



AGENDA

Middleton Planning and Zoning Commission

Middleton, Idaho

Date: Monday, April 12, 2021

Time: 5:30 p.m.

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

Call To Order, Pledge of Allegiance, Roll Call

Information Items

Action Items

1. Consent Agenda (items of routine administrative business)
 - a. Consider approving March 8, 2021 regular meeting minutes.
 - b. Consider approving FCO for Piccadilly Square Preliminary Plat and Variance.
 - c. Consider approving FCO for Jack in the Box Design Review approval.
2. **Public Hearing:** Applications from Hayden Homes Idaho LLC for annexation/rezone, development agreement and preliminary plat with respect to the Bridger Creek Subdivision located at 0 Emmett Road, Tax Parcel No., R38211012. The proposed zoning for the preliminary plat is R-3. The preliminary plat consists of 44 buildable lots and 6 common lots.
3. **Public Hearing:** An application from Dan and Kerri LaFever for annexation, rezone, and development agreement with respect to a 5.27 acre parcel located at 23897 Fox Avenue (tax parcel no. R17932011). Applicant is requesting a rezone to residential R-3.
4. Consider approving Design Review for TriGuard Pest Control commercial building.
5. Consider approving Design Review for Intermountain Pet Hospital commercial building.

Public Comments

Commission/Staff Comments

Adjourn

Posted by:


Jennica Reynolds
Administrative Deputy Clerk

Date: April 8, 2021 at 5:00 p.m.

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
MARCH 8, 2021**

The March 8, 2021 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:31 p.m.

1. Call to Order - Pledge of Allegiance

Roll Call: Chairman Ray Waltemate, and Commissioners Janet Gregory, and Bill Deaver and Whitney Springston were present. Vice Chair Jackie Hutchison was absent.

2. Information Items: None

3. Action Items

A. Consent Agenda

1. Consider approving February 8, 2021 regular meeting minutes.

Chairman Waltemate called the agenda items and asked if any of the commissioners saw anything that needed changed in the minutes?

Motion: Motion by Commissioner Gregory to approve the February 8, 2021 minutes as written. Motion seconded by Commissioner Deaver and approved unanimously.

B. Public Hearing: An application from Drake Investments, LLC for preliminary plat, development agreement modification and comprehensive plan map amendment for approval of the River Pointe Subdivision. The proposed preliminary plat consists of Mixed Use (M-U) development of 188 commercial, residential, and common lots on approximately 75 acres of vacant land. The address of the project is 10481 Highway 44 and 0 Highway 44, (south of Highway 44), parcel numbers R33920 and R3392001.

City Planner, Roberta Stewart said this application is not ready for public hearing yet. The public hearing needs to be abandoned and re-noticed at a later date.

C. Public Hearing: An application by Debbie Hundoble/Hundoble Family Trust for preliminary plat and variance with respect to the Piccadilly Square Subdivision. The preliminary plat consists of five residential lots zoned R-3 on 1.77 acres of vacant land located at 0 Cemetery Road (Tax Parcel #R1791101). The variance is requesting exemption from the 5% Open Space requirement set forth in MCC 5-4-4-10.

Chairman Waltemate called the item and opened the public hearing at 5:33 p.m.

City Planner Roberta Stewart read the staff report (see attached Exhibit 1)

Applicant: Debbie Hundoble: 10043 Riverbend Place, Middleton. Last year she attempted to rezone this property for high density that was recommended by the City Planning Commission. That application was denied so they had to go back to the drawing board. They are doing this application per the cities requests which is R-3 zoning. They have 5 lots/homesites on the 1.77 acres. Initially they were planning on doing a private road into the community. The City just recently requested that they provide a half city street for future

development, they are in agreement with that.

Commissioner Springston: Is this the project that was initially planned to be town homes? Yes.

Commissioner Waltemate: Was there any resolution with the property owners as far as the private drive was concerned?

Applicant: The property owners have not said anything. They did show up to the neighborhood meeting. The neighbors that came were concerned that it is all single-family homes and only 5 single family homes.

Commissioner Springston: There were concerns about the road coming up against the primary neighbor's house (the home on Cemetery Road) because there is an unobstructed view into the back yard.

Applicant: You can see more into their backyard; you see into their entire property including her home on Cemetery Road where there is a chain-link type fence. On our property, we will put a new fence all the way down, they will have more privacy there than they currently have on the other side of Cemetery. At the last meeting with City Council the neighbor did agree that if it was single family homes, they would not object.

Commissioner Deaver: The road will be 25ft and that includes the sidewalk. He remembers concern about children walking down that road and safety and traffic going onto Cemetery Road.

Applicant: That was a concern when they were applying for the higher density because of the amount of people there versus this is just 5 homes. These are beautiful lots over 14,000-15,000 square feet so they will accommodate a nice home and it will improve the area for sure. But as far as accessibility for that small of a community it shouldn't be a problem.

Chairman Waltemate opened the public comment portion at 5:48 p.m.

No public comment

Chairman Waltemate closed the public comment portion at 5:49 p.m.

Discussion by Commission:

Deaver: A bit of a concern about people walking home on the private road without a sidewalk.

Staff-Stewart: There has to be a sidewalk, it is required by the code. Just like Cemetery Road has a sidewalk. This is identical.

Springston: Again, we are not talking about high impact, high density housing. She appreciates the additional road for future development. That area needs that.

Waltemate: He remembers extensive conversation at the last meeting with opposition to townhomes, condos or apartments. Everyone seemed to be in agreement at the last meeting that was held, if it was single-family homes that matched the infrastructure, that contour, the feel of the existing neighborhood around it, they would be more comfortable with it.

Springston: She recalls concerns about accessibility for fire trucks, those seem to have all been addressed as well. The thing that jumped out to her in the staff report is that no one

property owner has any advantage over another, and that seems to be addressed as well. She does think the staff reports recommendations as far as conditional approval are spot on.

Deaver: Concerning the 5% open space, he finds it difficult to find where you would put that 5% that would be a useful 5%. The fact that Piccadilly Park is so close he is inclined to approve the variance.

Waltemate: Regarding the variance his flexibility comes from the fact that this is an infill project. That is something in Middleton we need more of. If it is a new construction guy it is a no go. The additional street and added access improve conditions in that area for in and out traffic and going to improve the opportunity for local law enforcement, fire department and emergency vehicles.

Springston: Generally opposed to large areas that are not supervised and have lots of trees and darkness, just because of the possible mischief. It is nice to see it being put to a very beautiful and practical use.

Waltemate: Looking today and what they have talked about after the public meeting. obviously with the last application the community surrounding had problems and they showed up in force to express that opinion. If the community surrounding had any problems with this application, they would have shown up in the exact same way.

Motion: Motion by Commissioner Springston to recommend approval to City Council the application by Debbie Hundoble/Hundoble Family Trust for preliminary plat and variance with respect to the Piccadilly Square Subdivision. The preliminary plat consists of five residential lots zoned R-3 on 1.77 acres of vacant land located at 0 Cemetery Road (Tax Parcel #R1791101). The variance is requesting exemption from the 5% Open Space requirement set forth in MCC 5-4-4-10, with the conditions set forth by the staff report. Motion seconded by Commissioner Gregory and approved unanimously.

Chairman Waltemate closed the public hearing at 5:55 p.m.

D. Public Meeting: An application by Feast Properties, LLC for Design Review of a new Jack in the Box restaurant with drive through to be located at 704 and 712 W. Main Street on lots zoned C-2 with total acreage of .72 acres (Tax Parcel Nos. R1790100 and R1790101).

Chairman Waltemate called the item.

City Planner Roberta Stewart read the Design Review Staff Report (see attached, Exhibit 2)

Commissioners Comments:

Concern is that we are adding to traffic on Cemetery Rd, that already has problems getting out on the highway. Traffic engineers will have to come up with a plan. There is always a lot of foot traffic.

This is a weird spot for a Jack in the Box?

Concerned about lights with the drive through.

What are they doing for security?

Planner Stewart: It is a weird spot today. But in the future this corridor will all be commercial. Jack in the Box is just ahead of the game. There is traffic light planned for the intersection at Cemetery and SH44.

Applicant: Jason Smith: O&D 210 N 6th Street, Boise, ID. He is the architect on the project. He does not know about the site selection. But the applicant felt this was a good spot and “ahead of the game”. He described the intent for site circulation. Typical timeline is 120 days from the time dirt is turned. The drive through will be open 24 hours, the dining room will not. There will be signage on the building and monument signage, whatever is approved by code. There is always someone on site. And the delivery truck and trailer will most likely come during off hours.

Applicant: Landscape Architect Alysa Hansen: KM Engineering 9233 W. State Street, Boise ID. She has not looked at the grading yet but thinks they could create a short berm with some taller evergreen shrubs that would still keep the drive through visible and provide the screening needed. They are willing to address that concern and create a solution to mitigate it.

Chairman Waltemate asked for Resident Mike Graefe opinion. He was the only resident of Middleton present at the meeting.

Mike Graefe: 1889 Ridgeway, Middleton, ID. He asked if the detention pond will meet the code requirements.

Stewart: Yes.

Mike: As far as the traffic is concerned, we are trying to get more commercial to come here. If we want commercial there will be a tradeoff, not safety wise but we will have to make some concessions.

Discussion by Commission:

This provides a good opportunity to employ our youth. The building is lovely, and they have addressed all the concerns. They would like to see/approve the landscape plan before it goes in. If traffic engineering is going to address the traffic, they are fine with it. This does fit well with the City future plan in that the city is working to bring in more commercial business, and to create the commercial corridor.

Motion: Motion by Commissioner Gregory to approve the application by Feast Properties, LLC for Design Review of a new Jack in the Box restaurant with drive through to be located at 704 and 712 W. Main Street on lots zoned C-2 with total acreage of .72 acres (Tax Parcel Nos. R1790100 and R1790101) following all conditions of approval from City Staff. Motion seconded by Commissioner Springston and approved unanimously.

Public/Commission/Staff Comments:

Mike Graefe: It has been a year since he has been to Planning and Zoning meeting. Mike thinks overall this is a good deal. There have to be concessions and synergy created so that the city and applicants can work together. This is a good example of how it is supposed to work.

