
**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
JUNE 8, 2020**

The June 8, 2020 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:40 p.m.

1. Call to Order - Pledge of Allegiance

2. Roll Call: Chairwoman Janet Gregory, Commissioners Ray Waltemate, Jackie Hutchison and Whitney Springston, Bill Deaver were present.

3. Information Item

- Design Review update for West Highlands Phase No. 9, Pool House – Bruce Bayne

Planning and Zoning Official Bruce Bayne gave an update, they have almost submitted all the conditions required for approval, they still have two that are outstanding.

Bruce also explained the public hearing process.

4. Action Items

A. Consider approving minutes of the May 11, 2020 regular meeting.

Chairman Waltemate called the agenda item and asked if any of the commissioners saw anything they wanted corrected: None.

Motion: Motion by Commissioner Gregory to approve the minutes for the May 11, 2020 as written. Seconded by Commissioner Springston and approved unanimously.

B. WITHDRAWN BY APPLICANT (No Action Will Be Taken) - A request by Pontifex Capital, LLC to annex and zone into Middleton City limits approximately 20.05 acres and rezone from Canyon County Agricultural (AG) to City of Middleton Single-Family Residential, R-3 according to Middleton City Code 5-1-5, and to approve a Preliminary Plat for Bannock Ridge Subdivision according to Middleton City Code 5-4-4. The property is located north of Purple Sage Road, east of Cemetery Road and commonly referred to as Canyon County Parcels R3754300 and R3754301.

C. WITHDRAWN BY APPLICANT (No Action Will Be Taken) – A request by Deep River Investments, LLC to annex into Middleton City limits approximately 14.00 acres and rezone from Canyon County Agricultural (AG) to City of Middleton M-U (Mixed Use). The property is located approximately 2,000 feet South of Main Street (State Hwy 44), West of Duff Lane (kitty-corner to Duff Pond).

Chairman Waltemate stated 4B, and 4C had been withdrawn.

D. Public Hearing: Consider approving a request by Blake Wolf to amend that certain Development Agreement filed as Instrument No. 2017-009379 in records of

Canyon County, Idaho. The subject property is located at the northwest corner of Middleton Road and Cornell Street, Middleton, Idaho.

Planning and Zoning Official Bruce Bayne stated this item needed to be moved to the end of the meeting.

Chairman Waltemate stated the item would be moved to the end of the meeting.

- E. Public Hearing: Consider approving an annexation, zoning and development agreement for Richard and Amy Davis of approximately 6.06 acres from Canyon County Agriculture to City of Middleton M-U (Mixed Use). The subject property lies north of Main Street, adjacent to and north of Perfection Tire and to the eastern side of Hartley Lane. Subject property parcel number is R1788901000.**

Chairman Waltemate introduced the item and called the public hearing at 5:45 p.m. Planning and Zoning Official Bruce Bayne read the staff report.

Commissioner Hutchison asked what it will be used for besides just a generic change of use. Bruce said if you read the development agreement conditions 3.1 states that applicant will build no more than 67 residential units, total approximately 5.06 acres with no less than 1 acre dedicated to commercial abutting Hartley Lane. Commissioner Springston asked Bruce to speak to concerns City Council had that required the development agreement. When the applicant went to City Council they talked about having some commercial development but it wasn't fully spoken out and when it was initially brought to Planning and Zoning it was residential so Planning and Zoning recommended they go back to the City and get a development agreement in place so we know exactly what is going to be on there. There will be a Traffic Impact Study done on the project.

Applicant: Adam Hegstrom 11898 W. Golden Rod Ave, Boise Idaho.

The applicant stated the plan is for townhome/condo units. The 67 residents are the maximum allowed, so that doesn't mean that is how many we are building. That just gives us per our conversation per the Mayor and City Planner no more than this number. We are building townhomes condo style.

There was a question and answer period where the questions were asked of the applicant and his answers are as follows:

The townhomes are initially intended for purchase. Per the agreement the commercial frontage will be on Hartley. There will be two driveways, one on the north and one on the south of the and the commercial will be in between both coming onto Hartley about 750 ft from the intersection. As of now the developer has not had any conversation about contributing to the intersection at Hartley. The projected timeline is not known, plans were to be done in March, but with COVID-19 that did not happen. The applicant doesn't intend to do a strip mall. They will build the commercial according to who buys the space and the type of building they want.

According to Bruce the City anticipates the light will be in much sooner before the project is completed. There will be a TIS that will be done. Their project will pay for a portion of that light whether it is done before or after. The Planning and Zoning Commission can add any conditions with approval.

Signed Paper : See attached
In Favor: 1, Neutral: 4, Opposed: 1, Unstated: 1

Public Testimony opened at 5:59 p.m.

Carlene Thie: Opposed: 1031 Overland Trail Street, Middleton, Idaho. She is concerned that the traffic light is not built yet and we can't handle the traffic that will come. Her concern is that the type of stores is not stated, and it needs to be to make sure we know what is going in.

