON RATED TYP. EXTERIOR FOOTING @ DOORS
1/2" = 1'-0"



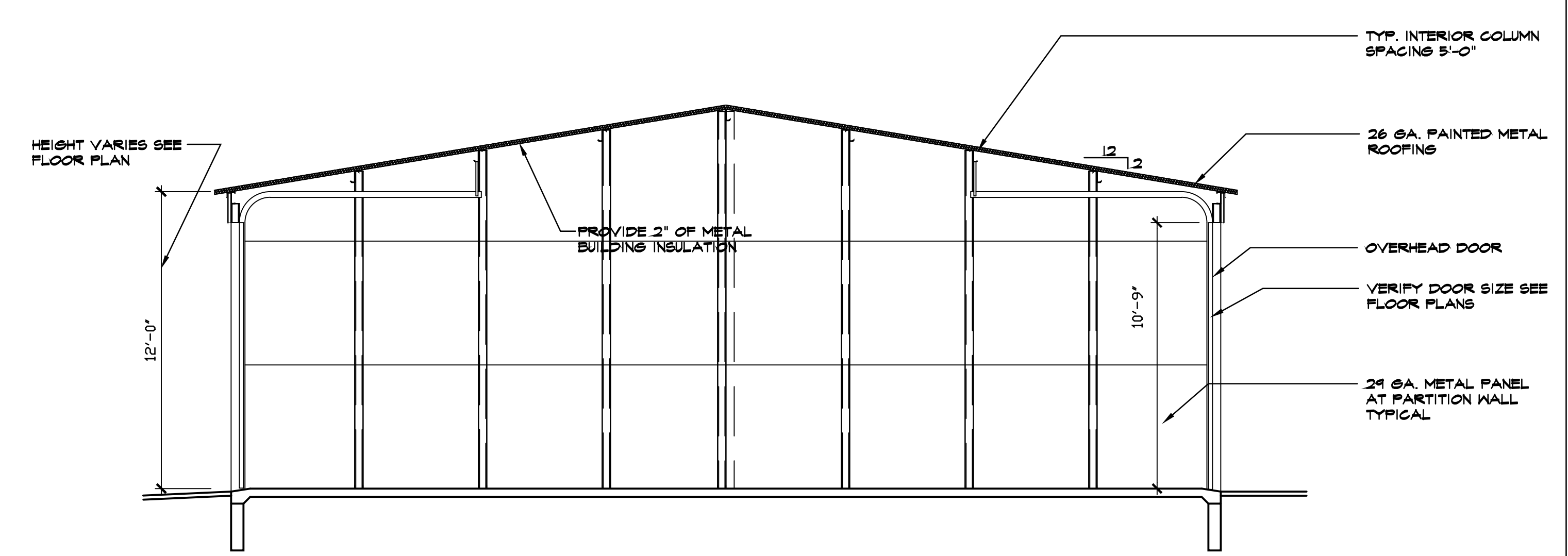
3 NON RATED TYP. EXTERIOR FOOTING @ WALLS
1/2" = 1'-0"