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

ATTEST:

Ray Waltemate, Chairman

Jennica Reynolds, Deputy Clerk
Approved: April 12, 2021

DRAFT

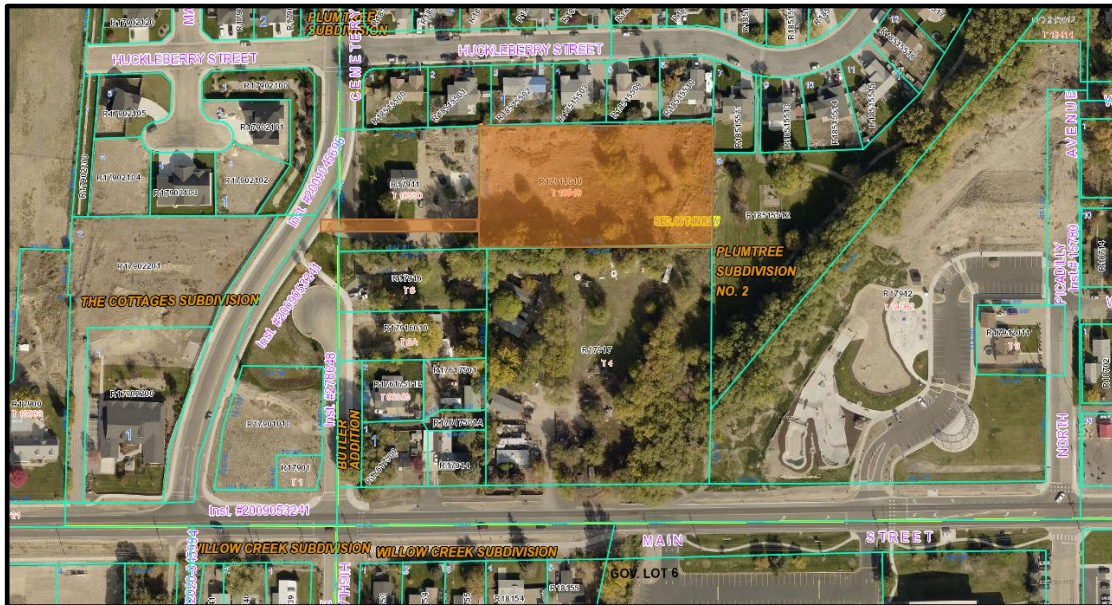


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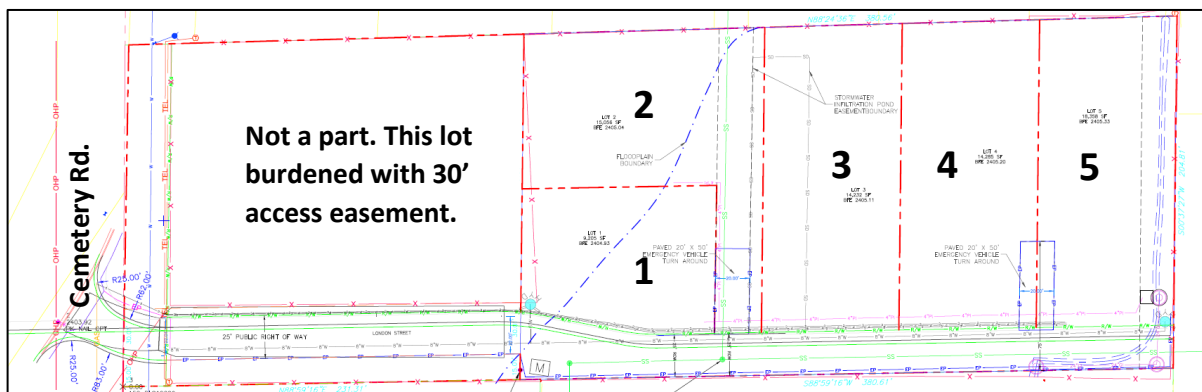
Middleton Planning and Zoning Department

Piccadilly Square Subdivision

- A. Project Description:** This is an application by Debbie Hundoble/Hundoble Family Trust for a residential subdivision with five lots on 1.77 acres of vacant land located at 0 Cemetery Road (Tax Parcel #R1791101). The lot is currently part of the Hawthorn Subdivision, and Applicant is requesting a re-subdivision of the single Hawthorn Subdivision lot.



- B. Project History:** The property was the subject of a Rezone application in the Spring of 2020; however, the City Council denied the application, requiring that the property remain R-3 Zoning.
- C. Application Requests:** Applicant submitted three applications. The first application is a Preliminary Plat application to re-plat a single lot in the Hawthorn Subdivision. preliminary plat below:



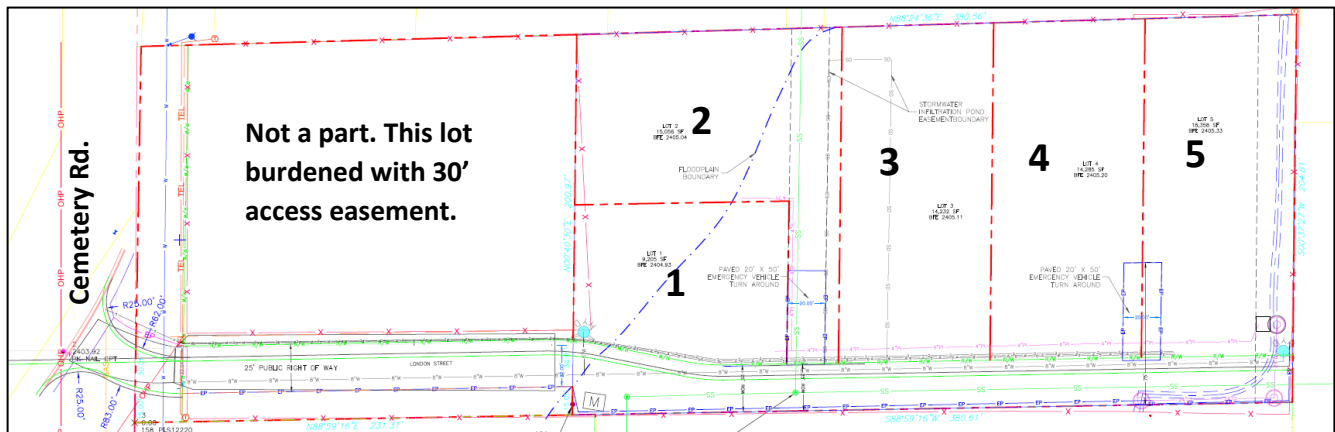
The second application is a variance application to request an exemption from the 5% Open Space requirement for all subdivisions.

The third application is a floodplain application that is an administrative application, and it is being handled by Middleton's Floodplain Administrator.

- D. Current Zoning & Property Condition:** The property is currently zoned R-3, which allows 3 residential units per gross acre. The project parcel is part of the Hawthorn Subdivision, and it is surrounded by R-3 zoning on all 4 sides.

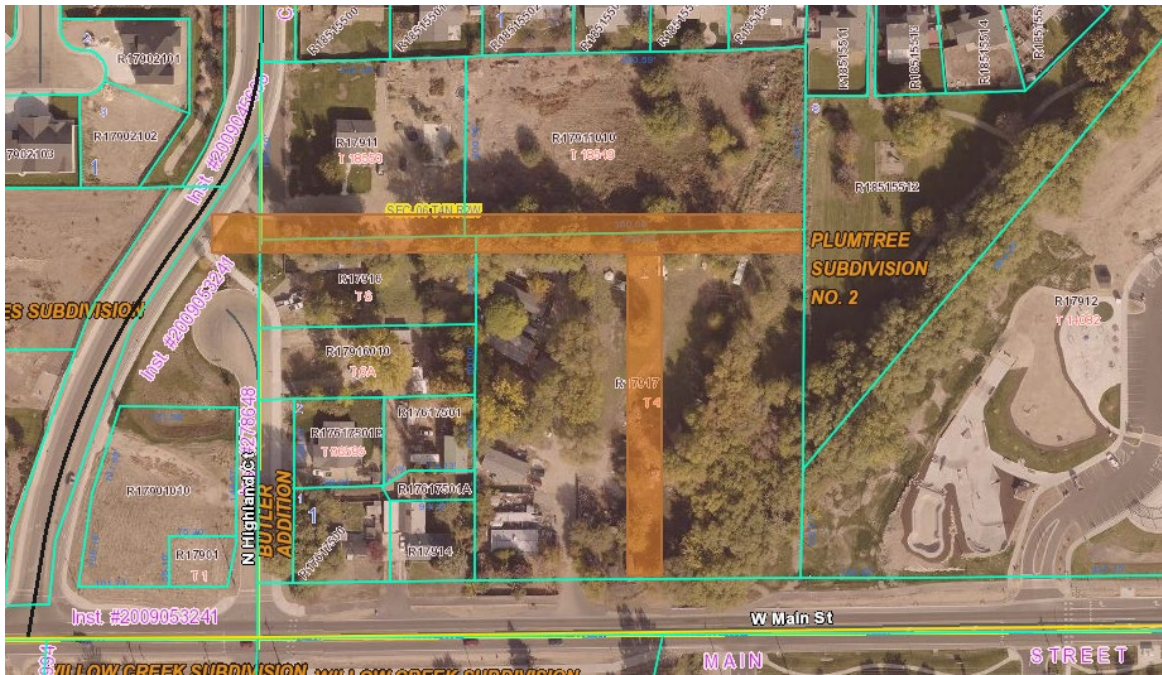
The Project is effectively an infill project. It is vacant land that has been difficult to improve because it does not front a public street. Instead, access to the property is via a 30' wide access easement across another piece of property.

- E. City Services:** City water and sewer are readily available to the project. In fact, sewer is already located down the center of the project.
- F. Traffic, Access & Streets:** Access to the Project site is via a 30' wide cross-access easement that runs from Cemetery Road across another Hawthorn Subdivision lot to the Project parcel.