Shawn Maybon: Neutral: 1382 La Reata Way, Middleton, Idaho. He was wondering if numbers wise if the City has checked to see how wide that parcel is on to Hartley, and if the proposed driveways will be able to follow the guidelines set by the city. We need to make sure it is safe.

Mike Graeffe: Unstated: 1889 Ridgeway, Middleton, Idaho. He asked for clarification of zoning. He is concerned about parking and is not sure how it will all work. He also brought up the concerns for Hartley Lane. He thinks the intersections and roads will not be able to handle the increased traffic.

Gregg Winchester: Neutral: 916 Silver Springs Street, Middleton, Idaho – He wants the developer to know that the buses have rerouted to 9th street to avoid Hartley. Widening the road will happen in the future. There is a lot more development that will happen, but we need to plan for it and be prepared for it.

Applicant: Adam Hegstrom stated that the uses of the commercial building will be the only options allowed in Mixed Use. The developer is doing a TIS, they know lights and roundabouts are coming. They are building townhomes, and they will be in the parameters that the TIS indicates. In terms of renting/buying they are going to sell to owners, what they choose to do at that point he has not control over that. Hopefully this will be a steppingstone for those wanting to buy a house.

Commissioner Hutchison asked about parking and how many spots would be included per each condo unit. Bruce said City code states that if they have parking spaces assigned to a unit, they have to have 3. If they have open parking it is 2.5 per unit. The applicant will make it fit according to the city code.

Commissioner Springston stated that there are lovely townhomes in Star that are not destructive to anyone's home value. She asked what is the price point per townhome?

Applicant Rich Davis stated the price point is hard to know at this point. They are still in the planning phase, but they would like to stay in the \$200,000 plus or minus. They would like to do a garage if that is possible.

Commissioner Springston wanted to give the public a framework for how the townhouse is different from an apartment.

Chairman Waltemate closed the public comment portion at 6:18 p.m.

Discussion amongst the Commissioners.

Commissioner Hutchison want to see the plat before they approve the change and to make sure it is condo's that are going in.

Chairman Waltemate wants to see how they are going to work parking and how the driveways are going to build there.

Commissioner Springston likes the limitations of what type of commercial can go in there, but also asked Bruce if there the City plans to widen Hartley? Bruce said yes, Hartley will be 100 ft. The road is widened as new developers come in and build on the frontage. She asked that the Commission be able to review the timeline for a 5-year plan for transportation Bruce said the Mayor has requested be done.

Chairman Waltemate said we are waiting on City Council to approve the timeline of when infrastructure and roadway improvements are done, prior to the first house being built.

Bruce Bayne confirmed the development agreement goes with the property.

Motion: Motion by Commissioner Hutchison to approve with condition, of condos or townhouses and 1 acre of commercial minimum, an annexation, zoning and development agreement for Richard and Amy Davis of approximately 6.06 acres from Canyon County Agriculture to City of Middleton M-U (Mixed Use). The subject property lies north of Main Street, adjacent to and north of Perfection Tire and to the eastern side of Hartley Lane. Subject property parcel number is R1788901000.

Motion seconded by Commissioner Gregory. Approved unanimously.

F. Public Hearing: Consider a request by Dennis and Deborah Hundoble to rezone 1.77 acres from R-3 (Single Family Residential) to M-F (Multi-Family) from Middleton City Code 5-4-1, Table 1 (Land Use Schedule). The subject property is located at TBD Cemetery Road, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R1791101.

Chairman Waltemate called the public hearing at 6:29 p.m.

Planning and Zoning Official Bruce Bayne read the staff report.

The Commissioner Deaver stated that there doesn't appear to be a public road that goes to this land. When he drove over there, there seems to be a little gravel road, and asked if that will be the public road? Bruce stated there will not be a public road, it will be a private road and will come off a private driveway, which is allowed. For Multi-Family there will be an allowable maximum of 12 units per gross acre. There is 1.77 acres and there is a height restriction of maximum height of 45 ft. Commissioner Springston asked for a definition of affordable housing.

Applicant: Debbie Hundoble: 10043 Riverbend Place, Middleton, Idaho. Debbie explained the project. The property is in the flood zone and they are hoping to make some good changes to the property. The goal is to build 21 units of townhomes for the City and would be almost 1500 square feet, with a separate garage with 2-3 cars for each owner. The area is in total disarray. The area will be completely fenced with a 6 ft vinyl fence in so the residents will not have access to the park in the subdivision to the north. She stated In response to Commissioner Hutchison's comment that the project

will be landscaped with trees or shrubs and there will be an HOA to maintain the neighborhood.

Bruce said the required parking is set according to City Code.

Commissioner Springston asked if Debbie knew a ballpark figure the townhomes would go for?

