

RECORD OF PROCEEDINGS

MIDDLETON CITY PLANNING AND ZONING COMMISSION MEETING JANUARY 9, 2017

The Planning and Zoning Commission Meeting of January 9, 2017 was called to order by Chair Lary Sisson at 7:00 p.m.

Roll Call: Chair Sisson, Vice-Chair Watson, and Commissioners Billet, Garner were all present and Commissioner Rahn was absent.

3) **New Business:**

3(A) **Consider approving minutes from the October 10, 2016 meeting.**

Chair Sisson presented the item for discussion and questions.

Motion: Motion by Vice-Chair Watson to approve the October 10, 2016 minutes was seconded by Commissioner Billet and carried unanimously.

4) **Public Hearing:**

Consider adopting Ordinance No. 588 amending the Middleton City Code, Title 5:

An Ordinance of the City of Middleton, Canyon County, Idaho, Amending Title 5 of the Middleton City Code Updating the General Zoning Provisions, Modifying and Updating General Zoning Definitions and Regulations for Traffic Buffers, Buffers Between Residential and Industrial Zones, and Access Restrictions; Modifying the Standards for Design Review Districts, Making Other Minor Modifications and Providing an Effective Date.

AND amending the Middleton City Code, Title 6: An Ordinance of the City of Middleton, Canyon County, Idaho, Amending Title 6 of the Middleton City Code Updating the General Subdivision Definitions and Regulations, Adding Road Names for Section and Quarter-section Line Roads to the Right-of-Ways Width Table, Modifying and Updating Traffic Buffer Requirements, Restrictions on Flag Lots, Modifying Required Dedication Language, Making Other Minor Modifications and Providing an Effective Date.

Chair Sisson declared the Public Hearing open at 7:05 p.m. and turned the floor over to City Attorney Chris Yorgason who presented the item for discussion and questions.

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Vice-Chair Watson asked if these changes were made to help avoid flag lots in a cul-de-sac that block one another and City Attorney Yorgason answered that yes that was the intent.

Chair Sisson asked who the City design review committee is and City Attorney Yorgason answered that the Planning & Zoning Commission is for all non-residential buildings. Chair Sisson added that a second dwelling unit seems like a rare request and City Attorney Yorgason replied that it is very rare and even more in Middleton as most dwellings are in R-3 and R-4 zones.

Chair Sisson asked if anyone in the audience would like to speak on the item:

Nancy Edwards said that she would like to build mother-in-law quarters and used Ada County building code as a frame of reference.

Chair Sisson asked if this item is passed would she be able to work within the proposed confines, Mrs. Edwards replied that she definitely would.

Chair Sisson closed the public hearing at 7:40 p.m.

Motion: Motion by Vice-Chair Watson to adopt Ordinance No. 588 amending the Middleton City Code, Title 5:

An Ordinance of the City of Middleton, Canyon County, Idaho, Amending Title 5 of the Middleton City Code Updating the General Zoning Provisions, Modifying and Updating General Zoning Definitions and Regulations for Traffic Buffers, Buffers Between Residential and Industrial Zones, and Access Restrictions; Modifying the Standards for Design Review Districts, Making Other Minor Modifications and Providing an Effective Date.

AND amending the Middleton City Code, Title 6: An Ordinance of the City of Middleton, Canyon County, Idaho, Amending Title 6 of the Middleton City Code Updating the General Subdivision Definitions and Regulations, Adding Road Names for Section and Quarter-section Line Roads to the Right-of-Ways Width Table, Modifying and Updating Traffic Buffer Requirements, Restrictions on Flag Lots, Modifying Required Dedication Language, Making Other Minor Modifications and Providing an Effective Date with the discussed changes was seconded by Commissioner Billet and carried unanimously by roll call vote.

5) Public Hearing:

Consider a request by Idaho Mutual Trust LLC for a development agreement between the City, Idaho Mutual Trust, and the property owner regarding development on the property located at the northwest corner of Middleton Road and Cornell Street, Lot 1, Block 1, Old Mill Stream Subdivision, parcel no. R1848050.

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Chair Sisson presented the item and turned the floor over to City Planner Randall Falkner who spoke on the item and answered questions.

Chair Sisson asked about the development agreement process and if they normally come to the Planning & Zoning Commission first. City Attorney Yorgason answered that development agreements have to be done whenever there is a rezone. They are negotiable and the timing is usually dependent upon which party is asking for something in particular.