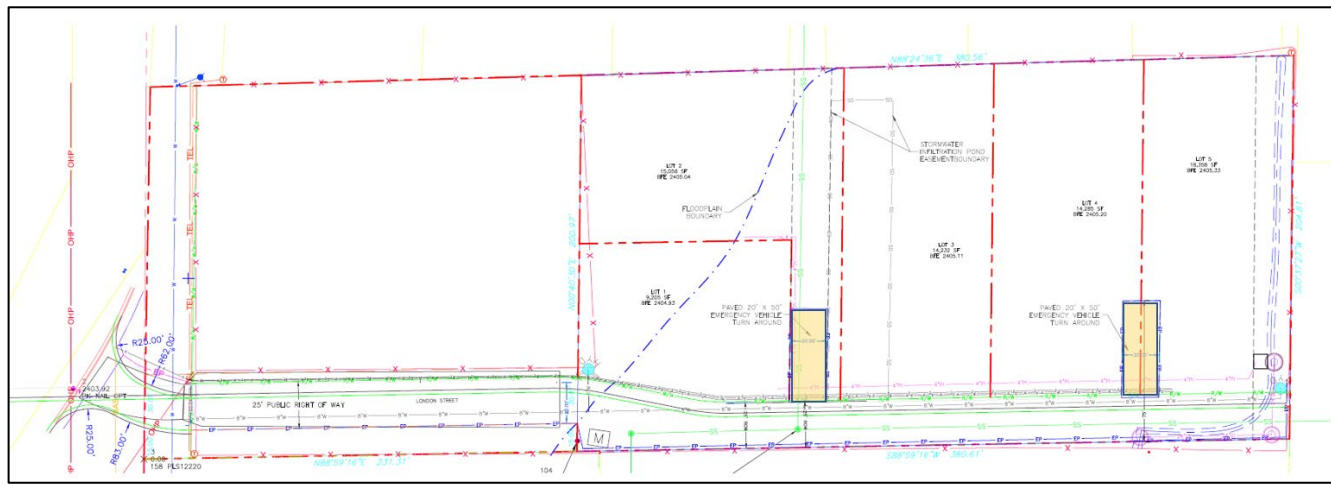


- G.** The easement is ample size to fit a 25' wide local half-road that Middleton requires for access and circulation. Applicant's proposed preliminary plat appropriately shows the local $\frac{1}{2}$ road, and the design is approved by the City Engineer. Applicant will also dedicate the 25' right of way to the City, making it a public road.

The other half of the 50' local road may be completed in the future if the property to the south is redeveloped for commercial use or other high density use. It will eventually create access as shown on the screen.



The preliminary plat also contains two “private lanes”, which are permitted by the Middleton City Code so long as the lanes are not used to access more than 3 residential lots. Applicant’s private lanes comply with the code. The two private lanes will also serve as turn-arounds for fire truck access in the event of a fire. Applicant is required to grant cross-access easements for the two private lanes to ensure there is public access to the drive lanes. The Homeowners Association, not the City, will be responsible for maintaining and repairing the two private drives.



- H. **Pathway & Sidewalks:** There will be a 5' wide attached sidewalk that will span along the north side of the public street. There are no additional pathways planned for the small project.

Variance Request & Open Space: MCC 5-4-10-10 requires all subdivisions to provide 5% Open Space, which is defined in the code as “irrigated and landscaped area.” Via this Variance application, Applicant is asking to be exempted from the 5% open space requirement.

In order for the Planning & Zoning Commission to approve the Variance request, the Commission must find the following: (1) the site characteristics make it difficult to apply the specific code section in issue, (2) the approval of the variance will not confer special privilege on one landowner over another in like circumstances, and (3) the approval of the variance will not cause undue hardship to surrounding landowners.

Applicant makes the Variance request based upon the fact that the project is essentially an in-fill project with a difficult layout for designing open space. The project is also small, only 1.77 acres, which results in a small unusable gathering space. Additionally, the project is very close to Piccadilly Park, so residents will be within easy walking distance of the beautiful open space at Piccadilly Park. Finally, to mitigate for the lack of Open Space, Applicant has paid a mitigation fee of \$848.48 to the Greater Middleton Parks & Recreation District.

- I. **Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has reviewed and approved the initial preliminary plat submitted, but is still in the process of reviewing the version of the preliminary plat currently under consideration.
- J. **Comprehensive Plan & Land Use Map:** Applicant’s project complies with the Comprehensive Plan Land Use Map, which shows “residential” land use. Applicant’s project also complies with the *Goals, Objectives, and Strategies* of the *2019 Middleton Comprehensive Plan* as follows:
 - a. *Goals 3 and 23:* The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
 - b. *Goal 4:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
 - c. *Goals 11:* The housing type matches the residents’ lifestyle in the area the project is located.
- K. **Comments Received from Surrounding Landowners:** None.
- L. **Notices & Neighborhood Meeting:**

Newsaper Notification	Dates: 02/21/2021
Radius notification mailed to	

Adjacent landowners within 300'	02/19/2021
Circulation to Agencies	02/19/2021
Sign Posting property	02/19/2021
Neighborhood Meeting	01/04/2021 and 01/05/2021

M. Applicable Codes and Standards: Set forth on screen.

Idaho State Statue Title 67, Chapter 65
 Supplement to the Idaho Standards for Public Works Construction
 Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

N. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the Variance and rendering a final order with respect to that request. The Commission must decide whether Applicant should be exempted from the 5% Open Space requirement.

The Commission is also tasked with recommending to City Council either denial or approval of the proposed preliminary plat. If the Planning & Zoning Commission is inclined to recommend to City Council approval of the preliminary plat, City Planning Staff recommends that the following Conditions of Approval be made a part of that recommendation:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All Floodplain Administrator review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Applicant to add a note to the preliminary plat that setbacks next to the private lanes are to be measured from edge of pavement of the private lane.
7. Applicant to construct, at its own cost, the half road shown on the preliminary plat and dedicate the 25' wide right-of-way to the City of Middleton.
8. Applicant to dedicate a cross access easement for public access to the two private lanes shown on the preliminary plat.

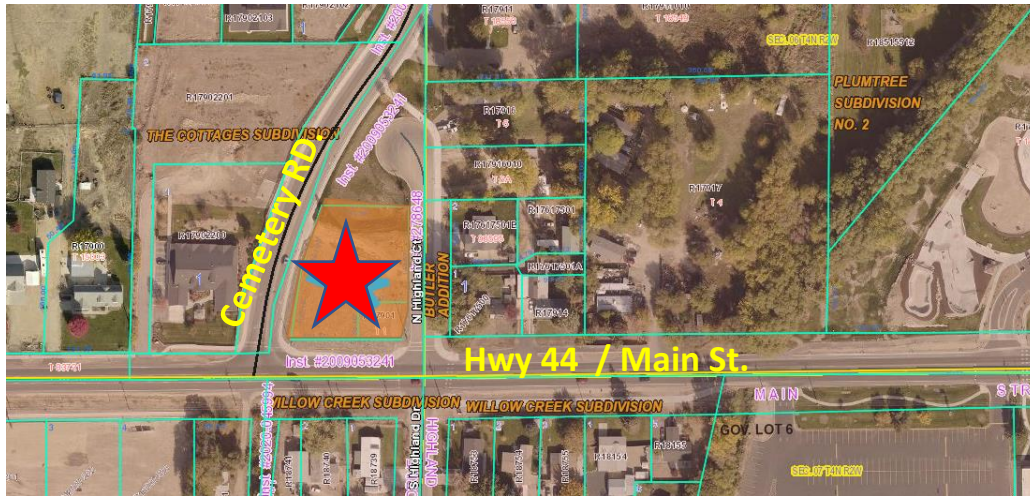


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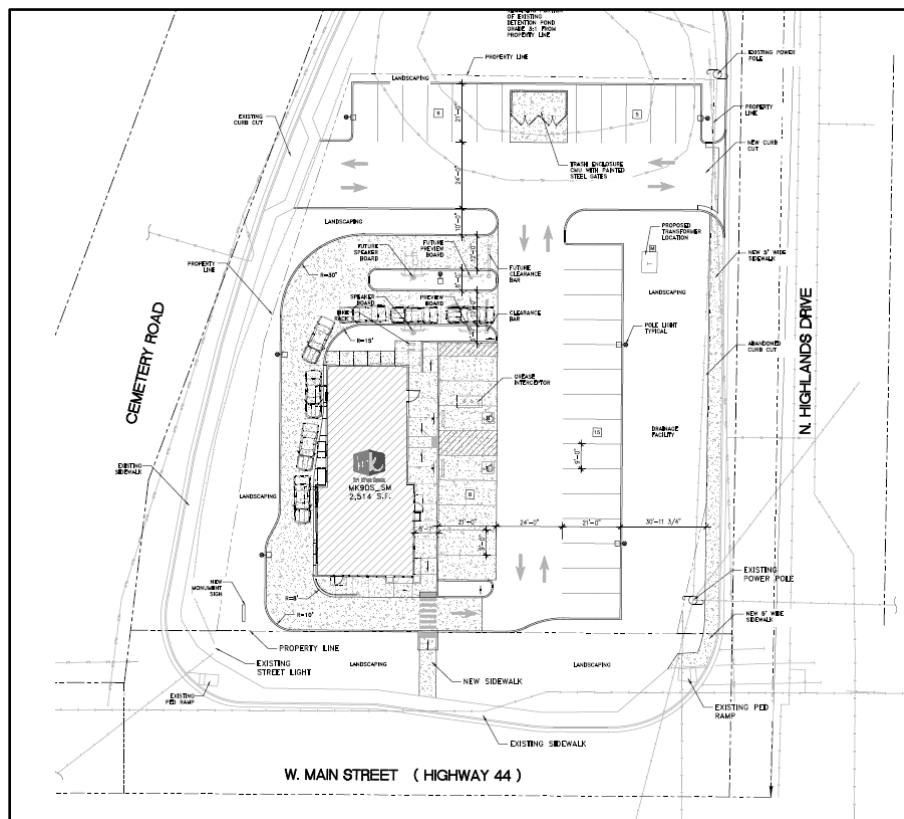
Middleton Planning and Zoning Department

Design Review Application- Jack in the Box

- A. **Project Description:** Design Review Application by Feast Properties LLC to build a Jack in the Box restaurant with drive through on a .72 acre vacant lot located at 712 W. Main Street in the Hawthorn Subdivision (Tax Parcels #R1790101 and 1790100).



- B. **Project Description:** The Jack in the Box restaurant contains a drive thru on the west side of the building. The main entrances are on the east and south side of the building. Traffic will access the building via Cemetery Road and N. Highlands Drive. Drive through has a queue capacity of 7 cars. A second queue may be added in the future allowing 3 to 4 more cars to access the drive through.



- C. Zoning & Site Conditions:** The zoning for the parcel is currently C-2 or “light commercial”. A restaurant is an allowable use in the C-2 zone. The property directly to the east of the parcel is also zoned C-2 and it contains a memory care convalescent home. Property directly to the north is C-2, and the land is vacant. Property to the east is zoned R-3 and contains single family homes. However, it is possible that the property to the east will be rezoned commercial in the future as Middleton continues to grow its commercial base.