Debbie said she thinks the values are going to be somewhere in the \$200,000 - \$250,000 range depending on how this all plays out. The project will only back up to 5 of the homes in the subdivision to the north and new construction is always nice to see. Idaho is a non-disclosure state so she doesn't have the comparable for the homes to the north as far as price per square foot.

Chairman Waltemate asked what is the intention of the gravel road that comes off of Cemetery and access the property?

Debbie said it will be a road that will be paved into the community and an area on the side that will be landscaped with a sign into the community. When asked if that is her current driveway as well she responded it is an easement for us yes. She said she would be willing to enter into a development agreement if that will help to move the project forward.

Commissioner Springston asked what is the timing would they think of completion?

Debbie said her timing is as soon as they can figure out the cost and financing and what is affordable to do to get started. Once they start the community it will be done in 6-7 months.

Bruce said South Cemetery Road (the first phase) will be going out for bid this fall and the city will also be doing the bridge at the south portion this fall or winter. The year after is when the City will build the second phase which will join that up. So as far out as 2022 for buildout on S. Cemetery Road.

Commissioner Springston read a note from a resident regarding the drainage of the subdivision. She said she thinks that after reading the comments she is thinking the neighbors may be thinking apartments when Debbie said affordable housing.

Debbie said she is sorry if she confused anyone by saying affordable housing, it certainly will not be low-income housing. But it will be a first-time home buyer community.

Bruce said every property must look after their own drainage and this project does not meet the threshold for TIS.

Chairman Waltemate opened the public comment portion at 6:53 p.m.

Sign in sheet: See attached

In Favor: 1, Neutral: none, Opposed: 14

Carley Garduno: Opposed: 100 Cemetery Road, Middleton Rd which is the house directly in front of the property which is the house that has the easement going back

through it. She stated that she is opposed to the project for many reasons but the main one is the safety of her children as many people will access the property through a shared driveway that her children access regularly. She is also concerned for 40 more cars added to Cemetery Road and the intersection at Highway 44.

Chairman Waltemate asked Ms. Garduno to show him on the map where her house is.

Jaime Garduno: Opposed: 100 Cemetery Road, Middleton Idaho. His concern is drainage. His house is a basement house so to change elevation on their property 5-6 feet will change the back drainage into his property, the trailer park and the surrounding community. The easement is only 30 ft, which is not sufficient for 40 cars. He owns the easement and it is staying as is, gravel road. How will you get the Police, Fire Department and EMT's back there?

Rob Kiser: Opposed: 364 Maple Ave, Middleton, Idaho. He is opposed because if this was supposed to fit in the future and land use Map it would already be zoned Multi-Family. It is not, is was zone R-3 for a reason. He is concerned about the height of the building once the ground is raised. Safety has been touched on. When the applicant says proximity to commercial, across the creek from the skate park there is no commercial near there. There is a private easement, a private road and there is a reason that was zoned for a residential area and that piece of ground. If the Commission decides to go forward with it, he would highly recommend a Development agreement because at the neighborhood meeting there was no discussion of townhomes, it was only apartments.

Rebecca Pelagio: Opposed: 625 W. Halverson Street, Middleton, Idaho. She is the President of the Plumtree Subdivision HOA. She represents 35 neighbors she was able to speak to. There are 56 homes, one is vacant. 25 were against this going in. They are concerned about the traffic increase; they were also worried about what this will do to the property value. The area is also low and in a flooding area. Concerned about how the drainage would affect the common area. There have been problems in the past about the common area being vandalized. When we were first contacted, we were told it would be apartment complex and 16 units, now it has gone up to 21.

Carlene Thie: Opposed: 1031 Overland Trail Street, Middleton, Idaho. She has watched Star grow and she doesn't want Middleton like Star. She reiterated the easement concerns, and the zoning is R-3 for a reason. So where is the greenspace in this area? There isn't enough room for this.

Shawn Maybon: Opposed: 1382 La Reata Way, Middleton, Idaho. This project should definitely have a development agreement. He restated the concerns about the easement, the extra dust, noise, lights. He thinks that the road wouldn't comply with City Code in regard to how it connects to Cemetery Road. The property owner has to allow for the improvements to the easement. The trailer park has been mentioned. But if there is the need for those residents to exit, they can do so onto Highway 44 without effecting the surrounding neighbors. The area is already zone R-3.

Brenda Pickerel: Opposed: 662 Huckleberry Street, Middleton, Idaho. She is opposed and stated that the playground in the common area will get used for these apartments

because they don't have a playground in this apartment complex. She is concerned about how the EMT's and emergency response vehicles will get in and out.

Shelly Kiser: Opposed: 364 Maple Ave, Middleton, Idaho. She does want to point out the some of the trees that are blocking the view are on the applicant's trees and there are 2 homes that will be directly affected. One of her concerns is the noise factor and what apartments will do to nice and quiet neighborhood. Why can't it stay R-3 and not be rezoned?

