



**AGENDA**  
**Middleton Planning and Zoning Commission**  
**Middleton, Idaho**

Date: Monday, May 10, 2021

Time: 5:30 p.m.

Location: City Hall Chambers - 1103 W Main St., Middleton, Idaho

Call To Order, Pledge of Allegiance, Roll Call

**Information Items**

**Action Items**

1. Consent Agenda (items of routine administrative business)
  - a. Consider approving April 12, 2021 regular meeting minutes.
  - b. Consider approving minutes for Joint Agency Information Workshop, April 23, 2021.
  - c. Consider approving FCO for LaFever Annexation
  - d. Consider approving FCO for Bridger Creek Preliminary Plat
2. **Public Hearing:** Applications from Falkirk Holdings LLC & Todd Campbell for Rezone and Development Agreement with respect to the Stonehaven project planned for an 11.18 acre parcel located at 0 Hartley Lane (Tax Parcel #34443013). Applicant is seeking a rezone of a portion of the parcel from C-1 to M-F to permit the future development of a maximum of 84 townhome lots.

**Public Comments**

**Commission/Staff Comments**

**Adjourn**

Posted by:



Jennica Reynolds  
Administrative Deputy Clerk

Date: May 6, 2021 at 5:00 p.m.

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**MIDDLETON CITY PLANNING AND ZONING  
COMMISSION MINUTES  
APRIL 12, 2021**

The April 12, 2021 Planning and Zoning Commission Meeting was called to order by Commissioner Janet Gregory at 5:41 p.m.

**Call to Order - Pledge of Allegiance**

**Roll Call:** Chairman Ray Waltemate, and Commissioners Jackie Hutchison, Janet Gregory, and Bill Deaver and Whitney Springston were present. Chairman Waltemate came into the meeting at 5:44 p.m.

**Information Items: None**

**Action Items**

**1. Consent Agenda**

- a. Consider approving February 8, 2021 regular meeting minutes.

Commissioner Gregory called the agenda item a. and asked if any of the commissioners saw anything that needed changed in the minutes?

**Motion:** Motion by Commissioner Springston to approve the March 8, 2021 minutes as written. Motion seconded by Commissioner Hutchison and approved unanimously.

- b. Consider approving FCO for Piccadilly Square Preliminary Plat and Variance.
- c. Consider approving FCO for Jack in the Box Design Review approval.

**Motion:** Motion by Commissioner Hutchison to approve consent agenda items:

- b. Consider approving FCO for Piccadilly Square Preliminary Plat and Variance
- c. Consider approving FCO for Jack in the Box Design Review.

Motion seconded by Commissioner Deaver and approved unanimously.

Chairman Waltemate entered the meeting.

**2. Public Hearing: Applications from Hayden Homes Idaho LLC for annexation/rezone, development agreement and preliminary plat with respect to the Bridger Creek Subdivision located at 0 Emmett Road, Tax Parcel No., R38211012. The proposed zoning for the preliminary plat is R-3. The preliminary plat consists of 44 buildable lots and 6 common lots.**

Chairman Waltemate opened the Public Hearing at 5:45 p.m.

City Planner, Roberta Stewart presented the Staff Report (See Exhibit 1)

Chairman Waltemate asked about the comment called out by Middleton Fire. Roberta said there was not specific comment from Middleton Fire regarding the 60 ft turn radius. The Chief didn't call out any problems with the plat and only required that the applicant follow recommendations in Appendix D.

Chairman Waltemate asked where CHD4 wanted the additional stub access?

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Roberta said they wanted Jupiter Street on the plat to punch through to Emmett Road. But the parcel to the northwest of the proposed subdivision is a large estate parcel with a newer home and has a very severe slope up front. The City staff and engineers met on this and said they disagreed with CHD4 and said they think it is plenty of access to have the north and the south roads. CHD4 is concerned about traffic moving on Emmett as it is a principal arterial road. If they can re-route traffic onto local roads, they will.

Commissioner Springston said this would create congestion throughout the rest of the subdivision and some of the side streets that are already congested. She does not see the point of that.

Commissioner Deaver asked if the variance is approved, could the curbs be painted and or signage placed that would prevent parking on the corners with smaller turning radiiuses?

Applicant: Tim Mokowa – Hayden Homes: He presented the project and addressed stub street and the radius variance request.

- The issue with the stub street he believes is a non-issue after hearing the discussion from the Commissioners.
- The two radius points, if compared with the true intersection coming from West Highlands coming north, there is a T intersection coming from the north on the north/south road there is a true T intersection there as well. Those both meet the international fire code for inside turning radius of 28 ft. What they are proposing is an inside turning radius of 42 ft. If the issue is can fire apparatus make that turn, yes, they can and in fact these radiiuses that we are showing comply with international fire code Appendix D. We realize it is below the City requirement and had been submitted it as a 50 ft radius on the centerlines and that was pushed back from Amy late in the game saying the code is 125 ft and they were showing 50 ft. After several discussions back and forth they pointed out it does meet AASHTO and Appendix D and there are several other roads in this area that are approved, and we have already moved quite a way down the road with this plan. As a compromise we offered back a 60 ft radius. At that point last week Amy was ok with that because of where we were. That was the last feedback we heard until talking to Roberta right before the meeting. The fire department was ok with it provided that it met Appendix D requirements which it does. He thinks it is a bad idea for this to be denied because there are others approved with this scenario, even a 50 ft radius and they are proposing 60 ft. Fire can make that turn and it is part of their international fire code Appendix D, and another reason to allow it is it makes those two corners lots fairly unbuildable and on the outside of the radius it makes longer flag lines. 60 ft radius helps to make for a safer neighborhood, it is no different than turning at an intersection as far as the radius, and it is slowing traffic down. If the radius is 125 ft people do not slow down. Those are their justifications for the variance and up until 20 minutes ago, they thought everything was approved by the City Engineer.

*Roberta Stewart:* It was a curious thing because as of last Friday, the City Engineer was ok with the 60 ft radius, and a big discussion started today on it. Victor Islas never calls out specifically anything wrong, so she doesn't know what his comments regarding Appendix D. She emailed him late this morning and asked for help with the discussion, but she has not heard anything from him. There are other subdivisions in town that are not complying with the 125 ft. She heard that historically it has been able to slip by and now suddenly nothing is slipping by. And that is the situation here. The City is going to look at it again. Is 125 ft really necessary? We are taking a hard look at it. But Amy was ok with it as of Friday, but kind of

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changed her mind this morning.

*Chairman Waltemate* said that historically if it is an infill project then the variances are allowed. There is more flexibility on infill projects than new development.

*Commissioner Hutchison* asked what is the minimum allowed in the past on new development? She also wants to know what other cities allow.