The Jack in the Box restaurant meets all the zoning standards and City standards required for the C-2 zone.

- D. Architectural Character:** MCC 1-15-8-2, requires the project design to be in harmony with the townscape and surrounding neighborhood. Building character must also be clearly defined by use of sloped roofs, parapets, cornices, or other architectural features. The building must also include at least four of the following elements: stucco, brick/rock, accent features, metal siding, timberwork, public art feature, or gable roof.

The Jack in the Box building contains four of the required building elements: stucco (3 different colors), wood grain tile, metal trim, and multiple architectural features including accent eaves and numerous modulations in the façade.

- E. Parking & Sidewalks:** Parking required for the site is 26 stalls, and 26 stalls have been provided. Existing sidewalks are located on the west side and south side of the building. New 5’ sidewalk will be installed to the east along No. Highland Drive.
- F. Utilities:** Sanitary Sewer is available and will be pulled from Cemetery Road. Water will be pulled from No. Highlands Drive.
- G. Lighting:** Applicant provided a photometric plan. It showed very minimal light spillage across the property boundary, and the spillage is within tolerable limits per City Engineer. Additionally, all lighting is shielded downward per City Code.
- H. Landscaping:** Applicant’s landscaping plan met all standards required by City Code.
- I. Applicable Codes and Standards:** Applicable standards are set forth on the screen.

MCC 1-15, 5-1, and 5-4.

- J. Conclusions and Recommended Conditions of Approval:**

Applicant’s Design Review application complies with dimensions and standards of the Middleton City Code for C-2 Zoning. If the Planning & Zoning Commission is inclined to approve the application, City Planning Staff recommends that the following Condition of Approval be made a part of the approval:

1. If light from vehicle headlights creates a problem for surrounding residents, Jack in the Box will work with Middleton Staff to create appropriate shielding via landscape or other screening methods.

Prepared by Middleton City Planner, Robert Stewart

Dated: March 3, 2021



Middleton Planning & Zoning Commission

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

In the Matter of the Request of Debbie Hundoble/Hundoble Family Trust for Preliminary Plat and Variance involving five residential lots on 1.77 acres of land in the R-3 Zone located at 0 Cemetery Road (Tax Parcel #R1791101):

A. Findings of Fact:

1. Hearing Facts: (See Staff Report for the hearing date of March 8, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
2. Process Facts: (See Staff Report for the hearing date of March 8, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
3. Application and Property Facts: (See Staff Report for the hearing date of March 8, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
4. Required Findings per Middleton City Code 1-14-2(E)(7): (See Staff Report for the hearing date of March 8, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)

B. Conclusions of Law:

1. That the City of Middleton shall exercise 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 comment(s) received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction.
3. That notice of the application and public hearing were 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 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.
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 approval and recommendation are subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of March 8, 2021, which Report is

incorporated herein by reference. The Planning and Zoning Commission further finds that the requirements set forth in the conditions of approval are reasonable, and the Applicant shall comply with the requirements as a conditions of approval of the application.

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 recommended that:

1. City Council approve the preliminary plat subject to the Conditions of Approval set forth in the Staff Report for the March 8, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.

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 Applicant's request for Variance is hereby approved with conditions of approval as set forth in the Staff Report for the March 8, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: April _____, 2021.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

Roberta Stewart
Planning and Zoning Department



STAFF REPORT

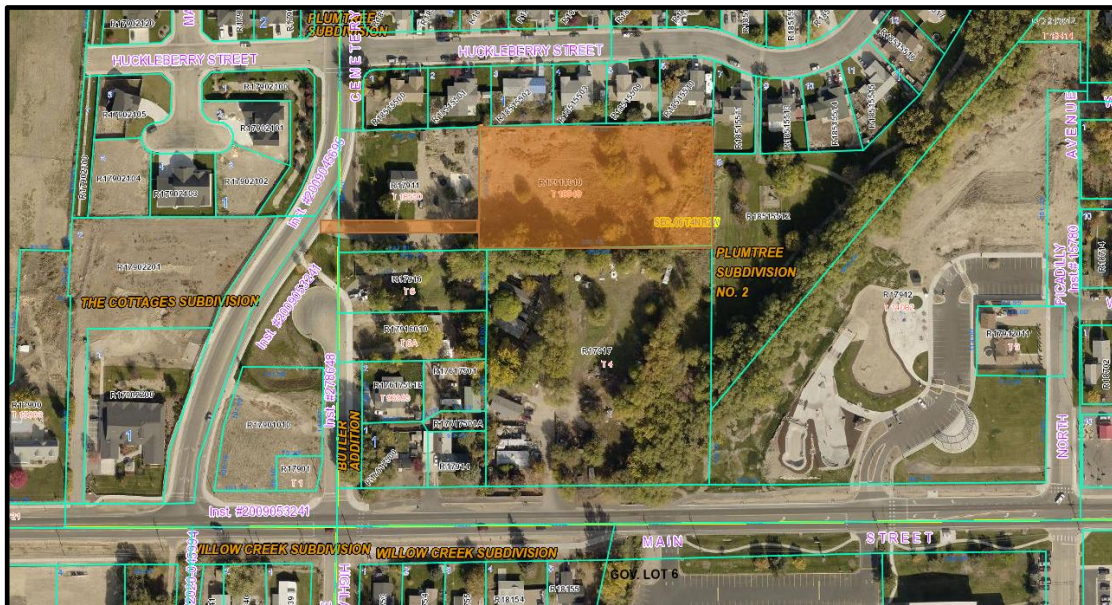
Middleton Planning and Zoning Department

Piccadilly Square Subdivision

Snapshot Summary

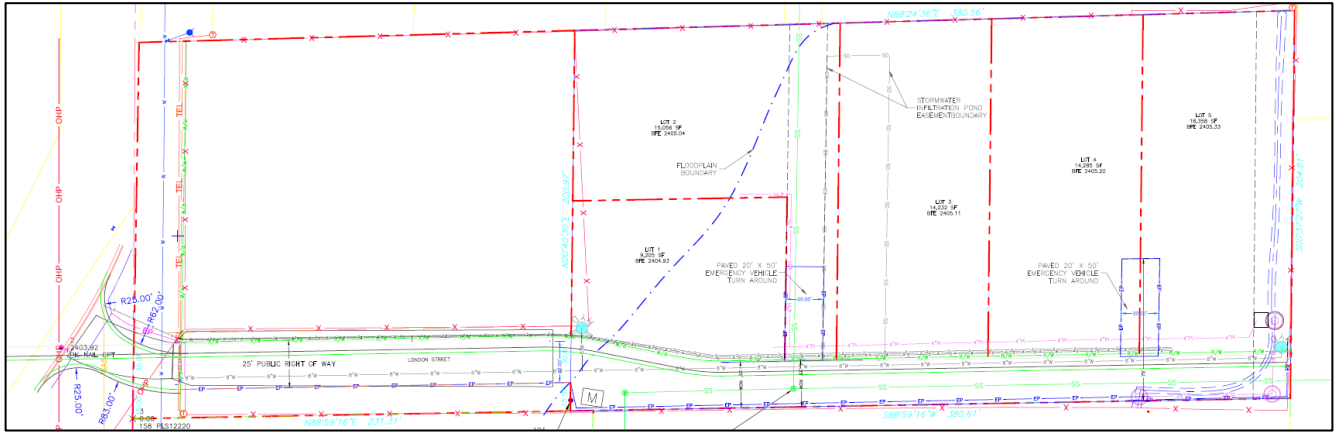
Acreage	1.77 acres
Current Zoning	R-3
Proposed Zoning	to remain the same
Current Land Use	Residential
Proposed Land Use	Residential
Lots	5 lots ranging in size from 9,200 sf to 15,000 sf. No common lots
Density	2.75 units per acre
Open Space	0% - Variance requested
Amenities	None

- A. **Planning & Zoning Hearing Date:** March 8, 2021
- B. **Project Description:** Residential subdivision with five lots on 1.77 acres of vacant land located at 0 Cemetery Road (Tax Parcel #R1791101). The lot is currently part of the Hawthorn Subdivision, and Applicant is requesting a re-subdivision of the single Hawthorn Subdivision lot. See project vicinity below.



- C. **Project History:** The project property was the subject of a Rezone application in Spring of 2020. The property has been zoned R-3 for a number of years, and Applicant requested that the property be rezoned to Multi-Family (M-F). City Council denied the application in July 2020, and declared that the property should remain R-3 zoning.

- D. Application Requests:** Applicant submitted three applications. The first application is a Preliminary Plat application to re-plat a single lot in the Hawthorn Subdivision. See proposed preliminary plat below:



The second application is a variance application to request an exemption from the 5% Open Space requirement for all subdivisions.

The third application is a floodplain application that is an administrative application being handled by Middleton's Floodplain Administrator.

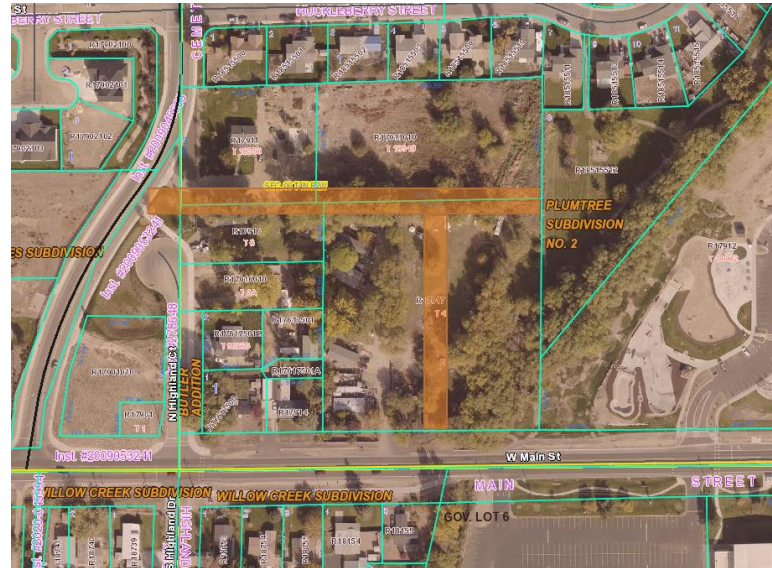
- E. Current Zoning & Property Condition:** The property is currently zoned R-3, which allows 3 residential units per gross acre. The project parcel is part of the Hawthorn Subdivision and is surrounded by the Hawthorn subdivision on the west and south sides. The Plumtree Subdivision is immediately to the north and east of the project, and it is also zoned R-3.