Chairman closed the public comment portion at 7:20 p.m. and called for a brief 10-minute recess. He reopened the public portion comment at 7:30 p.m.

Applicant: Debbie Hundoble – Rebuttal. She said that the access per what the City has told her is good. As far as the safety for children there are sidewalks along both sides of Cemetery, she doesn't have any control on the children and the School concerns. The fence will not have a gate to access the common area park. The drainage will be taken care of by the engineers. When we had the neighborhood meeting it was discussed that we would do multi-family units, it must have been assumed that meant apartments. We did not discuss whether we were doing apartments or townhomes because in that meeting, we didn't know. So, we have decided if it is at all possible, we want to do townhomes. The building height will be 2 story and that could be in the development agreement.

Chairman Waltemate closed the public comment portion at 7:34 p.m.

Discussion by the Commission.

Commissioner Hutchison is not in favor, Chairman Waltemate appreciates that it is an infill project, but his issue is the easement and access to the property that is extremely limited and not practice. Commissioner Deaver stated just because it is up to City Code standards that he questions whether it is a good use for land. Commissioner Gregory isn't in favor either. It just doesn't seem to fit this space. Commissioner Springston said the road is her concern. She really likes townhomes in general. But this was zoned R-3 for a reason. The concerns about privacy, it is currently zoned R-3 if someone wants to build a 2-story house, they can. As far as the traffic and public safety for the schools, that was a public vote, not going to speak to that. The big thing is that road is not a good use.

Motion: Ray Waltemate moved to deny a request by Dennis and Deborah Hundoble to rezone 1.77 acres from R-3 (Single Family Residential) to M-F (Multi-Family) from Middleton City Code 5-4-1, Table 1 (Land Use Schedule). The subject property is located at TBD Cemetery Road, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R1791101.

Motion seconded by Commissioner Hutchison and approved unanimously.

The public hearing ended at 7:40 p.m.

G. Public Hearing: Consider a request by Providence Properties, LLC to annex into Middleton City limits approximately 99 acres, rezone from Canyon County Rural

Residential (RR) to City of Middleton Single-Family Residential (R-3) according to Middleton City Code 5-1-5, and to approve a Preliminary Plat for Waterford Subdivision according to Middleton City Code 5-4-4. The property is addressed as 0 Duff Lane, Middleton, Idaho and commonly referred to as Canyon County Parcel R33861.

Chairman Waltemate called the public hearing open at 7:40 p.m. Planning and Zoning Official Bruce Bayne read the staff report.

Commissioner Hutchison asked Bruce if the project is not annexed the applicant could still do their development and the tax revenue will go to the County and not Middleton. Commissioner Deaver said in reviewing the applications coming in we are looking at 783 buildable lots, in the next 2-3 years we need to have the roads ready. Bruce said so noted and he will bring in the transportation plan. Commissioner Springston confirmed that not annexing the property the City loses the on the development in the City.

Applicant: Patrick Connor 726 North Peirce Street, Boise, Idaho and Stephanie Leonard 9233 West State Boise, ID 83714.

Patrick (Providence Properties or Hubble Homes) and Stephanie (KM Engineering) tag teamed a power point presentation of the project.

Stephanie: This project is consistent with the Comprehensive Plan to locate residential here, and the current owner has also decided to participate in the late-comers' fees for the Booster Station that is located nearby. They have visited with one neighbor to discuss fencing and the water crossing. They have coordinated the design with the development potentially going in to the south so that the access points line up. Their pathway will connect to the Middleton Connects walking path. They are proposing 262 buildable single-family residential lots, 16 common lots and 1 private driveway which will accommodate an emergency access roadway to the north foothill road. Not proposing any access onto Duff Street. Access points will be on 9th Street and Albright Ave. They are not asking for any variances from City Code

Patrick: There is 22 acres of greenspace with 10 acres of that being the walking path/greenbelt that is meant to be more passive space with workout stations. They will continue the water line that exits that terminates right below the circle drain. That will be continued north to Foothill and then east Foothill and down for redundancy, so it helps with the public utility. Water and sewer already exist, and we have agreed to participate in the Late comer Fee and the current owner already agreed to participate in the water booster station. We have done at TIS and will fully comply with what the City requires. If the phasing goes according to plan build out will be 2025. He discussed the product they intend to build, and they are looking to develop a new line specifically for this area with 3 car garages and larger lots. He is interested in what would go into a development agreement.

Bruce said that the Development agreement will address the Traffic Impact Fees.

Chairman Waltemate called the public comment open at 8:04 p.m.

Sign in Sheet: See attached

In Favor: 3, Neutral: 1, Opposed: 4

Destri Wilkerson: Opposed: 22820 Duff Lane, Middleton, Idaho. He is concerned about the need for a stop light at the corner of Hwy 44 and Duff Lane. He dealt with the applicant before and had a concern about a trackhoe that was in his field digging test holes. He worries about the time factor. He farms the fields next to it and is concerned about the weeds overtaking his fields to where he has to replant his fields again.

