
**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
MARCH 8, 2021**

The March 8, 2021 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:31 p.m.

1. Call to Order - Pledge of Allegiance

Roll Call: Chairman Ray Waltemate, and Commissioners Janet Gregory, and Bill Deaver and Whitney Springston were present. Vice Chair Jackie Hutchison was absent.

2. Information Items: None

3. Action Items

A. Consent Agenda

- 1. Consider approving February 8, 2021 regular meeting minutes.**

Chairman Waltemate called the agenda items and asked if any of the commissioners saw anything that needed changed in the minutes?

Motion: Motion by Commissioner Gregory to approve the February 8, 2021 minutes as written. Motion seconded by Commissioner Deaver and approved unanimously.

B. Public Hearing: An application from Drake Investments, LLC for preliminary plat, development agreement modification and comprehensive plan map amendment for approval of the River Pointe Subdivision. The proposed preliminary plat consists of Mixed Use (M-U) development of 188 commercial, residential, and common lots on approximately 75 acres of vacant land. The address of the project is 10481 Highway 44 and 0 Highway 44, (south of Highway 44), parcel numbers R33920 and R3392001.

City Planner, Roberta Stewart said this application is not ready for public hearing yet. The public hearing needs to be abandoned and re-noticed at a later date.

C. Public Hearing: An application by Debbie Hundoble/Hundoble Family Trust for preliminary plat and variance with respect to the Piccadilly Square Subdivision. The preliminary plat consists of five residential lots zoned R-3 on 1.77 acres of vacant land located at 0 Cemetery Road (Tax Parcel #R1791101). The variance is requesting exemption from the 5% Open Space requirement set forth in MCC 5-4-4-10.

Chairman Waltemate called the item and opened the public hearing at 5:33 p.m.

City Planner Roberta Stewart read the staff report (see attached Exhibit 1)

Applicant: Debbie Hundoble: 10043 Riverbend Place, Middleton. Last year she attempted to rezone this property for high density that was recommended by the City Planning Commission. That application was denied so they had to go back to the drawing board. They are doing this application per the cities requests which is R-3 zoning. They have 5 lots/homesites on the 1.77 acres. Initially they were planning on doing a private road into the community. The City just recently requested that they provide a half city street for future

development, they are in agreement with that.

Commissioner Springston: Is this the project that was initially planned to be town homes?
Yes.

Commissioner Waltemate: Was there any resolution with the property owners as far as the private drive was concerned?

Applicant: The property owners have not said anything. They did show up to the neighborhood meeting. The neighbors that came were concerned that it is all single-family homes and only 5 single family homes.

Commissioner Springston: There were concerns about the road coming up against the primary neighbor's house (the home on Cemetery Road) because there is an unobstructed view into the back yard.

Applicant: You can see more into their backyard; you see into their entire property including her home on Cemetery Road where there is a chain-link type fence. On our property, we will put a new fence all the way down, they will have more privacy there than they currently have on the other side of Cemetery. At the last meeting with City Council the neighbor did agree that if it was single family homes, they would not object.

Commissioner Deaver: The road will be 25ft and that includes the sidewalk. He remembers concern about children walking down that road and safety and traffic going onto Cemetery Road.

Applicant: That was a concern when they were applying for the higher density because of the amount of people there versus this is just 5 homes. These are beautiful lots over 14,000-15,000 square feet so they will accommodate a nice home and it will improve the area for sure. But as far as accessibility for that small of a community it shouldn't be a problem.

Chairman Waltemate opened the public comment portion at 5:48 p.m.

No public comment

Chairman Waltemate closed the public comment portion at 5:49 p.m.

Discussion by Commission:

Deaver: A bit of a concern about people walking home on the private road without a sidewalk.

Staff-Stewart: There has to be a sidewalk, it is required by the code. Just like Cemetery Road has a sidewalk. This is identical.

Springston: Again, we are not talking about high impact, high density housing. She appreciates the additional road for future development. That area needs that.