The Project site is effectively an infill project. It is vacant land that has been difficult to improve because it does not front a public street. Instead, access to the property is via a 30' wide access easement across another lot in the Hawthorn Subdivision.

- F. City Services:** City water is located on the east side of Cemetery Road, making water service very accessible to the project. City Sewer is already located down the center of the project site.
- G. Traffic, Access & Streets:**

Access to the Project site is via a 30' wide cross-access easement that runs from Cemetery Road across another Hawthorn Subdivision lot to the Project parcel. The easement is ample size to fit a 25' wide local half-road that Middleton requires for access and circulation. Applicant's proposed preliminary plat appropriately shows the local $\frac{1}{2}$ road, and Developer's construction drawings will show an appropriate solution to ensure that the 5' private utility portion of the easement does not become unkempt. Applicant will also dedicate the 25' right of way to the City, making it a public road. The

other half of the 50' local road may be completed in the future if the property to the south is redeveloped for commercial use or other high density use. In other words, the local road in Piccadilly Square will help provide future north/south access for any future development to the south. See concept below.



The preliminary plat also contains two “private lanes”, which are permitted by the Middleton City Code so long as the lanes are not used to access more than 3 residential lots. (See private lanes highlighted in yellow below.) The two private lanes will also serve as turn-arounds for fire truck access in the event of a fire. Applicant is required to grant cross-access easements for the two private lanes to ensure there is public access to the drive lanes. The Homeowners Association will be responsible for maintaining and repairing the two private drives.



Finally, applicant has been required to improve the existing approach off of Cemetery Road, and the improvements are shown on the plat above.

City Engineer has approved all of the road improvements discussed above.

- H. Pathway & Sidewalks:** There will be a 5' wide attached sidewalk that will span along the north side of the public street. There are no additional pathways planned for the small project.

Variance Request & Open Space: MCC 5-4-10-10 requires all subdivisions to provide 5% Open Space, which is defined in the code as "irrigated and landscaped area." Applicant is asking for a variance from this requirement and requesting the Planning & Zoning Commission to exempt the project from this code section.

In order for the Planning & Zoning Commission to approve the Variance request, the Commission must find the following: (1) the site characteristics make it difficult to apply the specific code section in issue, (2) the approval of the variance will not confer special privilege on one landowner but not on another landowner in like circumstances, and (3) the approval of the variance will not cause undue hardship to surrounding landowners.

Applicant makes the Variance request based upon the fact that the project is essentially an in-fill project with a difficult layout. The project is also small, only 1.77 acres, which results in a small unusable gathering space if the 5% minimum is adhered to. Additionally, the project is very close to Piccadilly Park, so residents will be within easy walking distance of the beautiful open space at Piccadilly Park. Finally, to mitigate for the lack of Open Space, Applicant has paid a mitigation fee of \$848.48 to the Greater Middleton Parks & Recreation District. This fee was derived from multiplying the square footage of the project per the square footage fee of the current Middleton Parks Impact Fee.

City Planning Staff would like to note that City Staff has been considering introducing an amendment to the City Code eliminating the 5% Open Space requirement for both industrial subdivisions and small residential subdivisions (3 acres or less). 5% Open Space is very necessary for large residential subdivisions but may not make as much sense when very small subdivisions or industrial complexes are involved. (Example is Variance on 5% Open Space recently approved for the Middleton Industrial Park #2.) In light of that, Applicant's current request may very well comply with future City Code if such an amendment is ultimately approved by City Council.

- I. Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation are provided outside the dedicated right of way. The HOA will be solely responsible for maintaining both.
- J. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has reviewed and approved the initial preliminary plat submitted, but is still in the process of reviewing the version of the preliminary plat currently under consideration. See Fire District comments in the City Council Packet.

- K. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which matches the residential use planned for the site.

Additionally, Applicant's project complies with the *Goals, Objectives, and Strategies* of the 2019 Middleton Comprehensive Plan as follows:

- a. *Goals 3 and 23:* The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. *Goal 4:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- c. *Goals 11:* The housing type matches the residents' lifestyle in the area the project is located.

- L. Comments Received from Surrounding Landowners:** None.

- M. Comments from Agencies:** 1/29/2021 comments from the Middleton Rural Fire District. (Copies of the comments can be found in the Planning & Zoning Packet.)

- N. Comments from City Engineer, Planning Staff & Floodplain Administrator:** Copies of City Engineer comments dated 2/17/2021, Planning Staff comments dated 2/18/2021, and Floodplain Administrator's comments dated 3/1/2021 are in the Planning & Zoning Commission packet.

- O. Applicant Information:** Application was received and accepted on January 19, 2021. The Applicant/Owner is Debbie Hundoble (Hundoble Family Trust), P.O. Box 609, Middleton ID 83644 (208) 488-0615.

- | P. Notices & Neighborhood Meeting: | Dates: |
|---|---------------------------|
| Newspaper Notification | 02/21/2021 |
| Radius notification mailed to Adjacent landowners within 300' | 02/19/2021 |
| Circulation to Agencies | 02/19/2021 |
| Sign Posting property | 02/19/2021 |
| Neighborhood Meeting | 01/04/2021 and 01/05/2021 |

- Q. Applicable Codes and Standards:**

Idaho State Statute Title 67, Chapter 65
Supplement to the Idaho Standards for Public Works Construction
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

R. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the Variance and rendering a final order with respect to that request. The Commission must decide whether Applicant should be exempted from the 5% Open Space requirement.

The Commission is also tasked with recommending to City Council either denial or approval of the proposed preliminary plat. If the Planning & Zoning Commission is inclined to recommend to City Council approval of the preliminary plat, City Planning Staff recommends that the following Conditions of Approval be made a part of that recommendation:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All Floodplain Administrator review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Applicant to add a note to the preliminary plat that setbacks next to the private lanes are to be measured from edge of pavement of the private lane.
7. Applicant to construct, at its own cost, the half road shown on the preliminary plat and dedicate the 25' wide right-of-way to the City of Middleton.
8. Applicant to dedicate a cross access easement for public access to the two private lanes shown on the preliminary plat.



Middleton Design Review Committee

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

In the Matter of the request of Feast Properties LLC, for Design Review involving a Jack in the Box restaurant in the C-2 Zone located at 704 and 712 W. Main Street:

A. Findings of Fact:

1. Committee Meeting Facts: (See Staff Report for the Committee Meeting date of March 8, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
2. Process Facts: (See Staff Report for the Committee Meeting date of March 8, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
3. Application and Property Facts: (See Staff Report for the Committee Meeting date of March 8, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
4. Required Findings per Middleton City Code 1-15-8-5): (See Staff Report for the Committee Meeting date of March 8, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)

B. Conclusions of Law:

1. That the City of Middleton shall exercise 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 the Design Review Committee received oral comments at the March 8, 2021 Committee Meeting and gave due consideration to the comments and to the City Planning Staff's Staff Report.
3. That Design Review Committee's public meeting was conducted according to law, and the City has kept a record of the application and related documents.
4. That codes and standards applicable to the application are found in Middleton City Code 1-15.
5. That this approval is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of March 8, 2021, which Report is incorporated herein by this reference.

C. Decision and Order:

Pursuant to the Design Review Committee's authority as provided in Middleton City Code 1-15-8, and based upon the above Findings of Facts and Conclusions of Law, it is hereby

decided and ordered that:

1. The Applicant's request for Design Review is approved with the condition of approval as set forth in the Staff Report for the March 8, 2021 Public Meeting attached hereto as Exhibit "A" and incorporated herein by this reference.

WRITTEN DECISION APPROVED ON: April _____, 2021.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

Roberta Stewart
Planning and Zoning Department

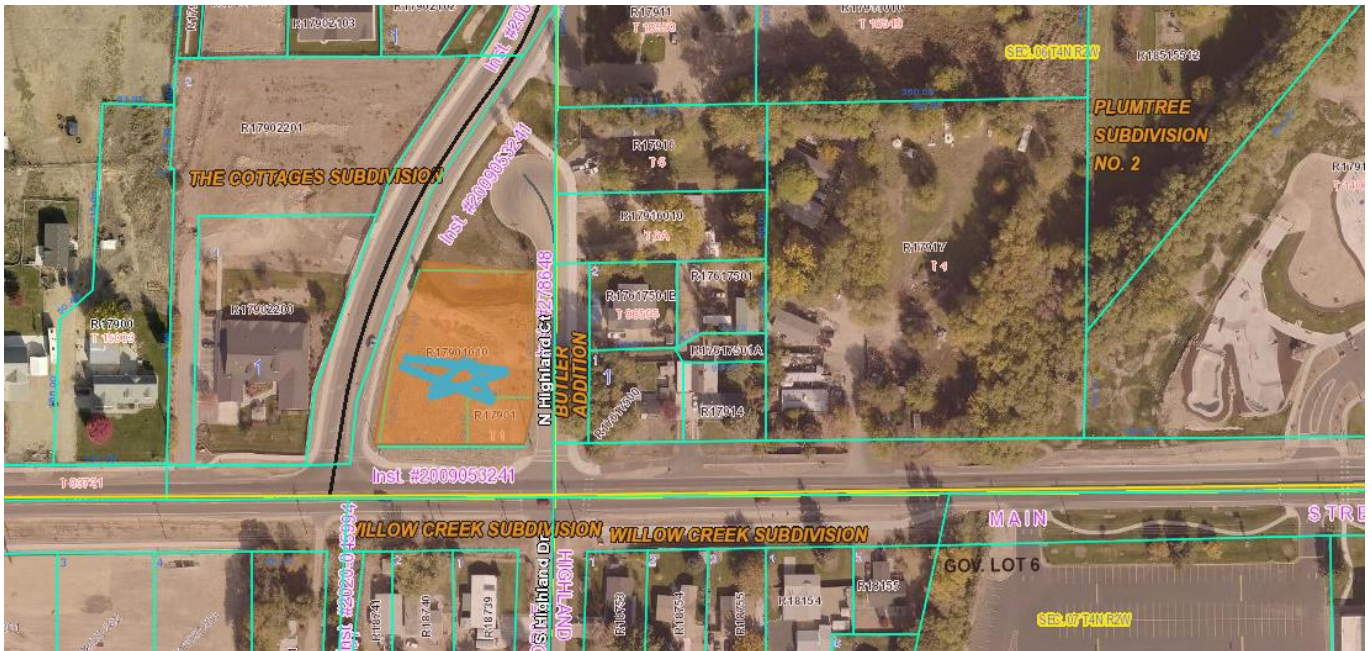


STAFF REPORT

Middleton Planning and Zoning Department

Design Review Application- Jack in the Box

- A. **Planning & Zoning Meeting Date:** March 8, 2021
- B. **Project Description:** Jack in the Box restaurant with drive through located on a .72 acre vacant lot located at 712 W. Main Street in the Hawthorn Subdivision (Tax Parcels #R1790101 and 1790100). See vicinity map below.