*Tim Mokwoa:* The minimum that they are aware of that has been approved was Stonehaven with 45 ft. centerline radius that was recorded March 19, 2021. West Highlands also has some 50 ft center radiiuses on the centerline.

*Commissioner Hutchison* asked how many feet they would be willing to increase the radius and possibly relocate some of the park area to some home lots instead.

*Tim Mokwoa:* They worked with City Staff and readjusted the corner lots to make them wider so that there is quite a bit more space for the traffic and for parking. The reason he continually brings up the International Fire Code, that is what City of Middleton and all Fire departments in the area use as their standard.

Regarding the access to the subdivision, they worked with the City and CHD4 to create the substreets for the intent of consolidating some of the access and get it off of the collector and arterial roads, with Emmett Rd being. West Highlands already has an intersection between Willis and his development. The concern was with another access on an arterial road breaking that up even further with another main road. That is why we proposed a secondary access using lockable/collapsible bollards for emergency services use only. CHD4 did not want regular civilian traffic coming through there onto Emmett Rd. because of the gap to West Highlands intersection.

*Planner Stewart:* City staff does not want to see access there either; it is too dangerous and a large arterial and would cause challenges with the traffic flow.

*Commissioner Hutchison:* She has a hard time with subdivisions with one or two exists. She thinks of a worst scenario with all these subdivisions of a buyer, but at least we are keeping our setbacks.

*Chairman Waltemate:* He agrees with the developer on the stub road. Right now, where this subdivision sits a stub road onto Emmett Road would cause absolute chaos.

*Tim Mokwoa:* He said that the housing product they are providing is similar to the homes built in Sawtooth Lakes. The lots are bigger and will allow for 3 car and RV garages. They are not asking for a variance on the lot sizes or setbacks. The lots do meet the zoning requirements for R-3 and they will meet the set back requirements as well. They agree with all the conditions of the staff report but do request approval of the variance. He thinks that in the past this type of variance hasn't come under the same scrutiny because it has been part of the application for preliminary plat. He doesn't want the variance to be a reason for denial, he would like the chance to work with City staff to rework the plat to address changes requested.

Chairman Waltemate opened the public comment at 6:19 p.m.

*Sam Hawkins:* 24358 Emmett Rd, Caldwell, Id: He is in favor of the application, he owns the

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parcel to the northwest. He does not want a stub road through his property.

*Abby Stover*: T-O Engineers 1998 W Judith, Boise, ID: Changes to the radiiuses at 125 ft messes up the whole layout and would cause a review of the entire layout to look at the corner lots and they would likely lose 2 lots in the internal spot and it would create a long curve that wouldn't slow down traffic. They are willing to work with the fire department. There are extra bump outs on the corners that also gives more room for turning. It is about a 75 ft of asphalt for extra width there.

Chairman Waltemate closed the public comment at 6:23 p.m.

Commission Discussion:

- *Springston* feels her concerns have been adequately addressed. She would like to know why we have gone with 125 ft as part of code when it seems so atypical.
- *Hutchison* said that was decided because it was the optimum idea where the future planning and growth wanted to do. They did make exceptions on some of the subdivisions that were pretty much frozen in 2008-2009 in order to get those developments up and going again. Her question is code is code, somehow the variance was not brought before P&Z, the code was not changed. She wants that addressed and brought to P&Z. She doesn't like that the developer is put in this position, and that they as a commission are put in this position. She is willing to compromise. She is familiar with Hayden Homes and thinks they provide a great service in the community. If Victor is fine with the variance, then she is willing to move forward.
- *Waltemate* said he has lived in the West Highlands subdivision and they have 50 ft radiiuses and with as many fire trucks that he has seen come through his neighborhood they are making the turns in there he doesn't see them having an issue with a 60 ft radial turn.
- *Springston* lives in Middleton Lakes and they do have very wide turns and people drive very fast through there. The tighter turn radius makes sense in terms of safety and being able to slow cars down.
- All Commissioners want code to be addressed, City Staff to come before the commission with a recommendation if code should be changed. It needs to be decided what the new minimum set standard that the City and the Fire Department can agree upon. And then addressed by P&Z then City Council where we can decide what the norm is and the adjustments allowable within that norm.
- Commissioners agree with the 60 ft radius but would like for there to be some type of signage and/or painting of the curb to prevent parking on those turns.

**Motion:** Motion by Commissioner Gregory to recommend for approval to City Council an application from Hayden Homes Idaho LLC for annexation/rezone, development agreement and preliminary plat with respect to the Bridger Creek Subdivision located at 0 Emmett Road, Tax Parcel No., R38211012. The proposed zoning for the preliminary plat is R-3. The preliminary plat consists of 44 buildable lots and 6 common lots. With the conditions in the Staff report. And for Planning and Zoning Commission to approve the variance for the 60 ft radius for the two corners with the conditions of either no parking signage or painted curbs. Motion seconded by Commissioner Hutchison and approved unanimously.

Chairman Waltemate closed the public hearing at 6:33 p.m.

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**3. Public Hearing: An application from Dan and Kerri LaFever for annexation, rezone, and development agreement with respect to a 5.27-acre parcel located at 23897**

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**Fox Avenue (tax parcel no. R17932011). Applicant is requesting a rezone to residential R-3.**

Chairman Waltemate called the item and opened the public hearing at 6:35 p.m.

City Planner Roberta Stewart said that once this is annexed, if approved the parcel has the potential for future development and may be the subject of a preliminary plat with R-3 zoning which would allow up to 15 single family homes on this site. She then read the staff report (see attached Exhibit 2)

Questions by Commission:

*Commissioner Gregory*: Why do they need R-3 zoning if they only intend to do an additional house up front.

*Planner Stewart*: They R-3 allows for that. An entire separate development plan and application will be submitted and brought before the Commission before anything else can be done.

*Commissioner Deaver*: Is it practical for them to annex in for just one house?

*Planner Stewart*: Yes, the purpose of annexation is for availability of sewer and water. When annexing you are pushing to the county line, it allows for the city to grow. And allows for development in the future.

Applicant: Kerri LaFever: 23897 Fox Ave, Middleton, ID: They are requesting R-3 zoning because there is a possibility for a split up front, so that is what they want the flexibility. They want the 5.27 acres annexed in.

Chairman Waltemate opened the public comment portion at 6:44 p.m.

No public comment

Chairman Waltemate closed the public comment portion at 6:45 p.m.

Commission Discussion:

*Springston*: This is totally appropriate; she has no objection.

**Motion:** Motion by Commissioner Hutchison to recommend for approval to City Council an application from Dan and Kerri LaFever for annexation, rezone, and development agreement with respect to a 5.27-acre parcel located at 23897 Fox Avenue (tax parcel no. R17932011). Applicant is requesting a rezone to residential R-3. Motion seconded by Commissioner Gregory and approved unanimously.