Waltemate: He remembers extensive conversation at the last meeting with opposition to townhomes, condos or apartments. Everyone seemed to be in agreement at the last meeting that was held, if it was single-family homes that matched the infrastructure, that contour, the feel of the existing neighborhood around it, they would be more comfortable with it.

Springston: She recalls concerns about accessibility for fire trucks, those seem to have all been addressed as well. The thing that jumped out to her in the staff report is that no one

property owner has any advantage over another, and that seems to be addressed as well. She does think the staff reports recommendations as far as conditional approval are spot on.

Deaver: Concerning the 5% open space, he finds it difficult to find where you would put that 5% that would be a useful 5%. The fact that Piccadilly Park is so close he is inclined to approve the variance.

Waltemate: Regarding the variance his flexibility comes from the fact that this is an infill project. That is something in Middleton we need more of. If it is a new construction guy it is a no go. The additional street and added access improve conditions in that area for in and out traffic and going to improve the opportunity or local law enforcement, fire department and emergency vehicles.

Springston: Generally opposed to large areas that are not supervised and have lots of trees and darkness, just because of the possible mischief. It is nice to see it being put to a very beautiful and practical use.

Waltemate: Looking today and what they have talked about after the public meeting. obviously with the last application the community surrounding had problems and they showed up in force to express that opinion. If the community surrounding had any problems with this application, they would have shown up in the exact same way.

Motion: Motion by Commissioner Springston to recommend approval to City Council the application by Debbie Hundoble/Hundoble Family Trust for preliminary plat and variance with respect to the Piccadilly Square Subdivision. The preliminary plat consists of five residential lots zoned R-3 on 1.77 acres of vacant land located at 0 Cemetery Road (Tax Parcel #R1791101). The variance is requesting exemption from the 5% Open Space requirement set forth in MCC 5-4-4-10, with the conditions set forth by the staff report. Motion seconded by Commissioner Gregory and approved unanimously.

Chairman Waltemate closed the public hearing at 5:55 p.m.

D. Public Meeting: An application by Feast Properties, LLC for Design Review of a new Jack in the Box restaurant with drive through to be located at 704 and 712 W. Main Street on lots zoned C-2 with total acreage of .72 acres (Tax Parcel Nos. R1790100 and R1790101).

Chairman Waltemate called the item.

City Planner Roberta Stewart read the Design Review Staff Report (see attached, Exhibit 2)

Commissioners Comments:

Concern is that we are adding to traffic on Cemetery Rd, that already has problems getting out on the highway. Traffic engineers will have to come up with a plan. There is always a lot of foot traffic.

This is a weird spot for a Jack in the Box?

Concerned about lights with the drive through.

What are they doing for security?

Planner Stewart: It is a weird spot today. But in the future this corridor will all be commercial. Jack in the Box is just ahead of the game. There is traffic light planned for the intersection at Cemetery and SH44.

Applicant: Jason Smith: O&D 210 N 6th Street, Boise, ID. He is the architect on the project. He does not know about the site selection. But the applicant felt this was a good spot and "ahead of the game". He described the intent for site circulation. Typical timeline is 120 days from the time dirt is turned. The drive through will be open 24 hours, the dining room will not. There will be signage on the building and monument signage, whatever is approved by code. There is always someone on site. And the delivery truck and trailer will most likely come during off hours.

Applicant: Landscape Architect Alysa Hansen: KM Engineering 9233 W. State Street, Boise ID. She has not looked at the grading yet but thinks they could create a short berm with some taller evergreen shrubs that would still keep the drive through visible and provide the screening needed. They are willing to address that concern and create a solution to mitigate it.

Chairman Waltemate asked for Resident Mike Graefe opinion. He was the only resident of Middleton present at the meeting.

Mike Graefe: 1889 Ridgeway, Middleton, ID. He asked if the detention pond will meet the code requirements.

Stewart: Yes.

Mike: As far as the traffic is concerned, we are trying to get more commercial to come here. If we want commercial there will be a tradeoff, not safety wise but we will have to make some concessions.

