

STAFF REPORT

Middleton Planning and Zoning Commission

Stonehaven – Rezone & Preliminary Plat

A request by WTW Development LLC to rezone approximately 55.5 acres from C-1 (Neighborhood Commercial) and R-3 (Single Family Residential) to M-U (Mixed Use). The subject property is located at the southwest corner of Willis Rd. and Hartley Ln. Also a request to approve a preliminary plat for Stonehaven Subdivision consisting of 253 residential lots and 16 multi-family and commercial lots on approximately 90 acres west of Hartley Lane, south of Willis Road, east of Emmett Road, and mostly north of Canyon Hill Canal.

Applicants: WTW Development LLC

Representatives: Jay Walker (All Terra)

1. **APPLICATION:** The application was received and accepted by the City on February 15, 2018.
2. **NOTICE OF PUBLIC HEARING:**
 - Published notice Idaho Press Tribune: February 24, 2018
 - Letters to 300' Property Owners: February 16, 2018
 - Letters to Agencies: February 16, 2018
 - Property Posted: March 2, 2018
3. **APPLICABLE CODES AND STANDARDS:**
 - Middleton City Code, Title 5, Chapters 2, 3 & 4
 - Middleton City Code, Title 6, Chapters 1, 2, 3, & 4
4. **CITY STAFF COMMENTS:**

Land use and zoning for surrounding properties are:

 - South: Vacant land, zoned County AG (Agricultural);
 - East: West Highlands subdivision, zoned R-3;
 - North: Vacant land, zoned R-3 (Single-family residential); and
 - West: Church, Middleton High School, vacant residential, zoned R-3 (Single-family residential) and County R-1 (Residential).

The request is to rezone three parcels of land totaling approximately 55.5 acres, from C-1 (Neighborhood Commercial), R-3 (Single Family Residential) and R-3 to Mixed Use (M-U), respectively, and preliminary plat application for Stonehaven Subdivision consisting of 253 residential lots, 16 multi-family and commercial lots on approximately 90 acres.

Zoning Districts and Purposes

The purpose of M-U (Mixed Use) zoning is to accommodate areas for a variety and mixture of medium and high density residential and commercial uses. The purpose of the R-3 (single-family residential) zone is to accommodate single-family lots. The purpose of the C-1 (neighborhood commercial) zone is to accommodate local commercial service needs and to restrict incompatible uses which are better located in the community or service oriented shopping areas due to traffic, the size of the shopping center, location within the community, residential neighborhood areas being served and other factors.

Development Agreements

Three development agreements are associated with the subject property. The first (instrument# 200629280) was approved in April 2006 and then amended in August 2006 (instrument # 20066856). City Ordinance No. 491-A declared a default of the two 2006 development agreements, ordering zoning classification of real property to revert to R-3 (single family residential) and terminated both development agreements, Instrument #200629280 and Instrument #20066856. In October 2012 the city approved a development agreement (Instrument #2012-047137) that rezoned 12.5 acres from R-3 to C-1 in the northeast corner of Hartley Land and Willis Road.

The 2012 development agreement states that "Any amendment or addendum to this Agreement shall be in writing and made only after the City has complied with the notice and hearing provisions of Idaho Code 67-6509 and Middleton City Code Title 5, Chapter 7". According to City Code 5-4-4 "Development agreements may be approved by the council only after a public hearing. The public hearing shall follow the notice and hearing provisions of the Idaho Code section 67-6509." A development agreement was not submitted with the application.

As a result, the applicant's current application cannot move forward as requested since the 12.5 acres is currently subject to a development agreement between the City and the property owner (the applicant). In order to move forward as requested, and to meet requirements in City Code and the 2012 development agreement, a new or amended development agreement would have to be approved.

Traffic Impact Study

A Traffic Impact Study (TIS) was submitted by the applicant on March 2, 2018. This TIS was conducted in 2006. The 2012 development agreement states that "Developer agrees to submit a traffic study to the city for review no later than with the application for the first commercial building permit on the Property and Developer agrees to pay for transportation improvements recommended in the traffic study and approved by City Council. The traffic study shall include intersection analysis of 1) Willis Road and Hartley Lane and 2) Hartley

Lane and State Highway 44. This City shall not issue a certificate of occupancy until after the traffic study has been approved and the City-required improvements are complete and accepted by the City.” An update to this traffic study has not yet been submitted to staff as of the writing of this report.

Compliance with Future Land Use Map and Transportation, Schools and Recreation Map

The Future Land Use Map shows the subject site as residential. The applicant is requesting residential uses throughout the site, with the exception of the northwest portion (corner of Hartley Lane and Willis Road), which is already zoned C-1 and currently allows neighborhood commercial uses.

