

RECORD OF PROCEEDINGS

MIDDLETON CITY PLANNING AND ZONING COMMISSION MEETING MARCH 12, 2018

The Planning and Zoning Commission Meeting of March 12, 2018 was called to order by Chairman Lary Sisson at 7:06 p.m.

Roll Call: Chairman Lary Sisson Commissioners Tyson Bird, Jeff Garner and Amy Watson were present.

3) **New Business:**

Consider approving minutes of the March 12, 2018 Planning and Zoning Commission meeting.

Motion: Motion by Commissioner Watson to approve the minutes from the March 12, 2018 Planning and Zoning Commission meeting, was seconded by Commissioner Bird and carried unanimously by voice vote.

The Planning and Zoning Commission hear a request by Bill, Robin and Terry Gilbert to annex and rezone to M-1 (Light Industrial) approximately 16.7 acres of vacant land on the west side of S. Middleton Rd. south of the Boise River and north of Bass Lane, Middleton, Idaho.

Chairman Sisson declared the public meeting on the agenda item open at 7:07 p.m. Planning and Zoning Official Randall Falkner then gave a brief staff report regarding annexation and rezoning of the Gilbert property.

Christy Watkins from JUB was in attendance and addressed the commission. Mrs. Watkins stated that the developer was in agreement with city staff's staff report and that the developer does in fact agree to obtain a traffic impact study and have it submitted to the city. Mrs. Watkins then stood for questions from the commissioners.

Chairman Sisson asked two questions for Mrs. Watkins. How many RV lots are expected to be in the park and what is the design for length of stay for future users. Mrs. Watkins responded that there is planned to be approximately 94 RV spaces with the possibility of the density to go down but no more than 94 spaces. She also voiced regarding the length of stay that at this time the park policies had not been established but that the park was geared more for snowbird type visitors each year.

Commissioner Watson followed up with asking if the access point into the park was planned for the southern side. Mrs. Watkins responded that she believed the access point would be more centrally located to the property but that the results of the traffic impact study would better guide the determination on the exact location. Chairman Sisson then opened the time to public comments.

Caroline Thie voiced opposition to the RV park. She stated that she felt that it would become a low income rental area. She also had concerns on whether there would be any green space for animals as well as people, what would happen if septic tanks leaked on the property with the river being located right there, and she voiced concern about

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traffic issues in that area and wondered if there would be a traffic light installed.

Barba Malstrom voiced concerns regarding the traffic pattern in the purposed park as it already has a heavy traffic load. Mrs. Malstrom expressed that she was worried about the city sewer system having the extra strain and wanted to know how our current system could handle this. She also wanted to know if the park was in a flood plan or in a flood way as they two are different and a flood plane cannot handle any kind of permanent structures. Mrs. Malstrom also voiced her concern regarding what kind of taxes would be assessed for any non-permanent structures.

Tevon Gilbert spoke on behalf of Robin Gilbert and voiced his opposition to the purposed annexation and rezoning. Mr. Gilbert wanted to know why the commission was hearing this item when the property is in Bill, Robin and Terry's name and there has been no sale at this time and that the property had not traded hands. He also wanted to know why when Bill has been deceased for three years his name was even on this application, he stated that for that to be resolved he would think it would have to go through a whole different legal process. Mr. Gilbert also stated that he was disappointed in the communication throughout this whole process, he felt that there was no communication at all and what communication there was, was strongly lacking.

Steve Thompson asked the commission and Mrs. Watkins if the traffic study would be completed before anything would take place at the property.

Christy Watkins responded to questions and concerns from the residents. Mrs. Watkins reassured the residents that a traffic impact study would be turned into the city when plans are submitted and approved by the city and the commission, until then no dirt would be moved on the property. This study would address all issues regarding the bridge and traffic issues adjacent to and around the property in question.

Regarding Mr. Gilbert's concerns, Mrs. Watkins stated that the owners of the property and the buyers have a real estate contract in place that is contingent on this annexation and rezoning. If there is no re-zone for this property, then there would be no sale. All three parties listed on the application have signed the application and know exactly what is happening and being purposed for the property.

Mrs. Watkins ensured the residents that the city sewer does have enough capacity to handle the increase in sewer demand with this project according to conversations that the developer has had with city officials.

Regarding the parks green space for both animals and people, there will be plenty of areas in the park along with the park being right along the river. There will be no permanent structures going to be built per city code, she also stated that there would be no wall being built as a buffer to the river as that is considered a permit structure.