- C. **Application Request:** Design Review of new commercial construction for Jack in the Box restaurant with drive through.
- D. **Project Description:** The Jack in the Box restaurant contains a drive thru on the west side of the building. The restaurant is 2,514 s.f., and is a single story building with a total height of 23'. The main entrances are on the east and south side of the building. Traffic will access the building via Cemetery Road and/or N. Highlands Drive. Drive through has a queue capacity of 7 cars. A second queue may be added in the future allowing 3 to 4 more cars to access the drive through. See site plan in P&Z packet and snippet of site plan below.

// // //

G. Parking & Sidewalks: Parking required for the site is 26 stalls, and 26 stalls have been provided. Existing sidewalks are located on the west side and south side of the building. New 5' sidewalk will be installed along No. Highland Drive.

H. Utilities: Sanitary Sewer is available and will be pulled from Cemetery Road. Water will be pulled from No. Highlands Drive.

I. Lighting: Applicant provided a photometric plan. It showed very minimal light spillage across the property boundary, and the spillage is within tolerable limits per City Engineer. Additionally, all lighting is shielded downward per City Code.

J. Landscaping: Applicant provided a landscape plan. See P&Z Packet. Landscaping meets all standards required by City Code.

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 for C-2 Zoning. If the Planning & Zoning Commission is inclined to approve the application, City Planning Staff recommends that the following Condition of Approval be made a part of the approval:

1. If light from vehicle headlights creates a problem for surrounding residents, Jack in the Box will work with Middleton Staff to create appropriate shielding via landscape or other screening method.

Prepared by Middleton City Planner, Robert Stewart

Dated: March 3, 2021

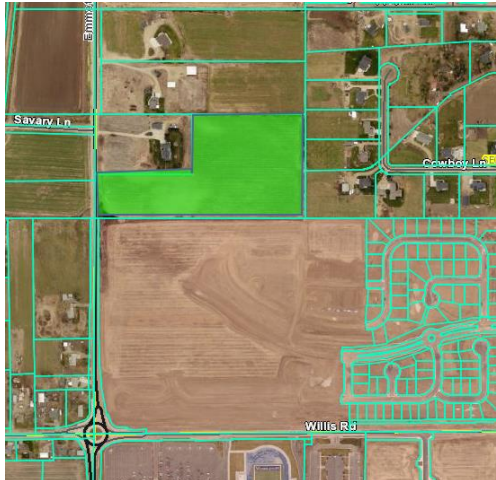


STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

Bridger Creek Subdivision

Snapshot Summary

	DESCRIPTION	DETAILS
	Acreage	14.71 acres
	Current Zoning	County Zoning R-1
	Proposed Zoning	R-3
	Current Land Use	Residential
	Proposed Land Use	Residential
	Lots	44 residential lots and 6 common lots for total of 50 lots.
	Density	2.99 units per acre
	Open Space	16%
	Amenities	27,350 s.f. open grassy area Block 2, Lot 1C.

- A. **Planning & Zoning Commission Hearing Date:** April 12, 2021
- B. **Project Description:** Residential subdivision with 44 buildable lots and 6 common lots on 14.71 acres of vacant land located at 0 Emmett Road (Tax Parcel #R38211012).
- C. **Application Requests:** Applicant has four applications. The first application is an annexation and rezone application to change the zoning from County R-1 to City of Middleton R-3 zoning. Second is a Preliminary Plat application. Third application is a Development Agreement Application, and the fourth application is a variance for road turning radius.
- D. **Current Zoning & Property Condition:** The property is currently located in the County and zoned R-1. The property to the South is within Middleton city limits, and it is zoned R-3. Properties to the west, north and east are located in the County and zoned Agriculture.
- E. **City Services:** City water and sewer are located immediately south of the project in the West Highlands project. Sewer and water will be brought up through Roper Avenue to service all lots and will be extended west to Emmet Road to service future subdivisions. Additionally, per Engineering review and comments, Developer will extend a 12" water main in the right-of-way of Emmet Road along the frontage of the project parcel.

F. Traffic, Access & Streets:

Access to the subdivision is via Willis Avenue and north through the West Highlands subdivision.

Developer should be required to improve, per City standards, the 50' half portion of Emmet Road. Staff recommends this requirement be made a condition of approval for preliminary plat.

Planning Staff is in the process of calculating Developer's pro-rata share for traffic impacts and intersection controls. Developer's payment of these pro-rata fees should be made a condition of approval for preliminary plat.

G. Pathway, Sidewalks & Open Space: 5' wide concrete sidewalks span the local roads throughout the subdivision. An 8' wide asphalt pathway will span along the frontage improvements to Emmett Road. Per MCC 5-4-10-4(B), Developer is required to create a traffic buffer along Emmett Road involving a combination of two of the following three items: berm, fence/wall, and landscaping.

Developer has provided 16% open space in the subdivision, which exceeds the 5% minimum required by MCC 5-4-10-10. A half acre lawn area has been provided by developer on a common lot in the center of the subdivision (L1C/B2)

H. Stormdrain and Pressurized Irrigation: Stormdrain facilities and pressurized irrigation have been provided and are approved by the City Engineer.

I. Middleton Rural Fire District: The subject property is in the Middleton Rural Fire District. The District has reviewed the preliminary plat and approved the preliminary plat subject to compliance with District comments.

J. Preliminary Plat Application: The preliminary plat complies with all dimensional standards and codes of the City of Middleton except the turning radius standard which is the subject of the accompanying variance application.

K. Annexation and Rezone: Applicant is requesting that the entire 14.7 acre project parcel be annexed into the City of Middleton and rezoned to R-3 zoning, which permits three single family homes per gross acres. The parcel is contiguous to City limits, and City services are accessible to the parcel, which are the primary requirements for annexation. Applicant has also complied with all other documentation requirements necessary to complete the annexation and rezone of the property.

L. Development Agreement: Every annexation and rezone request requires a Development Agreement ("DA"). Applicant and City Staff have used the City's form for the DA, and have merely added four new provisions:

- a. Developer shall, at its own cost, improve the 50' half-road portion of Emmett Road and comply with the City comments and recommendations for final plat approval.
- b. Developer shall pay additional pro-rata or proportionate share fees for all traffic impacts and intersection controls affected by the subdivision.
- c. Developer shall build only single family homes, without 2nd accessory dwellings, in the R-3 zoned subdivision.
- d. Developer may use subdivision property not used for residential purposes for common area, utility lines, storm water management or other "allowed" uses per MCC 5-4-1 Table 1.

M. Variance: MCC 5-4-10-2(H.2) requires local roads to have a minimum centerline radius of 125'. Applicant is seeking a 60' turning radius, which means a tighter turning radius, on two corners in the subdivision. Applicant argues that there is no adverse consequence to the tighter corner, and the benefits to the tighter corners are (1) a reduction in flag shaped and pie-shaped lots, (2) promotion of lower speeds, increasing safety, and (3) shorter roadway lengths. Finally, Applicant argues that turning radiuses as low as 50' still meet safety and design guidelines of the International Fire Code Appendix D and AASHTO Section 3.3.6.

N. Comprehensive Plan & Land Use Map: Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which matches the residential use planned for the site.

Additionally, Applicant's project complies with the *Goals, Objectives, and Strategies* of the 2019 Middleton Comprehensive Plan as follows:

- a. *Goals 3 and 23:* The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. *Goal 4:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- c. *Goals 11:* The housing type matches the residents' lifestyle in the area the project is located.

O. Comments Received from Surrounding Landowners: None.

P. Comments from Agencies: 3/8/2021 comments from the Middleton Rural Fire District. 4/5/2021 comments from Canyon Highway District No. 4 (Copies of the comments can be found in the Planning & Zoning Packet.)

Q. Comments from City Engineer and Planning Staff: Copies of City Engineer comments dated 3/19/2021 and 4/5/2021 and Planning Staff comments dated 3/16/2021 and 4/5/2021 are in the Planning & Zoning Commission packet.

R. Applicant Information: Application was received and accepted on February 8, 2021. The Applicant/Owner is Hayden Homes Idaho LLC, 1406 N. Main St. #109, Meridian, ID 83642 (208) 869-9785.

S. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	03/28/2021
Radius notification mailed to Adjacent landowners within 300'	03/26/2021
Circulation to Agencies	03/21/2021
Sign Posting property	03/26/2021
Neighborhood Meeting	01/21/2021

T. Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65
Idaho Standards for Public Works Construction and Middleton Supplement thereto
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

U. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the four separate applications for (1) Annexation/Rezone, (2) Preliminary Plat, (3) Development Agreement and (4) variance.

With respect to the variance, the Commission is tasked with rendering the final decision and order on the matter. It does not proceed to City Council. If the Commission is inclined to approve the variance application, Planning Staff does not recommend any conditions of approval.

As to the preliminary plat, annexation/rezone, and Development Agreement applications, if the Commission is inclined to recommend to City Council approval of the three applications, Planning Staff recommends that the recommendation be subject to the following conditions of approval:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All requirements of the Middleton Rural Fire District are to be completed and approved.

5. Applicant to construct, at its own cost, the half road of Emmett Road as shown on the preliminary plat and dedicate the 50' wide half-road to the City of Middleton.
6. Developer to pay all pro-rata traffic impact fees prior to approval of final plat.

