



City of Caldwell

Planning and Zoning Department

MASTER LAND USE APPLICATION

This Master Land Use Application and specific land use checklists must be completed, with all required supplemental documents provided and fees paid, for an application to be considered complete and accepted. Once accepted, all applications go through a pre-screening prior to being routed for the initial review.

Failure to submit all requested items (in legible form) may delay the processing of your application. Additional information may be required during pre-screening or after the review of your proposal.

Please note that any land use action below marked with an asterisk () shall require public hearing(s).*

APPLICATION REQUESTS

Note: Please check all specific land uses actions below that you are applying for

- | | | |
|---|--|---|
| <ul style="list-style-type: none"><input type="checkbox"/> Accessory Dwelling Unit (ADU)<input type="checkbox"/> Administrative Determination<input type="checkbox"/> *Annexation w/ Zoning<input type="checkbox"/> Business License Permit<input type="checkbox"/> *Certificate of Appropriateness<input type="checkbox"/> *Comprehensive Plan Map Amendment<input type="checkbox"/> *Deannexation<input type="checkbox"/> Design Review<input type="checkbox"/> *Development Agreement<ul style="list-style-type: none"><input type="checkbox"/> New<input type="checkbox"/> Modification<input type="checkbox"/> Termination<input type="checkbox"/> Home Occupation Permit<ul style="list-style-type: none"><input type="checkbox"/> New<input type="checkbox"/> Renewal<input type="checkbox"/> Lot Line Adjustment<input type="checkbox"/> Lot Split<ul style="list-style-type: none"><input type="checkbox"/> Administrative<input type="checkbox"/> Simple | <ul style="list-style-type: none"><input type="checkbox"/> Mobile Home Park<input type="checkbox"/> Outdoor Dining Permit<input type="checkbox"/> Parcel Consolidation<input type="checkbox"/> *Planned Unit Development (PUD)<ul style="list-style-type: none"><input type="checkbox"/> New<input type="checkbox"/> PUD Modification<input type="checkbox"/> Public Art / Murals<input checked="" type="checkbox"/> *Rezone (Zoning Map Amendment)<input type="checkbox"/> Signs¹<input type="checkbox"/> Site Plan / Landscape Plan Review²<input type="checkbox"/> *Special Use Permit (SUP)<ul style="list-style-type: none"><input type="checkbox"/> New<input type="checkbox"/> Modification<input type="checkbox"/> Time Extension | <ul style="list-style-type: none"><input type="checkbox"/> Subdivision Plats<ul style="list-style-type: none"><input type="checkbox"/> *Preliminary Plat<input type="checkbox"/> Final Plat<input type="checkbox"/> *Short Plat (Regular)<input type="checkbox"/> *Short Plat (Condo)<input type="checkbox"/> Plat Modification³<input type="checkbox"/> *Replat<input type="checkbox"/> Time Extension<input type="checkbox"/> Renewal<input type="checkbox"/> Temporary Use Permit<ul style="list-style-type: none"><input type="checkbox"/> New <input type="checkbox"/> Renewal<input type="checkbox"/> Mobile Food Unit<input type="checkbox"/> Temporary Use Facility<input type="checkbox"/> Transient Merchant Facility<input type="checkbox"/> Traffic Impact Study Review<input type="checkbox"/> *Variance<input type="checkbox"/> *Zoning Text Amendment |
|---|--|---|

¹Freestanding, post/pole, or monument signs less than 6' in height. All other signs must be submitted through the building department.

²Used when not associated with other land use applications, building permits, or construction drawing submissions.

³Replats are not considered plat modifications.



City of Caldwell

Planning and Zoning Department

MASTER LAND USE APPLICATION

PROJECT and SITE/PROPERTY INFORMATION

Project or Business Name: 25016- Mo Bettahs 21st and Commerical

Site Address (s):
0 N 21ST AVE, CA

Suite #:

Parcel #(s):

R35372

Total Acres: .38

General Location of Site:

East Corner of Comcerial & N 21st AVE

Current Zoning of Parcel(s):
(check all that apply)

☐ RS-1 ☐ RS-2 ☐ R-1 ☐ R-2 ☐ R-3 ☐ C-1 ☐ C-2 ☒ C-3 ☐ C-4 ☐ C-C
☐ M-1 ☐ M-2 ☐ I-P ☐ A-D ☐ C-D ☐ H-D ☐ P-D ☐ T-N ☐ H-C
☐ County Zone: _____

Overlay Districts:
(if applicable)

☐ APO-1 ☐ APO-2 ☐ HD-1 ☐ City Center Indian Creek Corridor
☐ City Center Local Historic Area ☐ None

Is Parcel(s) in Floodplain:

☐ Yes ☒ No

Description of Proposed Project / Request:

This is a new Restaurant with indoor seating and a drive-thru. and modification to previously approved conditions of approval for Case ZON22-000003



City of Caldwell

Planning and Zoning Department

MASTER LAND USE APPLICATION

APPLICANT INFORMATION:

Name: Jeff Likes

Company Name (if applicable): ALC Architecture

☒ Owner ☐ Authorized Agent ☐ Purchaser

Mailing Address: 1119 State Street, Suite 120, Eagle, Idaho 83616

Phone: 208.514.2713 Ext. 8200

Email: Jeff@ALCArchitecture.com

PROPERTY OWNERS' INFORMATION

(If an LLC, please provide documentation of being an authorized signer)

Name: Hosam Moustafa

Mailing Address:

Phone:

Email:

DESIGNATED CONTACT PERSON

(Who will receive and disseminate all correspondence from the city)

Same as:

☒ Applicant ☐ Property Owner ☐ Other

Name: Jeff Likes

Company Name (if applicable): ALC Architecture

Mailing Address: 1119 State Street, Suite 120, Eagle, Idaho 83616

Phone: 208.514.2713 Ext. 8200

Email: Jeff@ALCArchitecture.com



City of Caldwell

Planning and Zoning Department

MASTER LAND USE APPLICATION

CONTRACTOR / DEVELOPER INFORMATION

Name:

Company Name (if applicable):

Mailing Address:

Phone:

Email:

ARCHITECT INFORMATION

Name:

Jeff Like

Company Name (if applicable):

ALC Architecture

Mailing Address:

1119 State Street, Suite 120, Eagle, Idaho 83616

Phone:

208.514.2713 Ext. 8200

Email:

Jeff@ALCArchitecture.com

ENGINEER INFORMATION

Name:

Mailing Address:

Phone:

Email:

LANDSCAPE ARCHITECT INFORMATION

Name:

Company Name (if applicable):

Mailing Address:

Phone:

Email:



City of Caldwell

Planning and Zoning Department

MASTER LAND USE APPLICATION

ACKNOWLEDGEMENTS

- ☒ By signing this application, I authorize employees/agents of the City to enter onto the property that is the subject of this application during regular business hours. The sole purpose of entry is to make an examination of the property that is necessary to process this application.
- ☒ I certify that I am the owner of this property or the owner's authorized agent. If acting as an authorized agent, I further certify that I have full power and authority to file this application and to perform, on behalf of the owner, all acts required to enable the jurisdiction to process and review such an application. I will comply with all provisions of the law and ordinance governing this type of application.
- ☒ I certify that the information furnished by me as part of this application is true and correct to the best of my knowledge.

I am the: ☐ Owner ☒ Authorized Agent

Applicant Signature: _____

Date: _____

07/16/2025

Printed Name: _____

Jeff Likes

**Order of Decision by the Mayor and City Council
City of Caldwell, Idaho
Public Hearing Held August 18, 2022**

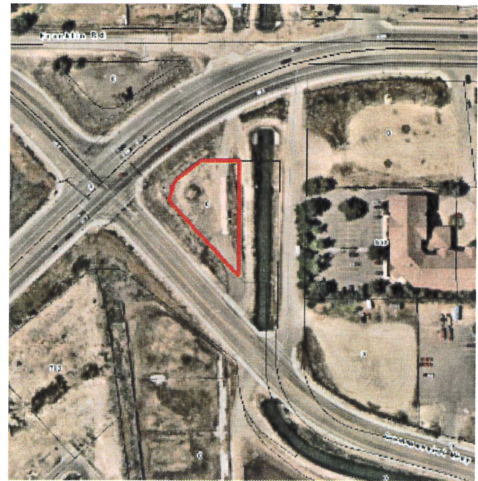
Subject: Case No. ZON22-000003
Project Planner: Alex Jones, Associate Planner

The following land use action is the primary feature of this application:

- Rezone R35372 containing .38 acres, more or less, from to M-1 (Light Industrial) to C-3 (Service Commercial)
- A Development Agreement if deemed appropriate and necessary to restrict specific land uses in conjunction with the requested Rezone.

