

RECORD OF PROCEEDINGS

MIDDLETON CITY PLANNING AND ZONING COMMISSION MEETING DECEMBER 11, 2017

The Planning and Zoning Commission Meeting of December 11, 2017 was called to order by Chairman Lary Sisson at 7:01 p.m.

Roll Call: Chairman Sisson, Commissioner Garner, Commissioner Bird were present. Commissioner Watson was absent due to illness.

3) **New Business:**

A. **Consider approving minutes of the November 13, 2017 meeting.**

Motion: Motion by Commissioner Garner to approve the November 13, 2017 minutes was seconded by Commissioner Bird and carried unanimously by voice vote.

B. **Consider recommending that the city council approve an application by Paul and Janet Okamura to annex and zone approximately five acres of real property abutting State Highway 44 approximately 1,000 feet west of Hartley Lane, and approving design review and a conditional use permit for outdoor display of merchandise.**

Chairman Sisson presented the item and turned the floor over to City Planner Randall Falkner who gave the staff report. Chairman Sisson then declared the public hearing open.

Penelope Riley from Riley Planning Services addressed the commissioners and those present. Ms. Riley stated that her clients agreed with the C-3 (Heavy Commercial) zoning but disagreed with removing the front display area. The front display area is 17 feet from the back of the walking path, 35 feet from the property line and its 53 feet from the existing edge of pavement. It is well behind the line of sight of any vehicle exiting the property and is well within the City of Middleton's setback requirements for a C-3 zone. This front display area is essential to the site design and cannot be eliminated. For the project to move forward it would have to be moved to another place on the site and for this to happen, it would have to be taken all the way to the top of Tractor Supply Company. The applicant is authorized to add additional landscaping if that would please the commissioners.

The floor was opened to the commissioners and public to ask Ms. Riley questions before Chairman Sisson declared the public hearing closed.

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Motion: Motion by Commissioner Garner to recommend that the city council approve an application by Paul and Janet Okamura to annex and zone approximately five acres of real property abutting State Highway 44 approximately 1,000 feet west of Hartley Lane and change the zoning to C-3 (Heavy Commercial), and approving a conditional use permit for outdoor display of merchandise conditioned upon annexation and zoning of the property by City Council. The motion was seconded by Commissioner Bird and carried unanimously by roll call vote.

The floor was opened back up to Ms. Riley to present to the commissioner's design review of Tractor Supply. Planning and Zoning Official Randall Falkner gave a brief staff overview of the design review for Tractor Supply Company. Discussion and questions amongst the commission followed.

Motion: Motion by Commissioner Bird approving design review conditioned upon annexation and zoning of the property by City Council was seconded by Commissioner Garner and carried unanimously by roll call vote.

C. Consider recommending that the city council approve an application by Baserri LLC and Premier Industrial LLC for Sawtooth Subdivision preliminary plat on approximately 23 acres of real property zoned mixed use and located north of Sawtooth Lake Dr. on the west side of Middleton Road.

Chairman Sisson presented the item and turned the floor over to City Planner Randall Falkner who gave the staff report. Questions by the commissioners towards Mr. Falkner followed. Chairman Sisson declared the public hearing open.

T – O Engineers addressed the commissioners and those present in the audience. They addressed concerns regarding public spaces, a left turn lane and setbacks being set at 5 feet versus 10 feet.

Tim Mokwa with Hayden Homes addressed the commissioners and spoke on the builder's behalf regarding 10 feet set back and how this makes building a cost-effective quality home more difficult and gives buyers less options to choose from. The floor was then open for questions from the commissioners and public.

Resident Robert Neal addressed the commissioners and voiced concerns on the narrow roads and the number of vehicles that would be parked in the subdivision. He wanted to know if this would cause problems for not only school buses but for emergency vehicles to get in and out of the neighborhoods. Mr. Neil also wanted to know if this new subdivision would

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be taking over the costs of taking care of the common area out to Middleton Road that would now be practically on their property.

Resident Steve Cordell addressed the commissioners and voiced that he believes that this growth is good for Middleton. He voiced that 5-foot setbacks can work but that it isn't a thing that people are thrilled about it. He feels that the 5-foot setbacks are placing neighbors really close to each other but that when you add things such as public parks and pools it makes overlooking the 5-foot setbacks not a big deal. He voiced that he personally favors the 10-foot setbacks.