Chair Sisson declared a recess at 7:55 p.m. and reconvened the meeting at 8:05 p.m.

Chair Sisson turned the floor over to Blake Wolf who spoke on the item on behalf of the applicant.

- The applicant chose to go through the development agreement process after the fact primarily because the mixed-use zoning was too broad. So this development agreement takes care of everything that is needed including putting the public at ease.
- In regards to donation to GMPRD donation, they are willing to discuss numbers that will be acceptable to both parties.
- They spoke with the Teichert's a number of times and they are happy with the fence proposal.

Commissioner Billett asked if individuals can own separate apartments, Mr. Wolf replied that they can under the same HOA. Commissioner Billet asked for clarification that owners will belong to the HOA and not the renters, and Mr. Wolf replied that yes that was correct. Commissioner Billett asked what the size of the units will be, Mr. Wolf answered they will be 3 bedroom 2 bath units roughly square feet. Commissioner Billet asked how many acres will the buildings take up, Mr. Wolf answered that the building will take up approximately $\frac{3}{4}$ of the area leaving roughly $\frac{1}{4}$ of an acre open. They have yet to draw out the entire plan with specifics. He added that the vinyl privacy fence was Mrs. Teichert's suggestion.

Chair Sisson asked what is the purpose in having the HOA, Mr. Wolf responded that it is so standard are kept the same as in a subdivision, it allows for checks and balances.

Vice-Chair Watson asked what the estimated start date is, and Mr. Wolf answered that soil tests are scheduled in two weeks.

Chair Sisson asked if anyone in the audience would like to speak on the item:

Mike Fitzrick asked what protections will be put in place to keep kids and pets out of the creek, if irrigation water will be used, and if there is going to be a playground for children installed.

Applicant rebuttal:

- Irrigation water will be used for landscaping.

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- Creek safety will be addressed during the plat review process.
- There will not be a playground since the property is right across the street from Foote Park and a cash donation is being given to the GMPRD to upgrade that park.

Chair Sisson closed public comment at 8:35 p.m.

Commissioner Billet said that he would like to see specific acreage of how much the 12 buildings will take up and would like the agreement to be vaguer on the privacy fence. He added that the donation amount is ultimately up to City Council, but he suggests that all of the monies be used within a year.

Chair Sisson added that he believes a good compromise for the remainder of the property be completed when the final four plex is built.

Motion: Motion by Commissioner Billett recommend City Council accept a request by Idaho Mutual Trust LLC for a development agreement between the City, Idaho Mutual Trust, and the property owner regarding development on the property located at the northwest corner of Middleton Road and Cornell Street, Lot 1, Block 1, Old Mill Stream Subdivision, parcel no. R1848050 with following changes,

- No more than 12 four plexes be built and build Substantially similar to the submitted concept plan
- Install a privacy fence removing the six foot height requirement. The exact height and type to be determined with developer and Teichert's.
- Remove the May deadline for GMPRD to use donated monies and replace with a one year deadline.
- City Council to work with the applicant on a time frame to develop non multifamily area

Was seconded by Vice-Chair Watson and carried unanimously by roll call vote.

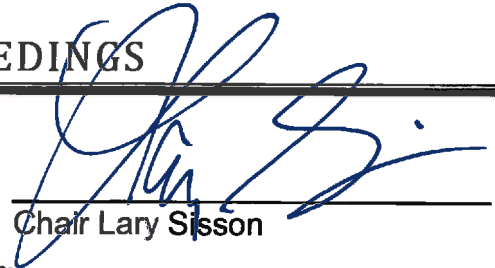
6) Public Comments: none.

7) Commission/Staff Comments: City Planner Falkner discussed FFCO's and how the process works

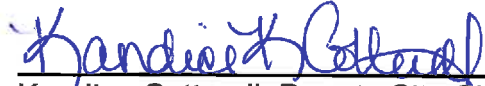
8) Adjourn

Motion: Motion by Commissioner Garner to adjourn was seconded by Vice-Chair Watson and carried unanimously. Chair Sisson declared the meeting adjourned at 9:07 p.m.

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Chair Lary Sisson

ATTEST:


Kandice Cotterell, Deputy City Clerk
Approved: February 13, 2017