TABLE OF CONTENTS:

I	COURSE OF PROCEEDINGS
II	GENERAL FACTS
III	TESTIMONY
IV	APPLICABLE LEGAL STANDARDS
V	COMPREHENSIVE PLAN ANALYSIS
VI	FINDINGS OF FACT
VII	CONCLUSIONS OF LAW
VIII	RECOMMENDATION



I COURSE OF PROCEEDINGS

- 1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application ZON22-000003 be held before the Caldwell Hearing Examiner on July 12, 2022. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, June 26, 2022, notice was published in the Idaho Press Tribune, and on, or before, June 23, 2022 notice was mailed to all political subdivisions providing services to the site and to all property owners within 300 feet of the project site; and on, or before, June 30, 2022 notice was posted on the site.
- 1.2 The Hearing Examiner forwarded this case with a recommendation of approval on July 12, 2022.
- 1.3 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application ZON22-000003 to be held before the Mayor and City Council on August 18, 2022. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, July 26, 2022 notice was published in the Idaho Press Tribune, and on, or before, July 29, 2022 notice was mailed to all political subdivisions providing services to the site and to all property owners within 300 feet of the project site; and on, or before, August 7, 2022 notice was posted on the site.
- 1.2 Files and exhibits relative to this application are available for review in the Planning and Zoning Department, 621 Cleveland Boulevard, Caldwell and at applicable public hearings.

II GENERAL FACTS

- 2.1 APPLICANT: Antonio Conti, Ackerman-Estvold, 7661 W Riverside Drive, Suite 102, Garden City, ID 83714

2.2 PROPERTY OWNER: Caiyer LLC, 1731 Village Center Cir, Las Vegas, NV 89134

2.3 REQUEST: A request Antonio Conti for a rezone of parcel R35372, 0.38 acres, from “M1” (Light Industrial) to “C3” (Service Commercial) for the purpose of developing a drive thru coffee shop on the corner of N. 21st Avenue and Commercial Way, Caldwell, ID. The 2040 Comprehensive Plan designation is Commercial and Services.

2.3 BACKGROUND: The subject property is located off of Commercial way, this parcel is restricted by Commercial Way, N 21st Ave and the Notus Canal. With the parcel being .38 acres it does not offer much room for a manufacturing or production use, this is why the applicant would like to rezone the parcel to C-3 as a commercial use to build a coffee shop, this use is a better fit for a parcel this size. The Comp Plan designation for this parcel is Comercial and Service, the C-3 rezone falls under that designation.

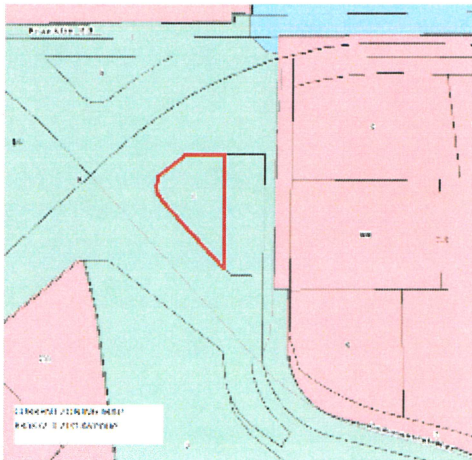
2.3 COMPREHENSIVE PLAN DESIGNATION: The current Caldwell Comprehensive Plan Map designation for the site is **Commercial and Service**.

Commercial and Service– This category includes land that is suitable for a wide range of retail, service, professional businesses and more intense commercial uses, such as those that require large amounts of land for sales, storage or parking, light production or repair of consumer goods, and which may be less compatible with residential uses due to traffic, noise and other impacts

2.4 COMPREHENSIVE PLAN COMPONENTS APPLICABLE TO THE REQUEST:

Land Use: The subject property is surrounded by the following uses:

<u>Direction</u>	<u>Zone</u>	<u>Comprehensive Map</u>	<u>Current Use</u>
Site	M-1	Commercial & Service	Bare Ground
North	C-4	Commercial & Service	Truck Stop
South	C-4	Manufacturing & Production	Feed Lot
East	C-4/M1	Commercial & Service	Hotel
West	M-1	Commercial & Service	Storm Pond



- Transportation/Connectivity: The subject property has frontage onto Commercial Way, a local roadway. Engineering Department will place all standard improvement requirements per

Federal, State and local standards, policies and specifications when the applicant submits civil plans or building permits.

- Public Services, Utilities and Facilities: The engineering department, fire marshal, building department, police department, mapping department, Pioneer Irrigation District, Black Canyon Irrigation District, ITD, Valley Regional Transit, COMPASS, Idaho Power, Intermountain Gas, southwest district health, Bureau of Reclamation, and USPS were all sent a request for comment on June 9, 2022.

2.5 City of Caldwell Engineering Comments and Conditions:

From: TJ Frans, Project Manager II
Steven Pendleton, Plans Examiner II
City of Caldwell Engineering Department

Re: ZON22-000003, "O" N. 21st Ave. Coffee Shop

Date: July 5, 2022

The City of Caldwell Engineering Department provides the following preliminary staff report on a request from Antonio Conti for a rezone of parcel R35372, 0.38 acres, from "M1" (Light Industrial) to "C3" (Service Commercial) for the purpose of developing a drive thru coffee shop on the corner of N. 21st Avenue and Commercial Way, Caldwell, ID. The 2040 Comprehensive Plan designation is Commercial and Services.

Development Plans

1. Development Plans – Prior to commencing construction, plans must be prepared by the developer's engineer and approved by the City Engineering Department which shall include the following items:
 - a. Street section and alignment (including curb and gutter);
 - b. Sidewalk (sidewalk width based on street classification);
 - c. Sanitary sewer (per City and DEQ requirements);
 - d. Potable water (per City and DEQ requirements);
 - e. Storm water facilities (per City requirements/storm water manual);
 - f. Street lighting (per City standards);
 - g. Street signage (per City and MUTCD requirements);
 - h. Vertical Datum based on NAVD 88 Datum.

General

1. Easements for Public Utilities shall be 10 feet wide minimum along all dedicated rights-of-way. A minimum 10 feet wide easement (or larger if deemed necessary by the City Engineer in order to facilitate future maintenance operations of utilities) may be required.
2. Appropriate easements for emergency access, transmission lines and/or other utilities shall be clearly indicated, with recorded instrument numbers provided for said easements, on the civil infrastructure improvement drawings. face of the final plat (visually and in writing).
3. All utilities on and within the boundaries of the development shall be located and/or relocated underground.
4. All street, sewer, water, fire protection, and street light facilities must be dedicated to the City. Some conveyance facilities for storm water drainage may be eligible for dedication to the City.
5. Construction of facilities to be dedicated and/or within public right-of-way shall be performed by an appropriately licensed public works contractor and shall be inspected by and constructed to City of Caldwell specifications.
6. Prior to commencement of construction in any dedicated right-of-way, or construction of any improvement intended for dedication to the City or connected to a City facility, the City Engineering staff is to be notified. This preferably will take place in a pre-construction conference scheduled by the engineer of record in which all appropriate personnel and utilities are present. Appropriate City personnel are to be notified in advance of all testing (including compaction, pressure and coliform, etc.) and given opportunity to be present during conduct of the testing. The engineer of record or his designated representative is to witness all tests (not covered by City inspectors) and a log of inspection visits and testing results is to be kept by the engineer of record or his representative.
7. The developer is to employ a responsible design professional, preferably the engineer of record, to oversee and inspect construction, to perform and/or observe all requisite testing of completed facilities, and to certify that improvements have been constructed according to approved plans and in compliance with applicable City, County, State, and Federal standards.
8. The engineer of record shall be held responsible to ensure that development improvements are in substantial compliance with said engineer's design. Following the construction of the development improvements, the developers engineer shall provide the City of Caldwell Engineering Department with electronic (.dwg) format record drawings spatially referenced to the Idaho State Plane Coordinate System-West Zone, North America Datum (NAD) 83. Vertical control shall be referenced to the North America Datum (NAVD) 88 for future reference and to establish that the engineer of record has caused construction to occur in substantial compliance with the design of said engineer of record.
9. Any note, item or drawing element on the construction drawings, engineering drawings and/or design drawings related to the property inconsistent with City Codes, Policies and/or Ordinances shall not be construed as approved unless specifically addressed and granted by City Council.

Rights-of-Way

1. All necessary right-of-way adjacent to this project has already been dedicated to the City.

Street

1. Full street improvements shall be completed to all classified roads adjacent to the proposed project (including N. 21st Ave. and Commercial Way) in accordance with all City of Caldwell standards and specifications. Improvements shall include (but are not limited to) curb, gutter, sidewalk, asphalt, streetlights, joint trench, spare communication conduit along classified roadways, storm drainage facilities, etc.
2. All private driveways, if applicable, shall fully comply with City of Caldwell standards and be approved by the Caldwell Fire Marshall.
3. The approach located on the north side of the project at N. 21st Ave. shall be closed with the removal of the existing approach and the construction of vertical curb, gutter and sidewalk.

Water

1. Each building shall be supplied with potable water. If buildings are constructed to include individual units that could feasibly or will be sold separately, each unit shall be serviced separately.
2. The location of water service, including sizing of mains, providing of easements, frontage construction, and offsite construction are to be decided during review of improvement plans. This development will be required to comply with the Water Master Study.

