

AGENDA

Middleton Planning and Zoning Commission Meeting

Date: Monday, March 11, 2019

Time: 7:00 p.m.

Location: 6 N. Dewey Ave., Middleton ID

- 1. Call To Order Pledge of Allegiance
- Roll Call
- 3. Information Items:
- 4. Action Items
 - A. Consider approving minutes of the February 11, 2019 Regular Meeting and the February 28, 2019 Special Meeting.
 - B. **Public Hearing:** Consider approving a request by James Christopherson for a special use permit to except from Middleton City Code 5-2-3: front setback from 25 feet to 19 feet. The subject property is located at 515 Duke Ave., Middleton, ID.
 - C. Consider approving a special meeting, at 7:00 p.m. on March 25, 2019 at 6 N. Dewey in the public meeting room for approval of the preliminary plat for Crossings at Meadow Park Subdivision No. 2 and No. 3.
 - D. Commission discussion about any subject.

Public Comments

Commission/Staff Comments

7. Adjourn

Posted by:

Dawn Dalton, Deputy Clerk

Date:

March 8, 2019 at 3:30 p.m.

MIDDLETON CITY PLANNING AND ZONING COMMISSION MINUTES FEBRUARY 11, 2019

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

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

Action Items

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

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

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

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

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

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

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

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

D. Public Hearing: Consider approving a request by Joshua Connell for a special use permit to except certain real property from Middleton City Code 5-2-3: side setbacks from 10 feet to 5 feet on both sides. The subject property is located at 519 Fairhaven Street, Middleton, Idaho. Chairwoman Gregory called the agenda item and declared the public meeting open. City Planning and Zoning Official Randall Falkner provided an Administrative Review.

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

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

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

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

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

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

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

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

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

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

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

Chairwoman Gregory closed the public comment portion of the hearing.

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

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

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

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

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

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

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

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

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

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

G. Commission discussion about any subject. none Public Comments, Commission/Staff Comments: none. Adjourn Chairwoman Gregory adjourned the meeting at 9:10 p.m. ATTEST: Janet Gregory, Chairwoman

Randall Falkner, Planning and Zoning Official

Approved: March 11, 2019

MIDDLETON PLANNING AND ZONING SPECIAL MEETING FEBRUARY 28, 2019

The Middleton Planning and Zoning Commission Special meeting on February 28, 2019 was called-to-order at 7:00 p.m. by Chairwoman Janet Gregory. Commission Members Ray Waltemate, Kent Brough, Whitney Springston, and Chairwoman Janet Gregory were present. Commissioner Jackie Hutchison was absent.

The Middleton City Council Special meeting on February 28, 2019 was called-to-order at 7:00 p.m. by Mayor Darin Taylor. Council Members Carrie Huggins, Jeff Garner, and Beverly Furner were present. Council President Rob Kiser was absent.

Information Items:

The following individuals described the city-infrastructure design projects they are working on, including their name and company, the project name, scope, schedule, cost, deliverable, and any images they wanted to show.

Hwy 44/Hartley Ln. roundabout (RAB) Joel Grounds, Precision Engineering Hartley Ln. wastewater mainline Amy Woodruff, Civil Dynamics S Cemetery Road and bridge Bryan Foote, Horrocks Engineers Piccadilly Park restroom/play equip Jim Gordon, City of Middleton Wastewater master plan Larry Rupp, Keller Associates IPDES permitting, pilot projects, water quality, natural treatment Jack Harrison, HyQual PA Crane Creek Park tree plan Kent Brough, Landscape Design Services Water mainline Duff-Kingsbury Bryan Foote, Horrocks Engineers Water mainline Boise River bore Ron Manning, SPF Water Engineering Pat Colwell, T-O Engineering Middleton Rd alignment/RAB Joel Grounds, Precision Engineering River Park flood model Karl Gebhardt, Resources Systems Inc. Adjourn: Mayor Taylor and Chairwoman Gregory adjourned the meeting at 8:58 p.m. ATTEST: Janet Gregory, Chairman

Dawn M. Dalton, Deputy Clerk Minutes Approved: March 11, 2019



ADMINISTRATIVE REVIEW AND REPORT

Planning and Zoning Commission

A request by James Christopherson for a special use permit to except from Middleton City Code 5-2-3: front setback from 25 feet to 19 feet. The subject property is located at 515 Duke Ave., Middleton, Idaho.