V. Prepared by Middleton City Planner, Robert Stewart

Dated: 4/8/2021

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SITE DATA

OWNER/DEVELOPER

TIM MOKWA
HAYDEN HOMES, LLC
2464 SW GLACIER PLACE
REDMOND, OR 97756
PH: (651) 923-6607

ENGINEER

DAVID N. STERLING, P.E.
ABBEY STOVER, P.E.
T-O ENGINEERS, INC.
2471 S. TITANIUM
MERIDIAN, ID 83642
PH: (208) 323-2288

SURVEYOR

ANDREW POE, P.L.S.
T-O ENGINEERS, INC.
2471 S. TITANIUM
MERIDIAN, ID 83642
PH: (208) 323-2288

ZONING AND SETBACK

ZONE - R-3
CITY SETBACKS
FRONT = 25'
REAR = 20'
SIDE = 10'
STREET SIDE = 20'

FIRE DISTRICT

CITY OF MIDDLETON

SEWER AND WATER DISTRICT

CITY OF MIDDLETON

IRRIGATION DISTRICT

PRIVATE
(PRESSURE IRRIGATION)

BLACK CANYON IRRIGATION DISTRICT

ROADWAY JURISDICTION

CITY OF MIDDLETON

SCHOOL DISTRICT

MIDDLETON SCHOOL
DISTRICT #134

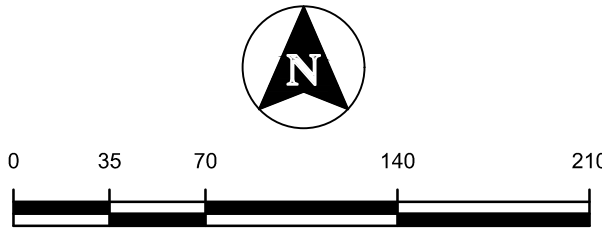
AREA AND LOT SUMMARY

TOTAL AREA	±640,800 SF	14.7 ACRES
TOTAL RESIDENTIAL AREA	±401,080 SF	9.2 ACRES
TOTAL COMMON/OPEN SPACE AREA	±101,890 SF	2.3 ACRES
RIGHT OF WAY AREA	±137,830 SF	3.2 ACRES
TOTAL NUMBER OF LOTS	50	
TOTAL NUMBER OF BUILDABLE LOTS	44	
TOTAL NUMBER OF COMMON LOTS	6	
PROPOSED DENSITY	2.99 UNITS/ACRE	
AVERAGE RESIDENTIAL LOT SIZE	±9,115 SF	0.21 ACRES
MINIMUM LOT SIZE	8,005 SF	0.18 ACRES
PERCENTAGE OPEN SPACE	16%	

NOTE: TO THE BEST OF THE PREPARER'S KNOWLEDGE THIS PRELIMINARY PLAT MEETS ALL REQUIREMENTS OF MIDDLETON CITY CODE.

PRELIMINARY PLAT FOR BRIDGER CREEK SUBDIVISION

A PORTION OF THE NW 1/4 OF THE SW 1/4 OF SECTION 36
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2021

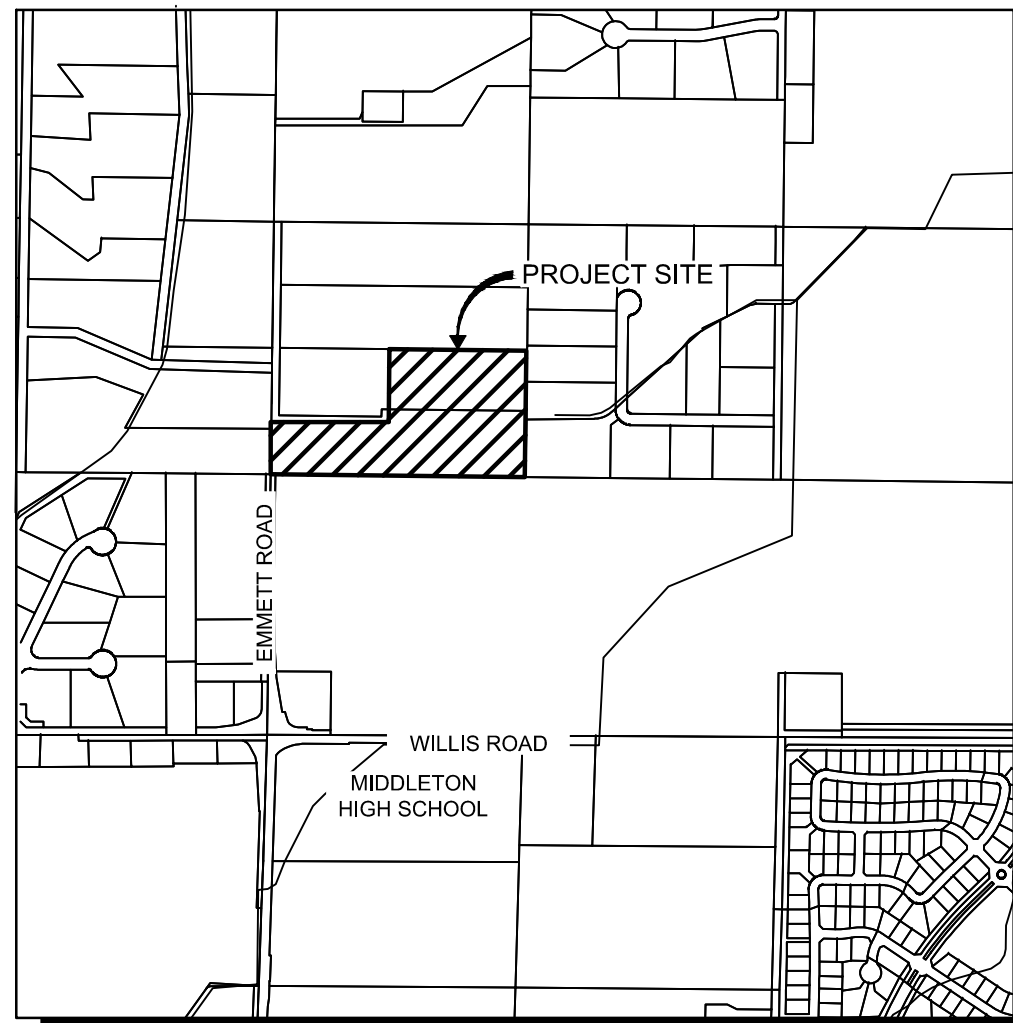


LEGEND

---	SUBDIVISION BOUNDARY
---	RIGHT-OF-WAY
---	EASEMENT
---	ROAD CENTERLINE
1	RESIDENTIAL LOT NUMBER
1C	COMMON LOT NUMBER
1	BLOCK NUMBER
■	FOUND ALUMINUM CAP
●	FOUND 5/8 REBAR
□	CALCULATED POINT

SHEET INDEX

- LOT DIMENSIONS
- UTILITY PLAN



VICINITY MAP
SCALE: 1"=1000'

NOTES

- BUILDING SETBACKS AND DIMENSIONAL STANDARDS SHALL BE IN COMPLIANCE WITH THE MIDDLETON CITY CODE AND STANDARDS IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE.
- ALL LOTS ARE RESIDENTIAL BUILDING LOTS EXCEPT LOTS 1, 8, AND 25. BLOCK 1: LOT 1, BLOCK 2: AND LOT 14, BLOCK 3. COMMON LOTS TO BE OWNED AND MAINTAINED BY THE BRIDGER CREEK HOMEOWNERS ASSOCIATION.
- A GENERAL UTILITY EASEMENT OF 10 FEET WILL EXIST ALONG ALL FRONT AND REAR LOT LINES AND 5 FEET ALONG ALL SIDE LOT LINES PER CITY OF MIDDLETON SUBDIVISION REQUIREMENTS.
- STORM DRAINAGE WILL BE ROUTED TO INFILTRATION FACILITIES LOCATED IN COMMON AREAS. STORM DRAINAGE WILL BE DESIGNED IN ACCORDANCE WITH THE CATALOG OF STORM WATER BEST MANAGEMENT PRACTICES FOR IDAHO CITIES AND COUNTIES AND THE CITY OF MIDDLETON.
- INDIVIDUAL PRESSURE IRRIGATION SERVICES WILL BE PROVIDED TO THE REAR OF EACH LOT. PRESSURE IRRIGATION WILL BE CONNECTED TO A NEW PUMP STATION LOCATED IN COMMON LOT 5. BLOCK 3. THE SYSTEM WILL BE OWNED AND MAINTAINED BY THE HOA. LOT OWNERS WILL BE OBLIGATED TO PAY LEVIES AND ASSESSMENTS FROM THE APPLICABLE IRRIGATION DISTRICT.
- DIRECT LOT ACCESS TO EMMETT ROAD IS PROHIBITED EXCEPT FOR EMERGENCY VEHICLES.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
- FIBER OPTICS TO BE PROVIDED TO EACH LOT DURING JOINT TRENCH CONSTRUCTION PER THE CITY OF MIDDLETON SUPPLEMENT TO THE IDAHO STANDARDS OF PUBLIC WORKS CONSTRUCTION.
- MAILBOX CLUSTER TO BE INSTALLED BY OWNER AS SHOWN ON PRELIMINARY PLAT.
- DOMESTIC AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- IRRIGATION DITCHES THROUGH THE PROJECT SHALL BE PIPED WHERE THEY CROSS ROADWAYS WITH ALL STRUCTURES LOCATED BEYOND ANY PUBLIC RIGHT-OF-WAY. ALL IRRIGATION AND DRAINAGE FACILITIES SHALL BE LOCATED OUTSIDE OF THE RIGHT-OF-WAY.
- ALL EXISTING WELLS SHALL BE ABANDONED PER IDAHO DEPARTMENT OF WATER RESOURCES REGULATIONS. ALL SEPTIC SYSTEMS SHALL BE COMPLETELY REMOVED AND THE AREA RECOMPACTED PER THE GEOTECHNICAL REPORT.
- A VARIANCE IS REQUESTED TO MIDDLETON CITY CODE S-4-10-2-H-2 TO REDUCE THE MINIMUM ROAD CENTERLINE RADIUS AS SHOWN.

NOTE: P.L.S. SIGNATURE OF THIS DOCUMENT ONLY CERTIFIES THE SUBJECT PROPERTY BOUNDARY SHOWN HEREON.