Sanitary Sewer

1. It shall be the responsibility of the applicant's engineer to verify that connection to existing sewer mainlines will not exceed the functional capacity of said mainlines. Provision for connectivity by future developments shall be met in accordance with current City standards.
2. Each building shall be provided with individual sewer service. If buildings are constructed to include individual units that could feasibly or will be sold separately, each unit shall be serviced separately.
3. Any easements for sewer lines not in the right-of-way should be at a width sufficient to construct same and not less than 20 feet in width. Easements for adjacent sewer and water lines not in the right-of-way shall be at a width sufficient to construct the same and shall be no less than 30 feet in width.
4. A 20' wide all-weather surfaces may be required to be constructed over mainlines that fall outside the public right-of-way. All weather surfaces shall be constructed sufficiently to support heavy equipment necessary to construct and maintain sewer under all seasonal weather conditions.

Irrigation

1. Existing easements and/or right-of-ways for any irrigation facility shall be determined and clearly indicated on the construction plans (excluding prescriptive easements). Construction across or re-routing of these facilities is subject to approval by the governing Irrigation District and at their discretion, their assigns.

2. The Developer shall maintain any existing upstream drainage rights and downstream irrigation rights across the property. During the design phase of this project, the developer or his engineer is to contact the appropriate irrigation district to help ascertain these rights. Appropriate facilities shall be provided by the developer to convey irrigation and drainage water across the property to take care of these offsite needs. There is to be no discharge of gravity/pressure irrigation return water into the developments storm water system.
2. The development is to include a non-potable water pressure irrigation system. The design of this pressure irrigation system is to be reviewed during the construction plan review process. City water may be used if the site complies with all requirements of City Code pertaining to the use of domestic/potable water for irrigation purposes.
3. All plans and construction drawings submitted to the City of Caldwell for review and approval for any out-of-season irrigation work to be performed shall be submitted to the Caldwell Engineering Department no later than August 15th. Submittal of plans after this date may result in Applicant not receiving plan approval in time to complete out-of-season work.

Storm Drain

1. As noted previously, provision is to be made for the disposal of storm water drainage in accordance with the City Storm Water Management Manual and any updates adopted subsequent to this application. It is to be noted that retention designs will be denied in most instances. A copy of this policy is available upon request. The engineer of record is to provide calculations, which indicate that the assumptions in his storm water drainage plan comply with the requirements of the storm water manual. In this case, if a storm water system is existing, the burden of proof is on the developer to verify the capacity is sufficient for the proposed development.
2. The applicant shall identify and retain all historical drainage discharge points from the property for the purpose of draining on-site storm water detention facilities.
3. The construction drawing should indicate that storm water detention basins are to be placed in accordance with the referenced Storm Water Policy. A note should be placed on the drawings indicating that all areas designated as common areas are to be operated and maintained by the business owners association.
4. There is to be no discharge of storm water overflow into any irrigation water return/discharge facility/ditch/pipe/etc.

All storm water runoff from improved half street sections adjacent to this development shall be retained on site in a storage facility to be maintained by the business owners association

- 2.6 **Landscaping & Pathways:** Future development shall be required to comply with Article 7 Caldwell City Landscaping Ordinance. As per Section 10-07-02(2) of City Code, landscaping should be required for this project. Landscaping and other amenities should not be located within the asserted easement without express written consent of the irrigation district.

III PUBLIC TESTIMONY

3.1 Before the Hearing Examiner, July 12, 2022:

Jerome Mapp (P&Z Director) at 621 Cleveland Blvd., Mr. Mapp is presenting for Mr. Jones who is not in today and will be assisting with the application. Displaying on the screen is the City map with the area on Franklin and 21st street, this is Commercial, and this is Speck Street. The zoning map shows the area is industrial. This is zoned Commercial C-3. He referenced the Comprehensive Plan Map versus the Zoning Map.

What the applicant is requesting is to rezone this industrial area by the zoning borders to the underlying Comprehensive Plan designation of Commercial Service. On the Site Plan, this site is basically an island of land surrounded by roadways. The applicant proposes a Coffee Shop as his request, which is at this location with on-site parking.

The corner of Commercial Way allows a patron to come in to this location go around the building, receive their coffee and come out again. During the roundtable meetings staff had a concern about the cuing and they did a great job of making that change. Mr. Mapp noted that the application complies with Engineering Department and landscaping requirements.

Staff recommends approval of the request, noting comments within the staff report provided by the Engineering Department.

Mr. Eggleston referenced the Zoning map. Is there is any value on zoning around that parcel as well as the parcel itself, instead of having a small area of C-3 in the middle of the green. Is that any value to the city if we are looking at a reason to rezone the whole triangle or is that not really a valid concern of anybody.

Mr. Mapp indicated that even if they wanted to extend the boundaries, they could not make such a change since the public hearing was noticed for that change. The City is looking into updating the entire Zoning Ordinance, Land Use Map and Zoning Map.

Mr. Eggleston stated more specific to this application, asking for a zone change the staff report talks in terms of just this use as a drive-up coffee establishment being entered into a Development Agreement to limit the use to just such a coffee drive-up establishment. My question Mr. Mapp is there value to broad that definition a little bit to just say drive-in food services or do you see value or need to make that a little bit more generic as opposed this once specific type of use.

Mr. Mapp stated the concern the Planning Department would have is that if this use cease operation, that we may see some other land uses that definitely would not be compatible to this particular request before you this evening. The Planning Director believes that there may be other land uses that would be compatible and here is the reason why. If an applicant wanted to do a restaurant, as you see there is no parking spaces for that. If instead of serving coffee they want to serve doughnuts and is a drive-up doughnut business that could be compatible. If it was Jumble Juice, they want to serve smoothies, they would be compatible. Even if there was a business that was only serving sandwiches and they just drove in get the sandwich and leave that could be compatible as well. The issue is there is no parking other than for employees of the site. Maybe something for the Hearing Examiner to consider that would be an exclusive drive-through business that would not require any seating for their customers, with a caveat is that if the particular business creates a traffic hazard and that is always a concern. He expressed concern regarding the use of right-of-way for vehicle cuing.

Antonio Conti at 7661 W Riverside #102, Garden City, spoke in favor of the development. He noted the owner was attending via Zoom.

He noted that they are requesting a rezone of a parcel between Franklin, 21st and Commercial. They are surrounded on two sides by roads and the third side is the Notus canal, so is limited potential as you can see from the aerial photo. Currently, the zoning is M-1 Light Industrial. The proposal is a C-3 Commercial Zoning, which is compatible to the surrounding area.

There are some landscape abatement issues, which are being taken care of today. There are some concerns about weeds and a few other things on the site. Therefore, development on this site would just increase the visibility and value of the area.

He knows there is a carwash going right next to it, so this is just an addition to an already well-developed commercial site. The existing site is vacant. There was a neighborhood meeting and he was the only one in attendance.

He notes the topographic concerns of the site. The existing zoning is surrounded by Commercial on two (2) sides the rest is M-1 all those areas you mentioned around it that they are M-1 those are public right-of-ways. It is not something we can address unless the City decides to move forward with it. As to the Notus Canal there is nothing much that can be done with that portion of it. Mr. Conti explains provisions of the landscaping plan with a buffer along the Notus Canal to the South. The portion to the North he would like to keep it open, it sits high just for visibility reasons. Access is coming off Commercial at this point.

Mr. Eggleston asked if he has elevations for the design.

Mr. Conti responded he does not. He has not secured a brand yet on a client, therefore does not have a building with an elevation. Each coffee facility have their own branding their own style on what they want it to look like.

Mr. Eggleston asked like Dutch Brothers.

Mr. Conti responded, Dutch Brothers or all the other ones, Starbucks, etc. it would be difficult to present you with something and then have to change the brand and is going to be completely different. It was decided not to present an elevation at this point.

Mr. Eggleston indicated that the analysis from staff is recommending and inquired if there were additional options being considered?

Mr. Conti said there was an alternative considered on double stacking along the East boundary line instead of losing some landscaping maybe that would stop vehicles not sure where that one went. There was some conversation or discussion to see if that would help alleviate some of the concern of traffic backing up. They will have to go to design review at one point and will be discussed then.

Mr. Eggleston labeled the document as Exhibit CO22-3-1. He had a discussion with the Planning Director about broadening the description of the use. Does that present a concern for you?

Mr. Conti responded no. He agreed with the option to broaden the description. Not limiting to coffee but allow in for other possible uses like juices as he mentioned, sandwich place or something that is just a drive through facility. He agreed there is no room for parking.

Mr. Eggleston indicated that if the coffee drive-thru does not come through, there would be another use for it and they would not need to come back to the Council to broaden the use. He asked Mr. Mapp if he has any questions.

Mr. Mapp talked about the landscaping plan acting as proposed, landscaping goes to the sidewalk. This drawing does not depict that requirement. These landscaping plans are referenced. Applicant will need to work with staff on a final landscaping plan. Second item is in regards to the exterior of the structure, we do have some design guidelines would want applicant to work with staff in establishing a final design. We would ask a condition be placed a final design of the structure has to be approved by the Planning Department.