Applicant:

James Christopherson

515 Duke Ave. Middleton, ID 83644

 APPLICATION: The application was accepted by the City on February 14, 2019.

2. NOTICE OF PUBLIC HEARING:

Published notice Idaho Press Tribune:

Letters to 300' Property Owners:

February 20, 2019 February 15, 2019

Letters to Agencies:

February 15, 2019

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Property Posted:

March 4?, 2019

3. APPLICABLE CODES AND STANDARDS:

Idaho Code Title 67-6512(f) and 67-6512 Middleton City Code (MCC) 1-14-1, 2, 4; 1-15-2 and; 5-4-1 Table 2

4. PLANNING AND ZONING OFFICIAL REVIEW COMMENTS:

The applicant is requesting a special use permit to except from the 25-foot front setback requirement in R-4T zoning. The request is to have a 19-foot front setback so the applicant can build a garage.

The applicant is requesting a six (6) foot front setback reduction because his property line tapers significantly to the northwest (see attachment), as do the rest of the properties along Duke Avenue, so the north side of the properties are much closer to the property line than the south side. The applicants' property is 92 feet wide, but only 67 feet long at the shortest point (the north side). However, the existing home is located on the south side of the property, so a garage cannot be placed on that side. As a result, there is no other place to put the garage, except for on the north side of house (as proposed by the applicant). The front of the proposed garage will be even with the existing house and will not look out of place (see attachment).

Adding a garage increases the property value of the lot and the neighborhood, and will not negatively affect any other neighbors. According to the applicant, the neighbor to the north is not opposed to the request.

A neighborhood meeting was held on February 9, 2019 at the subject site. The applicant states that all neighbors that attended were in favor of the request and said it would be a great improvement for the neighborhood.

Written Agency Responses to Date: No agency responses received.

Written Property Owners Responses to Date: No responses received.

CONCLUSION

The request for a special use permit to except from Middleton City Code 5-2-3: front setback from 25 feet to 19 feet will not cause injury, damage or hardship to another person or property.

Reviewed and Reported by Randall Falkner February 22, 2019



CITY OF MIDDLETON

P O Box 487 1103 W MAIN ST, MIDDLETON, ID 83644 208-585-3133, Fax: 208-585-9601 WWW.MIDDLETON.ID.GOV

FEB 1 4 2019 ms

Planning and Zoning Department

Application Rev: 12/13/2018

Fee Paid: \$ _

Application Accepted by: _

	Date Application Ac	cepted: 2/14/14
Applicant:		
Name 515 Duke Ave M.	208515 1419 Phone	Email Line 1500 Hotman , Com
515 Duke Ave M.	Illeton Id	83644 Zip
Mailing Address	City, State	Zip
Representative:		
Name	Phone	Email
Mailing Address	City, State	Zip Code
PUBLIC HEARINGS ** Annexation and Zoning Rezone Vacate Right-of-Way	C MEETINGS * PUBLIC Preliminary Plat Construction Plans Final Plat	C HEARINGS ** Special Use Permit Development Agreement Variance
Comprehensive Plan Map or Text A		Ordinance Amendment
 Public Meetings: individuals have a ri ** Public Hearings: a neighborhood meetindividuals have a right to participation 	ting is required before filing a	an application, and
Site Information:		
Site Address: 515 Duke A	VeTotal	Acres:
Assessor's Tax Parcel No(s):	18203	
Crossroads: Duke Ave	Near 6th st	
Existing Zoning:	Proposed Zoning:	
Floodplain Zone:	Hillside (grades exceeding 1	.0%): <u>N</u> A
Applicant's Printed Name Da PLANNING AND ZONING APPLICATION PAGE 1 of 2	Applicant's Si	gnature gnature



CITY OF MIDDLETON

PO Box 487 1103 W MAIN ST, MIDDLETON, ID 83644

208-585-3133, FAX: 208-585-9601 WWW.MIDDLETON.ID.GOV

Planning and Zoning Department

Application

	Rev: 12/13/2018
7	,,,

Fee Paid: \$ _ Application Accepted by:

Date Application Accepted:

Checklist - A complete Planning and Zoning Application must include the following.
Application Form
Application Fee (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee Applicant Initial
Vicinity Map: attach an 8 ½" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.
Narrative: describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.
Applicable Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only) Design review materials and information (design review application only) Proposed preliminary plat, drainage calculations, traffic impact study Proposed construction drawings (construction plans application only) Proposed final plat (for final plat application only) Proposed development agreement Worksheet (for special use permit or variance only)
Proof of Ownership or Owner's Consent: attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.
Property Boundary Description including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.
Neighborhood Meeting: If applicable, attach original sign-up sheet.
Mailing Labels: Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.
Complete Application (Chr. use only shock box and initial if Application is complete)



WWW.MIDDLETON.ID.GOV

Planning Department Conditional Use Permit Checklist Rev: 09/13/2017

James E Christopherson Property Owner(s): Please answer the following questions: Crossroads: 3. Future Land Use Designation: Surrounding Land Uses:__ If approved, what is the expected effect on roadways and traffic? 6. Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc.? NOM 8 If applicable: Days and hours of operation:_____ Number of employees (full-time): // A (part-time):_ (living off-site): Location of deliveries:____ Frequency of deliveries:

Commission Evaluation: A public hearing will be scheduled before the Planning and Zoning Commission, which will review the application, receive verbal and written comments, and make a final decision based on the standards identified in Middleton City Code 5-3-4 and other applicable code sections.

How will the proposed use be harmonious with the goals, objectives, and strategies in the Comprehensive Plan?

Will the proposed use be served adequately by essential public facilities and services (pathways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools or will the proposed use create excessive additional requirements at public cost for public facilities and services?

Will the proposed use be injurious to others by involving activities, processes, materials, equipment or conditions of operation that will be hazardous, or a nuisance to a person, or to existing or future neighboring uses? Nuisance means excessive traffic, vibration, noise, dust, fumes, glare, or odors or other similar nuisances.



CITY OF MIDDLETON

Conditional Use Permit Checklist Rev: 09/13/2017

Planning Department

P O Box 487 Avenue, Middleton, ID 83644 208-585-3133, Fax: 208-585-9601

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Conditions of Approval: When approving a conditional use permit, conditions may be attached to:

- · Minimize impact on other development;
- · Control sequence and timing;
- · Establish duration of the use:
- · Assure the development is maintained properly;
- · Designate the location and nature of development, including signs;
- · Require the provision for on-site or off-site public facilities or services;
- · Require more restrictive standards than those generally required in ordinance;
- Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit; and
- Require mitigation of effects of the proposed use upon service delivery by any political subdivision of the State of Idaho providing services within the planning area (Middleton's area of city impact).

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Code requires a 25 Foot Front setback
in the R-4+ Zone- I would like to
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neighborhood meeting was held on Feb. 9, 2019,
all neighborhood were in favor and said
id will be a great improvement-

Jams & Chi



610 S. Kimball Avenue Caldwell, ID 83605

August 24, 2018

James E. Christopherson 515 Duke Ave. Middleton, ID 83644

File No. 659611

Property Address: 515 Duke Avenue, Middleton, ID 83644

The closing of the above-noted property has now been completed. Enclosed for your records is the original recorded deed together with your final title policy.

We appreciate having had the opportunity to be of service to you. If you have questions please contact the Title Officer listed below.

Sincerely,

Jennifer Tyree, Title Officer Ph: (208) 455-7346 Email: jtyree@pioneertitleco.com

Enclosures



610 S. Kimball Avenue Caldwell, ID 83605

ELECTRONICALLY RECORDED-DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT

File No. 659611 TK/JT

: 1 1

2018-035738

RECORDED

08/13/2018 12:02 PM

CHRIS YAMAMOTO CANYON COUNTY RECORDER

Pgs=1 PBRIDGES

84E 00

TYPE: DEED

PIONEER TITLE CANYON - CALDWELL ELECTRONICALLY RECORDED

WARRANTY DEED

For Value Received David Freeman and Cynthia M. Freeman, husband and wife as community property with rights of survivorship

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

James E. Christopherson, a single man

hereinafter	referred	to	as	Grantee.	whose	current 836	address	is
The following	described pre	emises, to	-wit:				•	

Lot 7, Block 2, Middleton Mobile Home Estates, according to the plat thereof, filed in Book 8 of Plats at page(s) 37, records of Canyon County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: August 10, 2018

Dayid Freeman

Cynthia M. Freeman

State of Idaho, County of Canyon

This record was acknowledged before me on 8/13/18 by David Freeman and Cynthia M. Freeman

Signature of notary public Commission Expires:

> RESIDING IN CALDWELL, IDAHO MY COMMISSION EXPIRES 10/26/2022





610 S. Kimball Avenue Caldwell, ID 83605

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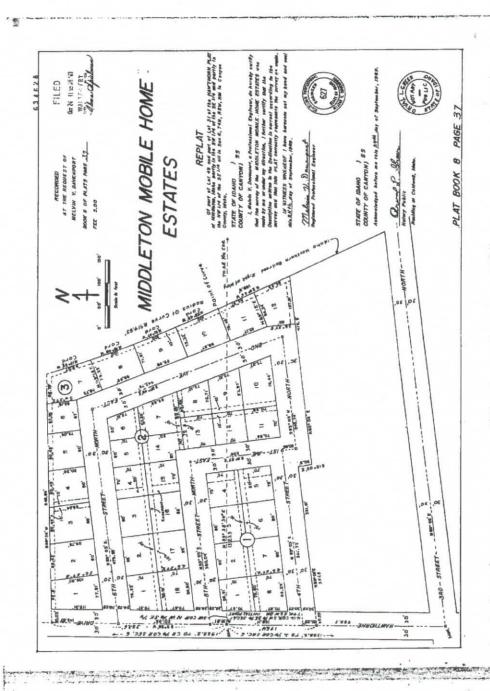
File No. 659611 TK/JT

WARRANTY DEED

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

		James E. (Christopherson,	a single man			
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RESIDING IN CALDWELL, IDAHO MY COMMISSION EXPIRES 10/26/2022



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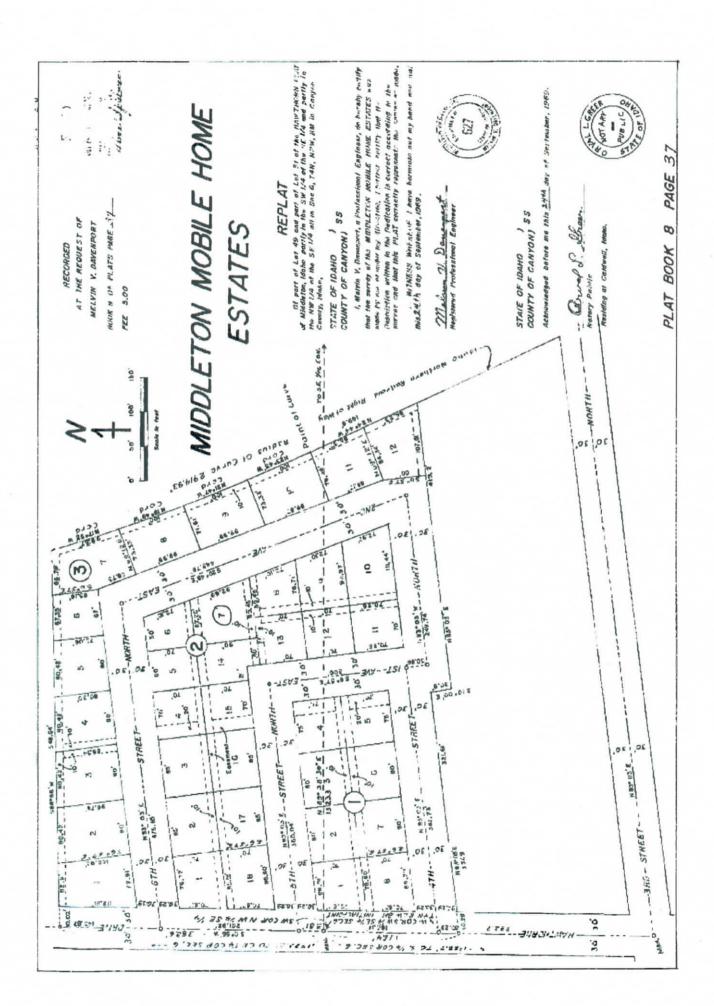
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PROPERTY LISTING DISCLADUCK

This is formation should be used for informational use only and does not constitute a larged decrement for the description of these properties. Every effect has been made to insure the necessary of decrement of these data is a majed to industry whiteen such passware, the America's Office mirrors as Mailly nor do we haply my pertituite level of security. The Canyon Crossy, America's Office decidents are responsibility or that halfly for any dased or industry at halfly for any dased or industry of these property Ballags.

