



# CITY OF MIDDLETON

## City Council

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### Concord Square Preliminary Plat and Special Use Permit (Approved by P&Z)

August 21, 2020 Application  
September 21, 2020 P&Z Approval  
October 19, 2020 P&Z FCO's  
November 4, 2020 CC Approval  
November 18, 2020 CC FCO's

### Findings of Fact, Conclusions of Law and Decision

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### SUMMARY OF THE REQUEST

A request by Peter Harris Construction for preliminary plat approval of Concord Square Subdivision. The proposed preliminary plat consists of 9 single-family lots on approximately 2.69 acres of vacant land, addressed 0 Concord St., located near the southeast corner of Birch Ave. and Concord St., parcel number R1869601000.

### FINDINGS OF FACT

1. **Applicant:** Peter Harris Construction – Peter Harris  
6951 Duncan Lane  
Boise, Idaho 83714
2. **APPLICATION:** The application was accepted by the City on August 21, 2020.
3. Notice was given
4. **APPLICABLE CODES AND STANDARDS:**  
Idaho Code, Title 67, Chapter 65  
Middleton City Code (MCC) 1-14-2, 1-15-1, 1-15-7, 1-19-1, Title 5, 5-4-4.
5. The Planning and Zoning Commission recommends City Council approve the preliminary plat.
6. **Written Agency Responses Received to Date:** none.
7. **Written Property Owners Responses Received to Date:** none.
8. **Preliminary Plat Standards:** Per City Code Section 5-4-4.
9. The proposed lots meet minimum R-3 zoning area requirements.
10. The subject property is zoned R-3 and a special use permit was approved to increase



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the density to 3.35 units per gross acre.

11. The subject property is zoned R-3 and a special use permit was approved to decrease the rear setbacks from 20' to 15'.

### CONCLUSIONS OF LAW

Notice of the application was given according to law. The City Council public meeting was conducted according to law, and the City has kept a record of the application and related documents.

### DECISION

Based on the Findings of Facts, and Conclusions of Law, the City Council hereby recommends approval of the Preliminary Plat with the following conditions:


1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are extended to serve the subdivision.

MOTION TO APPROVE BY CITY COUNCIL ON: November 4, 2020


### NOTICE

This decision is deemed by Idaho law to be a final decision. An affected person aggrieved by a final decision may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by Title 67, Chapter 52, Idaho Code. The applicant has a right to request in writing to the City a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

Signed: November 23, 2020.

  
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Steven J. Rule, Mayor

Attest:

  
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Bruce Bayne,  
Planning and Zoning Official