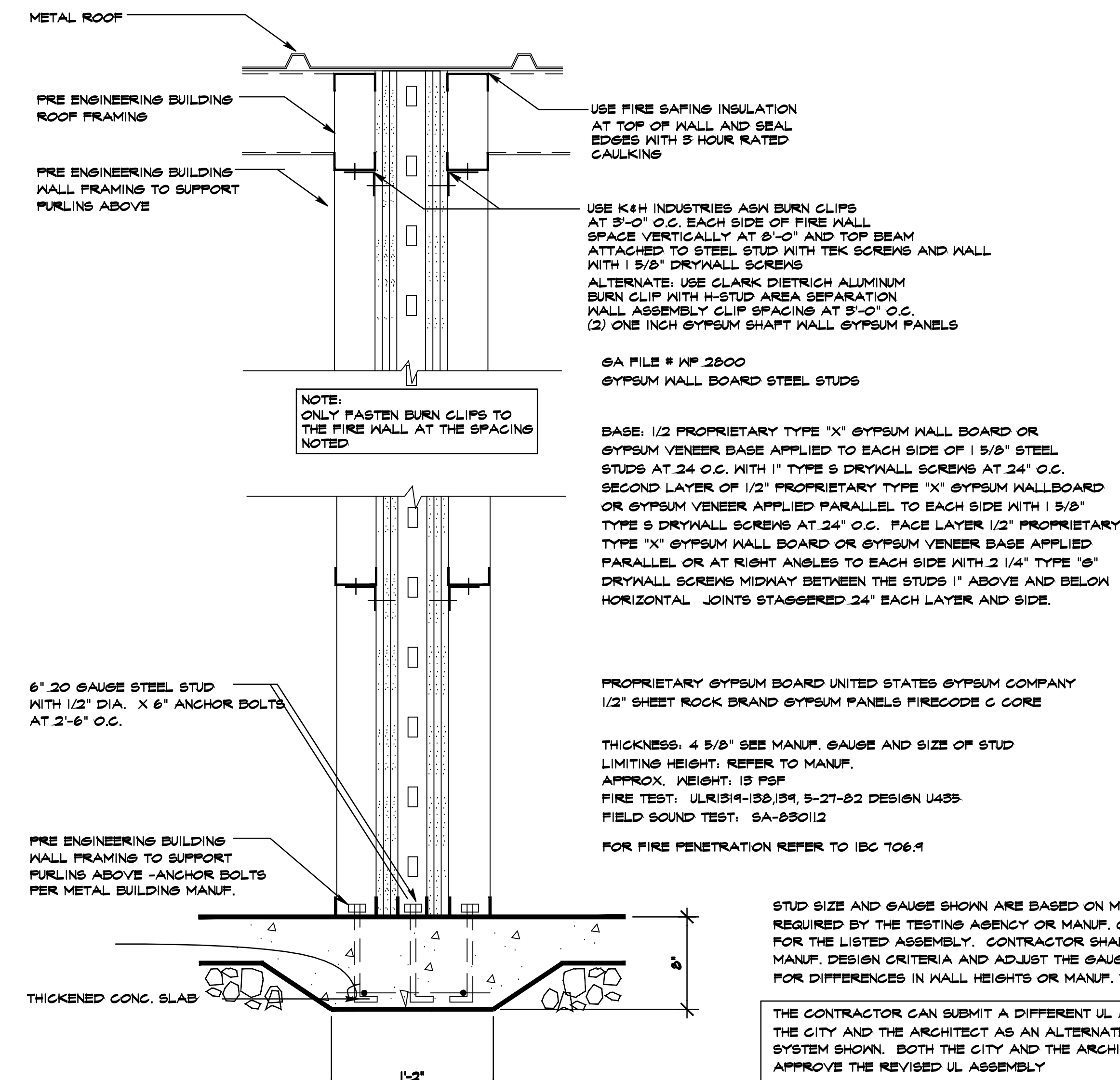
4 NON RATED TYP. EXTERIOR FOOTING
1/2" = 1'-0"



5 SITE LIGHTING
3" = 1'-0"



1 TYPICAL BUILDING CROSS SECTION
1/4" = 1'-0"



6 (3) HOUR FIRE WALL DETAIL
1/2" = 1'-0"