James Gray: Opposed: 23557 Duff Lane. He wants to know where the houses are accessing Foothill Road. Bruce said the access onto Foothill is for emergency access only and confirmed that the houses will have a bridge over the Middleton Ditch. They will be going south to 9th Street. All traffic will exit on 9th Street.

Lary Kornze: Opposed: 9530 Foothill Rd. He stated he thinks it will degrade the pristine and tranquil agricultural nature of the area; he is concerned it will decrease the market value of his home. He is concerned about the increased traffic, noise and pollution that will go on the Duff Lane and Highway 44. He said this type of development does not fit into the rural nature of our community as he picked his home site based on its location for his agricultural endeavor of growing an orchard and vineyard. If this development is approved, he would request that they not use black or dark shingles on the homes.

Detstri Wilkerson: Opposed: 22820 Duff Lane, Middleton, Idaho. He asked when the plan is to put a light down at Duff and Highway 44? Bruce stated that the City's future land use plan calls for a roundabout there, and he doesn't know what the time frame is for that. All of this could start without a stoplight there, but they will pay their proportionate share as they have stated.

Carlene Thie: Opposed: 1031 Overland Trail Street, Middleton, Idaho. We don't have the infrastructure and we need to slow down the growth because we are growing so fast in homes, we are not going to be able to handle it.

Applicant: Patrick Connor: Apologized to Detsri for the test pits and asked for him to talk with him so he can make it right. He stated that the developer will maintain the weed control. He understands the opposition to the new homes. They are providing more greenspace than what the City requires. They require 2 trees per lot. He will talk to the marketing team about the colors of the shingles. The developers are paying their own way and addressing crowded schools and roads through the TIS and making sure the developers are paying their proportionate amount. Stephanie said they are working to make sure this community is a beautiful community and provides amenities that allow for transportation to not just be vehicles only.

Commissioner Springston asked how many homes per phase. The applicant answered 35-40 per phase and it takes about 6 months to build a phase. We like to time it to be able to do two phases per year which is about 70-80 homes per year. Bruce said they have to build out the infrastructure first so it actually is about a year until the first home might be ready. We cannot expect the light at Highway 44 and Duff, we have to deal with ITD, it is not the Cities jurisdiction so that is why he cannot speak to the timing on that. Mayor Rule is laser focused on transportation and the 5-year plan. He knows nothing kills a small town feel like transportation and smaller lots.

Chairman Waltemate closed the public comment portion at 8:25 p.m.

Commission Discussion: Commissioner Hutchison said she sees the options as follows, we know 6-7000 people are moving here over the next 4 years. Farmers are making money; developers are developing land. So, the choice is to let Canyon County take the land and we don't get the taxing funds. This land is already surrounded by R-3 we already have so much control and we will be getting the funds instead of Canyon County this is something we should do.

Motion: Motion by Commissioner Gregory to recommend approval to City Council a request by Providence Properties, LLC to annex into Middleton City limits approximately 99 acres, rezone from Canyon County Rural Residential (RR) to City of Middleton Single-Family Residential (R-3) according to Middleton City Code 5-1-5, and to approve a Preliminary Plat for Waterford Subdivision according to Middleton City Code 5-4-4. The property is addressed as 0 Duff Lane, Middleton, Idaho and commonly referred to as Canyon County Parcel R33861, with conditions.

Motion seconded by Commissioner Deaver and approved unanimously.

The public hearing was closed at 8:27 p.m.

- H. Public Hearing: A request by Newberry Development, LLC to approve an Amended Preliminary Plat according to Middleton City Code 5-4-4 for Crescent Lake Subdivision consisting of 105 residential lots and 5 common lots on 35.134 acres of vacant land, Canyon County Parcel No. R33833010, located West of Kingsbury Rd, North of Highway 44, Middleton, Idaho. The applicant is requesting amendments to City Code 5-4-1, Table 2, Height, Setback and Coverage Schedule.**

Chairman Waltemate called the public hearing at 8:28 p.m. Commissioner Deaver recused himself and left the meeting. Planning and Zoning Official Bruce Bayne gave the staff report.

Applicant: Ben Semple 1014 S. La Point Street, Suite 3, Boise, Idaho 83706. Gave summary of the application and the request to amend the preliminary plat. He stated that the original preliminary plat was approved. However, once the current owner purchased the original preliminary plat the developer and builder received phone calls from neighbors that had asked about the size of the homes. Neighbors were concerned that with the smaller lots in the new plat and specifically that there would be 2 story homes in the new development to the south of Lakes of Telaga and The Lakes subdivisions. It is in response to that the developer is requesting a change in the setbacks. The request is for front setbacks to go from 25 to 20 ft, interior side setbacks from 10 to 5 ft and rear setbacks from 20 to 10 ft. They are not asking for a change in the number of lot, and the developer is prepared to be fully compliant.

