
**MIDDLETON CITY PLANNING AND ZONING COMMISSION MEETING
APRIL 9, 2018**

The Planning and Zoning Commission Meeting of April 9, 2018 was called to order by Chairman Lary Sisson at 7:00 p.m.

Roll Call: Chairman Lary Sisson Commissioners Tyson Bird, Jeff Garner and Amy Watson were present.

3) Consent Agenda:

Consider approving minutes of the March 12, 2018 Planning and Zoning Commission meeting.

Motion: Motion by Commissioner Watson to approve the minutes from the April 9, 2018 Planning and Zoning Commission meeting with the change on page 8 amending the adjuring time from 8:12 p.m. to 10:12 p.m., was seconded by Commissioner Garner and carried unanimously by voice vote.

4) Old Business:

Consider recommending that city council approve a request by WTW Development LLC to approve a preliminary plat for Stonehaven Subdivision consisting of 222 residential lots and 11 common lots on approximately 78.25 acres west of Hartley Lane, south of Willis Road, east of Emmett Road, and mostly north of Canyon Hill Canal.

Chairman Sisson declared the public meeting on the agenda item open at 7:07 p.m. Planning and Zoning Official Randall Falkner then gave a brief updated staff report addressing the traffic impact study received April 5, 2018 by the city, and staff recommendations. Following his staff report Randall then stood for questions from the commissioners.

Jay Walker representing WTW Development addressed the commission. Mr. Walker addressed changes that WTW Development amended on its initial preliminary plat presented to the commission on March 9, 2018.

Mr. Walker stated that the 12.5 acres at the top of the property has now been removed from the plat, there is now more common space being added around the development, the number of lots have been reduced from 253 to 222 lots, and there is now better pedestrian pathway connectivity with clear regional pathways.

Mr. Walker informed the commission that the developer agrees with the city's requested regional pathway along 9th street that would connect to Hartley. However, they believe that the egress/ingress from Emmett Road and Hartley Lane are adequate access points distributing traffic with plenty of site distances and separation from other intersections.

Mr. Walker wanted to reiterate that there was a new traffic impact study completed, that

the street names have been approved by the city, and that when it comes to utility services there are already sewer and water mains stubbed to the property along with there being plenty of dry services such as cable and gas services to serve the intended development.

Mr. Walker stood for questions from the commission. Commissioner Bird asked Mr. Walker to elaborate on his thoughts regarding the staff recommendations.

Regarding the setbacks, WTW Deployment agrees to develop lots only as indicated on the submitted plat and shall not increase the number of lots or density within the R-3 zoned parcels. However, we are asking for 5' setbacks side yard, 10' setbacks for rear and 20' setbacks for the front of each lot.

With the traffic impact study, WTW is willing to provide monetary amounts to make the recommended improvements that the study has recommended to improve the imminent growth of the roadways that is projected by 2025.

Commissioner Watson asked Mr. Walker if he had any further questions for comments for the Commission. Mr. Walker asked Chairman Sisson if he could state what the setbacks were for West Highlands? Chairman Sisson responded that he believed that they were 5', 10', and 20'. Planning and Zoning Official Randall Falkner stated that per the West Highlands Development Agreement, their setbacks are 20' in front, 15' in rear, 5' for sides and 15' for side streets. Mr. Walker responded that the developer would be willing to match the setbacks that are in place for the West Highlands Subdivision.

Shawn Maybon voiced concerns a few concerns regarding the purposed development. Mr. Maybon stated that section 5-2-5 of the city code says that they need to apply for a variance waiver. Mr. Maybon also wanted to state that a development agreement cannot change setbacks. Finally, regarding use of the school's greenspace, Mr. Maybon felt that this seemed like a safety issue for residents and students.

Neil Scott commented regarding the 8-foot-wide pathways regarding high schoolers and teenagers; they will use those walkways as a road if they can fit a car on it, resulting in property damage and in the end injuring pedestrians.

Carlene Thie spoke in favor of Randall's hard work and staff recommendations and stated that she was not against building in the city just if it was done right. Mrs. Thie then went on to ask if by allowing these developments into the area when we look at the water supply 20-30 years down the line, will there still be enough water for everyone. In closing, Mrs. Thie wanted to express that we need to learn from our mistakes with Coleman Homes and not keep repeating them throughout the city.