Planning and Zoning Official Randall Falkner addressed concerns regarding a traffic light for the location. Randall stated that a traffic light being installed would depend on the results of the traffic impact study and that the builder would be required to comply with all findings of the study. He also reassured the public that there would be no septic tanks as this development will be connected to city water and sewer.

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Chairman Sisson declared the public hearing closed at 7:40 p.m. Commission discussion followed. Vice Chair Watson made it clear that at this time the commission was not approving a RV park, that the commission was only recommending that the city council approve a re-zone and annexation into the city for the property.

Motion: Motion by Commissioner Watson to recommend the City Council approve a request by Bill, Robin and Terry Gilbert to annex and rezone to M-1 (Light Industrial) approximately 16.7 acres of vacant land on the west side of S. Middleton Rd. south of the Boise River and north of Bass Lane, Middleton, Idaho, with conditions that a traffic impact study be completed and that the development meet all flood control regulations, was seconded by Commissioner Garner and carried unanimously by roll call vote.

The Planning and Zoning Commission hear a request by WTW Development LLC to rezone approximately 55.5 acres from C-1 (Neighborhood Commercial) and R-3 (Single Family Residential) to M-U (Mixed Use) located at the southwest corner of Willis Road and Hartley Lane; and a request for a preliminary plat for Stonehaven Subdivision on approximately 90 acres west of Hartley Lane, south of Willis Road, east of Emmett road, and mostly north of Canyon Hill Canal.

Chairman Sisson declared the public meeting on the agenda item open at 7:48 p.m. Planning and Zoning Official Randall Falkner then gave a brief staff report regarding the rezoning of approximately 55.5 acres from C-1 to M-U and the request of a preliminary plat for Stonehaven Subdivision. Following his staff report Randall then stood for questions from the commissioners.

Chairman Sisson asked for verification from Randall that there had been two development agreements between the developer and the city in 2006 but that both these agreements had in fact expired and now play no part in this development today, that the city is only moving forward based on the agreement from 2012. Randall verified that was in fact correct, the 2006 development agreements are expired and that there is only one development agreement that is valid from 2012.

Jay Walker representing WTW Development addressed the commission. Mr. Walker expressed that the developer is excited and feels that this is the right area for this subdivision.

The goal of this subdivision is to create a variety of products like West Highlands with increased lot sizes as the subdivision broaches Canyon Hill and transition from a little denser area around the high school to a less dense area down around the canal area. The developer already agrees to one of the conditions brought up by city staff which is to keep the R-3 zoning. The request for a zoning change is for the 12.48 acres in the NE corner of the property.

After speaking with neighbors, Mr. Walker expressed that they wished to have more residential space which is not allowed in C-1 zoning as the property is zoned now. The only way to make this happen and build as the proposed preliminary plat shows is to have the zoning changed from C-1 light industrial to M-U mixed use since the city has done away with R-4 zoning from its land use table. The developer is agreeable to leaving the 12.48 acres zoned as C-1 however, it will stay vacant possibly prohibiting some of the infrastructure improvements that the developer would like to make from taking place.

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Stonehaven brings much needed infrastructure connectivity, expansion and improvements to streets, utilities, pedestrian amenities and pathways. It has great egress and ingress from Emmett Rd, Willis Rd, and Hartley Ln; with three main access points with adequate site distances and separation from any other intersections.

With city concerns regarding green space, the development has a triangle type park and elongated areas with pathway connectivity for a more inclusive feel. This development has a total of 9.57% green space over the entire development, which is well above the city requirement of 5%. However, we believe that it is more beneficial to have the green space spread throughout the development instead of in one location for a variety of reasons such as it is easier to take care of and more accessible and usable for residents. We do not disagree with the city code for required green space we ask that the wording of "in one location" be waived.

Mr. Walker stood for questions from the commission. Commissioner Bird asked Mr. Walker if the C-1 zoning is left in place, would the infrastructure improvements not be required to tie in the sidewalk and the intersection improvements leaving a gap leading to the high school, that no improvements along the frontage of the C-1 property would be required until development of the C-1 parcel would take place. Mr. Walker responded that Commissioners Bird's question regarding the improvements on a C-1 zoning is correct.

Chairman Sisson asked Mr. Walker why the development agreement back in 2012 had the property rezoned to C-1 and if he give some history on why that was done to the property. Mr. Walker stated that the current land owner was not involved in the project at that time, but Mr. Walker believes that at the time there was some type of concessions and agreement with the city.

Chairman Sisson then asked Mr. Walker if the 5% green space in one public area was a deal breaker for the developer. Mr. Walker responded that this that requirement would probably shelf a good deal of the project because there is open space and green space next door at the school and church, and community uses next to the development, which allows for lots of opportunities. The developer could increase the space a little bit, but that Mr. Walker thinks it would be a big waste. Chairman Sisson then opened the floor to public comments.