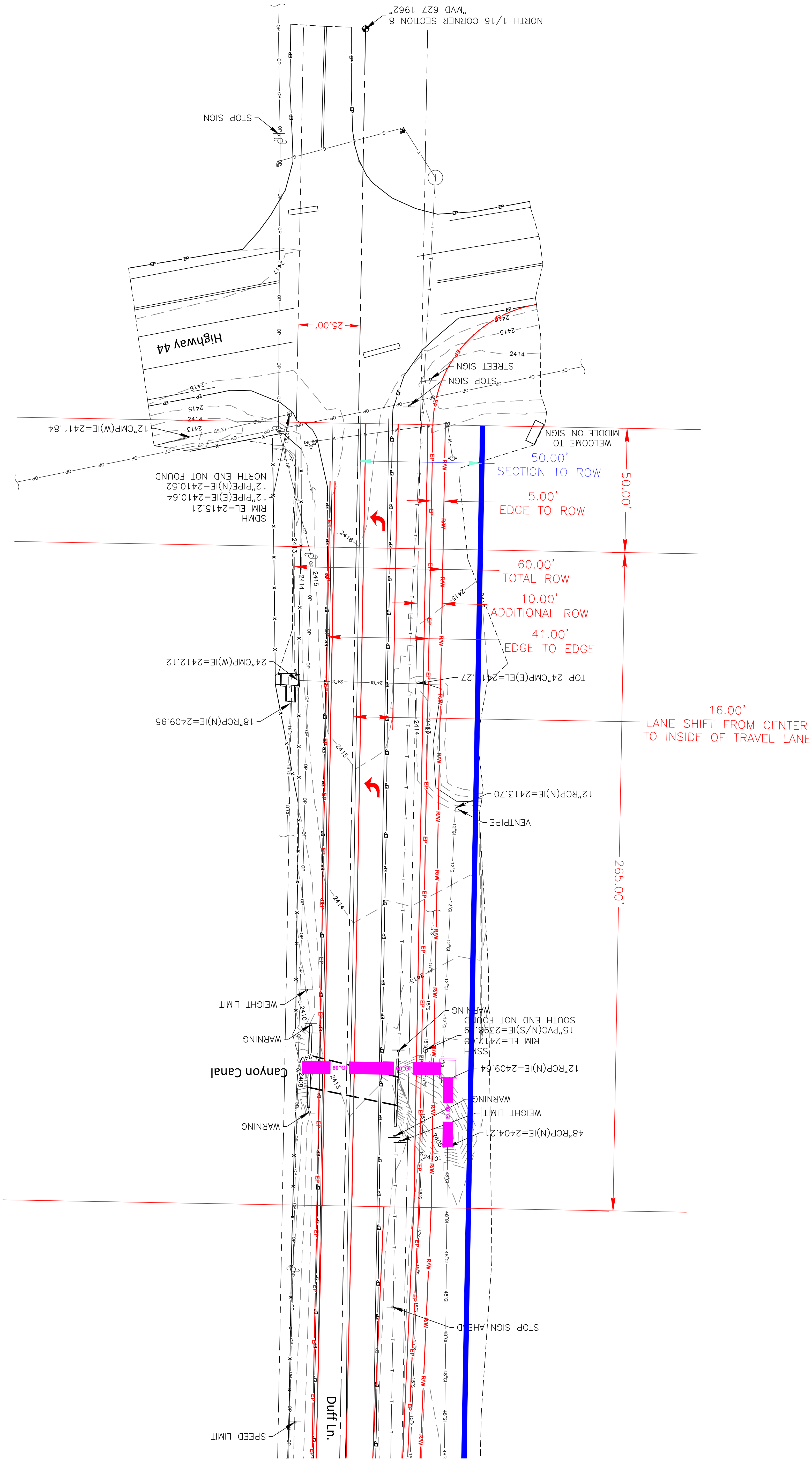
EXHIBIT "D"

Duff Lane Roadway concept construction drawing



DUFF / HWY 44 INTERSECTION (Option 1)

0 20 40
Plan Scale: 1" = 20'

[illegible]

WATERFORD SUBDIVISION NO. 2
MIDDLETON, ID

DUFF-HWY 44 INTERSECTION EXHIBIT

km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kneinglp.com

DESIGN BY:	MSD/JW
DRAWN BY:	JW
CHECKED BY:	KPM
DATE:	4/20/20
PROJECT:	20-226
SHEET NO.	

X1.1

Exhibit "E"

Pro-Rata Traffic Fee Analysis

EXHIBIT E – Pro-Rata Traffic Fee Analysis

[illegible]



CITY OF MIDDLETON

P.O. Box 487, 1103 W Main Street, Middleton, ID 83644
208-585-3133 Fax (208) 585-9601
citmid@middletonidaho.us
www.middleton.id.gov

City Council and the Planning and Zoning Commission

Regularly Scheduled Meetings in 2023

All meetings are at 1103 W Main Street, Middleton, Idaho unless otherwise advised.
Please contact the City Clerk to arrange for language or access assistance.

City Council meetings begin at 5:30 p.m.
Planning and Zoning meetings begin at 5:30 p.m.

2023		
Months	City Council	Planning & Zoning
January	4 th , 18 th	9 th
February	1 st , 15 th	13 th
March	1 st , 15 th	13 th
April	5 th , 19 th	10 th
May	3 rd , 17 th	8 th
June	7 th , 21 st	12 th
July	5 th , 19 th	10 th
August	2 nd , 16 th	14 th
September	6 th , 20 th	11 th
October	4 th , 18 th	16 th (3 RD Monday)
November	1 st , 15 th	13 th
December	6 th , 20 th	11 th