

# Middleton City Council

## Findings of Facts, Conclusions of Law, and Decision & Order



### **In the Matter of the Request of Debbie Hundoble/Hundoble Family Trust for Preliminary Plat on 1.77 acres of land in the R-3 Zone located at 0 Cemetery Road (Tax Parcel #R1791101):**

#### **A. Findings of Fact:**

1. Hearing Facts: (See Staff Report for the hearing date of April 7, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
2. Process Facts: (See Staff Report for the hearing date of April 7, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
3. Application and Property Facts: (See Staff Report for the hearing date of April 7, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
4. Required Findings per Middleton City Code 1-14-2(E)(7): (See Staff Report for the hearing date of April 7, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)

#### **B. Conclusions of Law:**

1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction.
3. That due consideration has been given to the recommendation of the Middleton Planning and Zoning Commission, which recommendation was rendered at the March 8<sup>th</sup> public hearing on the matter.
4. That notice of the application and public hearing were given according to law.
5. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
6. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.
7. That public facilities and services required by the proposed development will not

impose expense upon the public if the attached conditions of approval are imposed.

8. That this approval and recommendation are subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of April 7, 2021, which Report is incorporated herein by reference. The City Council further finds that the requirements set forth in the conditions of approval are reasonable, and the Applicant shall comply with the requirements as a condition of approval of the application.

**C. Decision and Order:**


Pursuant to the City Council's authority as provided in Middleton City Code 1-5-5, and based upon the above Findings of Facts and Conclusions of Law, it is hereby ordered that:

the Piccadilly Square Preliminary Plat is approved subject to the Conditions of Approval set forth in the Staff Report for the April 7, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.

WRITTEN ORDER AND DECISION APPROVED ON: May 5, 2021.

  
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Steven J. Rule, Mayor  
Middleton City Council

Attest:

  
\_\_\_\_\_  
Roberta Stewart  
Planning and Zoning Department



**STAFF REPORT**  
Middleton Planning and Zoning Department

**Piccadilly Square Subdivision**

**Snapshot Summary**

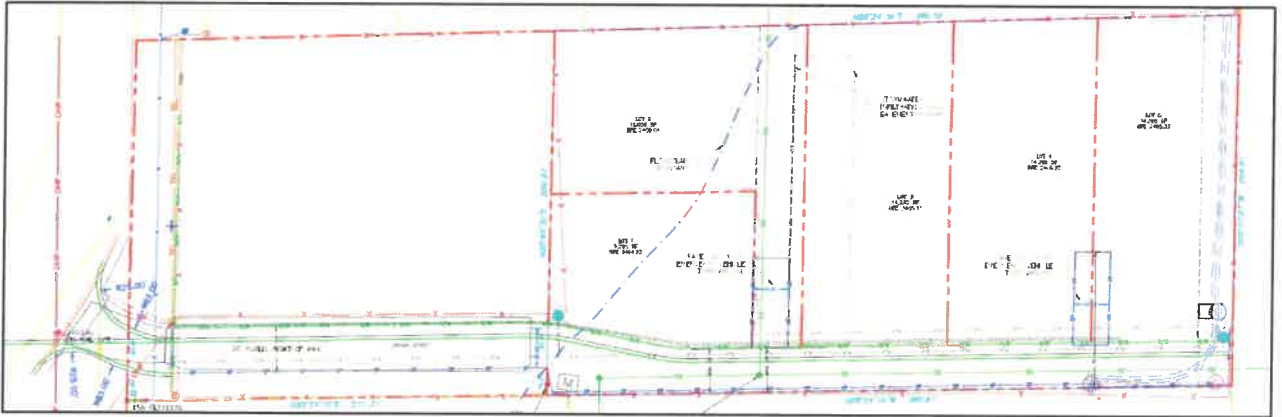
Acreage	1.77 acres
Current Zoning	R-3
Proposed Zoning	to remain the same
Current Land Use	Residential
Proposed Land Use	to remain the same
Lots	5 lots ranging in size from 9,200 sf to 15,000 sf. No common lots
Density	2.75 units per acre (w/easement area)
Open Space	0% - Variance approved
Amenities	None

- A. City Council Hearing Date:** April 7, 2021
- B. Project Description:** Residential subdivision with five lots on 1.77 acres of vacant land located at 0 Cemetery Road (Tax Parcel #R1791101).



- C. Project History:** The project property was the subject of a Rezone application in Spring of 2020. Applicant requested that the property be rezoned from R-3 to Multi-Family (M-F). City Council denied the application in July 2020 and declared that the property should remain R-3 zoning.

- D. Application Requests:** Applicant currently has two applications pending. The first application is a Preliminary Plat application to re-plat a single lot in the Hawthorn Subdivision. See proposed preliminary plat below:



The second application is a floodplain application that is an administrative application being handled by Middleton's Floodplain Administrator.