Mr. Eggleston indicated he has no more questions and thanked Mr. Conti for his testimony, and informed him he will have an opportunity for rebuttal.

Jake Elbogen (via Zoom) he did not give testimony. He indicated he is one of the representatives of ownership.

Mr. Eggleston asked Mr. Mapp if the part of the landscaping design needs modification.

Mr. Mapp indicated that showing sidewalk and landscaping modifications will be required in this area as well. There are various ways to do that will need a revised landscaping plan. It may be more intense here and less intense in the surrounding area right away.

Mr. Eggleston asked if it was just like weeds and shrubs.

Mr. Mapp responded that staff would work with the applicant on that.

Mr. Conti reported that he understood that they will need to talk and coordinate with staff to meet all the requirements by the City of Caldwell. The only comment he will make is on the East side that is the Notus canal so there is not much landscaping they can do on the notus canal. It needs to remain open for maintenance equipment, etc. He agreed with the requirement to extend the sidewalk and will coordinate with staff to make sure they meet those requirements. Same thing applies with building elevations. He wants to make sure the City has an opportunity to review the building elevations which will be part of the process.

Mr. Eggleston closed the public testimony portion of the hearing.

COMPREHENSIVE PLAN ANALYSIS FOR ZON22-000003 (REZONE):

We have a property seeking a rezone but also the application does include a site plan, landscaping plan for a proposed drive-through coffee commercial establishment. I think this will be an excellent use for a less than optimal property a very

challenging property and I am glad to see that somebody has a foresight to see that might be a good addition to the commercial landscape of Caldwell City. In the staff report, staff has put together a description of the proposal and how it might comply with the Comprehensive Plan. I am looking at the staff report pages 6-7 it includes Goals and Policies to substantiate implementation of the zone change and the proposed of business thereon. The Hearing Examiner concurs with the Goals and Policies enumerated on those pages of the staff report.

FINDINGS OF FACT FOR ZON22-000003 (REZONE):

The Hearing Examiner accepts the facts outlined in the staff report, public testimony, and the evidence list. All adopted city ordinances, standards and codes were used in evaluating the application. Page 8 of the staff report Conclusions of Law for the rezone ZON22-00003.

RECOMMENDATION BY THE HEARING EXAMINER:

Based on the Findings of Facts and Conclusions of Law the Caldwell Hearing Examiner hereby recommends to the Mayor and City Council that Case No. ZON22-000003 a request by Antonio Conti for a rezone of parcel R35372, 0.28 acres from "M1" (Light Industrial) to "C3" (Service Commercial) for the purpose of developing a drive thru coffee shop on the corner of N. 21st Avenue and Commercial Way, Caldwell, ID. It is recommended for **approval** with the following conditions of approval:

COMMENTS AND RECOMMENDATIONS FROM THE HEARING EXAMINER:

- Staff presents conditions 8.2 to 8.7 with which I concur with a change here to Item 8.6 the conditions of staff report. States the site will want to be used for coffee shop. We are going to broaden that definition a little bit. The site will be used for non-sitting drive through type restaurant with no indoor seating.
- 8.7 Conditions of Development Agreement is prepared by the Planning and Zoning Department shall be approved by the City Council in conjunction with the rezone and to that end, is also addressed in 8.6 and will hopefully be part of the development agreement.
- Adding Condition 8.8 - The Commercial land shall be constructed in accordance with the site plan and design submitted by the applicant labeled A1, A2, A3, A4 and A8 dated 5/3/2022.
- These are considered general plans they are not final drawings but are consensual plans. Adding 8.9, the construction of the project shall comply with the Engineering Memorandum, Exhibit PA-1 dated 7/5/2022.
- Adding Condition 8.10 The perimeter of subject parcel is in open space offsite but the applicant shall provide a landscaping plan to treat that with some kind of mineral landscaping to maintain the look desired by the City.
- Mr. Mapp, suggested 8.8 where landscaping plan the applicant has provided, at that point you may want to say, in lieu of that plan he will need to comply to the City's landscaping ordinance and provide the necessary landscaping to sidewalk which surrounds on the North, West and South side of the property excluding the Notus drain. Mr. Eggleston asked staff to amend the condition as needed.

Mr. Eggleston closed the public hearing.

3.2 Before the City Council

IV APPLICABLE LEGAL STANDARDS

- 4.1 City of Caldwell Zoning Ordinance No. 1451, as amended
- 4.2 City of Caldwell Comprehensive Plan, as amended
- 4.3 Idaho Code, Title 67, Chapter 65, Local Planning Act

V COMPREHENSIVE PLAN ANALYSIS – Rezone from “M1” to “C3”

The City Council accepts the Comprehensive Plan Components as listed below.

- 5.1 The request was found to be consistent with the following Comprehensive Plan Components:

GOALS AND POLICIES – Property Rights (Chapter 1)

Goal 1: Ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical

limitations on the use of the property.

Policy 1-1: Establish a sound basis for land use and environmental regulations through comprehensive planning and adopted policies and ordinances.

GOALS AND POLICIES – Economic Development (Chapter 4)

GOAL 2: Encourage business expansion and labor retention in areas suitable for commercial development.

- Policy 2-1: Provide commercial uses that meet all of the consumer needs for residents within the community and thereby reduce vehicle miles traveled.
- Policy 2-2: Improve and provide additional educational training of local residents in order to keep and attract employers.

GOAL 5: Recognize and promote the importance of retaining and attracting basic industries to Caldwell.

- Policy 5-2: Ensure that an adequate inventory of commercial and industrial property is available for new industries.

GOALS AND POLICIES – Land Use (Chapter 5)

Goal 1: Establish land-use management policies that protect property rights and the environment, maintain a high quality of life, provide adequate land for all types of development, and adequately buffer non-compatible uses.

- Policy 1-1: Guide the growth and development of land uses in such a way that the health, safety, and general welfare of residents will be protected.
- Policy 1-2: Encourage commercial and industrial uses in areas that are readily accessible to regional and principal arterials and/or public transit.

GOALS AND POLICIES – Community Design

GOAL 1: Foster growth and redevelopment in a manner that will enhance and improve the City's visual image.

- Policy 1-1: Promote, encourage and maintain an aesthetically pleasing city.
- Policy 1-2: Continue to work toward the elimination of blight and areas of deterioration.
- Policy 1-4: Ensure that new development enhances rather than distracts from the visual image of surrounding areas.
- Policy 1-5: Control the spread of noxious weeds.
- Policy 1-6: Discourage or screen unsightly land uses in locations where they are visible from a gateway street.

5.2 The request was not found to be inconsistent with the Comprehensive Plan Components.

VI FINDINGS OF FACT – REZONE

6.1 The Caldwell City Council accepts the facts outlined in the staff report, public testimony and the evidence list. All adopted city ordinances, standards and codes were used in evaluating the application.

VII CONCLUSIONS OF LAW – REZONE

- 7.1 The City Council has the authority to hear this case and recommend that it be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted and the hearing was held and conducted under the requirements of Idaho Code and City ordinances.

VIII RECOMMENDATION – REZONE

- 8.1 Based on the Findings of Fact and Conclusions of Law, the Caldwell Hearing Examiner hereby recommends to the Mayor and City Council that Case Number ZON22-000003 A request by Antonio Conti for a rezone of parcel R35372, 0.38 acres, from “M1” (Light Industrial) to “C3” (Service Commercial) for the purpose of developing a drive thru coffee shop on the corner of N. 21st Avenue and Commercial Way, Caldwell, ID, is recommended for **approval** with the conditions of approval listed in section X (10).

IX ORDER OF DECISION

- 9.1 The Caldwell City Council accepts the Comprehensive Plan Analysis, Findings of Fact and Conclusions of law listed herein and based on the Findings of Fact and Conclusions of Law, the Mayor and City Council hereby order that that ZON22-000003 A request by Antonio Conti for a rezone of parcel R35372, 0.38 acres, from “M1” (Light Industrial) to “C3” (Service Commercial) for the purpose of developing a drive thru coffee shop on the corner of N. 21st Avenue and Commercial Way, Caldwell, ID, subject to a development agreement is **approved** with the conditions listed in Section 10 (X).