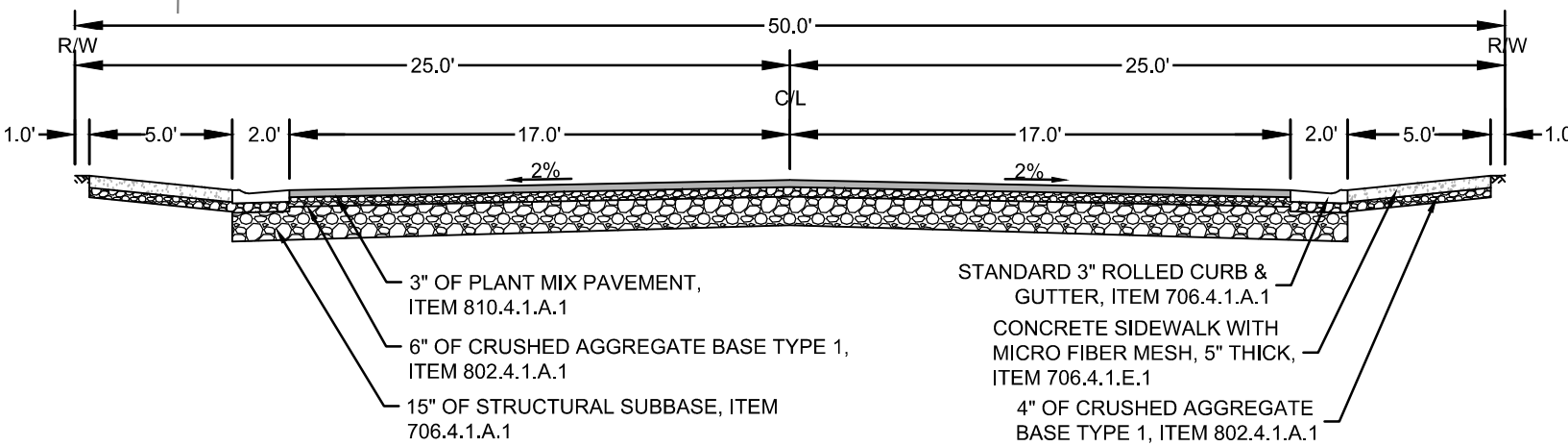


SURVEY INFORMATION

CONSTRUCTION STAKING WILL BE PROVIDED BY T-O ENGINEERS- ANDREW POE, PLS PHONE NO. (208)-323-2288

ALL ELEVATIONS SHOWN ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

	BM#1	BM#2	BM#3
NORTHING:	751613.6980	751986.097	751327.619
EASTING:	2386949.452	2387668.282	2387660.236
ELEVATION:	2448.712	2453.207	2455.506
DESCRIPTION:	5/8" REBAR *PLS 12220"	5/8" REBAR WITH ILLEGIBLE CAP	5/8" REBAR WITH ILLEGIBLE CAP



CITY OF MIDDLETON
LOCAL ROADWAY TYPICAL SECTION - 50' ROW
SCALE: NTS

T-O ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS

2471 S. TITANIUM PLACE
MERIDIAN, IDAHO 83642
PHONE: (208) 323-2288
WWW.TO-ENGINEERS.COM
BOISE • CODY • COEUR D'ALENE • HEBER CITY
MERIDIAN • Nampa • SPOKANE

PRELIMINARY PLAT FOR:

BRIDGER CREEK SUBDIVISION
LOT DIMENSIONS

ATTENTION:
IF THIS BAR DOES NOT MEASURE
1" ON 22x34 SHEET or 1/2" ON
11x17 SHEET, THEN DRAWING IS
NOT TO SCALE

DATE: April 7, 2021
PROJECT: 200585
SHEET: C0.0

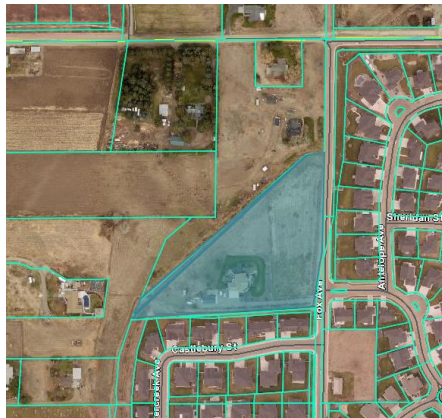


STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

LaFever Annexation – 23897 Fox Avenue

Snapshot Summary

	DESCRIPTION	DETAILS
	Acreage	5.27 acres
	Current Zoning	County Zoning - Agriculture
	Proposed Zoning	R-3
	Current Land Use	Residential
	Proposed Land Use	Residential
	Lots	Single parcel being annexed

- A. Planning & Zoning Commission Hearing Date:** April 12, 2021
- B. Project Description and Application Request:** Request to annex 5.27 acre parcel with single family home into Middleton City Limits and rezone to R-3. Parcel is part of the Hawthorn Subdivision. The address is 23897 Fox Avenue, Tax Parcel No. R17932011.
- Once annexed, the parcel has a potential for future development and may be the subject of a preliminary plat with R-3 zoning, which would allow up to 15 single family homes.
- C. Current Zoning & Property Condition:** The property is currently located in the County and zoned Agriculture. The properties to the south and east are within Middleton City limits and are zoned R-3. Property to the north and west is county property zoned agriculture.
- D. City Services:** City water and sewer are located at the intersection of Fox Avenue and N. Powder River Dr., which is immediately accessible to the parcel site.
- E. Traffic, Access & Streets:** Access to the parcel is via Fox Avenue. If the parcel owners choose to develop the parcel after annexation, per the Development Agreement accompanying this Annexation, they will need to improve the 30' half-road of Fox Avenue and dedicate that portion of the right of way to the City of Middleton. This improvement will include roadway, curb & gutter, and 5' sidewalk. Additionally, if the parcel owner chooses to develop the parcel, they will be required to move their

approach or access further north so it is directly opposite N. Powder River Street, which is the entry to Powder River Subdivision No. 2.

- F. Annexation and Rezone:** Annexation requires primarily two things: (1) the property is contiguous to City limits and (2) sewer and water service are available for immediate hook up. Applicant's parcel meets both of these requirements. Additionally, Applicant has complied with all other documentation and requirements necessary to complete annexation and rezone.
- G. Development Agreement:** Every annexation and rezone request requires a Development Agreement ("DA"). Applicant and City Staff have used the City's form for the DA, and have added the following provisions:
- a. Applicant will hook up the existing single-family home to Middleton sewer and water prior to finalization of the annexation by the Ada County Treasurer's Office.
 - b. All existing wells shall be abandoned per Idaho Department of Water Resources regulations prior to finalization of the annexation by the Ada County Treasurer's Office.
 - c. All septic systems shall be completely removed and the area recompacted per geotechnical study and report prior to finalization of the annexation by the Ada County Treasurer's Office.
 - d. Zoning for the parcel shall be R-3.
 - e. If Applicant develops the parcel after annexation, Applicant will do the following:
 - i. Any land division will occur through the subdivision platting process, and Applicant's subdivision plat will comply with all engineering and agency requirements for final plat.
 - ii. Applicant shall improve the western 30' half-road portion of Fox Avenue the entire length of the project and dedicate the same to the City of Middleton.
 - iii. Applicant shall move the current access/approach north so that it is directly opposite N. Powder River Drive.
 - iv. Applicant shall obtain a new access/approach permit from the City of Middleton
- H. Comments Received from Surrounding Landowners:** None.
- I. Comments from Agencies:** 3/25/2021 comments from Canyon Highway District No. 4 and 3/26/2021 comments from Middleton Mill Ditch Co.
- J. Comments from City Engineer:** City engineer reviewed the annexation survey data, exhibit, and legal description and found that the documentation was correct and supported the annexation request. City Engineer comments dated 3/31/2021 are in the Planning & Zoning Commission packet.

K. Applicant Information: Application was received and accepted on February 19, 2021. The Applicant/Owners are Dan and Kerri LaFever – 23897 Fox Avenue, Middleton 83644 (208) 250-2598

L. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	03/28/2021
Radius notification mailed to Adjacent landowners within 300'	03/26/2021
Circulation to Agencies	03/21/2021
Sign Posting property	03/26/2021
Neighborhood Meeting	01/21/2021

M. Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65
Idaho Standards for Public Works Construction and Middleton Supplement thereto
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

N. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with recommending approval or denial of the annexation/rezone application and the development agreement application. Both applications are in compliance with Middleton City Code. If the Commission is inclined to recommend approval, Planning Staff does not believe there are any conditions of approval that should be tied to the approval of the applications.

Prepared by Middleton City Planner, Robert Stewart

Dated: 4/6/2021



STAFF REPORT

Middleton Planning and Zoning Department

Design Review - TriGuard Building Middleton Industrial Park #1

- A. Planning & Zoning Meeting Date:** April 12, 2021
- B. Project Description:** TriGuard Pest Control commercial building located at 11167 Tungsten Street (Tax Parcel No. R34075103) in the Middleton Industrial Park #1 Subdivision. The building is a 2-story building and approximately 16,000 s.f.
- C. Zoning & Site Conditions:** The 2.07 acre parcel is in the Middleton Industrial Park #1, which is zoned M-1 or light industrial.
- D. Architectural Character:** MCC 1-15-8-2, requires the project material and colors to be in harmony with the townscape and surrounding neighborhood. Each building must also contain four or more of the following design elements: gable roof, stucco, brick/rock, accenting, metal siding, timberwork, or public art feature.

The Triguard building complies with the Code and contains more than four of the required building elements: modern wide ribbed metal siding, ordinary metal siding in differing color, metal wood textured corner accent in differing color, rusted metal design at entry way, metal eaves/pop-out, and multiple modulations in front façade.

E. Conclusions and Recommended Conditions of Approval:

Applicant's Design Review application complies with dimensions and standards of the Middleton City Code for M-1 Zoning. If the Design Review Committee is inclined to approve the application, City Planning Staff does not recommend any conditions of approval.

Prepared by Middleton City Planner, Robert Stewart

Dated: April 1, 2021



STAFF REPORT

Middleton Planning and Zoning Department

Design Review – Intermountain Pet Hospital

- A. Planning & Zoning Meeting Date:** April 12, 2021
- B. Project Description:** Commercial building for Intermountain Pet Hospital located at 800 E. Main Street/Hwy 44 (Tax Parcel No. R3394001). The building is a single-story building with a total footprint of 4,580 s.f.
- C. Zoning & Site Conditions:** The .43 acre site is the location of the old Middleton Veterinary Hospital. The existing brick building will be torn down and replaced with the new pet hospital.

The property is zoned C-2, and the use is appropriate for that zoning. The new pet hospital building complies with all dimensional standards of the C-2 zone.

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

The Intermountain Pet building complies with the Code and contains four of the required building elements: (1) gable roof, (2) stucco, (3) stone accents, and (4) accenting involving braces, belly bands, and decorative columns.

- E. Conclusions and Recommended Conditions of Approval:**

Applicant's Design Review application complies with dimensions and standards of the Middleton City Code for C-2 Zoning. If the Planning & Zoning Commission is inclined to approve the application, City Planning Staff does not recommend any conditions of approval.