Discussion by Commission:

This provides a good opportunity to employ our youth. The building is lovely, and they have addressed all the concerns. They would like to see/approve the landscape plan before it goes in. If traffic engineering is going to address the traffic, they are fine with it. This does fit well with the City future plan in that the city is working to bring in more commercial business, and to create the commercial corridor.

Motion: Motion by Commissioner Gregory to approve the application by Feast Properties, LLC for Design Review of a new Jack in the Box restaurant with drive through to be located at 704 and 712 W. Main Street on lots zoned C-2 with total acreage of .72 acres (Tax Parcel Nos. R1790100 and R1790101) following all conditions of approval from City Staff. Motion seconded by Commissioner Springston and approved unanimously.

Public/Commission/Staff Comments:

Mike Graefe: It has been a year since he has been to Planning and Zoning meeting. Mike thinks overall this is a good deal. There have to be concessions and synergy created so that the city and applicants can work together. This is a good example of how it is supposed to work.

Adjourn: Chairman Waltemate adjourned the meeting at 6:29 p.m.

ATTEST:

Jennica Reynolds
Jennica Reynolds, Deputy Clerk
Approved: April 12, 2021

Ray Waltemate
Ray Waltemate, Chairman





STAFF REPORT
Middleton Planning and Zoning Department

Piccadilly Square Subdivision

Snapshot Summary

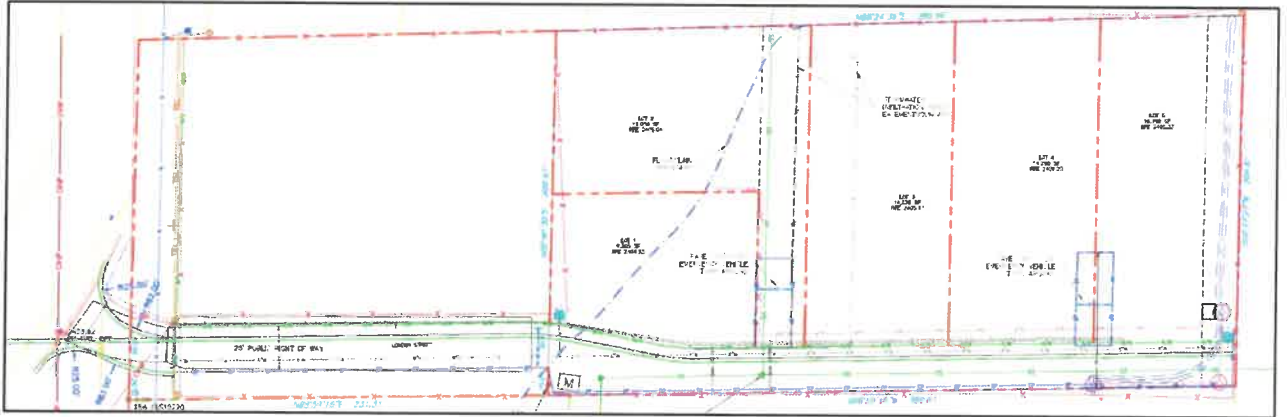
Acreage	1.77 acres
Current Zoning	R-3
Proposed Zoning	to remain the same
Current Land Use	Residential
Proposed Land Use	Residential
Lots	5 lots ranging in size from 9,200 sf to 15,000 sf. No common lots
Density	2.75 units per acre
Open Space	0% - Variance requested
Amenities	None

- A. **Planning & Zoning Hearing Date:** March 8, 2021
- B. **Project Description:** Residential subdivision with five lots on 1.77 acres of vacant land located at 0 Cemetery Road (Tax Parcel #R1791101). The lot is currently part of the Hawthorn Subdivision, and Applicant is requesting a re-subdivision of the single Hawthorn Subdivision lot. See project vicinity below.



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

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



The second application is a variance application to request an exemption from the 5% Open Space requirement for all subdivisions.