X CONDITIONS OF APPROVAL

- 10.1 Development of the subject property shall be consistent with all requirements, codes, rules, and regulations of the City of Caldwell, unless specifically stated otherwise in a development agreement.
- 10.2 Comply with all applicable city codes, ordinances, policies, and standards.
- 10.3 Comply with the requirements of all applicable agencies, including but not limited to Pioneer Irrigation District, Black Canyon Irrigation District, City of Caldwell Engineering Department, City of Caldwell Building Department, and the City of Caldwell Fire Department.
- 10.4 All requirements from the Fire Department for access, turnarounds, emergency access, water supply, fire hydrants, etc. shall be met in the development and/or platting of the subject property. Final approval of the location and number of fire hydrants within the development shall be determined by the Fire Marshal and take place by phase at the time of submittal of applicable construction drawings for each phase.
- 10.5 The site will only be used for a non-sitting drive through type restaurant with no indoor seating
- 10.6 A development agreement, as prepared by the planning and zoning department, shall be approved by City Council in conjunction with the rezone.
- 10.7 The Commercial land shall be constructed in accordance with the site plan and design submitted by the applicant labeled A1, A2, A3, A4 and A8 dated 5/3/2022. The property will comply with the City’s landscaping ordinance and provide the necessary landscaping to sidewalk which surrounds on the North, West and South side of the property excluding the Notus drain

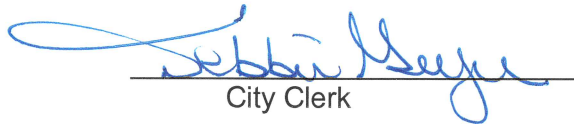
- 10.8 The construction of the project shall comply with the Engineering Memorandum, Exhibit PA-1 dated 7/5/2022.
- 10.9 The perimeter of subject parcel is in open space offsite but the applicant shall provide a landscaping plan to treat that with some kind of mineral landscaping to maintain the look desired by the City.

CASE NO. ZON22-000003 WAS HEARD BY THE CITY COUNCIL AT A PUBLIC HEARING HELD MAY 2, 2022.

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF DECISION WERE APPROVED BY THE MAYOR AND CITY COUNCIL MEMBERS AND SIGNED BY THE MAYOR AT A REGULARLY SCHEDULED MEETING HELD OCTOBER 6, 2022.


JAROM WAGONER, MAYOR

ATTEST:


City Clerk



**EXHIBIT “PA 1”
Engineering Memorandum**

**City of Caldwell Engineering Department
Staff Report**

To: Alex Jones, Associate Planner
Caldwell P & Z Department

From: TJ Frans, Project Manager II
Steven Pendleton, Plans Examiner II
City of Caldwell Engineering Department

Re: ZON22-000003, “O” N. 21st Ave. Coffee Shop

Date: July 5, 2022

The City of Caldwell Engineering Department provides the following preliminary staff report on a request from Antonio Conti for a rezone of parcel R35372, 0.38 acres, from “M1” (Light Industrial) to “C3” (Service Commercial) for the purpose of developing a drive thru coffee shop on the corner of N. 21st Avenue and Commercial Way, Caldwell, ID. The 2040 Comprehensive Plan designation is Commercial and Services.

Development Plans

4. Development Plans – Prior to commencing construction, plans must be prepared by the developer’s engineer and approved by the City Engineering Department which shall include the following items:
- i. Street section and alignment (including curb and gutter);
 - j. Sidewalk (sidewalk width based on street classification);
 - k. Sanitary sewer (per City and DEQ requirements);
 - l. Potable water (per City and DEQ requirements);
 - m. Storm water facilities (per City requirements/storm water manual);
 - n. Street lighting (per City standards);
 - o. Street signage (per City and MUTCD requirements);
 - p. Vertical Datum based on NAVD 88 Datum.

General

10. Easements for Public Utilities shall be 10 feet wide minimum along all dedicated rights-of-way. A minimum 10 feet wide easement (or larger if deemed necessary by the City Engineer in order to facilitate future maintenance operations of utilities) may be required.
11. Appropriate easements for emergency access, transmission lines and/or other utilities shall be clearly indicated, with recorded instrument numbers provided for said easements, on the civil infrastructure improvement drawings. face of the final plat (visually and in writing).
12. All utilities on and within the boundaries of the development shall be located and/or relocated underground.
13. All street, sewer, water, fire protection, and street light facilities must be dedicated to the City. Some conveyance facilities for storm water drainage may be eligible for dedication to the City.
14. Construction of facilities to be dedicated and/or within public right-of-way shall be performed by an appropriately licensed public works contractor and shall be inspected by and constructed to City of Caldwell specifications.
15. Prior to commencement of construction in any dedicated right-of-way, or construction of any improvement intended for dedication to the City or connected to a City facility, the City Engineering staff is to be notified. This preferably will take place in a pre-construction conference scheduled by the engineer of record in which all appropriate personnel and utilities are present. Appropriate City personnel are to be notified in advance of all testing (including compaction, pressure and coliform, etc.) and given opportunity to be present during conduct of the testing. The engineer of record or his designated representative is to witness all tests (not covered by City inspectors) and a log of inspection visits and testing results is to be kept by the engineer of record or his representative.
16. The developer is to employ a responsible design professional, preferably the engineer of record, to oversee and inspect construction, to perform and/or observe all requisite testing of completed facilities, and to certify that improvements have been constructed according to approved plans and in compliance with applicable City, County, State, and Federal standards.
17. The engineer of record shall be held responsible to ensure that development improvements are in substantial compliance with said engineer's design. Following the construction of the development improvements, the developer's engineer shall provide the City of Caldwell Engineering Department with electronic (.dwg) format record drawings spatially referenced to the Idaho State Plane Coordinate System-West Zone, North America Datum (NAD) 83. Vertical control shall be referenced to the North America Datum (NAVD) 88 for future reference and to establish that the engineer of record has caused construction to occur in substantial compliance with the design of said engineer of record.
18. Any note, item or drawing element on the construction drawings, engineering drawings and/or design drawings related to the property inconsistent with City Codes, Policies and/or Ordinances shall not be construed as approved unless specifically addressed and granted by City Council.

Rights-of-Way

2. All necessary right-of-way adjacent to this project has already been dedicated to the City.

Street

4. Full street improvements shall be completed to all classified roads adjacent to the proposed project (including N. 21st Ave. and Commercial Way) in accordance with all City of Caldwell standards and specifications. Improvements shall include (but are not limited to) curb, gutter, sidewalk, asphalt, streetlights, joint trench, spare communication conduit along classified roadways, storm drainage facilities, etc.
5. All private driveways, if applicable, shall fully comply with City of Caldwell standards and be approved by the Caldwell Fire Marshall.
6. The approach located on the north side of the project at N. 21st Ave. shall be closed with the removal of the existing approach and the construction of vertical curb, gutter and sidewalk.

Water

3. Each building shall be supplied with potable water. If buildings are constructed to include individual units that could feasibly or will be sold separately, each unit shall be serviced separately.
4. The location of water service, including sizing of mains, providing of easements, frontage construction, and offsite construction are to be decided during review of improvement plans. This development will be required to comply with the Water Master Study.

Sanitary Sewer

5. It shall be the responsibility of the applicant's engineer to verify that connection to existing sewer mainlines will not exceed the functional capacity of said mainlines. Provision for connectivity by future developments shall be met in accordance with current City standards.
6. Each building shall be provided with individual sewer service. If buildings are constructed to include individual units that could feasibly or will be sold separately, each unit shall be serviced separately.
7. Any easements for sewer lines not in the right-of-way should be at a width sufficient to construct same and not less than 20 feet in width. Easements for adjacent sewer and water lines not in the right-of-way shall be at a width sufficient to construct the same and shall be no less than 30 feet in width.
8. A 20' wide all-weather surfaces may be required to be constructed over mainlines that fall outside the public right-of-way. All weather surfaces shall be constructed sufficiently to support heavy equipment necessary to construct and maintain sewer under all seasonal weather conditions.

Irrigation

3. Existing easements and/or right-of-ways for any irrigation facility shall be determined and clearly indicated on the construction plans (excluding prescriptive easements). Construction across or re-routing of these facilities is subject to approval by the governing Irrigation District and at their discretion, their assigns.
4. The Developer shall maintain any existing upstream drainage rights and downstream irrigation rights across the property. During the design phase of this project, the developer or his engineer

is to contact the appropriate irrigation district to help ascertain these rights. Appropriate facilities shall be provided by the developer to convey irrigation and drainage water across the property to take care of these offsite needs. There is to be no discharge of gravity/pressure irrigation return water into the developments storm water system.

5. The development is to include a non-potable water pressure irrigation system. The design of this pressure irrigation system is to be reviewed during the construction plan review process. City water may be used if the site complies with all requirements of City Code pertaining to the use of domestic/potable water for irrigation purposes.
6. All plans and construction drawings submitted to the City of Caldwell for review and approval for any out-of-season irrigation work to be performed shall be submitted to the Caldwell Engineering Department no later than August 15th. Submittal of plans after this date may result in Applicant not receiving plan approval in time to complete out-of-season work.