Chairman Waltemate closed the public hearing at 6:46 p.m.

Chairman Waltemate called a 5-minute recess at 6:47 p.m.

Chairman Waltemate called the meeting back in session at 6:51 p.m.

**4. Consider approving Design Review for TriGuard Pest Control commercial building.**

Chairman Waltemate called the item.

City Planner Roberta Stewart read the Design Review Staff Report (see attached, Exhibit 3)

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*Applicant: Chad Jones: 508 W. Pack Ave, Meridian, ID. Discussed the project and the change to the wainscotting. It is very similar type of building as the Storage across the street in the same development.*

Commission: Really liked the design.

**Motion:** Motion by Commissioner Springston to approve the Design Review for TriGuard Pest Control commercial building. Motion seconded by Commissioner Gregory and approved unanimously.

**5. Consider approving Design Review for Intermountain Pet Hospital commercial building.**

Chairman Waltemate called the item.

City Planner Roberta Stewart read the Design Review Staff Report (see attached Exhibit 4)

*Applicant: Matt Garner-Architecture Northwest: 224 16<sup>th</sup> Ave So. Nampa, ID. He is the architect. He reviewed the building. They are going to raze the existing buildings and construct a really nice building in its place.*

Commission Discussion:

Commissioner Hutchison doesn't like the colors. She isn't concerned with a brand and the colors of that brand, that is their issue. She is concerned about how our town looks. She wants the architect to go back to the owner and change the colors to be warmer and more charming.

Commissioner Deaver says if the colors are consistent with their other buildings, it is a branding tool.

Commissioner Springston says the colors are not a deal breaker for her.

**Motion:** Motion by Commissioner Hutchison to approve a Design Review for Intermountain Pet Hospital commercial building with recommendation for alternative color schemes submitted to City staff – allowing City staff to make the call on color after notification sent to Commissioner Hutchison. Motion seconded by Commissioner Gregory and approved unanimously.

**Public/Commission/Staff Comments:**

No public comment:

Commissioner Comment:

Commissioners thanked Commissioner Deaver for his year and ½ time of service. They appreciate the perspective he has brought to the board.

**Adjourn:** Chairman Waltemate adjourned the meeting at 7:23 p.m.

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ATTEST:

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Ray Waltemate, Chairman

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Jennica Reynolds, Deputy Clerk  
Approved: May 10, 2021

DRAFT

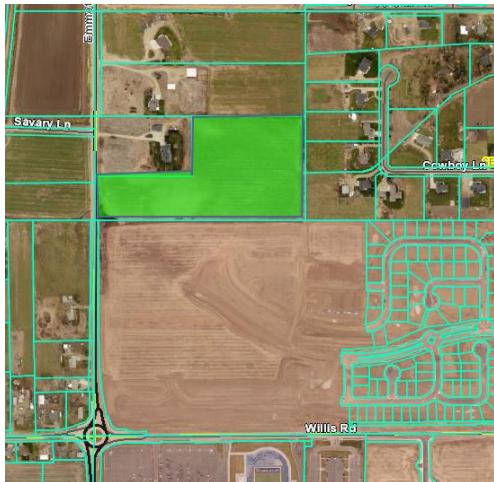


## STAFF REVIEW AND REPORT

### Middleton Planning and Zoning Commission

## Bridger Creek Subdivision

### Snapshot Summary



DESCRIPTION	DETAILS
Acreage	14.71 acres
Current Zoning	County Zoning R-1
Proposed Zoning	R-3
Current Land Use	Residential
Proposed Land Use	Residential
Lots	44 residential lots and 6 common lots for total of 50 lots.
Density	2.99 units per acre
Open Space	16%
Amenities	27,350 s.f. open grassy area Block 2, Lot 1C.

- A. Planning & Zoning Commission Hearing Date:** April 12, 2021
- B. Project Description:** Residential subdivision with 44 buildable lots and 6 common lots on 14.71 acres of vacant land located at 0 Emmett Road (Tax Parcel #R38211012).
- C. Application Requests:** Applicant has four applications. The first application is an annexation and rezone application to change the zoning from County R-1 to City of Middleton R-3 zoning. Second is a Preliminary Plat application. Third application is a Development Agreement Application, and the fourth application is a variance for road turning radius.
- D. Current Zoning & Property Condition:** The property is currently located in the County and zoned R-1. The property to the South is within Middleton city limits, and it is zoned R-3. Properties to the west, north and east are located in the County and zoned Agriculture.
- E. City Services:** City water and sewer are located immediately south of the project in the West Highlands project. Sewer and water will be brought up through Roper Avenue to service all lots and will be extended west to Emmet Road to service future subdivisions. Additionally, per Engineering review and comments, Developer will extend a 12" water main in the right-of-way of Emmet Road along the frontage of the project parcel.

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

Access to the subdivision is via Willis Avenue and north through the West Highlands subdivision.

Developer should be required to improve, per City standards, the 50' half portion of Emmet Road. Staff recommends this requirement be made a condition of approval for preliminary plat.

Planning Staff is in the process of calculating Developer's pro-rata share for traffic impacts and intersection controls. Developer's payment of these pro-rata fees should be made a condition of approval for preliminary plat.

- G. Pathway, Sidewalks & Open Space:** 5' wide concrete sidewalks span the local roads throughout the subdivision. An 8' wide asphalt pathway will span along the frontage improvements to Emmett Road. Per MCC 5-4-10-4(B), Developer is required to create a traffic buffer along Emmett Road involving a combination of two of the following three items: berm, fence/wall, and landscaping.

Developer has provided 16% open space in the subdivision, which exceeds the 5% minimum required by MCC 5-4-10-10. A half acre lawn area has been provided by developer on a common lot in the center of the subdivision (L1C/B2)

- H. Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation have been provided and are approved by the City Engineer.

- I. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has reviewed the preliminary plat and approved the preliminary plat subject to compliance with District comments.

- J. Preliminary Plat Application:** The preliminary plat complies with all dimensional standards and codes of the City of Middleton except the turning radius standard which is the subject of the accompanying variance application.

- K. Annexation and Rezone:** Applicant is requesting that the entire 14.7 acre project parcel be annexed into the City of Middleton and rezoned to R-3 zoning, which permits three single family homes per gross acres. The parcel is contiguous to City limits, and City services are accessible to the parcel, which are the primary requirements for annexation. Applicant has also complied with all other documentation requirements necessary to complete the annexation and rezone of the property.