Neighbors Attending

PUBLIC NOTICE

To my Neighbors:

My name is James Christopherson and am located at 515 Duke Avenue, Lot 7 Block 2 which is located in Middleton Mobil Home Estates, in Middleton, Idaho.

I have taken plans to the city of Middleton for adding a single car garage to my Mobil Home. The plan requires a special use permit. Middleton city code 1-14-1 requires a meeting for on-site review by concerned neighbors before the process can proceed.

The neighborhood meeting will be held on Saturday, February 9, 2019 at 1:00 PM at 515 Duke Avenue, Middleton.

Questions and comments will then be heard at the city of Middleton Planning and Zoning commission on March 11, 2019 meeting.

This meeting is open to the public so anyone can attend to express their concerns.

Thanks for you time on this matter and I am looking forward seeing you on Saturday, February 9, 2019.

Respectfully Submitted Salvatore + Josh Lauria 2-4-19

Kobyn Payne 420 Duke 2/9/19

Lim Christopherson Charg Swanson 2.9-19

2-9-19

Nicol Faille 2-9-19

Reggy Mulle 29-19

PUBLIC NOTICE



To my Neighbors:

My name is James Christopherson and am located at 515 Duke Avenue, Lot 7 Block 2 which is located in Middleton Mobil Home Estates, in Middleton, Idaho.

I have taken plans to the city of Middleton for adding a single car garage to my Mobil Home. The plan requires a special use permit. Middleton city code 1-14-1 requires a meeting for on-site review by concerned neighbors before the process can proceed.

The neighborhood meeting will be held on Saturday. February 9. 2019 at 1:00 PM at 515 Duke Avenue, Middleton.

Questions and comments will then be heard at the city of Middleton Planning and Zoning commission on March 11, 2019 meeting.

This meeting is open to the public so anyone can attend to express their concerns.

Thanks for you time on this matter and I am looking forward seeing you on Saturday, February 9, 2019.

