

**Before the Planning & Zoning Commission
City of Caldwell, Idaho
Public Hearing Held August 11, 2020**

SUBJECT: Staff Report Case No. OA-20-03 (Chapter 10, Staff Level Design Review)

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I COURSE OF PROCEEDINGS

- 1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application OA-20-03 to be held before the Caldwell Planning and Zoning Commission on August 11, 2020. Public notice requirements set forth in Idaho Code, Title 67, Chapter 65, Local Planning Act, were met. On or before July 26, 2020 notice was published in the Idaho Press Tribune.
- 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: Caldwell Planning and Zoning Department, 621 Cleveland Boulevard, Caldwell, Idaho, 83605.
- 2.2 REQUEST: a request by the Planning and Zoning Department to amend Chapter 10, Article 2, Section 10-12-08 of the Caldwell City Code, pertaining to Design Review.
- 2.3 TEXT CHANGE CONSIDERATION: The purpose of this request is to allow Staff Level Design Review to be considered for certain design elements.
- 2.4 BACKGROUND:

The Planning Director has the task to prepare and present cases before the Design Review Commission. The cases that came before the Design Review Commission in 2019 included exterior renovations and Cleveland Square (a senior housing and clinic). Applications included before the Covid-19 virus in 2020 were some minor signs and canopies. These applications would only take no more than an hour to review, but the applicant would have to wait over a month in some cases, because they needed to be reviewed and approved by the Design Review Commission. Chapter 10, Article 2, Section 10-12-08 of the Caldwell City Code requires that all design review decisions must be approved by the Design Review Commission in the City Center no matter how small they may be. In May of 2020, the Caldwell City Council gave authority to the Mayor to direct staff to conduct staff level design review with restrictions, such as only minor projects, such as signs and

canopies, and minor revocations, store front improvement, such as painting and window placing of like kind. The action by the Planning and Zoning Commission will allow all applications within the city center zoning district, including those within the Indian Creek corridor, be reviewed and allow staff level design review, if the following complies:

1. Building Materials, Colors, Wall Opening and Projecting Elements based upon Compatibility to the City Center
 - a. Building Facades
 - 1) Exterior Renovations - Minor building elements
 - 2) Store Fronts
 - b. Design Elements
 - 1) Pedestrian Amenities, such as, trash cans, bike racks, and others
 - 2) Awnings/Canopy
 - 3) Windows, Trim and Materials
 - 4) Lighting elements
 - c. Murals
 - d. Signs (As determined by the planning and zoning director)

All new projects and other projects determined by the Planning and Zoning Director will require Design Review Commission approval.

III PUBLIC TESTIMONY

3.1 TESTIMONY BEFORE THE PLANNING & ZONING COMMISSION, August 11, 2020

Reserved for Planning & Zoning Commission

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 RECOMMENDATION

5.1 Based on the testimony, the Caldwell Planning & Zoning Commission hereby recommends to the Caldwell City Council that **Case No. OA-20-03 (Chapter 10, Staff Level Design Review)** a request by the City of Caldwell Planning and Zoning Department to amend Chapter 10, Article 2, Section 10-12-08 of the Caldwell City Code, Staff Level Design Review, is **approved/denied**.



CITY OF
Caldwell, Idaho

Planning & Zoning

HEARING REVIEW APPLICATION

Type of Review Requested (check all that apply)

- Annexation
- Appeal/Amendment
- Comprehensive Plan Map Change
- De-Annexation
- Ordinance Amendment
- Rezone
- Special Use Permit
- Subdivision- Preliminary Plat
- Subdivision- Final Plat
- Subdivision- Short Plat
- Time Extension
- Variance
- Other _____

STAFF USE ONLY:

File number(s): _____
0A-20-03

Project name: *Ch. 10 updates*
Staff level design review

Date filed: _____ Date complete: _____

Related files: _____

Subject Property Information

Address: _____ Parcel Number(s): _____

Subdivision: _____ Block: _____ Lot: _____ Acreage: _____ Zoning: _____

Prior Use of the Property: _____

Proposed Use of the Property: _____

Applicant Information:

Applicant Name: *City of Caldwell P&Z* Phone: *2084553021*

Address: *621 Cleveland Blvd* City: *Caldwell* State: *Id* Zip: *83607*

Email: *jmappe@cityofcaldwell.org* Cell: _____

Owner Name: _____ Phone: _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Cell: _____

Agent Name: (e.g., architect, engineer, developer, representative) _____

Address: _____ City: _____ State: _____ Zip: _____

Email: _____ Cell: _____

Authorization

Print applicant name: *Jerome Mapp*

Applicant Signature: _____ Date: *7/13/00*



CITY OF
Caldwell, Idaho

Planning & Zoning

ORDINANCE AMENDMENT

Project Name: <u>City of Caldwell P&Z</u>	File #: <u>OA-20-03</u>
Applicant/Agent:	

Applicant (v)	Please provide the following REQUIRED documentation:	Staff (v)
	Completed and signed Hearing Review Application	
	Narrative fully describing the request, including the following: <ul style="list-style-type: none">➤ Specific item/code section requested to be changed➤ Reasons for the amendment/code change➤ Any other pertinent information to the request	
	All of the above items shall be submitted in 8 ½ x 11 paper format AND in electronic format (preferably PDF or Word) on either a jump drive or CD. Please be aware the jump drive or CD will become part of the file and will not be returned	
	Fee	

STAFF USE ONLY:

Date Application Received: 7/13/20

Received by: K

Proposed Hearing Date: PZ

Hearing Body: 8/11/20

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL AMENDING CHAPTER 10, ARTICLE 12, SECTION 10-12-08 OF THE CALDWELL CITY CODE, PROVIDING FOR STAFF LEVEL DESIGN REVIEW FOR CERTAIN DESIGN ELEMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Caldwell, County of Canyon, State of Idaho:

Section 1. That Chapter 10, Article 12, Section 10-12-08 of the Caldwell City Code is hereby amended as follows:

10-12-08: DESIGN REVIEW APPLICATION PROCESS:

- (1) Purpose: The purpose in administration of the design application process is:
- A. To ensure that new applications in the City Center Zoning District are consistent with the goals and policies of the comprehensive plan; and
 - B. To allow for processes that are expedient and effective and;
 - C. To allow for processes consistent with the magnitude of change in development and level of sensitivity to adjoining structures and natural features.; and
 - D. To ensure that the proposed development will not have a negative impact to the design and intent of development within the City Center Zoning District.
- (2) Applicability:

Staff Level Design Review

A.1. All applications within the City Center Zoning District, including those within the Indian Creek Corridor, may receive Planning Director (or designated staff) level design review based upon approved development guidelines for certain design elements. Staff level design review may be considered for the following design elements, as long as they meet the intent of, and are compatible with, the design review guidelines and handbook. Alternatively, the Planning Director, in his or her discretion, may require that the following design elements be approved by the Commission.

- Building Materials, Colors, Wall Opening and Projecting Elements
- Building Facades
 - Exterior Renovations - Minor building elements
 - Store Front Design
- General Design Elements
 - Pedestrian Amenities, such as, trash cans, bike racks, and others
 - Awnings/Canopy
 - Windows, Trim and Materials

- Lighting elements
- Murals
- Signs

A.2. Commission Level Design Review

All applications within the Ceity Ceenter Z zoning D district, including those within the Indian Creek Co rridor, shall be reviewed for compliance with the standards as set forth in this article by the Caldwell D design R review Ceommission. Requested modifications varianees, deviations, or exceptions to the standards as set forth in this article shall be included in any application for consideration by the Caldwell D design R review Ceommission.

B. All special use permit applications within the ~~entire Ceity Ceenter Z zoning D district~~ ~~to include those within the Indian Creek corridor, along with the applicable building layout and design standards,~~ shall be reviewed by the Planning and Zoning Commission through the public hearing process as set forth in section 10-03-04 of this chapter.

C. Applications for new construction, additions or exterior alterations for any property within a designated local historic district contained within the Ceity Ceenter Z zoning D district shall be reviewed for compliance with the standards as set forth in this article by the historic preservation commission. (Ord. 2911, 9-4-2012)

D. Legal nonconforming single-family dwellings in the Ceity Ceenter Z zoning D district are exempt from design review standards.