Commissioner Hutchison asked how keeping the number of lots the same, but requesting smaller setbacks makes sense? Ben explained they are requesting the smaller setbacks to avoid re-platting the entire plat.

Developer: Dale Newberry 2482 E. Sinai Drive, Meridian, Idaho. Clarified and said there

are 103 buildable lots. They gave up 2 additional lots for water containment.

Sign In Sheet: See attached

In Favor: 3, Neutral: 2, Opposed: 6, Unstated: 1

Chief Victor Islas: Opposed: Middleton/Star Fire District: 1665 W State Street, Suite B, Star, Idaho – He is concerned with the smaller setbacks and detailed some of the damage a fire could do especially since building materials are more combustible now, if the setbacks were changed from 10 ft to 5 ft. His recommendation has always been the same, at least 10 ft setbacks. If the City is going to uphold the code with one, we have to uphold it for all. The front setbacks are not a concern and water supply is not an issue.

Ed Kayser: Opposed: 8629 Legacy Ct, Middleton Idaho 83644. He is opposed and has worked in 3 different fire departments and stated that building materials are more combustible these days and a fire will take the path of least resistance. He recommends that 10 ft be the minimum setbacks.

Carlene Thie: Opposed: 1031 Overland Trail Street, Middleton, Idaho. She said we have the rules for a reason, we need to follow the rules.

Mike Graefe: Opposed: 1889 Ridge Way. He stated AC unit and trash cans in a 5 ft setback makes it so that it is very difficult to access that side of the house. He also stated with Covid-19 he doesn't know how social distancing is able to be maintained.

Shawn Maybon: Opposed: 1382 La Reata Way, Middleton, Idaho. The 10 ft set back was set for a safely reason, not aesthetic. Codes are Codes and need to be followed

Lori Bishop: Opposed: 8357 Copper Creek Way-The lots that back up to the subdivision are ½ acre lots and there is also a ditch that runs between the subdivisions. So, the privacy is not really an issue. She is concerned that while the property value of the individual home will increase due to increased square footage the overall value of the community will decrease due to the reduction of setbacks.

Applicant: Ben Semple: We are not requesting something that the City Code and structure doesn't allow us to do. This is process that we can request this, it is part of code. The reason for this request, is the developer/builder was contacted personally by immediate adjacent neighbors asking if there was a way that single story homes could be built instead of 2 story homes. He appreciates the fire protection concerns. They are willing to look at a modification of the request.

Developer: He was asked to ask for this by the members. He didn't want to do this from the start. He paid the \$5000.00 to bring it to the commission.

Chairman Waltemate closed the public hearing comment at 9:02 p.m.

Commission discussed the reason for the setbacks and Code being code. Commissioner Springston said she is willing to make a recommendation to say that the front or rear setbacks can be changed but maintaining 10 ft side and interior setbacks.

Motion: Motion by Commissioner Hutchison to deny the request by Newberry Development, LLC to approve an Amended Preliminary Plat according to Middleton City

Code 5-4-4 for Crescent Lake Subdivision consisting of 105 residential lots and 5 common lots on 35.134 acres of vacant land, Canyon County Parcel No. R33833010, located West of Kingsbury Rd, North of Highway 44, Middleton, Idaho.

Motion seconded by Commissioner Gregory.

Aye- Waltemate, Hutchison, Gregory

Opposed-Springston

Motion passed.

Public hearing closed at 9:06 p.m.

- I. Public Meeting: A request by Jane Suggs/Gem State Planning to approve a Preliminary Plat according to Middleton City Code 5-4-4, for Waverly Park Subdivision consisting of 431 residential and 58 common lots on approximately 157.6 acres of vacant land. The subject property is located at the southeast corner of Duff Lane and 9th Street and is already in City Limits and zoned R-3, three residential dwelling units per gross acre. Property is Canyon County Parcel No. R33857011 and R33857012, Middleton, Idaho.**

The applicant is proposing to build the subdivision according to Middleton city codes and standards. No exceptions are requested so the Planning and Zoning Commission, and subsequently City Council, will consider the application at public meetings where interested residents may observe, but not participate by offering comments since it is not a public hearing.

Chairman Waltemate called the public meeting beginning at 9:07 p.m. Planning and Zoning Official Bruce Bayne addressed the concerns expressed through a resident's letter that the public is not able to comment in a public meeting. If the applicant is applying for a preliminary plat and the property has already been annexed into the City and planned and the applicant is doesn't request anything outside of the City Code a public meeting is held and not open to public comment. He then read the staff report.

Commission discussion: The same intersections will be affected by the TIS in this application as the application for Waterford Subdivision.