Applicant had also submitted an application for special use permit requesting to be exempt from the 5% Open Space requirement of MCC 5-4-10-10. The Planning & Zoning Commission approved that application on March 8, 2021.

- E. Current Zoning & Property Condition:** The property is currently zoned R-3, which allows 3 residential units per gross acre. The project parcel is a single lot in the Hawthorn Subdivision, and it is surrounded by the Hawthorn subdivision on the west and south sides. The Plumtree Subdivision is immediately to the north and east of the project, and it is also zoned R-3.

The Project site is effectively an infill project. It is vacant land that has been difficult to improve because it does not front a public street. Instead, access to the property is via a 30' wide access easement across another lot in the Hawthorn Subdivision.

- F. City Services:** City water is located on the east side of Cemetery Road, making water service very accessible to the project. City Sewer is already located down the center of the project site.

**G. Traffic, Access & Streets:**

Access to the Project site is via a 30' wide cross-access easement that runs from Cemetery Road across another Hawthorn Subdivision lot to the Project parcel. The easement is ample size to fit a 25' wide local half-road that Middleton requires for access and circulation. Applicant's proposed preliminary plat appropriately shows the local ½ road. Applicant will also dedicate the 25' right of way to the City, making it a public road. The other half of the 50' local road may be completed in the future if the

property to the south is redeveloped for commercial use or other high density use. In other words, the local road in Piccadilly Square will help provide future north/south access for any future development to the south. See concept below.



The preliminary plat also contains two “private lanes”, which are permitted by the Middleton City Code so long as the lanes are not used to access more than 3 residential lots. (See private lanes highlighted in yellow below.) The two private lanes will also serve as turn-arounds for fire truck access in the event of a fire. Applicant is required to grant cross-access easements for the two private lanes to ensure there is public access to the drive lanes. The Homeowners Association will be responsible for maintaining and repairing the two private drives.



Finally, applicant has been required to improve the existing approach off of Cemetery Road, and the improvements are shown on the preliminary plat above.

City Engineer has approved all of the road improvements discussed above.

- H. Sidewalks, Pathway & Open Space:** There will be a 5' wide attached sidewalk that will span along the north side of the public street. There are no additional pathways planned for the small project.

Applicant requested an exemption from the 5% Open Space requirement of MCC 5-4-10-10 because the project is a small infill project with a difficult layout and because of the close proximity to Piccadilly Park. The Planning & Zoning Commission approved that variance request at the March 8, 2021 Public Hearing.

- I. Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation are provided outside the dedicated right of way. The HOA will be solely responsible for maintaining both.
- J. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has reviewed and approved the preliminary plat submitted. See Fire District comments in the City Council Packet.
- K. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which matches the residential use planned for the site.

Additionally, Applicant's project complies with the *Goals, Objectives, and Strategies of the 2019 Middleton Comprehensive Plan* as follows:

- a. *Goals 3 and 23:* The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. *Goal 4:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- c. *Goals 11:* The housing type matches the residents' lifestyle in the area the project is located.

- L. Comments Received from Surrounding Landowners:** None.
- M. Comments from Agencies:** 1/29/2021 comments from the Middleton Rural Fire District. (Copies of the comments can be found in the City Council Packet.)
- N. Comments from City Engineer, Planning Staff & Floodplain Administrator:** Copies of City Engineer comments dated 2/17/2021 and March 22, 2021, Planning Staff comments dated 2/18/2021, and Floodplain Administrator's comments dated 3/1/2021 are in the City Council packet.

**O. Applicant Information:** Application was received and accepted on January 19, 2021. The Applicant/Owner is Debbie Hundoble (Hundoble Family Trust), P.O. Box 609, Middleton ID 83644 (208) 488-0615.

<b>P. Notices &amp; Neighborhood Meeting:</b>	<b>Dates:</b>
Newspaper Notification	03/21/2021
Radius notification mailed to Adjacent landowners within 300'	03/17/2021
Circulation to Agencies	03/18/2021
Sign Posting property	03/19/2021
Neighborhood Meeting	01/04/2021 and 01/05/2021

**Q. Applicable Codes and Standards:**

Idaho State Statute Title 67, Chapter 65  
Idaho Standards for Public Works Construction and Middleton Supplement thereto  
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

**R. Conclusions and Recommended Conditions of Approval:**

The Planning & Zoning Commission recommended approval of the Piccadilly Square preliminary plat with the following recommended conditions of approval:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All Floodplain Administrator review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Applicant to construct, at its own cost, the half road that is shown as a public right of way on the preliminary plat.

Prepared by Middleton City Planner, Robert Stewart

Dated: March 29, 2021