- L. Development Agreement:** Every annexation and rezone request requires a Development Agreement ("DA"). Applicant and City Staff have used the City's form for the DA, and have merely added four new provisions:

- a. Developer shall, at its own cost, improve the 50' half-road portion of Emmett Road and comply with the City comments and recommendations for final plat approval.
  - b. Developer shall pay additional pro-rata or proportionate share fees for all traffic impacts and intersection controls affected by the subdivision.
  - c. Developer shall build only single family homes, without 2<sup>nd</sup> accessory dwellings, in the R-3 zoned subdivision.
  - d. Developer may use subdivision property not used for residential purposes for common area, utility lines, storm water management or other "allowed" uses per MCC 5-4-1 Table 1.
- M. Variance:** MCC 5-4-10-2(H.2) requires local roads to have a minimum centerline radius of 125'. Applicant is seeking a 60' turning radius, which means a tighter turning radius, on two corners in the subdivision. Applicant argues that there is no adverse consequence to the tighter corner, and the benefits to the tighter corners are (1) a reduction in flag shaped and pie-shaped lots, (2) promotion of lower speeds, increasing safety, and (3) shorter roadway lengths. Finally, Applicant argues that turning radiiuses as low as 50' still meet safety and design guidelines of the International Fire Code Appendix D and AASHTO Section 3.3.6.
- N. 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.
- O. Comments Received from Surrounding Landowners:** None.
- P. Comments from Agencies:** 3/8/2021 comments from the Middleton Rural Fire District. 4/5/2021 comments from Canyon Highway District No. 4 (Copies of the comments can be found in the Planning & Zoning Packet.)
- Q. Comments from City Engineer and Planning Staff:** Copies of City Engineer comments dated 3/19/2021 and 4/5/2021 and Planning Staff comments dated 3/16/2021 and 4/5/2021 are in the Planning & Zoning Commission packet.

**R. Applicant Information:** Application was received and accepted on February 8, 2021. The Applicant/Owner is Hayden Homes Idaho LLC, 1406 N. Main St. #109, Meridian, ID 83642 (208) 869-9785.

<b>S. Notices &amp; Neighborhood Meeting:</b>	<b>Dates:</b>
Newspaper Notification	03/28/2021
Radius notification mailed to Adjacent landowners within 300'	03/26/2021
Circulation to Agencies	03/21/2021
Sign Posting property	03/26/2021
Neighborhood Meeting	01/21/2021

**T. Applicable Codes and Standards:**

Idaho State Statue 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.

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

The Planning & Zoning Commission is tasked with considering the four separate applications for (1) Annexation/Rezone, (2) Preliminary Plat, (3) Development Agreement and (4) variance.

With respect to the variance, the Commission is tasked with rendering the final decision and order on the matter. It does not proceed to City Council. If the Commission is inclined to approve the variance application, Planning Staff does not recommend any conditions of approval.

As to the preliminary plat, annexation/rezone, and Development Agreement applications, if the Commission is inclined to recommend to City Council approval of the three applications, Planning Staff recommends that the recommendation be subject to the following 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 requirements of the Middleton Rural Fire District are to be completed and approved.

5. Applicant to construct, at its own cost, the half road of Emmett Road as shown on the preliminary plat and dedicate the 50' wide half-road to the City of Middleton.
6. Developer to pay all pro-rata traffic impact fees prior to approval of final plat.

V. Prepared by Middleton City Planner, Robert Stewart

Dated: 4/8/2021



# STAFF REVIEW AND REPORT

## Middleton Planning and Zoning Commission

### LaFever Annexation – 23897 Fox Avenue

#### Snapshot Summary



DESCRIPTION	DETAILS
Acreage	5.27 acres
Current Zoning	County Zoning - Agriculture
Proposed Zoning	R-3
Current Land Use	Residential
Proposed Land Use	Residential
Lots	Single parcel being annexed

- A. **Planning & Zoning Commission Hearing Date:** April 12, 2021
- B. **Project Description and Application Request:** Request to annex 5.27 acre parcel with single family home into Middleton City Limits and rezone to R-3. Parcel is part of the Hawthorn Subdivision. The address is 23897 Fox Avenue, Tax Parcel No. R17932011.
- Once annexed, the parcel has a potential for future development and may be the subject of a preliminary plat with R-3 zoning, which would allow up to 15 single family homes.
- C. **Current Zoning & Property Condition:** The property is currently located in the County and zoned Agriculture. The properties to the south and east are within Middleton City limits and are zoned R-3. Property to the north and west is county property zoned agriculture.
- D. **City Services:** City water and sewer are located at the intersection of Fox Avenue and N. Powder River Dr., which is immediately accessible to the parcel site.
- E. **Traffic, Access & Streets:** Access to the parcel is via Fox Avenue. If the parcel owners choose to develop the parcel after annexation, per the Development Agreement accompanying this Annexation, they will need to improve the 30' half-road of Fox Avenue and dedicate that portion of the right of way to the City of Middleton. This improvement will include roadway, curb & gutter, and 5' sidewalk. Additionally, if the parcel owner chooses to develop the parcel, they will be required to move their

approach or access further north so it is directly opposite N. Powder River Street, which is the entry to Powder River Subdivision No. 2.

- F. Annexation and Rezone:** Annexation requires primarily two things: (1) the property is contiguous to City limits and (2) sewer and water service are available for immediate hook up. Applicant's parcel meets both of these requirements. Additionally, Applicant has complied with all other documentation and requirements necessary to complete annexation and rezone.
- G. Development Agreement:** Every annexation and rezone request requires a Development Agreement ("DA"). Applicant and City Staff have used the City's form for the DA, and have added the following provisions:
- a. Applicant will hook up the existing single-family home to Middleton sewer and water prior to finalization of the annexation by the Ada County Treasurer's Office.
  - b. All existing wells shall be abandoned per Idaho Department of Water Resources regulations prior to finalization of the annexation by the Ada County Treasurer's Office.
  - c. All septic systems shall be completely removed and the area recompacted per geotechnical study and report prior to finalization of the annexation by the Ada County Treasurer's Office.
  - d. Zoning for the parcel shall be R-3.
  - e. If Applicant develops the parcel after annexation, Applicant will do the following:
    - i. Any land division will occur through the subdivision platting process, and Applicant's subdivision plat will comply with all engineering and agency requirements for final plat.
    - ii. Applicant shall improve the western 30' half-road portion of Fox Avenue the entire length of the project and dedicate the same to the City of Middleton.
    - iii. Applicant shall move the current access/approach north so that it is directly opposite N. Powder River Drive.
    - iv. Applicant shall obtain a new access/approach permit from the City of Middleton
- H. Comments Received from Surrounding Landowners:** None.
- I. Comments from Agencies:** 3/25/2021 comments from Canyon Highway District No. 4 and 3/26/2021 comments from Middleton Mill Ditch Co.
- J. Comments from City Engineer:** City engineer reviewed the annexation survey data, exhibit, and legal description and found that the documentation was correct and supported the annexation request. City Engineer comments dated 3/31/2021 are in the Planning & Zoning Commission packet.