Resident Cheryl Brenenstahl voiced concerns that a left-hand turn lane is a must to control the flow of traffic that is already heavy at this intersection. Further follow up from T – O Engineers answered questions of residents and questions that commissioners had. Chairman Sisson declared the public hearing closed.

Motion: Motion by Commissioner Bird to recommend that the city council approve an application by Baserri LLC and Premier Industrial LLC for Sawtooth Subdivision preliminary plat on approximately 23 acres of real property zoned mixed use and located north of Sawtooth Lake Dr. on the west side of Middleton Road with all the conditions except the side setbacks as recommended by the city and the recommendations by the city engineer except that the 125 foot radius have a 100 foot minimum block road radius and a 50 foot minimum near 90 degree radius and that there is to be a conversation between the developer and the city about a left turn lane off of Middleton Road onto Sawtooth Lake Drive along with 6 foot fencing per city code to be added along the perimeter of each phase, was seconded by Chairman Sisson and passed by a two to three roll call vote.

D. Consider recommending that the city council approve annexation of enclaves and other properties adjacent to city limits.

Mayor Darin Taylor introduced the item to the commissioners. Mayor Taylor explained some of the annexation was right of ways and that some of the land in question is land that is surrounded by city limits. This is the first time the City of Middleton has done voluntarily and involuntarily annexation and the city would like to do this annually. The floor was then open to commissioners and public for comments and questions.

Resident Darrell Rissal asked the commissioners and Mayor to explain what being annexed into the city would mean for him. Chairman Sisson called the public hearing portion of agenda item closed.

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Motion: Motion by Commissioner Garner to recommend that the city council approve annexation of enclaves and other properties adjacent to city limits except for the Burrfurds property, which was seconded by Commissioner Bird and carried unanimously by roll call vote.

- E. Consider recommending that the city council approve amending the comprehensive plan text and maps to include a River District and restaurant, retail and recreation (RRR) areas.**

Mayor Darin Taylor introduced the item to the commissioners. Discussion amongst the commissioners ensued and Chairman Sisson closed the public hearing.

Motion: Motion by Commissioner Garner to recommend the city council approve amending the comprehensive plan text and maps to include a River District and restaurant, retail and recreation (RRR) areas was seconded by Commissioner Bird and carried unanimously by roll call vote.

- F. Consider approving Ord. 600 amending Titles 5 and 6 of the Middleton City Code to remove the R-4 and R-4T zones; add a restaurants, retail and recreation (RRR) zone; modify the land use schedule (Table 1) and the height, setback and coverage schedule (Table 2) to add RRR zone allowed and permitted uses and standards while removing those for the R-4 and R-4T zones; change wireless telecommunication facility (cell tower) a permitted in all zones; delete the requirement to install dry sewer and water lines in subdivisions not contiguous to city limits; delete the requirement to submit a grading and drainage plan as part of design review; and other minor changes.**

Mayor Darin Taylor introduced the item to the commissioners. Shawn Mayben had questions about a R-4 density and voiced concerns about getting rid of that zoning. Chairman Sisson closed the public hearing.

- G. Motion:** Motion by Commissioner Bird to approve Ord. 600 amending Titles 5 and 6 of the Middleton City Code to remove the R-4 and R-4T zones; add a restaurants, retail and recreation (RRR) zone; modify the land use schedule (Table 1) and the height, setback and coverage schedule (Table 2) to add RRR zone allowed and permitted uses and standards while removing those for the R-4 and R-4T zones; change wireless telecommunication facility (cell tower) all to conditional use, a permitted in all zones; delete the requirement to install dry sewer and water lines in subdivisions not contiguous to city limits; delete the requirement to submit a grading and drainage plan as part of design review; and other minor changes and was seconded by Commissioner Garner and carried unanimously by roll call vote.

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- 4) **Public Comments:** none.
- 5) **Commission/Staff Comments:** none.
- 6) **Adjourn**

Motion: Motion to adjourn by Commissioner Garner, was seconded by Commissioner Bird, and carried unanimously. Meeting adjourned at 10:15 p.m.

ATTEST:



Chairman Larry Sisson



Randall Falkner, Planning and Zoning Official
Approved: December 11, 2017