Nathan Dale spoke regarding concerns with 9th Street. Mr. Dale pointed out that it is not during the peak times of travel that concern him but the off-peak hours when drivers will use this access at high speeds. Mr. Dale concluded the city has time to design 9th Street where it connects to Cemetery so that we can train people to use the roads in the safest manner reducing the chances of accidents in the long run.

Justin Mayron pointed out that the development is already zoned R-3. If the developer were to meet all the cities recommendations, would anyone still object to the building of the subdivision?

Christy Hayes stated that she was not against growth within the city but that it needs to happen in a reasonable way. Mrs. Hayes also stated that she felt that there was too little green space in the development and that right now where the proposed Triangle Park is located if 9th Street was to go all the way through then that space would be lost leaving even less greenspace is proposed now.

Terry McCoy voiced that if the city allows this subdivision higher density than the master plan, then this sets a precedence for all future developments that wish to come into the city. Mr. McCoy also regarding the neighborhood side streets around the school, this will become overflow parking for residents during school events leaving a safety issue for homeowners within the subdivision.

Jennifer Hughes voiced her belief that the R-3 zoning needs to be a hard line which should include more green space. Mrs. Hughes believes that if this developer does not want to follow or stick to these guidelines then someone else will come along who will.

Don Reynolds stated that the 5' setbacks need to be 10' as the city code states. Regarding the greenspace, with his experience, the smaller tot lots seem to get used by families more than one centralized open area. The tot lots are easier to use for families to not only access but to utilize for the kids while their parents can watch them from their own property.

Gregg Winchester asked if the C-1 section could be placed into R-3 and be part of the housing development. Mr. Winchester also voiced that residents who have their property back up to the fence line of the school will not pay top dollar for the house, so in place of housing on those lots what he asked if the greenspace could be placed in this area making it a buffer between the school and subdivision and presenting it as more of a compromise.

LeeAnn Lloyd asked if the commercial development has been taken away but if left open what will happen to it? Mrs. Lloyd also spoke regarding traffic issues with Hartley Lane, stating that this is already at max capacity and impossible to use before school or after school lets out. She felt that there needs to be something more in place such as speed bumps or even a light to help with the already stressed traffic pattern.

Chairman Sisson declared the public hearing portion of the agenda item closed at 9:02 p.m. and allowed Mr. Walker to respond to resident's questions and concerns.

Mr. Walker stated that the developer was not planning on using the schools open spaces, but that in place of one open greenspace, using tot lots and linear lots accommodating more residents closer to their own homes.

Regarding the traffic on Willis Road, according to the traffic study Willis is considered a minor arterial and needs to be calmed. By connecting 9th Street as a straight through roadway, this will become a cut through during peak and off-peak traffic times with traffic traveling at high speeds.

Overall, Mr. Walker feels that this subdivision is the right density for the property in question and he and the developer feel this needs to be pushed forward to City Council for recommendation of approval letting the council determine the conditions of the plat.

Planning and Zoning Official Randall Falkner closed with a couple of points. Mr. Falkner stated that Planning and Zoning and City Council worked hard on developing and approving the city's comprehensive plan and it is important that it be followed. He stated that the city needs more east/west connections and explained that therefore the city wants to build out 9th Street. Finally, Mr. Falkner, concluded that this issue should be passed onto City Council at this time.

Charmain Sisson and commission members took time to discuss the agenda item. Commissioner Garner voiced that he felt that traffic need not be made worse in an area that is already rated "F", that 9th Street needs to go through, and that there should not be 5-foot setbacks.

Commissioner Watson wanted to voice some concerns she had with regards to public comments and feelings towards the commission. She wanted to make it clear that the commission was essentially all volunteers and that the Commission did have the best interest of the city at heart. Commissioner Watson also wanted the community members in attendance to know that growth is coming to the city and we can take steps to solve the problem that comes with growth or we can keep worrying about just one project and one developer like we are tonight.

Commissioner Bird voiced that Coleman homes keeps getting phases approved based on what Mr. Walker is asking for. What gives Coleman the right to keep getting the setbacks they are asking for approved but the commission to deny this development.

Motion: Motion by Chairman Sisson to recommend to approve a request by WTW Development LLC to approve a preliminary plat for Stonehaven Subdivision consisting of 222 residential lots and 11 common lots on approximately 78.25 acres west of Hartley Lane, south of Willis Road, east of Emmett Road, and mostly north of Canyon Hill Canal with the conditions one through seven listed in the staff report, was seconded by Commissioner Bird and carried unanimously by roll call vote.

