
**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
FEBRUARY 11, 2019**

The February 11, 2019 Planning and Zoning Commission Meeting was called to order by Chairwoman Gregory at 7:00 p.m.

Roll Call: Commissioners Jackie Hutchison, Kent Brough, Whitney Springston, Vice Chair Ray Waltemate and Chairwoman Janet Gregory were present.

Action Items

A. Consider approving minutes of the January 14, 2019 regular meeting.

Motion: Motion by Commissioner Hutchison to approve the minutes of the January 14, 2019 regular meeting was seconded by Commissioner Brough and carried unanimously.

B. Consider approving a special meeting, jointly with the City Council, at 7:00 p.m. on February 28, 2019 at the Trolley Station to share and receive information about 10-15 Middleton projects affecting the Middleton Community.

Chairwoman Gregory called the agenda item and Mayor Darin Taylor gave a brief explanation regarding the agenda item.

Motion: Motion by Commissioner Waltemate to schedule a special meeting jointly with City Council at 7:00 p.m. on February 28, 2019 at the Trolley Station, was seconded by Commissioner Springston and carried unanimously.

C. Consider approving a request by Wesley McDermott to amend Raw Pastures preliminary plat from three lots to four lots on approximately 12.5 acres. The subject property is located at 0 Foothill Road, approximately 130 feet of south of Foothill Road and approximately 600 feet east of Duff Lane, Middleton, Idaho.

Chairwoman Gregory called the agenda item and City Planning and Zoning Official Randall Falkner provided an Administrative Review.

Motion: Motion by Commissioner Waltemate to recommend city council approve the amended Raw Pastures preliminary plat was seconded by Commissioner Brough and carried unanimously.

D. Public Hearing: Consider approving a request by Joshua Connell for a special use permit to except certain real property from Middleton City Code 5-2-3: side setbacks from 10 feet to 5 feet on both sides. The subject property is located at 519 Fairhaven Street, Middleton, Idaho.

Chairwoman Gregory called the agenda item and declared the public meeting open. City Planning and Zoning Official Randall Falkner provided an Administrative Review.

Joshua Connell the applicant, stated that he had spoken to Drainage District Number 2 regarding the five-foot setback, and that it had no issues with the request as the five feet would not cause any havoc to the drainage field site.

Chairwoman Gregory asked if anyone in the audience would like to speak to this item, none, and closed the public comment portion of the hearing.

Motion: Motion by Commissioner Waltemate to approve a request by Joshua Connell for a special use permit to except certain real property from Middleton City Code 5-2-3: side setback from 10 feet to five feet on the south side, was seconded by Commissioner Springston and carried unanimously.

- E. Public Hearing: Consider approving a request by Aaron Dubie for a special use permit to except certain real property from Middleton City Code 5-2-3: side setbacks from 12 feet to 3 feet on both sides. The subject property is located at 13 S. Hawthorne Ave., Middleton, Idaho, across the street from the Middleton Post Office.**

Chairwoman Gregory called the agenda item and declared the public meeting open. City Planning and Zoning Official Randall Falkner provided an Administrative Review.

Aaron Dubie the applicant, stated that he was going to build a single-story home and that, in order to have a comfortable living space with a garage, the three-foot setbacks were needed. Mr. Dubie also stated his intention is to build a nice home to fill a need for housing in Middleton.

Chairwoman Gregory asked if there was anyone in the audience that would like to speak to this item.

Richard Nestorick Mr. Dubie's neighbor to the south stated the he is not opposed to a home being built on the lot but rather he is opposed to the three-foot setbacks. Mr. Nestorick explained that as his home sits now, he is currently seven feet from the marked survey line for the property. He said he lives on his property but not in the house he as stripped back to the walls and is remodeling as he gets time.

Mike Graefe was not opposed to a new home being built on the lot but was curious where the driveway access was to be located. He was informed was going to be to the west accessing Hawthorne Dr. Mr. Graefe stated going from 12- to-five- to-three foot side setbacks is concerning because he does not want to see the city go start down the path where the standard is small setbacks.