(3) Pre-application: Any developer, business owner, or property owner seeking to construct or renovate a building in the Ceity Ceenter Z zoning D district is required to have a pre-application (roundtable) meeting with city staff prior to filing an application.

(4) Application Process:

A. project requiring special use permit approval shall follow the application process outlined in section 10-03-04 of this chapter.

B. Applications for a building permit in the Ceity Ceenter Z zoning D district shall be obtained from and submitted to the B building D department for processing and subsequent review.

C. Applications for new construction, additions or exterior alterations for any property within a designated local historic district contained within the Ceity Ceenter zone Z oning D istrict shall require a certificate of appropriateness from the H historic P preservation Ceommission, City Center Z oning D istrict commission prior to commencement of any construction and prior to application for any other permits.

1.If a certificate of appropriateness is obtained from the H historic P preservation Ceommission, then the appropriate building permit applications shall be obtained from the building official.

D. All applications shall be accompanied by a fee in an amount established by city council resolution.

E. All applications shall be accompanied by the appropriate fee and a sample of roofing materials, siding materials, all exterior colors to be used on-in the building and any other material to be used on the exterior of the building. All said samples shall be approved by the ~~planning and zoning director, design review commission, historic preservation commission or the planning and zoning commission~~ Planning and Zoning Director, Design Review Commission, Historic Preservation Commission or the Planning and Zoning Commission, whichever is applicable.

(5) Hearing Process:

A. Applications for review by the ~~historic preservation commission or design review commission~~ Historic Preservation Commission or Design Review Commission as set forth under subsection (2) of this section shall be subject to a public hearing as follows:

1. Notice To Be Published: At least fifteen (15) calendar days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction.

2. Posting Of Notice: Notice shall be posted on the premises not less than seven (7) calendar days prior to the hearing.

3. Notice To Be Mailed: At least fifteen (15) calendar days prior to the hearing, notice shall be mailed to property owners or purchasers of record within three hundred feet (300') of the external boundaries of the land being considered.

(A) Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings.

(B) When notice is required to two hundred (200) or more property owners or purchasers of record, sufficient notice shall be deemed to have been provided if the city provides notice through a display advertisement at least four inches (4") by two (2) columns in size in the official newspaper of the city at least fifteen (15) calendar days prior to the hearing date, in addition to site posting on all external boundaries of the site.

4. Conduct Of Hearing: The public hearing shall be conducted by the ~~historic preservation commission or design review commission~~ Historic Preservation Commission or Design Review Commission with the city's adopted rules of procedures which provide for a record of the proceedings, testimony by the applicant and the public, and a written order of decision.

(A) The written order of decision shall reference the review criteria used in the review of the application and which provided the basis for the decision. The ~~historic preservation commission or design review commission~~ Historic Preservation Commission or Design Review Commission shall have the ability to condition applications to comply with any specified standards in this chapter.

5. Appeals: The applicant or any aggrieved person with interest in real property within a three hundred foot (300') radius of the exterior boundaries of the subject property may appeal the decision of the decision making body to the council by completing and submitting an appeal application and or conditions to the city clerk, along with the appropriate fee, within fifteen (15) days of the date of the written decision from the decision making body.

6. Decisions: The decision making body shall provide a written decision with reference to the review criteria used in review of the development design application and the basis for

the decision. The decision making body shall have the ability to condition development design proposals to comply with specified criteria in this chapter. Within one year of the date of signature of the order of decision showing approval, a building permit application shall be submitted for the approved project. If the building permit application is not submitted within the required time frame, the order of decision shall become null and void. One, and only one, administrative extension may be granted by the Planning and Zoning Director, allowing an additional twelve (12) months to submit the building permit application.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 3. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF CALDWELL, IDAHO, this _____
day of _____, 2020.

APPROVED BY THE MAYOR OF THE CITY OF CALDWELL, IDAHO, this _____
day of _____, 2020.

ATTEST:

Mayor Garret Nancolas

City Clerk (or Deputy)