Chairman Sisson called a break of the commission at 9:19 p.m. and resumed the planning and zoning meeting at 9:27 p.m.

5) New Business:

Consider recommending that city council approve a request by Robert Watson to amend that certain Development Agreement filed as Instrument No. 2012-047137 in records of Canyon County, Idaho.

Chairman Sisson declared the public meeting on the agenda item open at 9:28 p.m. Planning and Zoning Official Randall Falkner then gave a brief staff report regarding the development agreement amending the October 24, 2012 previously approved development agreement.

Chairman Sisson had a question for Randall. Is staff recommending denial of the development agreement because it seems to be in direct opposition of what the commission just approved in the last agenda item. Randall responded stating that yes that was the reason he believes denial was being recommended.

Jay Walker representing WTW Development addressed the commission. Mr. Walker stated that they are asking for the development agreement because of the previous seven conditions. That the developer is only asking for the same setbacks that are allowed and agreed to with Coleman Homes, and with regards to the 9th Street going straight through, the developer feels like this is a safety issue causing the street to become a cut through in a residential area.

Shawn Maybon wanted to point to the Commission that per Middleton City Code, there is no legal authority for this development agreement because there is no rezone taking place with it. Mr. Maybon also wanted it known that this was first brought fourth back in 2012 as a planned unit agreement which city code no longer allows.

Carlene Thie wanted to address that fact that just because the city allowed this for Coleman Homes doesn't mean that the city should allow it for someone else, that the city needs to learn from it's past and not repeat it.

Don Reynolds commented that the city can't keep making exceptions to good rules and laws because if they do then what do these laws and rules mean.

John Thie wanted to thank the Commission for all their hard work and wanted it known that he likes the plan for growth within the city, but to consider what it took to get to where the city is today. That the rules and regulations of the past do not work for the present.

Chairman Sisson declared the public hearing portion of the agenda item closed at 9:51 p.m. and allowed Mr. Walker to respond to resident's questions and concerns.

Mr. Walker concluded that the key to this ground was that it was purchased with the setbacks that consistent with this area and with West Highlands Subdivision, and that the developer asks to have this agreement approved as presented to the Commission.

Chairman Sisson asked Randall if he had any further comments. Randall declined but asked City Attorney Chris Yorgason to clarify Mr. Maybon's comment regarding an agreement having to go hand in hand with a zone change. Mr. Yorgason clarified that this was an amendment of a previous development agreement and the city code has no restrictions on what can or can't be included in the amendment.

Chairman Sisson and the Commission had a discussion amongst themselves. Commissioner Watson stated that she felt that this agreement made sense for this area. Chairman Sisson stated that the Commission was not opposed to the subdivision but issues such as greenspace were important and that if the Commission sent the development agreement to Council after approving the last agenda item it would just send a mixed message.

Motion: Motion by Commissioner Bird to deny a request by Robert Watson to amend that certain Development Agreement filed as instrument No. 2012-047137 in records of Canyon County, Idaho, was seconded by Commissioner Garner and carried three to one by roll call vote.

Consider recommending that city council approve a request by Madison River Trust for preliminary plat approval to replat Lot 22 Block 1 of the Pines No. 1 at

Meadow Park Subdivision into 17 buildable lots on 11.19 acres located one-half mile west of Middleton Road and approximately 1,000 feet south of Meadow Park Blvd at the south end of existing Scotch Pine Dr., Middleton, Idaho.

Chairman Sisson declared the public meeting on the agenda item open at 9:58 p.m. Planning and Zoning Official Randall Falkner then gave a brief staff report regarding a request by Madison River Trust for a primary plat approval to replat Lot 22 Block 1 of The Pines No. 1.

Will Mason from Mason and Associates addressed the Commission. Mr. Mason informed the Commission that originally eighteen lots of The Pines was platted as one lot because of a floodplain issue, the developer is not asking to change the eighteen lots but move forward with development now as the floodplain analysis has been completed. The developer has no concerns with the city engineer comment letter and will work with her to address her concerns and comments.

Commissioner Watson asked Mr. Mason what the smallest lot size was? Mr. Mason's response was 11,400 square feet if he could recall and to add that the large lot would be a non-buildable lot used as a pond or water feature.