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

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

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

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

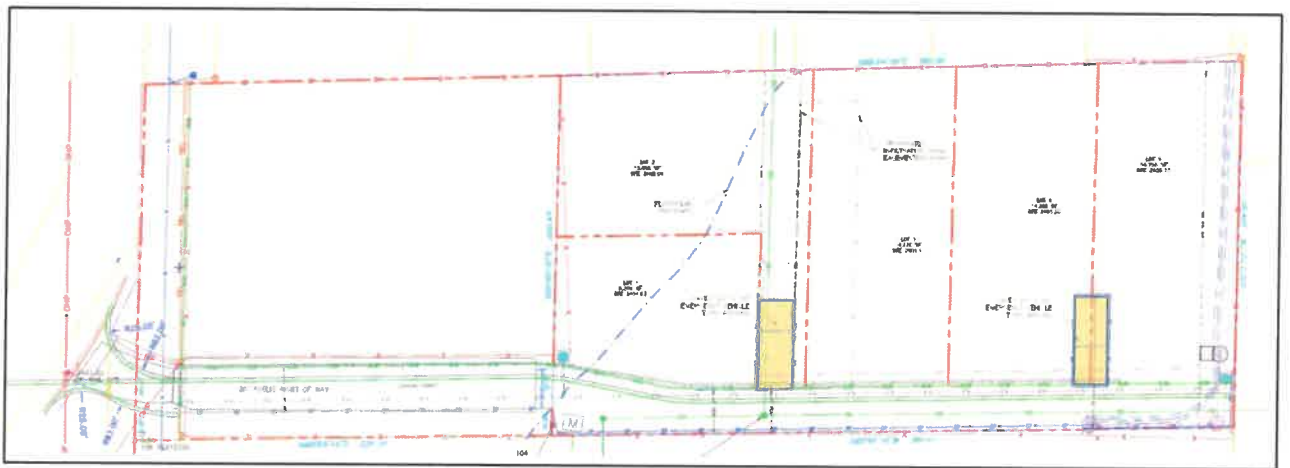
- G. **Traffic, Access & Streets:**

Access to the Project site is via a 30' wide cross-access easement that runs from Cemetery Road across another Hawthorn Subdivision lot to the Project parcel. The easement is ample size to fit a 25' wide local half-road that Middleton requires for access and circulation. Applicant's proposed preliminary plat shows the local $\frac{1}{2}$ road, but Applicant will also be required to pave all portions of the 30' wide easement to avoid an unsightly strip of unkempt landscape.

Applicant will also dedicate the 30' right of way to the City, making it a public road. The other half of the 50' local road may be completed in the future if the property to the south is redeveloped for commercial use or other high density use. In other words, the local road in Piccadilly Square will help provide future north/south access for any future development to the south. See concept below.



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



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

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

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

Variance Request & Open Space: MCC 5-4-10-10 requires all subdivisions to provide 5% Open Space, which is defined in the code as "irrigated and landscaped area." Applicant is asking for a variance from this requirement and requesting the Planning & Zoning Commission to exempt the project from this code section.

In order for the Planning & Zoning Commission to approve the Variance request, the Commission must find the following: (1) the site characteristics make it difficult to apply the specific code section in issue, (2) the approval of the variance will not confer special privilege on one landowner but not on another landowner in like circumstances, and (3) the approval of the variance will not cause undue hardship to surrounding landowners.

Applicant makes the Variance request based upon the fact that the project is essentially an in-fill project with a difficult layout. The project is also small, only 1.77 acres, which results in a small unusable gathering space if the 5% minimum is adhered to. Additionally, the project is very close to Piccadilly Park, so residents will be within easy walking distance of the beautiful open space at Piccadilly Park. Finally, to mitigate for the lack of Open Space, Applicant has paid a mitigation fee of \$848.48 to the Greater Middleton Parks & Recreation District. This fee was derived from multiplying the square footage of the project per the square footage fee of the current Middleton Parks Impact Fee.