Shawn Maybon spoke against the re-zoning and the current plat. Mr. Maybon believes that this item should be tabled or denied until the commission receives more information, but the he does agree with Randall's staff report.

When looking at the re-zoning Mr. Maybon stated that per the city code a re-zone must meet three things: is it necessary? Is it in harmony with the city comprehensive plan? and is it in the best interest for the residents? Is the re-zoning necessary? No. Is the development in harmony with the comprehensive plan? No M-U is different from a residential zoning. Is this in the best interest of the residents? No, because this then creates type one and type two spot zoning. Mr. Maybon addressed the way this development is purposed, they are asking for a variance setback that is actually a higher density than M-U setbacks.

Finally, Mr. Maybon voiced his concern that he has reservations about living next to a subdivision that cannot maintain it's greenspace, no matter the size of the space.

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Heidi Lumaye spoke as a representative for West Highlands residents and voiced her and numerous other resident's opposition to the re-zoning. Mrs. Lumaye voiced that she and others she had spoken to from West Highlands feel that there are no set details regarding things such as who will be the builder for the subdivision. She stated that she and her neighbors just wanted a set black and white plan on exactly what will be happening on that property, while following the same rules the "we" must follow.

The residents agree with the staff report, but still have questions. Mrs. Lumaye wanted to know if the widening of the road is going to end up impacting the green space of West Highlands. Who is going to be the home developer? Who is going to be building the homes and are there really going to be three exits/entrances onto this already busy main street? We just want a reassurance plan that Stonehaven is going to have to follow the same regulations that our subdivision does.

Chairman Sisson asked Mrs. Lumaye a few questions. First, Chairman Sisson wanted to know how Mrs. Lumaye felt about leaving the zoning as it stands now. Mrs. Lumaye responded that she just wants black and white and wants to know exactly what is going to happen, and that it has the same variances and rules that our neighborhood had to follow. Chairman Sisson, then asked what Mr. Lumaye's opinion was on leaving the 12.48 acres a C-1. Mrs. Lumaye stated that it needs to stay how it is.

Nathan Dale spoke as a representative for West Highlands residents and spoke regarding traffic concerns that face Willis Road and Hartley Lane. Mr. Dale stated that he didn't want to see Middleton look like the bottle neck that Meridian has become. He stated that the 9th St issues impacts not just this small area, but that it impacts the whole city. Mr. Dale stated that once again he too agrees with the staff report regarding the road connection issues. Overall, what will this do for the cities connectivity in the next 10 to 20 years while at the same time making things safe for residents and visitors to the City of Middleton?

Ray Waltemate spoke as a representative for West Highlands. Mr. Waltemate stated that no one in attendance is against the development of Middleton but they want the development done right. Mr. Waltemate agreed with the R-3 zoning as it is now, but the main concern is what is the intent of the residential business going in and what can the neighbors expect.

Steve Thompson spoke against the re-zoning. Mr. Thompson expressed that this re-zoning is good for the developer and landowner but not the residents of Middleton. That he did not like that the representative did not seem to have any answers to any questions. Finally, when it comes to the speed issues for straight roads he felt that can be solved with speed bumps.

Caroline Thie spoke against the re-zoning. She stated that she and friends gained 125 signatures on the no for re-zone petition. She believes that the R-3 zoning is great, but the developer did not take Randall's suggestion on the green space that is recommended which is important. Spot zoning is an issue in this decision for re-zoning, and she believes that the residents need to make the choices for development not the developers.

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Neil Scott commented regarding the 8-inch-wide pathways regarding high schoolers and teenagers; they will use those walkways as a road if they can fit a car on it, they will and second with regards of having the nearby schools and church for usable green space, these properties are private property and closed for outside public use, making green space within the development even more important.

Jennifer Hughes spoke against the re-zoning. Mrs. Hughes stated that as the development is planned there are plotted for 205 plus houses which add 1,000 plus people into the city, the cities infrastructure cannot support this increase. Schools are already overpacked as it and now we want to add even more kids into the school system. The roads are already overcrowded not just in Middleton but in the whole valley and now we want to add more traffic to roads that aren't planned on major improvements for some time down the road. Finally, this development and developments like it cause loss of our lifestyle as we know it.