Respectfully Submitted

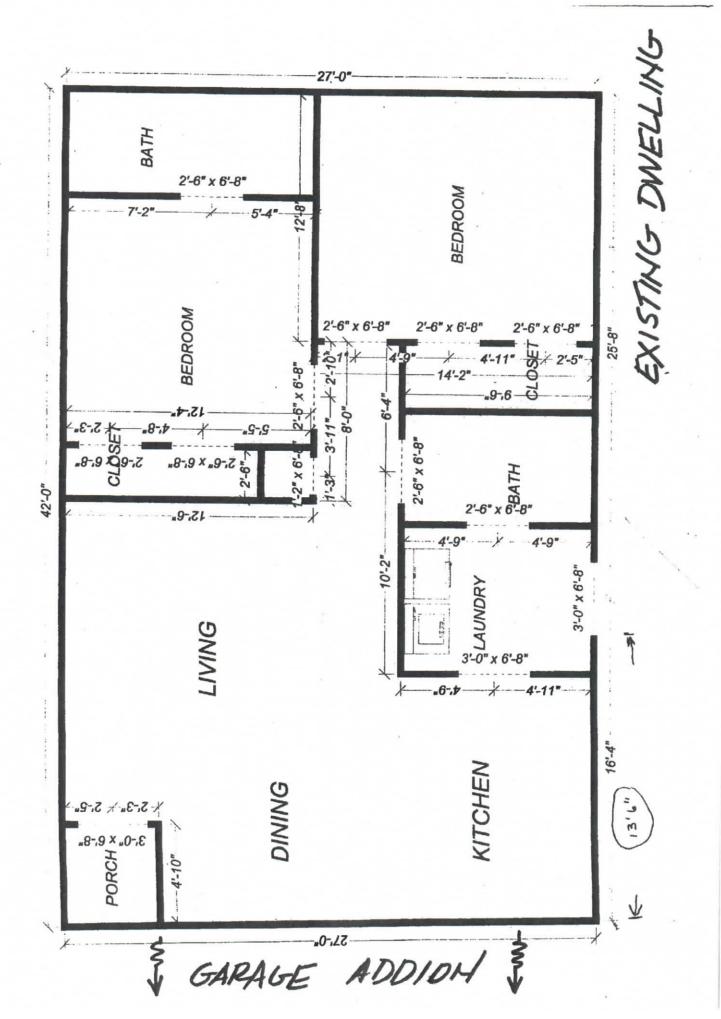
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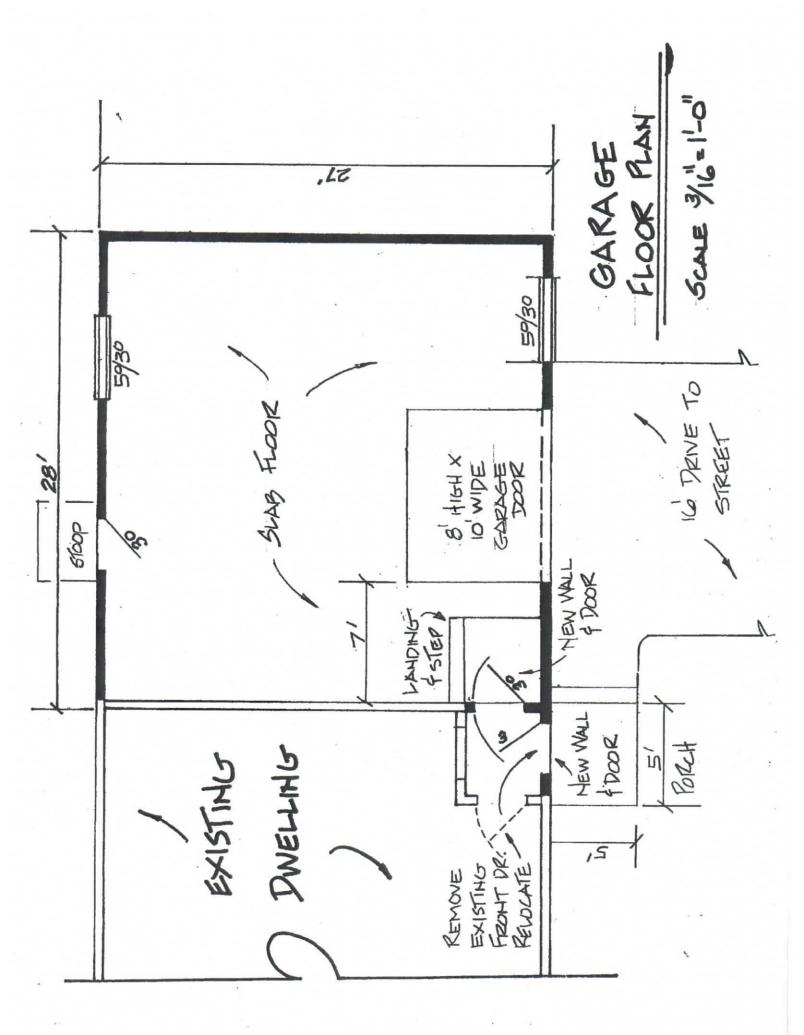
GARAGE ADDITION