Applicant: Jane Suggs/Gem State Planning: 9840 Overland Road Boise, Idaho. She gave a brief overview of the project. They have submitted an updated preliminary plat that addresses the City staff and City Engineer comments. The buildout is about 7 years in the future so that can be considered as phasing is considered. They plan to ask for a waiver of a public right of way to decrease the required right of way of Cornell Street from 100 ft to 60 ft. The 100 ft right of way will cause them to lose 15-16 lots.

Commission discussion: The traffic will go out on 9th Street and Cornell, no traffic will come out on Duff. Bruce said the City has done that on purpose, and in collaboration with Canyon Highway District 4. The right of way on Duff, 9th and Albright is 100 ft. Bruce said he is not in favor of reducing the right of way on Cornell Street, it was brought up by the applicant. The City's comprehensive plan and transportation plan have not allowed for too narrow of roads. We are building roads for the population buildout of 90,000 residents. Bruce said there is a code for exception of waiver of standards however it does require a Special Use Permit, it can go through a development agreement, it can be a variance, or a condition of approval, however all of these things require a public hearing at both P&Z

and at City Council not just one.

Discussion from Commission: We are discussing the approval of the preliminary plat any waivers are going to have to go to a public hearing.

Motion: Motion by Chairman Waltemate to recommend approval to City Council request by Jane Suggs/Gem State Planning to approve a Preliminary Plat according to Middleton City Code 5-4-4, for Waverly Park Subdivision consisting of 431 residential and 58 common lots on approximately 157.6 acres of vacant land. The subject property is located at the southeast corner of Duff Lane and 9th Street and is already in City Limits and zoned R-3, three residential dwelling units per gross acre. Property is Canyon County Parcel No. R33857011 and R33857012, Middleton, Idaho. with conditions put forth by the City Staff.

Motion seconded by Commissioner Springston and approved unanimously.

Chairman Waltemate called 5 min recess at 9:31 p.m.

Chairman Waltemate called the meeting back in session at 9:38 p.m.

- J. Public Hearing: A request by Todd Campbell (TCCH Inc.)/Paul Watson (Falkirk Holdings LLC), for a special use permit to amend City Approved Construction Plans which required a local collector roadway section (60 feet wide) adjacent to commercial zoning transitioning to a local roadways section (50 feet wide) in the residential area, to allow for a 50 foot wide Local Commercial Collector as modified by the applicant. The subject property is 12.5 acres located at the southwest corner of Willis Rd and Hartley Ln., Middleton, Idaho.**

Chairman Waltemate called the public hearing at 9:38 p.m. Planning and Zoning Official Bruce Bayne read the staff report. He answered a question from the commissioner Hutchison that the applicant is asking to go from 60 ft right of way to 50 ft right of way in the commercial portion of the project

Applicant: Jay Walker: Altera Consulting: 849 E State Street, Eagle Idaho 83616. He gave a brief explanation of what has gone on with the project. Currently they have stamped and approved plans for Stonehaven 3. It is currently under construction. The concern is for the additional right of way of 7 ft that will be maintained by the city and the request is to give back the 7 ft "no man's land" to the back of the sidewalk to the property owner of the commercial development.

Chairman Waltemate asked for future land use when the commercial is developed how does that effect development in that area. Jay said it doesn't affect it at all. The street size doesn't change, but the additional right of way could be changed to have additional parking stalls with a new commercial development. Right now, it is dirt behind the vertical curb and nothing says it will be grass when a new commercial development goes in. Bruce explained why the City wants the additional right of way. The additional right of way provides a buffer in the commercial area where there will be more traffic in the area. The applicant has already been allowed to reduce the size of the sidewalk width from 8 ft to 5ft and that was done on purpose to keep the continuity of the concrete sidewalk throughout the development. Either way if the HOA/COA does not maintain it the City will.

Chairman Waltemate opened the public comment portion at 10:04 p.m.

Sign in sheet: See attached

In Favor: 2, Neutral: 0, Opposed: 6

Carlene Thie: Opposed: 1031 Overland Trail Street, Middleton, Idaho. The code is the code. Fight for it.

Shawn Maybon: Opposed: 1382 La Reata Way, Middleton, Idaho. He is concerned because the neighborhood meeting didn't occur until tonight at 6 pm. The 60 ft right of way is there for a reason.

Mike Graefe: Opposed: 1889 Ridge Way, Middleton, Idaho. The commercial side could be parking right up to the sidewalk.

Gregg Winchester: Opposed: 619 Silver Springs, Middleton Idaho. Surrendering the 7ft sidewalk to landscaping would solve the problem of the cars encroaching on the sidewalk on the commercial side. This is a sidewalk that is designed for the children to get to the schools.

Applicant: Rebuttal: Jay Walker: There is no difference with what they are doing out in the field, the owners are only asking for 5 of the 7 ft. They did also dedicate a full 50 ft on Willis and Hartley. He is just bringing this forward to be practical.