The Transportation, Schools and Recreation Map shows W. 9th Street at Emmett Road connecting to a roundabout (30% designed) and Hartley Lane and continuing through West Highlands subdivision. The preliminary plat shows W. 9th street terminating into Banff Ct. and not completing the through connection to Hartley Lane. In order to be consistent with the Transportation, Schools and Recreation Map, and to provide a consistent east-west route from Emmett Road to Kingsbury Road, the connection from W. 9th Street at Emmett Road to the proposed roundabout at Hartley Lane needs to be shown on the preliminary plat.

Compliance with Comprehensive Plan

City staff examined the request with policies contained in the Comprehensive Plan.

Transportation

The request meets the following policies:

- Transportation Goal 2: Provide a variety of safe transportation services and facilities throughout the City for vehicles, pedestrians, bicycles and transit.
 - Objective B: Reduce vehicle congestion and encourage walking and bicycling.
 - Strategy 3: Establish sidewalks in subdivision and provide pedestrian crossings at intersections.

Sidewalks and bicycle lanes are shown along North Sea Avenue (City of Middleton Local Collector Road Section), which would help to encourage walking and bicycling. Sidewalks are provided throughout the subdivision on each road and pedestrian connections to the high school are shown on lots 32 and 43, phase 8 on the preliminary plat.

Land Use

The request does not meet Strategy 5 found under Land Use Goal 3, Objective A:

- Land Use Goal 3: Promote a quality of life based on the health, safety and general welfare of residents with minimal nuisances.
 - Objective A: Use zoning and other ordinances to manage the location and intensity of development.
 - Strategy 5: Allow mixed use in appropriate locations within the City.

The applicant is proposing mixed use on 55 acres of the request. This includes two parcels of land (22.77 acres and 20.19 acres) as well as the 12.5 acres at the corner of Willis Road and Hartley Lane that is already zoned C-1. Mixed Use and C-1 allow many of the same uses; however the following uses: cabinet shop, cemetery, home occupation, multi-family dwelling, second dwelling unit, single-family dwelling, duplex and triplex, are all allowed in M-U but not in C-1; while the following are conditional uses in M-U and not permitted even with a conditional use permit in C-1: auto sale, repairs, storage and rental; car wash; contractor's shop/storage yard; hospital; hotel/motel/inn, mortuary; pawn brokerage; security residence; tire shop; and utility substation or service facility. City staff believes that C-1 better restricts incompatible uses than M-U, especially in an area of town that is exclusively surrounded by R-3 zoning.

Mixed use needs to be located in appropriate locations within the city. There is no other land zoned M-U close to the subject site. This would be a spot zone with no other land zoned M-U or a similar zone, with the exception of the existing C-1 zone on the subject site at the corner of Willis Rd and Hartley Ln.

The purpose of M-U (Mixed Use) zoning is to accommodate areas for a variety and mixture of medium and high density residential and commercial uses. The purpose of the R-3 (single-family residential) zone is to accommodate single-family lots. Allowing mixed use zoning at this location would allow a variety and mixture of medium and high density residential and commercial uses over 55 acres of land that is currently zoned R-3 and has historically been zoned R-3. City staff does not believe that the proposed 55 acres of mixed use in this portion of the city is located in an appropriate location.

Parks and Recreation

The does not meet Strategy 3 found under Parks and Recreation Goal 9, Objective B

- Parks and Recreation Goal 9: Locate and design parks, open spaces, recreational facilities and public facilities that encourage physical activity.
 - Objective B, Strategy 3: When planning new development, aggregate open space in one large area rather than dispersing into smaller pieces.

The applicant is currently showing open space in smaller pieces throughout the site (Lots 6, 32, 43, and 53, Block 8, and Lot 51, Block 2). Some of these lots provide important pedestrian connections to the high school, but the applicant is still not meeting the intended strategy of the Comprehensive Plan.

City Code states the following concerning open space, "For developments that do not include parks as shown on the Middleton Connects master plan, developers shall include five percent open space in one location, agreed to with the city, with amenities identified in Middleton supplemental specifications" (6-3-9). The applicant is not meeting this city code requirement, nor are they meeting Strategy 3 of the Comprehensive Plan. Currently, the parcel of land along North Sea Avenue shown as open space (Lot 4, Block 4), is only 56,901 square feet or 1.3 acres. The proposed development is 90.62 acres, so 4.5 acres of open space is required in one location.

Housing

The request only partially meets the following policies:

- Housing Goal 10: Allow dwelling types that match residents' lifestyles.
 - Objective A: Provide a variety of housing types and lot sizes for residents.
 - Strategy 1: Provide opportunities for multi-family housing units to be located in areas where higher density is acceptable and designed in a manner that would not be disruptive to surrounding neighborhoods.
 - Strategy 2: Encourage multifamily and higher density housing near schools, transit stations and commercial areas.