Kristina Rudolf wanted to point out that over the years from when Mr. Nestorick's home was built up to the present day, setbacks have changed multiple times and there is not documentation of what they were back in the 1920s, and what was done prior to the request today cannot be fixed or changed, that the Commissioners should only focus on what is being asked of them today in order to provide a home to fill housing demand in Middleton and help beautify the downtown corridor.

Mayor Taylor provided the Commission information in response to Mr. Nestorick's letter of opposition regarding his point on the sewer service line, which connects the house on Mr. Nestorick's property north to the alley, bisecting Mr. Dubie's property and future home site. Mayor Taylor said the old sewer line is not in an easement, and has had an active city utility account or received city water or sewer services for at least three years. Mayor Taylor said Mr. Dubie and Nestorick have been congenial when talking through fence, irrigation, setback, sewer line and other subjects, and more communication between them is needed. He reminded the Commissioners that the application before them is setbacks only.

Chairwoman Gregory closed the public comment portion of the hearing.

Motion: Motion by Commissioner Springston to approve a request by Aaron Dubie for a special use permit to except certain real property from Middleton City Code 5-2-3: setbacks from 12 feet to three feet on both sides, motion died for lack of a second.

Motion: Motion by Commissioner Hutchison to approve a request by Aaron Dubie for a special use permit to except certain real property from Middleton City Code 5-2-3: setbacks from 12 feet to seven feet on both sides, motion died for lack of a second.

Motion: Motion by Commissioner Waltemate to reopen the public comment portion of the meeting, was seconded by Commissioner Brough and carried unanimously. Commissioners Hutchison and Waltemate requested feedback from the applicant and Mr. Nestorick about a seven-foot or five-foot setback on the south side of the property.

Aaron Dubie reiterated that he is asking for a single family home in an area that is zoned for multifamily. If a multifamily dwelling were to go up in place of a single family dwelling the impact on traffic that was mentioned earlier would only be amplified on Hawthorne. Mr. Dubie stated that he was not for the seven foot setback because that would take away a total of 14 feet of width from the purposed 42-foot desired house and garage width. He said he would be willing to move the footprint of the home to the north away from the property line.

Richard Nestorick stated that he was opposed to the seven foot setbacks as well but the seven feet is better than three feet, and ultimately conceded to seven foot setback since for the neighbor since that is how far setback his house is from the property boundary.

Motion: Motion by Commissioner Waltemate to close the public comment portion of the hearing was seconded by Commissioner Springston and carried unanimously. Commission discussion followed.

Motion: Motion by Commissioner Waltemate to approve a request by Aaron Dubie for a special use permit to except certain real property from Middleton City Code 5-2-3: setbacks from 12 feet to five feet on the south side and from 12 feet to two feet on the north side was seconded by Commissioner Hutchison and carried unanimously.

Chairwoman Gregory called a recess at 8:42 p.m. and reconvened the meeting at 8:49 p.m.

F. Training – Middleton City Code Title One Chapters 14 and 15.

Mayor Taylor provided Commissioners a copy of Middleton City Code Title One Chapters 14 and 15, and reviewed it page-by-page summarizing headings and content for Commissioners.

G. Commission discussion about any subject. none

Public Comments, Commission/Staff Comments: none.

Adjourn

Chairwoman Gregory adjourned the meeting at 9:10 p.m.

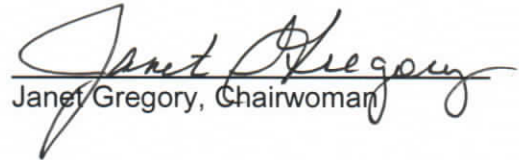
ATTEST:



~~Randall Falkner, Planning and Zoning Official~~

Approved: March 11, 2019

Dawn M. Dalton, Deputy Clerk


Janet Gregory, Chairwoman