Chairman Waltemate closed the public comment portion at 10:18 p.m.

Chairman Waltemate said that the applicant has done everything that the City has required. Overall the need is to stay within the code. The Commission appreciates the time that the applicant has come to bring this forward regardless of whoever made the mistake in the planning.

Motion: Motion by Chairman Waltemate to deny the request by Todd Campbell (TCCH Inc.)/Paul Watson (Falkirk Holdings LLC), for a special use permit to amend City Approved Construction Plans which required a local collector roadway section (60 feet wide) adjacent to commercial zoning transitioning to a local roadways section (50 feet wide) in the residential area, to allow for a 50 foot wide Local Commercial Collector as modified by the applicant. The subject property is 12.5 acres located at the southwest corner of Willis Rd and Hartley Ln., Middleton, Idaho.

Motion seconded by Commissioner Gregory. Approved unanimously.

The public hearing was closed at 10:22 p.m.

- D. Public Hearing: Consider approving a request by Blake Wolf to amend that certain Development Agreement filed as Instrument No. 2017-009379 in records of Canyon County, Idaho. The subject property is located at the northwest corner of Middleton Road and Cornell Street, Middleton, Idaho.**

Chairman Waltemate called the public hearing at 10:23 p.m. Planning and Zoning Official

Bruce Bayne spoke about the Development Agreement. The revisions made were to Article 3, the applicant is asking for 1 acre of commercial property to be amended to allow the 4-plexes to be built on the property or the Mixed-Use zoning. The city also added that the developer is to make a onetime payment to the City of Middleton in the amount of \$40,000 to be used only for City transportation improvements at the time of next final plat approval. Developer will also pay for and install all required utility improvements and additional street-lighting along Middleton Rd and Cornell Street frontage to the project per City requirements. The City has asked for this because the development did not pay for any prorated share of traffic improvements when the development was originally platted. Since that time and in speaking with the developer we have found out that a traffic study was done but I have not had enough time to determine what that proportionate share would have been, so the City is willing to review that. We will review the TIS and adjust the amount accordingly. Bruce has no concerns about this, the City would like more commercial, but the area has not been able to be sold commercially. Recommendation is to amend the agreement, but that the agreement needs verbiage to be finalized to have the applicant pay the prorated share.

Applicant: Blake Wolf - 843 W. Horizon Way, Nampa, Idaho. He has been working on this project for 4 years and the last two years the client has been trying to sell the commercial property. He would like the amended development agreement since the apartments have been so successful. This would also complete the infill of the project. The TIS was a condition when the original preliminary plat and stated there was no mitigation for that area, and now for whatever reason it is being revisited. If this doesn't get approved it will just sit on the market, however there is a need for the 4plexes. It looks like 4-5 additional buildings will fit on the property.

Chairman Waltemate opened the public comment portion at 10:38 p.m.

Sign in sheet: See attached
In Favor: 3, Neutral: 0, Opposed: 1

Shawn Maybon: In Favor: 1382 La Reata Way, Middleton, Idaho. This is the best location for these apartments.

No Rebuttal from applicant.

Chairman Waltemate closed the public comment portion at 10:39 p.m.

Discussion among Commission stated there is no reason to deny the application. They would like to see the TIS and proportionate share.

Motion: Motion by Commissioner Springston approving a request by Blake Wolf to amend that certain Development Agreement filed as Instrument No. 2017-009379 in records of Canyon County, Idaho. The subject property is located at the northwest corner of Middleton Road and Cornell Street, Middleton, Idaho. With conditions of the TIS and \$40,000 paid as a proportionate share.

Motion seconded by Commissioner Deaver. Approved unanimously.

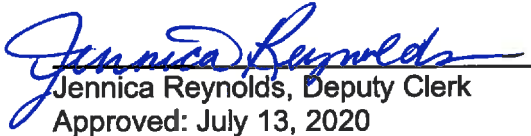
Public Hearing closed at 10:41 p.m.

Public/Commission/Staff Comments:

Public Comment: Mike wanted to apologize for getting upset earlier. And he said if the commission is going to approve a variance the last one that we did was the right one.

Adjourn: Chairman Waltemate adjourned the meeting at 10:43 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Approved: July 13, 2020


Ray Waltemate, Chairman



June 8, 2020 - Planning & Zoning Meeting

Please check one

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City of Middleton Public Hearing Sign-In Sheet
Hundoble-Rezone

June 8, 2020 - Planning & Zoning Meeting

Please check one

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City of Middleton Public Hearing Sign-In Sheet
Crescent Lake - Amended Preliminary Plat
June 8, 2020 - Planning & Zoning Meeting

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City of Middleton Public Hearing Sign-In Sheet
Todd Campbell - Stonehaven 3 - Special Use Permit
June 8, 2020 - Planning & Zoning Meeting

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