Shawn Maybon stated that lot sizes of 11,000 plus square feet with no setback variances that follows the use of the city code should be applauded.

Kelly Anderson wanted to know if south Willis Road would be paved and if not planned to be paved could it be. Mr. Anderson wanted it to be known that if this could happen she would have no objections to this development.

Delfo Swindlehurst stated that he had no problems with completing the subdivision except for the part that they would not be part of the HOA and would not be contributing anything to help the subdivision and community out.

Carlene Thie voice that she liked the plan and idea of greenspace and water. She stated that she felt that each development should contribute to the city with something like a paved or improved road.

Chairman Sisson declared the public hearing portion of the agenda item closed at 10:21 p.m. and allowed Mr. Mason to respond to resident's questions and concerns.

Chairman Sisson asked Mr. Mason if the developer had explored the idea of paving the road on the south. Mr. Mason responded that the area that had been mentioned he believed was a right-of-way and that the developer held no rights to it.

Mr. Mason addressed concerns on not contributing to the community or city regarding the fact that as the land sits now the city must access the sewer and water in a weed filled mess, with this development being finished this would allow the city access to these services on a paved roadway.

With the concern of being part of the HOA, Mr. Mason stated that originally this portion was to be part of the HOA; however, at this time, he would have to talk with the developer to verify if that was still going to be the plan.

Planning and Zoning Official Randal Falkner asked Mr. Mason regarding lot one, what was the plan to be done with that? Mr. Mason replied that at this time the land owner was talking about a quick claim deed with the adjacent property owner.

Motion: Motion by Commissioner Bird to approve a request by Madison River Trust for preliminary plat approval to replat Lot 22 Block 1 of the Pines No. 1 at Meadow Park Subdivision into 17 buildable lots on 11.19 acres located one-half mile west of Middleton Road and approximately 1,000 feet south of Meadow Park Blvd at the south end of existing Scotch Pine Dr., Middleton, Idaho with the condition that lot 2 block 1 at the far west side of the property be deeded to adjacent individual property owners north of the Newman Lateral Boundary Line, was seconded by Commissioner Watson and carried unanimously by roll call vote.

Consider recommending that city council approve a request by Hopkins Mortgage Fund LLC for preliminary plat approval to replat Lots 1 – 10 Block 6 of Foote Addition to Middleton Subdivision located at the southeast corner of N. Dewey Ave and E. 1st St., Middleton, Idaho.

Chairman Sisson declared the public meeting on the agenda item open at 10:30 p.m. Planning and Zoning Official Randall Falkner then gave a brief staff report, a request from Hopkins Mortgage Fund, LLC.

Will Mason from Mason and Associates addressed the commission stating that as the property sits now there are four buildings on site with two more lots to the east. We are anticipating the use for this area for things such as a plumbing shop where it does not require a heavy on-site workplace. We will have met the floodplain requirements and include sewer and water extensions to the new lots.

Nancy Edwards was concerned about the fire turn around and with the sounds of it they are going to be doing a "T" for the turn around. Her second concern was that this is going from one commercial light industrial to six and what kind of load will this place on the dead-end street and the residential area on the other area of 1st Street.

Justin Rahn wanted to know how far from the creek west the property line went.

Chairman Sisson declared the public hearing portion of the hearing closed at 11:00 p.m. and allowed Mr. Mason a chance to respond to public comments.

Mr. Mason stated that they are not trying to damage Middleton but to keep the use as it is and expand the growth.

Motion: Motion by Commissioner Watson to recommend that city council approve a request by Hopkins Mortgage Fund LLC for preliminary plat approval to replat Lots 1 – 10 Block 6 of Foote Addition to Middleton Subdivision located at the southeast corner of N. Dewey Ave and E. 1st St., Middleton, Idaho with the conditions that we follow the staff recommendations which is to be conditioned upon the vacation of the right of way to be negotiated between the city engineer and the applicant, was seconded by Commissioner Bird and carried unanimously by roll call vote.

6) **Public Comments:** none.

7) **Commission/Staff Comments:** Vice Chair Amy Watson announced that this meeting would be her last meeting on the Planning and Zoning Commission.

8) **Adjourn**

Declaration: Declaration by Vice Chair Watson to adjourn the meeting at 11:05 p.m.

ATTEST:



Randall Falkner, Planning and Zoning Official

Approved: May 21, 2018



Lary Sisson, Chairman