City Planning Staff would like to note that City Staff has been considering introducing an amendment to the City Code eliminating the 5% Open Space requirement for both industrial subdivisions and small residential subdivisions (3 acres or less). 5% Open Space is very necessary for large residential subdivisions but may not make as much sense when very small subdivisions or industrial complexes are involved. (Example is Variance on 5% Open Space recently approved for the Middleton Industrial Park #2.) In light of that, Applicant's current request may very well comply with future City Code if such an amendment is ultimately approved by City Council.

- I. **Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation are provided outside the dedicated right of way. The HOA will be solely responsible for maintaining both.
- J. **Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has reviewed and approved the initial preliminary plat submitted,

but is still in the process of reviewing the version of the preliminary plat currently under consideration. See Fire District comments in the City Council Packet.

- K. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which matches the residential use planned for the site.

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

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

- L. Comments Received from Surrounding Landowners:** None.

- M. Comments from Agencies:** 1/29/2021 comments from the Middleton Rural Fire District. (Copies of the comments can be found in the Planning & Zoning Packet.)

- N. Comments from City Engineer, Planning Staff & Floodplain Administrator:** Copies of City Engineer comments dated 2/17/2021, Planning Staff comments dated 2/18/2021, and Floodplain Administrator's comments dated 3/1/2021 are in the Planning & Zoning Commission packet.

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

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|---|---------------------------|
| P. Notices & Neighborhood Meeting: | Dates: |
| Newspaper Notification | 02/21/2021 |
| Radius notification mailed to Adjacent landowners within 300' | 02/19/2021 |
| Circulation to Agencies | 02/19/2021 |
| Sign Posting property | 02/19/2021 |
| Neighborhood Meeting | 01/04/2021 and 01/05/2021 |

Q. Applicable Codes and Standards:

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

R. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the Variance and rendering a final order with respect to that request. The Commission must decide whether Applicant should be exempted from the 5% Open Space requirement.

The Commission is also tasked with recommending to City Council either denial or approval of the proposed preliminary plat. If the Planning & Zoning Commission is inclined to recommend to City Council approval of the preliminary plat, City Planning Staff recommends that the following Conditions of Approval be made a part of that recommendation:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All Floodplain Administrator review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Applicant to add a note to the preliminary plat that setbacks next to the private lanes are to be measured from edge of pavement of the private lane.
7. Applicant to construct, at its own cost, the half road shown on the preliminary plat and dedicate the 30' wide right-of-way to the City of Middleton.
8. Applicant to dedicate a cross access easement for public access to the two private lanes shown on the preliminary plat.



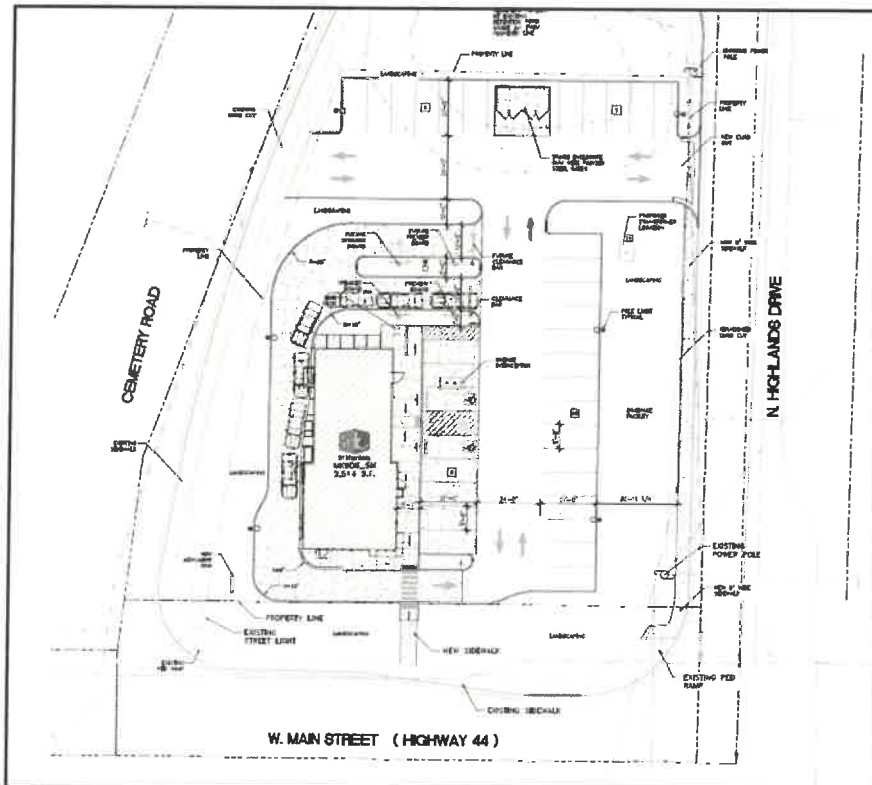
STAFF REPORT
Middleton Planning and Zoning Department