**K. Applicant Information:** Application was received and accepted on February 19, 2021. The Applicant/Owners are Dan and Kerri LaFever – 23897 Fox Avenue, Middleton 83644 (208) 250-2598

<b>L. Notices &amp; Neighborhood Meeting:</b>	<b>Dates:</b>
Newspaper Notification	03/28/2021
Radius notification mailed to Adjacent landowners within 300'	03/26/2021
Circulation to Agencies	03/21/2021
Sign Posting property	03/26/2021
Neighborhood Meeting	01/21/2021

**M. Applicable Codes and Standards:**

Idaho State Statue 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.

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

The Planning & Zoning Commission is tasked with recommending approval or denial of the annexation/rezone application and the development agreement application. Both applications are in compliance with Middleton City Code. If the Commission is inclined to recommend approval, Planning Staff does not believe there are any conditions of approval that should be tied to the approval of the applications.

Prepared by Middleton City Planner, Robert Stewart

Dated: 4/6/2021



**STAFF REPORT**  
Middleton Planning and Zoning Department

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**Design Review - TriGuard Building  
Middleton Industrial Park #1**

- A. Planning & Zoning Meeting Date:** April 12, 2021
- B. Project Description:** TriGuard Pest Control commercial building located at 11167 Tungsten Street (Tax Parcel No. R34075103) in the Middleton Industrial Park #1 Subdivision. The building is a 2-story building and approximately 16,000 s.f.
- C. Zoning & Site Conditions:** The 2.07 acre parcel is in the Middleton Industrial Park #1, which is zoned M-1 or light industrial.
- D. Architectural Character:** MCC 1-15-8-2, requires the project material and colors to be in harmony with the townscape and surrounding neighborhood. Each building must also contain four or more of the following design elements: gable roof, stucco, brick/rock, accenting, metal siding, timberwork, or public art feature.

The Triguard building complies with the Code and contains more than four of the required building elements: modern wide ribbed metal siding, ordinary metal siding in differing color, metal wood textured corner accent in differing color, rusted metal design at entry way, metal eaves/pop-out, and multiple modulations in front façade.

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

Applicant's Design Review application complies with dimensions and standards of the Middleton City Code for M-1 Zoning. If the Design Review Committee is inclined to approve the application, City Planning Staff does not recommend any conditions of approval.

Prepared by Middleton City Planner, Robert Stewart

Dated: April 1, 2021



## STAFF REPORT

### Middleton Planning and Zoning Department

## Design Review – Intermountain Pet Hospital

- A. Planning & Zoning Meeting Date:** April 12, 2021
- B. Project Description:** Commercial building for Intermountain Pet Hospital located at 800 E. Main Street/Hwy 44 (Tax Parcel No. R3394001). The building is a single-story building with a total footprint of 4,580 s.f.
- C. Zoning & Site Conditions:** The .43 acre site is the location of the old Middleton Veterinary Hospital. The existing brick building will be torn down and replaced with the new pet hospital.

The property is zoned C-2, and the use is appropriate for that zoning. The new pet hospital building complies with all dimensional standards of the C-2 zone.

- D. Architectural Character:** MCC 1-15-8-2, requires the project material and colors to be in harmony with the townscape and surrounding neighborhood. Each building must also contain four or more of the following design elements: gable roof, stucco, brick/rock, accenting, metal siding, timberwork, or public art feature.

The Intermountain Pet building complies with the Code and contains four of the required building elements: (1) gable roof, (2) stucco, (3) stone accents, and (4) accenting involving braces, belly bands, and decorative columns.

- E. Conclusions and Recommended Conditions of Approval:**

Applicant's Design Review application complies with dimensions and standards of the Middleton City Code for C-2 Zoning. If the Planning & Zoning Commission is inclined to approve the application, City Planning Staff does not recommend any conditions of approval.

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**JOINT AGENCY WORKSHOP**  
**MIDDLETON URBAN RENEWAL AGENCY**  
**MIDDLETON CITY COUNCIL**  
**MIDDLETON PLANNING & ZONING COMMISSION**  
**APRIL 23, 2021**

Date: Friday, April 23, 2021

Time: 11:30 a.m.

Location: **City Hall Council Chambers – 1103 W Main Street**

**Informational Workshop:**

1. Joint Agency Informational Workshop to discuss Urban Renewal – Alan Dornfest, Idaho State Tax Commission.

Present as follows:

City Staff: Becky Crofts, Wendy Miles, Rachel Speer, Roberta Stewart, Jennica Reynolds  
Middleton Urban Renewal Agency: Rob Kiser, Carrie Huggins, Brett Bishop, Meghan Conrad (Elam & Burke), Cheyenne House (Elam & Burke), Jennica Reynolds (Secretary/Treasurer)  
Middleton City Council: Rob Kiser, Carrie Huggins, Tim O'Meara  
Middleton Planning & Zoning Commission: Jackie Hutchison, Kip Crofts  
Canyon County: Brian Stender, Steve Onofri  
Idaho State Tax Commission: Alan Dornfest, Archi Keeton, KathyInn Ireland.

**Information was exchanged, no decisions or action was taken.**

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Becky Crofts, City Administrator

Date:

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Jackie Hutchison, Planning & Zoning Vice Chair

Date:

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Rob Kiser, MURA Chair

Date

ATTEST:

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Jennica Reynolds, Deputy Clerk  
Minutes Approved

Date

# Middleton Planning & Zoning Commission

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



**In the Matter of the Request of Hayden Homes Idaho LLC for Annexation/Rezone, Development Agreement, Preliminary Plat and Variance involving 44 residential lots and six common lots on 14.71 acres of land located at Emmett Road (Tax Parcel #R38211012):**

## A. Findings of Fact:

1. Hearing Facts: (See Staff Report for the hearing date of April 12, 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 12, 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 12, 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 12, 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 notice of the application and public hearing were given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. 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.
6. 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.
7. 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 12, 2021, which Report is incorporated herein by reference. The Planning and Zoning Commission further finds that the requirements set forth in the conditions of approval are reasonable, and the Applicant shall comply with the requirements as a conditions of approval of the application.

**C. Decision and Order:**

Pursuant to the Planning & Zoning Commission'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 recommended that:

1. City Council approve the annexation/rezone, development agreement, and preliminary plat applications subject to the Conditions of Approval set forth in the Staff Report for the April 12, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.

Pursuant to the Planning & Zoning Commission'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:

1. Applicant's request for Variance is hereby approved with the condition that "No Parking" signage or painted curbs will be set in place at locations determined by City Engineer to be safe and appropriate.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: May \_\_\_\_\_, 2021.