Storm Drain

5. As noted previously, provision is to be made for the disposal of storm water drainage in accordance with the City Storm Water Management Manual and any updates adopted subsequent to this application. It is to be noted that retention designs will be denied in most instances. A copy of this policy is available upon request. The engineer of record is to provide calculations, which indicate that the assumptions in his storm water drainage plan comply with the requirements of the storm water manual. In this case, if a storm water system is existing, the burden of proof is on the developer to verify the capacity is sufficient for the proposed development.
6. The applicant shall identify and retain all historical drainage discharge points from the property for the purpose of draining on-site storm water detention facilities.
7. The construction drawing should indicate that storm water detention basins are to be placed in accordance with the referenced Storm Water Policy. A note should be placed on the drawings indicating that all areas designated as common areas are to be operated and maintained by the business owners association.
8. There is to be no discharge of storm water overflow into any irrigation water return/discharge facility/ditch/pipe/etc.
9. All storm water runoff from improved half street sections adjacent to this development shall be retained on site in a storage facility to be maintained by the business owners association



City of Caldwell
Community Development Department
Planning & Zoning Division

Phone: (208) 455-3021 | Web: www.cityofcaldwell.org

Modification to Conditions of Approval

The Modification to Conditions of Approval Checklist is used to request to modify a condition of approval associated with an approved land use application package. **This application is not used for changing a site plan, landscape plan, lot sizes, land uses, or the layout of a previously approved development or subdivision.**

NOTE: These requests are reviewed at either an administrative staff level or hearing level, depending on the level of modification.

ADMINISTRATIVE STAFF LEVEL REVIEW (Minor Modifications):

This process can be used where such modification or elimination of conditions of the previously approved application will not result in a substantial alteration or material deviation, as determined by the Director, from the terms and conditions of the previously approved application, and will have a negligible impact on an approved site plan, land use decision, or condition of approval. Minor Modifications can be reviewed and approved by planning staff.

HEARING LEVEL REVIEW (Major Modifications or Director Referred):

This process is used where such modification or elimination of conditions of the previously approved application will result in a substantial alteration or material deviation, as determined by the Director, from the terms and conditions of the previously approved conditions, or results in substantial impacts to an approved site plan or land use decision.

For modifications of conditions within a Development Agreement, a Development Agreement Modification application is required.

PROHIBITED MODIFICATIONS:

Modification or elimination of any condition which relates to a development standard that may only be modified through a variance, vacation, special use permit, or other type of land use entitlement application.



City of Caldwell
Community Development Department
Planning & Zoning Division

Phone: (208) 455-3021 | Web: www.cityofcaldwell.org

The following items shall be included in the application submittal. **Additional information or plans may be required upon official review of the request.** Please check the box for each item listed below to confirm submission of the item listed.

I. Filing and Submittal Standards

- ☐ All applications, checklists, plans and supporting documents must be submitted electronically through our [Online Permit Center](#).
- ☐ Upload all documents and drawings per required checklist, as high-resolution PDFs and formatted in accordance with this checklist.
- ☐ Each checklist item **MUST** be named according to the naming convention listed below. The naming convention shall start with the document name as shown in the table below, followed by an underscore, and then the project name.
- ☐ Resubmittals must use the EXACT same file name as the original and contain a versioning number at the end (V2, V3, V4, etc.)
- ☐ All applicable fees paid once the application has been through prescreening and marked "accepted" by the department. Some applications may require fees to be paid at time of actual submittal.

II. Submittal Documents

The items listed below are considered a minimum. Additional information may be necessary for clarification during the review process.

√	Submittal Item Description	Online Submittal Document Naming Convention
<input type="checkbox"/>	Master Land Use Application. Copy of a completed and signed Master Land Use Application.	Application_ProjectName
<input type="checkbox"/>	Modification of Conditions of Approval Checklist. Copy of a completed and signed modification of conditions of approval checklist, completed and signed.	ConModChecklist_ProjectName
<input type="checkbox"/>	Copy of Deeds or Proof of Ownership. If the owner is a corporation or LLC, proof of the representative or agent for the LLC or corporation will be required.	Deeds_ProjectName
<input type="checkbox"/>	Signed and Notarized Affidavit of Legal Interest Property Owner Acknowledgement. Form must be completed by the legal owner (if the owner is a corporation or LLC, submit a copy of the Article of	OwnerAck_ProjectName



City of Caldwell
Community Development Department
Planning & Zoning Division

Phone: (208) 455-3021 | Web: www.cityofcaldwell.org

	Incorporation or other evidence to show that the person signing is an authorized agent)	
<input type="checkbox"/>	<p>Narrative identifying the original application(s) and case file numbers, and details of the requested modifications to a condition or conditions, and the reason behind the request.</p> <p>Identify proposed modifications to conditions with deleted language shown with strike-through and new language as bold and underline.</p>	Narrative_ProjectName
<input type="checkbox"/>	Vicinity Map. Showing the boundaries of the subject property with relation to nearby roadways and landmarks.	VicinityMap_ProjectName
<input type="checkbox"/>	Findings and Decision Documents. Provide a copy of all signed findings and governing body decision documents for the applicable land use applications.	Decision_ProjectName
<input type="checkbox"/>	Development Agreement (if applicable). Provide a copy of the recorded development agreement associated with this project, if applicable.	DA_Recorded_ProjectName
<input type="checkbox"/>	Provide plans and other Documents as necessary to convey the nature of the Modification of Condition request. This may include site plans, landscape plans, building elevations, or other relevant documents/plans. (if applicable)	Plans_ProjectName



City of Caldwell
Community Development Department
Planning & Zoning Division

Phone: (208) 455-3021 | Web: www.cityofcaldwell.org

III. PDF Formatting Requirements

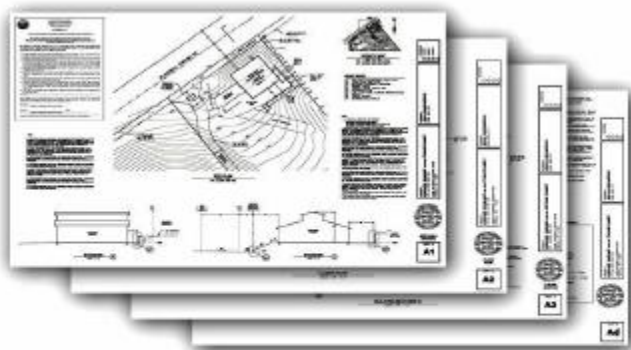
Portable Document Format (PDF) is the industry standard for electronic plans. The City of Caldwell only accepts PDF files for plan review. PDF files must be properly formatted as described below. Please read the instructions carefully. Improperly formatted plans can delay the plan review process for your project.

Layers: No multiple layers. Layers must be merged or flattened.

Format: Vector-based files are preferred given the ability to scale these files.

Resolution: Min. of 300 pixels per inch (PPI)

Grouping: Multiple sheet PDF (single file with multiple sheets)



plans.pdf (multiple sheets)

✓Correct

Labeling:

Each sheet of the plans must be labeled with the project name, contractor, and address of the subject site.



City of Caldwell
Community Development Department
Planning & Zoning Division

Phone: (208) 455-3021 | Web: www.cityofcaldwell.org

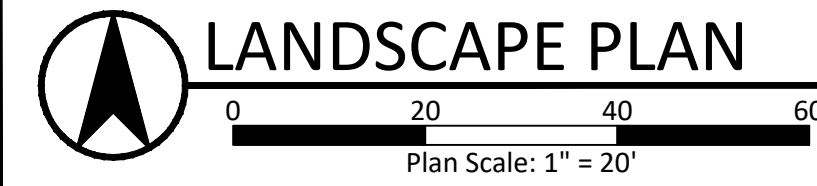
IV. Applicant Acknowledgement

- ☐ I acknowledge that all items on the checklist are included in the submittal package and that all documents have been named accordingly and submitted as single-sided, high-resolution pdf documents; and
- ☐ I acknowledge that I, the applicant, or my representative, is responsible for attending all public hearings (if a public hearing is required); and
- ☐ I acknowledge that applications are not deemed "received" until the application has been submitted, prescreening has been completed, all fees have been paid, and the application has been deemed accepted. This could impact scheduling of public hearing dates and code requirements; and
- ☐ I acknowledge that additional documents, information, or plans may be required to help in understanding and reviewing the request; and
- ☐ I acknowledge that I have read, understand, and am in compliance with all standards, terms, and requirements listed in Caldwell City Code.
- ☐ I certify I am the:
 - ☐ Property Owner as the Applicant ☐ Property Owner's Agent / Representative