Design Review Application- Jack in the Box

- A. **Project Description:** Design Review Application by Feast Properties LLC to build a Jack in the Box restaurant with drive through on a .72 acre vacant lot located at 712 W. Main Street in the Hawthorn Subdivision (Tax Parcels #R1790101 and 1790100).



- B. **Project Description:** The Jack in the Box restaurant contains a drive thru on the west side of the building. The main entrances are on the east and south side of the building. Traffic will access the building via Cemetery Road and N. Highlands Drive. Drive through has a queue capacity of 7 cars. A second queue may be added in the future allowing 3 to 4 more cars to access the drive through.



- C. Zoning & Site Conditions:** The zoning for the parcel is currently C-2 or “light commercial”. A restaurant is an allowable use in the C-2 zone. The property directly to the east of the parcel is also zoned C-2 and it contains a memory care convalescent home. Property directly to the north is C-2, and the land is vacant. Property to the east is zoned R-3 and contains single family homes. However, it is possible that the property to the east will be rezoned commercial in the future as Middleton continues to grow its commercial base.

The Jack in the Box restaurant meets all the zoning standards and City standards required for the C-2 zone.

- D. Architectural Character:** MCC 1-15-8-2, requires the project design to be in harmony with the townscape and surrounding neighborhood. Building character must also be clearly defined by use of sloped roofs, parapets, cornices, or other architectural features. The building must also include at least four of the following elements: stucco, brick/rock, accent features, metal siding, timberwork, public art feature, or gable roof.

The Jack in the Box building contains four of the required building elements: stucco (3 different colors), wood grain tile, metal trim, and multiple architectural features including accent eaves and numerous modulations in the façade.

- E. Parking & Sidewalks:** Parking required for the site is 26 stalls, and 26 stalls have been provided. Existing sidewalks are located on the west side and south side of the building. New 5’ sidewalk will be installed to the east along No. Highland Drive.
- F. Utilities:** Sanitary Sewer is available and will be pulled from Cemetery Road. Water will be pulled from No. Highlands Drive.
- G. Lighting:** Applicant provided a photometric plan. It showed very minimal light spillage across the property boundary, and the spillage is within tolerable limits per City Engineer. Additionally, all lighting is shielded downward per City Code.
- H. Landscaping:** Applicant’s landscaping plan met all standards required by City Code.
- I. Applicable Codes and Standards:** Applicable standards are set forth on the screen.

MCC 1-15, 5-1, and 5-4.

- J. 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 recommends that the following Condition of Approval be made a part of the approval:

1. If light from vehicle headlights creates a problem for surrounding residents, Jack in the Box will work with Middleton Staff to create appropriate shielding via landscape or other screening methods.

Prepared by Middleton City Planner, Robert Stewart

Dated: March 3, 2021



3B) Drake Investments, LLC - PP and DA

March 8, 2021 - Planning & Zoning Public Hearing

Please check

Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
Alyssa Yeasell	9235 WEST STATE ROAD, MO	XXXXXXXXXX				
Mikki GARNETT	1889 RIDGEWAY	208-521-6227		a		
	Application Abandoned.					