Patrick Lumaye commented during the first meeting that Mr. Walker had from the church down to 9th St drawn on the map as a R-4 zone and then the R-4 zoning was taken away by the city, so he chose to go to M-U to get the same number of houses in that section. I do not feel that just because the R-4 was taken away you should be able to take an average and make the zone a R-3 zone, if it is going to be a R-3 zone then it must meet the requirements for a R-3 zone.

Barba Malstrom voiced her opinion that Mr. Walker is a good man. If residents want to make the change they feel need to happen then they need to keep having meetings, keep talking and keep working together as a city.

Rachel Fontaine pointed out that most buyers want land not small pieces of property. She believes that if a subdivision like this were to be purposed on quarter acre lots that would draw way more people interest. People do not want track homes.

John Yorgason spoke in favor of the development and re-zoning. Mr. Yorgason believes the developer has done a great job at offering a good transition in the deployment for both lot sizes and affordability. He believes that green space is important but just creating a large park in one area isn't always beneficial. Mr. Yorgason would much rather see a M-U zoning then a commercial lot along that frontage of the road.

Mike Graefe addressed his concerns regarding 9th Street. From the roundabout at West Highlands down to the school, is that going to be extended? If not, then the city built a road to nowhere because that is what it is, a road that leads nowhere. In his opinion if they do not extend 9th Street from the end of West Highlands to the school, and they do not extend 9th Street from the end of Hartley all the way down to Emmett, all the money that has been invested in that area is for nothing and has been wasted.

Gregg Winchester stated that he would personally like to see the whole development be placed back into R-3 like it was ages ago. If it is to stay commercial something like a church or senior center there would be good things. He appreciates that the roads are not straight through the development, as that will keep speeds of drivers down. When it comes to the green space would there be a HOA or would this be taken care of by the city? If there is not a large park in the development, then the residents would just come and use the large park area in West Highlands.

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Jay Walker was allowed to respond to resident's questions and concerns. Mr. Walker stated "for the record we are not changing the zoning" if the 12.48 C-1 parcel is problematic then the developer would agree to separate the 12.48 and leave it as C-1 so the development could move forward.

Addressing the variances, the mayor felt that the variances could be addressed with commission's approval rather than with another development agreement. There would be an HOA and the development would be in discussion with the city to develop a pressurized water system to take care of all the green space.

Mr. Walker stated in respect with tot lots he would be more than happy to discuss that idea with the development team. In closing Mr. Watkins stated that the developer is asking for the same development and property rights that the residents who came and spoke and have.

Chairman Sisson asked Mr. Walker if approximately 71.28 acres that are zoned R-3 would the primary plat comply with existing R-3 and C-1 zoning regulations? Mr. Walker responded said that it would not, and that the developer is asking to change the setbacks to the same as what West Highlands, has which is the five feet. If they do not have the setbacks, then the plat would not work. If it goes to R-3 with setback that are stated in city code, then the lot sizes would have to be reduced and that makes the layout not very good.

Randall Falkner thanked everyone for coming out to the public meeting and clarified a few comments. Regarding the traffic impact study, according to the 2012 development agreement the traffic study must be submitted no later than the first application for a commercial building on the property, and developer agrees to pay for development improvements according to the study and approval by city council. Regarding I-84, there are plans to widen the I-84 corridor and those plans are taking place right now so there will be some traffic relief, but the area is also going to grow and is growing. With the 2012 development, the 12.48 acres zoned C-1 is bound by that development agreement, and must be taken care of.

Chairman Sisson declared the public portion of the meeting closed at 10:15 p.m. Commission discussion followed where Commissioners Bird, Garner and Watson all felt that the commission needed to see the traffic impact study for further discussion and communication take place.

Motion: Motion by Commissioner Garner to table a request by WTW Development LLC to rezone approximately 55.5 acres from C-1 (Neighborhood Commercial) and R-3 (Single Family Residential) to M-U (Mixed Use) located at the southwest corner of Willis Road and Hartley Lane; and a request for a preliminary plat for Stonehaven Subdivision on approximately 90 acres west of Hartley Lane, south of Willis Road, east of Emmett road, and mostly north of Canyon Hill Canal to the next planning and zoning meeting on April 9, 2018, was seconded by Commissioner Bird and carried by a three to one roll call vote.

5) **Public Comments:** none.

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6) **Commission/Staff Comments:** Vice Chair Amy Watson announced that she would no longer be able to serve on the planning and zoning commission as she is moving outside of city limits and the city impact zone at the end of the month.


7) **Adjourn**

Declaration: Declaration by Vice Chair Watson to adjourn the meeting at 10:12 p.m.

ATTEST:



Randall Falkner, Planning and Zoning Official
Approved: April 9, 2018



Lary Sisson, Chairman