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Ray Waltemate, Chairman  
Planning and Zoning Commission

Attest:

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Robert Stewart  
Planning and Zoning Department



## EXHIBIT "A"

### STAFF REVIEW AND REPORT Middleton Planning and Zoning Commission

## Bridger Creek Subdivision

### Snapshot Summary



DESCRIPTION	DETAILS
Acreage	14.71 acres
Current Zoning	County Zoning R-1
Proposed Zoning	R-3
Current Land Use	Residential
Proposed Land Use	Residential
Lots	44 residential lots and 6 common lots for total of 50 lots.
Density	2.99 units per acre
Open Space	16%
Amenities	27,350 s.f. open grassy area Block 2, Lot 1C.

- A. Planning & Zoning Commission Hearing Date:** April 12, 2021
- B. Project Description:** Residential subdivision with 44 buildable lots and 6 common lots on 14.71 acres of vacant land located at 0 Emmett Road (Tax Parcel #R38211012).
- C. Application Requests:** Applicant has four applications. The first application is an annexation and rezone application to change the zoning from County R-1 to City of Middleton R-3 zoning. Second is a Preliminary Plat application. Third application is a Development Agreement Application, and the fourth application is a variance for road turning radius.
- D. Current Zoning & Property Condition:** The property is currently located in the County and zoned R-1. The property to the South is within Middleton city limits, and it is zoned R-3. Properties to the west, north and east are located in the County and zoned Agriculture.
- E. City Services:** City water and sewer are located immediately south of the project in the West Highlands project. Sewer and water will be brought up through Roper Avenue to service all lots and will be extended west to Emmet Road to service future subdivisions. Additionally, per Engineering review and comments, Developer will extend a 12" water main in the right-of-way of Emmet Road along the frontage of the project parcel.

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

Access to the subdivision is via Willis Avenue and north through the West Highlands subdivision.

Developer should be required to improve, per City standards, the 50' half portion of Emmet Road. Staff recommends this requirement be made a condition of approval for preliminary plat.

Planning Staff is in the process of calculating Developer's pro-rata share for traffic impacts and intersection controls. Developer's payment of these pro-rata fees should be made a condition of approval for preliminary plat.

**G. Pathway, Sidewalks & Open Space:** 5' wide concrete sidewalks span the local roads throughout the subdivision. An 8' wide asphalt pathway will span along the frontage improvements to Emmett Road. Per MCC 5-4-10-4(B), Developer is required to create a traffic buffer along Emmett Road involving a combination of two of the following three items: berm, fence/wall, and landscaping.

Developer has provided 16% open space in the subdivision, which exceeds the 5% minimum required by MCC 5-4-10-10. A half acre lawn area has been provided by developer on a common lot in the center of the subdivision (L1C/B2)

**H. Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation have been provided and are approved by the City Engineer.

**I. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has reviewed the preliminary plat and approved the preliminary plat subject to compliance with District comments.

**J. Preliminary Plat Application:** The preliminary plat complies with all dimensional standards and codes of the City of Middleton except the turning radius standard which is the subject of the accompanying variance application.

**K. Annexation and Rezone:** Applicant is requesting that the entire 14.7 acre project parcel be annexed into the City of Middleton and rezoned to R-3 zoning, which permits three single family homes per gross acres. The parcel is contiguous to City limits, and City services are accessible to the parcel, which are the primary requirements for annexation. Applicant has also complied with all other documentation requirements necessary to complete the annexation and rezone of the property.

**L. Development Agreement:** Every annexation and rezone request requires a Development Agreement ("DA"). Applicant and City Staff have used the City's form for the DA, and have merely added four new provisions:

- a. Developer shall, at its own cost, improve the 50' half-road portion of Emmett Road and comply with the City comments and recommendations for final plat approval.
  - b. Developer shall pay additional pro-rata or proportionate share fees for all traffic impacts and intersection controls affected by the subdivision.
  - c. Developer shall build only single family homes, without 2<sup>nd</sup> accessory dwellings, in the R-3 zoned subdivision.
  - d. Developer may use subdivision property not used for residential purposes for common area, utility lines, storm water management or other "allowed" uses per MCC 5-4-1 Table 1.
- M. Variance:** MCC 5-4-10-2(H.2) requires local roads to have a minimum centerline radius of 125'. Applicant is seeking a 60' turning radius, which means a tighter turning radius, on two corners in the subdivision. Applicant argues that there is no adverse consequence to the tighter corner, and the benefits to the tighter corners are (1) a reduction in flag shaped and pie-shaped lots, (2) promotion of lower speeds, increasing safety, and (3) shorter roadway lengths. Finally, Applicant argues that turning radiiuses as low as 50' still meet safety and design guidelines of the International Fire Code Appendix D and AASHTO Section 3.3.6.
- City Engineer indicated that fire trucks may have difficulty negotiating the corners if the centerline radius is only 60', and the problem will be intensified when cars are parked along the road.
- N. 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.
- O. Comments Received from Surrounding Landowners:** None.
- P. Comments from Agencies:** 3/8/2021 comments from the Middleton Rural Fire District. 4/5/2021 comments from Canyon Highway District No. 4, and 4/2/2021

comments from Black Canyon Irrigation District. (Copies of the comments can be found in the Planning & Zoning Packet.)

- Q. Comments from City Engineer and Planning Staff:** Copies of City Engineer comments dated 3/19/2021 and 4/5/2021 and Planning Staff comments dated 3/16/2021 and 4/5/2021 are in the Planning & Zoning Commission packet.
- R. Applicant Information:** Application was received and accepted on February 8, 2021. The Applicant/Owner is Hayden Homes Idaho LLC, 1406 N. Main St. #109, Meridian, ID 83642 (208) 869-9785.

<b>S. Notices &amp; Neighborhood Meeting:</b>	<b>Dates:</b>
Newspaper Notification	03/28/2021
Radius notification mailed to Adjacent landowners within 300'	03/26/2021
Circulation to Agencies	03/21/2021
Sign Posting property	03/26/2021
Neighborhood Meeting	01/21/2021

**T. Applicable Codes and Standards:**

Idaho State Statue 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.

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

The Planning & Zoning Commission is tasked with considering the four separate applications for (1) Annexation/Rezone, (2) Preliminary Plat, (3) Development Agreement and (4) variance.

With respect to the variance, the Commission is tasked with rendering the final decision and order on the matter. It does not proceed to City Council. If the Commission is inclined to approve the variance application, Planning Staff does not recommend any conditions of approval.