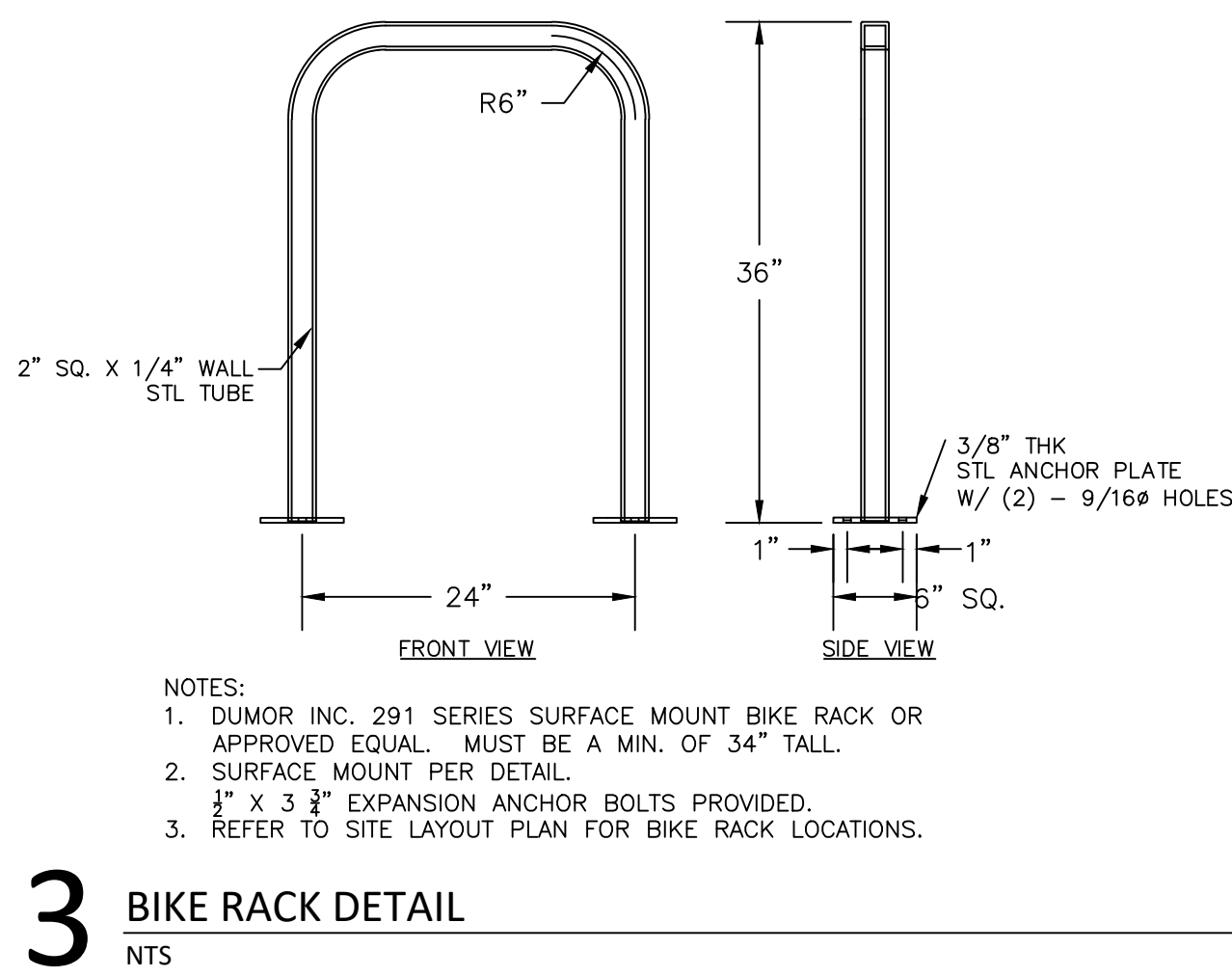
Applicant / Applicant's Representative Printed Name

Date

Applicant / Applicant's Representative Signature



TOTAL PARKING ISLAND TREES	REQ	PRVD
	6	6
TOTAL SITE TREES	REQ	PRVD
	6	6
BICYCLE PARKING CALCULATIONS (1 RACK = 2 STALLS)		
15% OF TOTAL VEHICLE PARKING		
CALCULATIONS= (12 VEHICLE PARKING SPOTS)(.15)	REQ	PRVD
	2	2

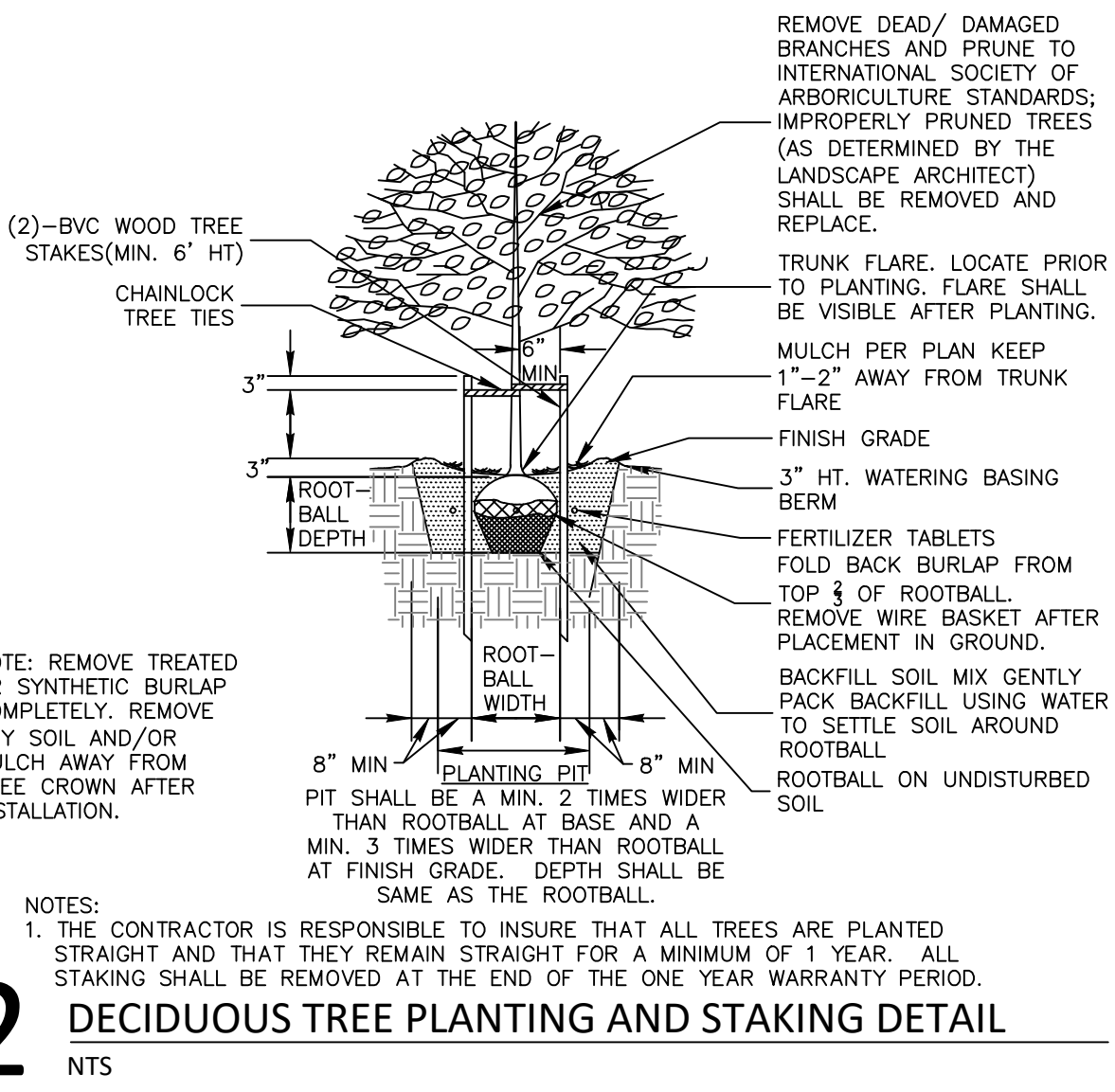


GENERAL LANDSCAPE NOTES

1. CONTRACTOR SHALL LOCATE AND IDENTIFY EXISTING UNDERGROUND AND OVERHEAD UTILITIES WITHIN CONTRACT WORK AREAS PRIOR TO CONSTRUCTION. CONTACT DIG LINE, INC. @ 1.800.342.1585. PROVIDE ADEQUATE MEANS OF PROTECTION OF UTILITIES AND SERVICES DESIGNATED TO REMAIN. REPAIR UTILITIES DAMAGED DURING SITE WORK OPERATIONS AT CONTRACTOR'S EXPENSE.
2. ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN NURSERYMAN STANDARDS FOR TYPE AND SIZE SHOWN.

GENERAL IRRIGATION NOTES

1. ALL PLANT MATERIALS TO BE WATERED BY IRRIGATION SYSTEM.
2. COVERAGE; THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE ONE HUNDRED PERCENT (100%) COVERAGE WITH HEAD TO HEAD SPACING OR TRIANGULAR SPACING AS APPROPRIATE.
3. MATCHED PRECIPITATION RATES: SPRINKLER HEADS SHALL HAVE MATCHED PRECIPITATION RATES WITHIN EACH CONTROL VALVE.
4. IRRIGATION DISTRICTS: SPRINKLER HEADS IRRIGATING LAWN OR OTHER HIGH WATER DEMAND AREAS SHALL BE CIRCUITED SO THAT THEY ARE ON THE SEPARATE ZONE OR ZONES FROM THOSE IRRIGATING TREES, SHRUBS, OR OTHER REDUCED WATER DEMAND AREAS.
5. OVERSPRAY: SPRINKLER HEADS SHALL BE ADJUSTED TO REDUCE OVERSPRAY ONTO IMPERVIOUS SURFACES SUCH AS STREETS, SIDEWALKS, DRIVEWAYS, AND PARKING AREAS.