The request provides a variety of housing types and lots sizes and does place multifamily and higher density housing near a school; however, the size (55 acres) and number of lots (approximately 188) that are proposed to be zoned M-U (a higher density than R-3) in this area of the city is unprecedented and would result in a large spot zone in an area that is completely surrounded by R-3 zoning.

The size and amount of mixed use zoning in this area of the city could be disruptive to surrounding neighborhoods that are entirely zoned R-3. M-U zoning allows multi-family residential and various commercial uses, while R-3 allows single-family residential and no multi-family residential or commercial. R-3 and M-U zones also have different requirements. R-3 requirements include a 30 foot height restriction on homes, while in an M-U zone the maximum height is 35 feet. R-3 requires a minimum 8,000 square foot lot and a 75 foot lot width, while the minimum requirement in the M-U zone is only 6,000 square feet and a 50 foot lot width. M-U zoning allows 12 units per gross acre, while R-3 only allows 3 units per gross acre. In addition, the applicant not meeting the City Code requirement requiring five percent open space in one location is disruptive to surrounding neighborhoods. City staff does not believe that 55 acres of M-U zoning in this area of the city that is surrounded entirely by R-3 zoning is acceptable.

The request meets the following policies:

- Housing Goal 10: Allow dwelling types that match residents' lifestyles.
 - Objective B: Promote in-fill housing developments.
- Housing Goal 11: Prevent homelessness in Middleton.
 - Objective A: Promote affordable housing for residents with a range of income levels.

This project would provide in-fill housing and promote affordable housing for residents with a range of income levels.

Community Design

The request only partially meets the following policies:

- Community Design Goal 19: Preserve and enhance the unique small-town character of Middleton.

The request would result in taller buildings, smaller minimum lot sizes and lot widths in the areas proposed to contain mixed use zoning when compared to what is allowed in R-3 zoning. Noise, odor, light and vibrations are more intense when homes are closer together, which could disturb the peace, quiet, comfort and well-being of future residents in this subdivision. People generally regard Middleton as a small town with minimal traffic and a little more elbow room than Meridian, Boise, Nampa or Caldwell. These features are part of the small town charm of Middleton, and are what generally attracts residents to this community. Approving 55 acres of Mixed Use zoning in the proposed location does not preserve and enhance the unique small-town character of Middleton.

Neighborhood Meeting

A neighborhood meeting was held on February 8, 2018 at the Heights Elementary School at 611 Cemetery Road from 6:00 – 7:00 p.m. Regarding the neighborhood meeting, the agent stated the following in the application letter to the city: "From the neighborhood meeting minor comments were received and incorporated into the preliminary plat and no opposition was encountered for the proposed rezone or preliminary plat other than concern at the immediate commercial corner on Willis/Hartley - residential and commercial uses were agreeable." The comment sheet included with the neighborhood meeting included the following comments: "I live at the corner of Willis and Hartley and don't want a gas station on the corner or anything that is lit up all night long, it should be moved closer to the church;" "Did not receive timely notice, not many specifics, zoned C-1 or M-U not clear if how zoned, lack of green space, gas fumes;" and "Who is builder? Is neighborhood going to be fenced? Sidewalks on Emmett Road? Average price of homes? Opposed to multi-family complexes."

A second neighborhood meeting was held on March 6, 2018 from 6:30 – 7:30 p.m. at the public hearing room at 6 N. Dewey Avenue.

5. WRITTEN AGENCY RESPONSES RECEIVED TO DATE: none.

6. ADJACENT PROPERTY OWNERS RESPONSES RECEIVED TO DATE: A letter of support was received from Michro Investments LLC on March 1, 2018. No letters of opposition from adjacent property owners have been received by staff; however, on February 28, March 5, and March 6, 2018 the City received signatures for a "I vote no on rezone" petition, which was signed by 136 people (the majority were located in the adjacent West Highlands subdivision).

7. STAFF RECOMMENDATIONS:

City staff proposes denial of the rezone application and approval of the preliminary plat application with the following conditions:

1. The zoning remain as it currently exists: as R-3 (single family residential) in the two parcels (22.77 and 20.19 acres) proposed to be M-U (Mixed Use), and C-1 on the parcel (12.5 acres) requested to be M-U;
2. The preliminary plat be redrawn to comply with existing R-3 and C-1 zoning regulations as shown in Table 2, Height, Setback and Coverage Schedule (5-2-3) and with the existing 2012 development agreement;
3. A TIS be conducted as required in City Code (6-2-1) and as agreed upon in the 2012 development agreement;
4. Be in harmony with the Transportation, Schools and Recreation Map by showing W. 9th Street as one continuous road with bike lane and detached pedestrian trail from Emmett Road to the proposed roundabout at Hartley Lane;
5. Meet the open space requirement in City Code (6-3-9) that requires five percent open space in one location, agreed to with the city, with amenities identified in Middleton supplemental specifications; and
6. Make changes as shown in letter from City Engineer see attached letter.