As to the preliminary plat, annexation/rezone, and Development Agreement applications, if the Commission is inclined to recommend to City Council approval of the three applications, Planning Staff recommends that the recommendation be subject to the following 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 requirements of the Middleton Rural Fire District are to be completed and approved.
5. Applicant to construct, at its own cost, the half road of Emmett Road as shown on the preliminary plat and dedicate the 50' wide half-road to the City of Middleton.
6. Developer to pay all pro-rata traffic impact fees prior to approval of final plat.
7. If the P&Z Commission does not approve the request for 60' radius variance, then Developer shall revise the preliminary plat to meet the 125' radius required by Middleton City Code.

V. Prepared by Middleton City Planner, Robert Stewart

Dated: 4/12/2021



**In the Matter of the Request of Dan and Kerri LaFever for Annexation/Rezone and Development Agreement involving a 5.27 acre parcel with single family home located at 23897 Fox Avenue (Tax Parcel #R17932011):**

**A. Findings of Fact:**

1. Hearing Facts: (See Staff Report for the hearing date of April 12, 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 12, 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 12, 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 12, 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 notice of the application and public hearing were given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. 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.
6. That public facilities and services required by the proposed annexation will not impose expense upon the public if the attached conditions of approval are imposed.
7. 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 12, 2021, which Report is

incorporated herein by reference. The Planning and Zoning Commission further finds that the requirements set forth in the conditions of approval are reasonable, and the Applicant shall comply with the requirements as a conditions of approval of the application.

**C. Decision and Order:**

Pursuant to the Planning & Zoning Commission'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 recommended that:

1. City Council approve the annexation/rezone application and development agreement application subject to the Conditions of Approval set forth in the Staff Report for the April 12, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: May \_\_\_\_\_, 2021.

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Ray Waltemate, Chairman  
Planning and Zoning Commission

Attest:

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Robert Stewart  
Planning and Zoning Department



**EXHIBIT "A"**  
**STAFF REVIEW AND REPORT**  
Middleton Planning and Zoning Commission

## LaFever Annexation – 23897 Fox Avenue

### Snapshot Summary



DESCRIPTION	DETAILS
Acreage	5.27 acres
Current Zoning	County Zoning - Agriculture
Proposed Zoning	R-3
Current Land Use	Residential
Proposed Land Use	Residential
Lots	Single parcel being annexed

- A. Planning & Zoning Commission Hearing Date:** April 12, 2021
- B. Project Description and Application Request:** Request to annex 5.27 acre parcel with single family home into Middleton City Limits and rezone to R-3. Parcel is part of the Hawthorn Subdivision. The address is 23897 Fox Avenue, Tax Parcel No. R17932011.
- Once annexed, the parcel has a potential for future development and may be the subject of a preliminary plat with R-3 zoning, which would allow up to 15 single family homes.
- C. Current Zoning & Property Condition:** The property is currently located in the County and zoned Agriculture. The properties to the south and east are within Middleton City limits and are zoned R-3. Property to the north and west is county property zoned agriculture.
- D. City Services:** City water and sewer are located at the intersection of Fox Avenue and N. Powder River Dr., which is immediately accessible to the parcel site.
- E. Traffic, Access & Streets:** Access to the parcel is via Fox Avenue. If the parcel owners choose to develop the parcel after annexation, per the Development Agreement accompanying this Annexation, they will need to improve the 30' half-road of Fox Avenue and dedicate that portion of the right of way to the City of Middleton. This improvement will include roadway, curb & gutter, and 5' sidewalk. Additionally, if the parcel owner chooses to develop the parcel, they will be required to move their

approach or access further north so it is directly opposite N. Powder River Street, which is the entry to Powder River Subdivision No. 2.

- F. Annexation and Rezone:** Annexation requires primarily two things: (1) the property is contiguous to City limits and (2) sewer and water service are available for immediate hook up. Applicant's parcel meets both of these requirements. Additionally, Applicant has complied with all other documentation and requirements necessary to complete annexation and rezone.
- G. Development Agreement:** Every annexation and rezone request requires a Development Agreement ("DA"). Applicant and City Staff have used the City's form for the DA, and have added the following provisions:
- a. Applicant will hook up the existing single-family home to Middleton sewer and water prior to finalization of the annexation by the Ada County Treasurer's Office.
  - b. All existing wells shall be abandoned per Idaho Department of Water Resources regulations prior to finalization of the annexation by the Ada County Treasurer's Office.
  - c. All septic systems shall be completely removed and the area recompacted per geotechnical study and report prior to finalization of the annexation by the Ada County Treasurer's Office.
  - d. Zoning for the parcel shall be R-3.
  - e. If Applicant develops the parcel after annexation, Applicant will do the following:
    - i. Any land division will occur through the subdivision platting process, and Applicant's subdivision plat will comply with all engineering and agency requirements for final plat.
    - ii. Applicant shall improve the western 30' half-road portion of Fox Avenue the entire length of the project and dedicate the same to the City of Middleton.
    - iii. Applicant shall move the current access/approach north so that it is directly opposite N. Powder River Drive.
    - iv. Applicant shall obtain a new access/approach permit from the City of Middleton
- H. Comments Received from Surrounding Landowners:** None.
- I. Comments from Agencies:** 3/25/2021 comments from Canyon Highway District No. 4 and 3/26/2021 comments from Middleton Mill Ditch Co.
- J. Comments from City Engineer:** City engineer reviewed the annexation survey data, exhibit, and legal description and found that the documentation was correct and supported the annexation request. City Engineer comments dated 3/31/2021 are in the Planning & Zoning Commission packet.

**K. Applicant Information:** Application was received and accepted on February 19, 2021. The Applicant/Owners are Dan and Kerri LaFever – 23897 Fox Avenue, Middleton 83644 (208) 250-2598

<b>L. Notices &amp; Neighborhood Meeting:</b>	<b>Dates:</b>
Newspaper Notification	03/28/2021
Radius notification mailed to Adjacent landowners within 300'	03/26/2021
Circulation to Agencies	03/21/2021
Sign Posting property	03/26/2021
Neighborhood Meeting	01/21/2021

**M. Applicable Codes and Standards:**

Idaho State Statue 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.

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

The Planning & Zoning Commission is tasked with recommending approval or denial of the annexation/rezone application and the development agreement application. Both applications are in compliance with Middleton City Code. If the Commission is inclined to recommend approval, Planning Staff does not believe there are any conditions of approval that should be tied to the approval of the applications.