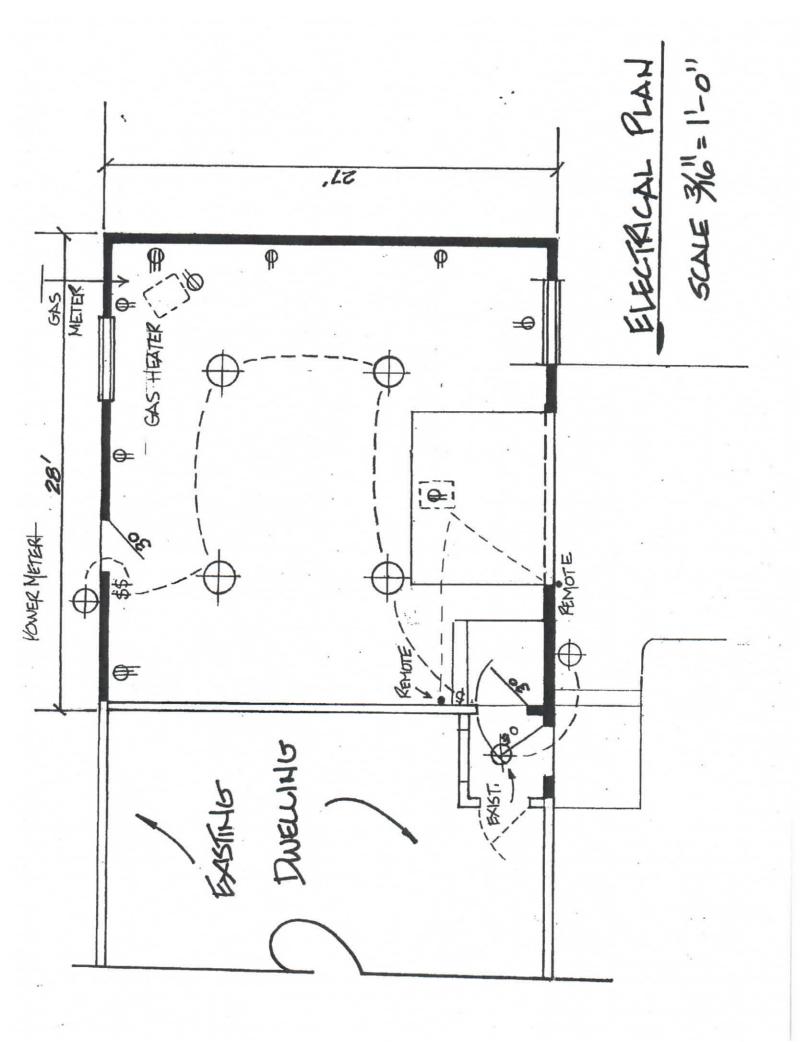
JAMES E. CHRISTOPHERSON LOCATED AT

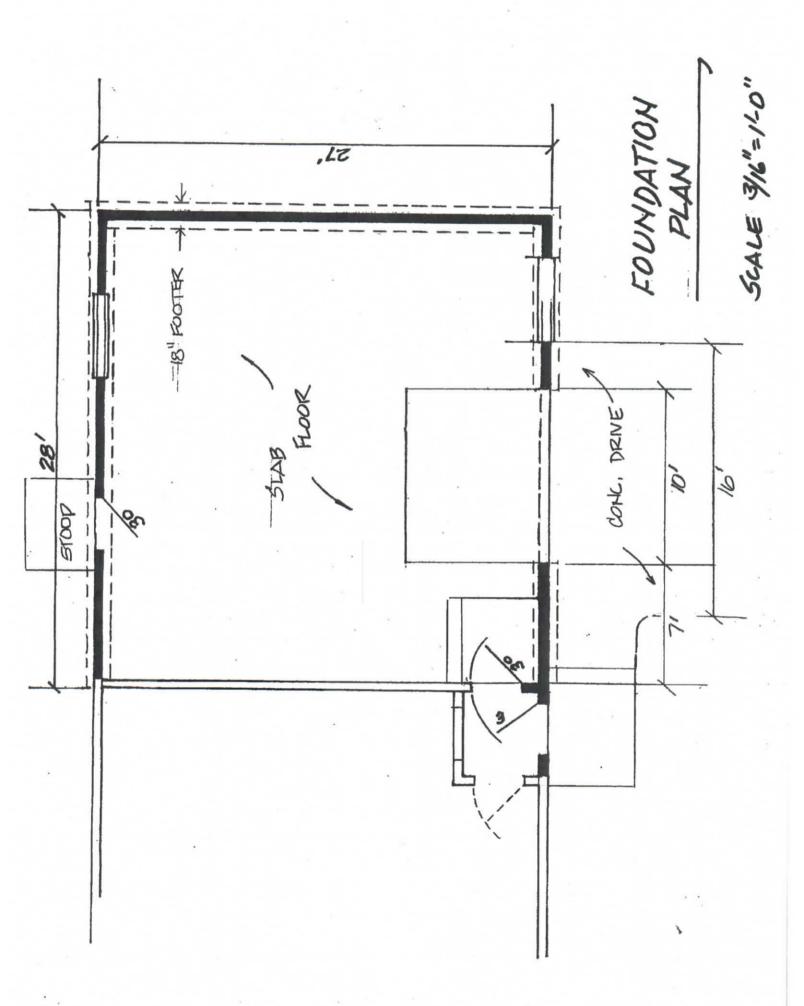
515 DUKE AVENUE MIDDLETON, IDAHO

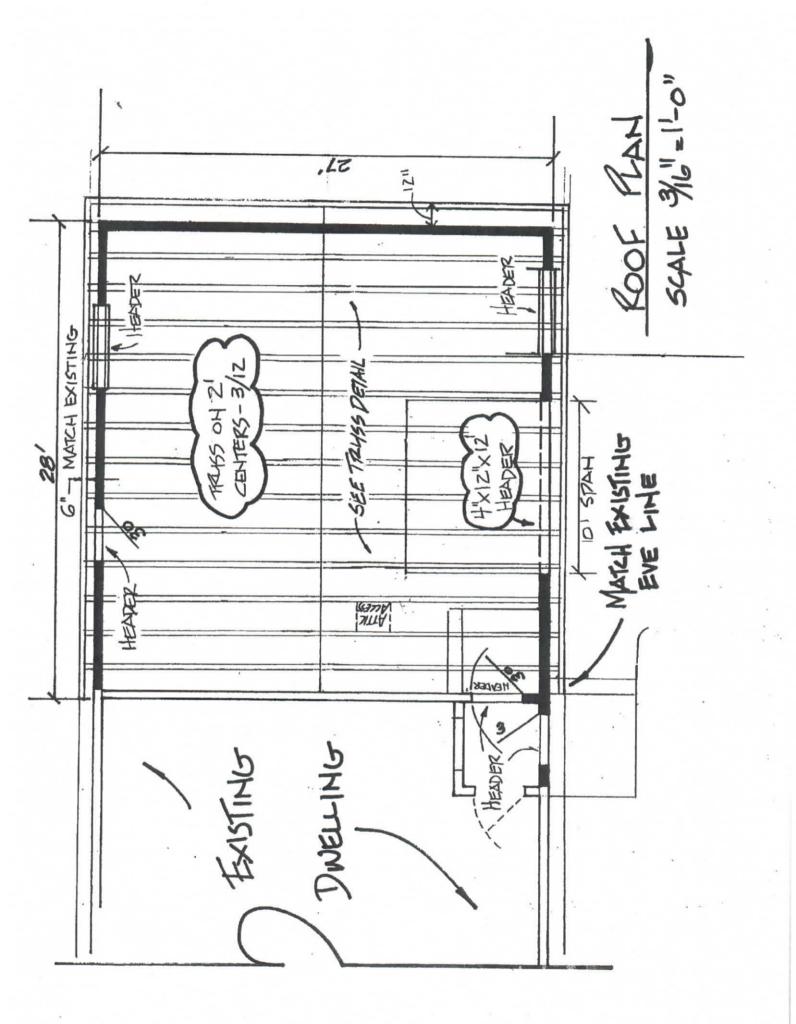
PARCEL NO. 18203000-0 LOT 7 BLOCK 2







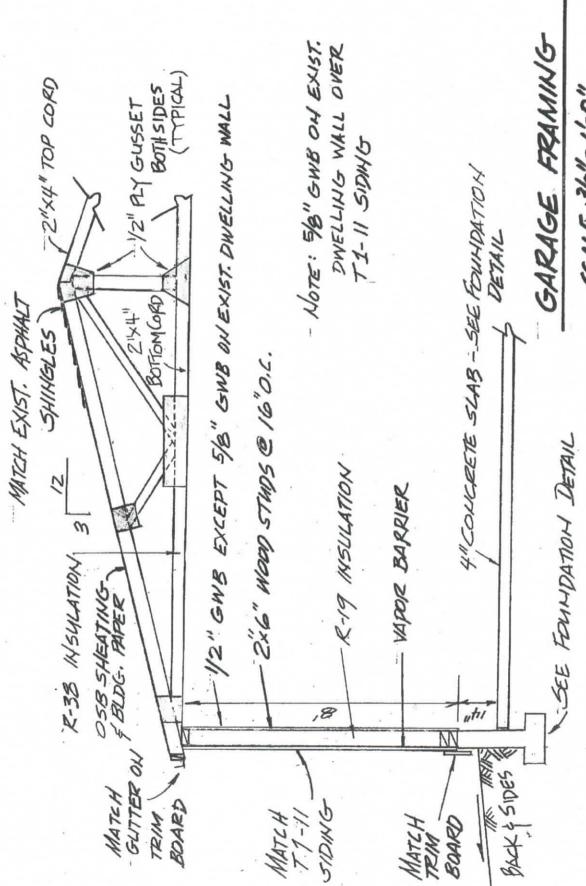




HOTE: J BOLT REDUIRED 12" FROY CORNERS YEAD BOARD GARAGE -TREATED OR ROWD SILL PLATE "HICK COMPACTED BASE -2"X6" FRAMING @ 16" O.C. THICK CONC. SLAB -VAPOR BARRIER EXPANSION JOINT 11×11×11/×1 16. 4 REBAR REBAR 6,000

SCALE 1"=1"0"

FOUNDATION FOOTING



SCALE 36"=1"0"