CONTACT INFORMATION

ARCHITECT	LANDSCAPE CONSULTANT
ALC ARCHITECTURE 1119 STATE STREET, SUITE 120 BOULDER, IDAHO 83016 PHONE: (208) 514-2713 CONTACT: JEFF LIKES EMAIL: jeff@alcarchitecture.com	KM ENGINEERING, LLP 5725 NORTH DISCOVERY WAY BOULDER, IDAHO 83713 PHONE: (208) 639-6939 FAX: (208) 639-6930 CONTACT: ALYSSA YENSEN, PLA EMAIL: oyensen@kmgengllp.com

[illegible]



July 16, 2025

**City of Caldwell
Planning and Zoning
205 S 6th Ave
Caldwell, ID 83605
p. 208.455.3000
Attn: Planning**

Re: Letter of Explanation - 25016- Mo Bettahs 21st and Commercial

We are formally requesting a revision of Section 10.5, Conditions of Approval for Case ZON22-000003, formally associated with a restaurant with drive-thru only, approved on August 18, 2022. Parcel R35372 (Site Address: 0 N 21st Ave, CA), is currently associated with the Mo' Bettahs project at 21st and Commercial which requires both drive-thru and indoor seating.

The site was originally approved on August 18, 2022 (Case ZON22-000003), for a restaurant concept designed exclusively for drive-through service with very little on-site parking. However, the approved project was never initiated. A new client has since assumed control of the project and now intends to operate a restaurant offering both dine-in and drive-through services. The new site design for the Mo Bettahs accommodates the required additional on-site parking and an additional egress and access from the north side of the parcel, providing for better site circulation and access.

The previously approved Section 10.5, Conditions of Approval stated, "The site will only be used for a non-sitting drive through type restaurant with no indoor seating." We are requesting this section to be revised to state, "This site will be used for an indoor seating and drive through type restaurant."

Sincerely,

Jeff Likes
ALC Architecture
jeff@alcarchitecture.com
208.514.2713



PROPERTY OWNER ACKNOWLEDGEMENT

COMMUNITY DEVELOPMENT – PLANNING & ZONING – 205 S 6TH AVE, CALDWELL ID

I, Hosam Moustafa, the recorded owner for real property addressed as ON 21st Avenue, Suite # , City HM Boise ~~Boise~~ Caldwell State ID Zip 83605, am aware of, in agreement with, and give my permission to Architect; Jeff Lites, to submit the accompanying application(s) pertaining to this property.

1. I agree to indemnify, defend and hold the City of Caldwell and its employees harmless from any claim or liability resulting from any dispute as to the statement(s) contained herein or as to the ownership of the property which is the subject of the application.
2. I hereby grant permission to City of Caldwell staff to enter the subject property for the purpose of site inspection(s) related to processing said application(s).

Dated this 25th day of March, 2025

Hosam Moustafa

(Signature)

CERTIFICATE OF VERIFICATION

STATE OF IDAHO)
) ss.
)

See attached

I, _____, a Notary Public, do hereby certify that on this _____ day of _____, in the year, _____, personally appeared before me _____, known or identified to me to be the person whose name is subscribed to the foregoing instrument, who, being by me first duly sworn, declared that he/she/they signed the foregoing document, and that the statements therein contained are true.

NOTARY PUBLIC FOR IDAHO

Residing at _____

My Commission Expires _____

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On March 25th, 2025 before me, Termeh Salimi, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Hosam Moustafa
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she they executed the same in his her their authorized capacity(ies), and that by his her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

Signature

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____



2022-011627
RECORDED
03/03/2022 08:13 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pg#3 JWINSLOW \$15.00
TYPE: DEED
EMPIRE TITLE, LLC, AN IDAHO LIMITED
ELECTRONICALLY RECORDED

WARRANTY DEED

FOR VALUE RECEIVED

WLH Management, LLC, a Nevada limited liability company GRANTOR(s) does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto:

Caiyer, LLC, a Nevada limited liability company GRANTEE(s), whose current address is: 1731 Village Center Circle, Las Vegas, NV 89134 the following described real property in Canyon County, State of ID more particularly described as follows, to wit:

SEE ATTACHED EXHIBIT A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee(s), and Grantee(s) heirs and assigns forever. And Grantor(s) does(do) hereby covenant to and with said Grantee(s) that 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 reservations, restrictions, dedications, easements, rights of way and agreements, if any, of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year which are not yet due and payable and the Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated this 2nd day of March, 2022
WLH Management, LLC, a Nevada limited liability company

By: Bill Hicks
Bill Hicks, Managing Member



03/02/2022
01:53 PM EST

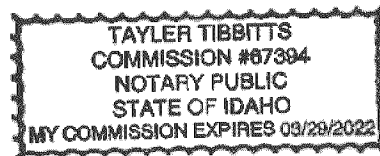
State of Idaho
County Ada

On this 2nd day of March, in the year of 2022, before me the undersigned Notary Public in and for said State, personally appeared Bill Hicks, known or identified to me to be the Managing Member, of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

Tayler W. Tibbitts
Notary Public for Idaho
Residing at: Kuna, ID
My Commission Expires: 3/29/2022



03/02/2022
01:56 PM EST



Online Notary Public. This notarial act involved the use of online audio/video communication technology.

EXHIBIT "A"

PARCEL I:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO. BEING FURTHER DESCRIBED AS FOLLOWS:

BASIS OF BEARING:

THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN, DERIVED FROM FOUND MONUMENTS AND TAKEN AS NORTH 89°57'02" WEST WITH THE DISTANCE BETWEEN MONUMENTS FOUND TO BE 1333.10 FEET.

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 26, TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN; THENCE ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, NORTH 89°57'02" WEST, A DISTANCE OF 719.78 FEET (FORMERLY 719.73 FEET) FROM WHICH THE WEST 1/16 CORNER OF SAID SECTION 26 BEARS NORTH 89°57'02" WEST A DISTANCE OF 613.32 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 00°02'02" EAST, A DISTANCE OF 213.83 FEET (FORMERLY SOUTH 00°01'22" EAST 213.82 FEET) TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 00°02'02" EAST (FORMERLY SOUTH 00°01'22" EAST), A DISTANCE OF 153.90 FEET;

THENCE SOUTH 85°09'34" WEST, TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF COMMERCIAL WAY, A DISTANCE OF 46.96 FEET;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, NORTH 42°28'25" WEST, A DISTANCE OF 101.69 FEET;

THENCE FROM A TANGENT WHICH BEARS NORTH 42°35'00" WEST, ALONG CURVE TO THE RIGHT WITH A RADIUS OF 35.01 FEET, AND HAVING A CENTRAL ANGLE OF 94°45'34" AN ARC LENGTH OF 57.90 FEET WITH A CHORD BEARING OF NORTH 04°47'47" EAST, AND A CHORD DISTANCE OF 51.53 FEET, TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF NORTH 21ST AVENUE;

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, FROM A TANGENT WHICH BEARS NORTH 52°12'04" EAST, ALONG CURVE TO THE RIGHT WITH A RADIUS OF 680.18 FEET, AND HAVING A CENTRAL ANGLE OF 04°38'01" AN ARC LENGTH OF 55.01 FEET WITH A CHORD BEARING OF NORTH 54°31'05" EAST, AND A CHORD DISTANCE OF 54.99 FEET;

THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, SOUTH 89°38'32" EAST, A DISTANCE OF 66.28 FEET (FORMERLY SOUTH 89°39'06" EAST 66.29 FEET) TO THE POINT OF BEGINNING.

TOGETHER WITH PARCEL 2:

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO. BEING FURTHER DESCRIBED AS FOLLOWS:

BASIS OF BEARING:

THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN, DERIVED FROM FOUND MONUMENTS AND TAKEN AS NORTH 89°57'02" WEST WITH THE DISTANCE BETWEEN MONUMENTS FOUND TO BE 1333.10 FEET.

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 26, TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN; THENCE ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, NORTH 89°57'02" WEST, A DISTANCE OF 719.78 FEET (FORMERLY 719.73 FEET) FROM WHICH THE WEST 1/16 CORNER OF SAID SECTION 26 BEARS NORTH 89°57'02" WEST A DISTANCE OF 613.32 FEET; THENCE LEAVING SAID NORTH LINE, SOUTH 00°02'02" EAST, (FORMERLY SOUTH 00°01'22" EAST), A DISTANCE OF 367.73 FEET TO THE TRUE POINT OF BEGINNING

THENCE CONTINUING SOUTH 00°02'02" EAST (FORMERLY SOUTH 00°01'22" EAST), TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF COMMERCIAL WAY, A DISTANCE OF 55.10 FEET;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, NORTH 42°28'41" WEST, A DISTANCE OF 69.34 FEET;

THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, NORTH 85°09'34" EAST, A DISTANCE OF 46.96 FEET TO THE POINT OF BEGINNING.

Canyon County Assessor



8/11/2025, 2:00:52 PM

- Imagery 2025
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- Taxparcels
- Canyon County Roads
- Sections-Adjusted for Assessment
- County
- City Limits (TY 2025)
- CALDWELL