Prepared by Middleton City Planner, Robert Stewart

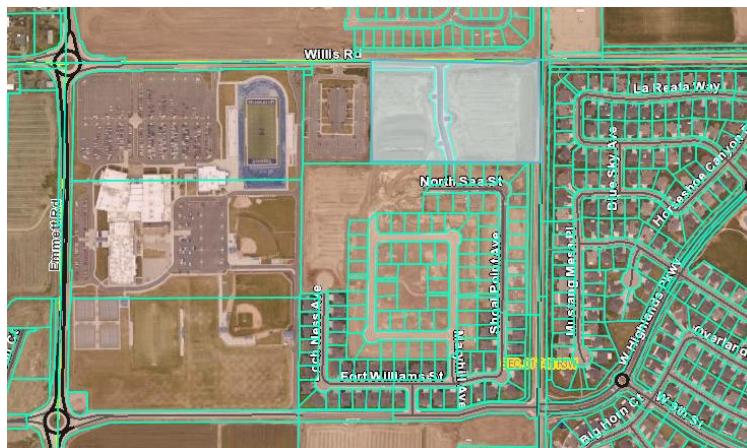
Dated: 4/6/2021



## STAFF REVIEW AND REPORT

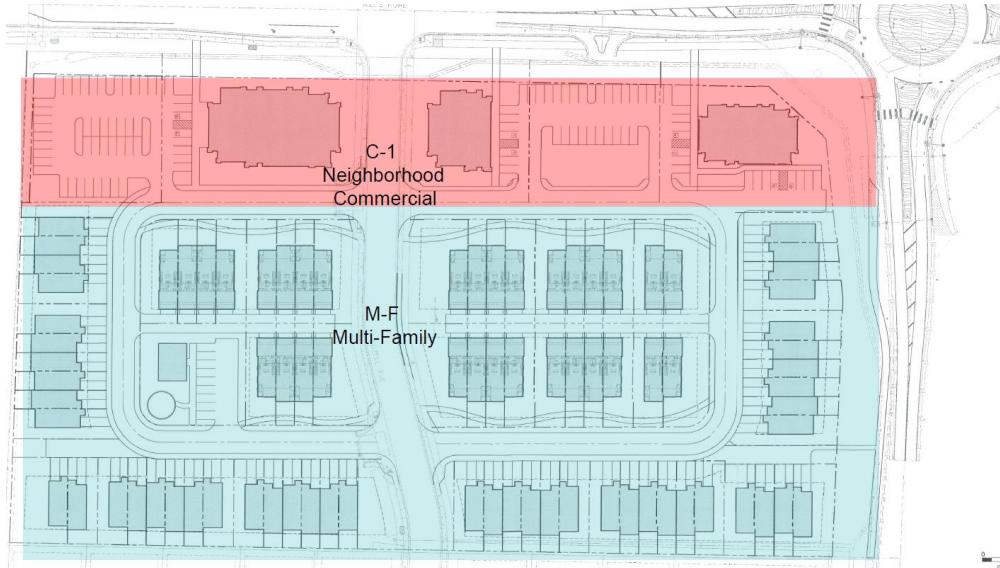
### Middleton Planning and Zoning Commission

### Stonehaven – 11 acre Commercial Parcel Rezone & Development Agreement Modification



- A. **Planning & Zoning Commission Hearing Date:** May 10, 2021
- B. **Application Request and Project Description:** Request for Rezone and Development Agreement Modification of 11 acre parcel adjacent to the Stonehaven Subdivision (Tax Parcel No. 34443013 – 0 Hartley Lane.) Applicant is requesting rezone from C-1 Neighborhood Commercial to M-F Multi-Family for 7.3 acres of the 11 acres. The remaining 3.7 acres are to remain C-1 along the frontage of Willis Road.

Applicant is also requesting a modification to the current Development Agreement to allow future preliminary plat and development of up to 84 townhomes in the M-F zone. Applicant has submitted a concept plan showing the potential future development of townhomes & commercial lots. See P&Z Packet.



- C. **History and Current Zoning:** This property was the subject of an earlier rezone application in 2012. The property was zoned r-3 at that time, and applicant requested to have the property rezoned to C-1.
- D. **Property Condition:** Since the time of the 2012 rezone to C-1, the property has remained vacant land with no commercial development. The parcel is surrounded on the north, east, and south sides by R-3 zoning and single family homes. To the west is a large church parcel.
- E. **City Services:** City water and sewer are located immediately to the south of the parcel in the Stonehaven Subdivision. City services are easily available for any future development of the parcel.
- F. **Traffic, Access & Streets:** Access to the subdivision is via Willis Avenue and also through the Stonehaven Subdivision to the south.
- G. **Development Agreement:** Every rezone request generally requires a Development Agreement (“DA”). Applicant is requesting the following provisions in the DA:
- a. 7.3 acres of the total 11 acres to be rezoned M-F Multi-Family. The remaining 3.7 acres to remain C-1 zoning.
  - b. Developer to improve the parcel as generally shown in the Concept Plan attached to the DA.
  - c. Developer shall develop a maximum of 84 townhome lots, defined in the Middleton City Code as “Single Family Attached” in the M-F zoned portion of the parcel.
  - d. Any future preliminary plat application must include a special use permit application for townhomes in compliance with MCC 5-4-1 Table 1.
  - e. Developer will be required to submit a Traffic Study at the time development improvements begin. The Traffic study will include the intersections of Willis & Hartley and Hartley & 44.
  - f. Upon development, the Developer will improve all street frontages and dedicate improved right of way to the City.
  - g. Upon development, the Developer will pay all proportionate share traffic fees as determined by the Traffic Study.
- H. **Comprehensive Plan & Land Use Map:** Applicant’s request to rezone to multi-family complies with the Comprehensive Plan Land Use Map which shows “residential use” for that area.

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

- a. *Goal 4:* The townhome project will provide a buffer between single family R-3 homes to the south and the commercial uses fronting Willis Road to the north.

- b. *Goal 5:* 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.
- c. *Goals 7 & 8:* Project will promote a strong diverse local economy by maintaining neighborhood commercial uses in the area and create a vibrant community that attracts businesses and people.

**I. Comments Received from Surrounding Landowners:** None.

**J. Comments from Agencies:** None

**K. Applicant Information:** Application was received and accepted on April 5, 2021. The Applicants are Todd Campbell & Jay Walker P.O. Box 140298, Boise ID 83714.

**L. Notices & Neighborhood Meeting: Dates:**

Newspaper Notification	04/25/2021
Radius notification mailed to Adjacent landowners within 300'	04/23/2021
Circulation to Agencies	04/23/2021
Sign Posting property	04/23/2021
Neighborhood Meeting	03/16/2021

**M. Applicable Codes and Standards:**

Idaho State Statue Title 67, Chapter 65  
Middleton City Code 1-14, 1-15, 5-1, 5-2, and 5-4.

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

The Planning & Zoning Commission is tasked with considering whether the applications for rezone and development agreement comply with the Middleton Comprehensive Plan and whether approval of the applications will adversely affect the surrounding area.

If the Commission is inclined to recommend to City Council approval of the two applications, Planning Staff does not recommend any conditions of approval because any provisions that are necessary for future development are contained in the DA and/or handled by City Codes and Standards.