

**Before the Caldwell Hearing Examiner
City of Caldwell, Idaho
Public Hearing Held August 18, 2020**

Subject: Case No. SUP 20-06 (McDonald's Sign)

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

- Special Use Permit for an eighty (80) foot tall pole sign with an approximate 11 by 14 foot McDonalds emblem.

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I COURSE OF PROCEEDINGS

- 1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application SUP 20 06 to be held before the Caldwell Hearing Examiner on August 18, 2020. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, August 2, 2020, notice was published in the Idaho Press Tribune, and on, or before, July 31, 2020 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 6, 2020 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: Fast Trac Development, David Wilson, PO Box 6770, Ketchum, ID 83340
- 2.2 REPRESENTATIVE: Lytle Signs, Robert Reeder, PO Box 305, Twin Falls, ID 83303
- 2.3 REQUEST: CASE NO: SUP-20-06: A request by Lytle Signs on behalf of Fast Trac Development & McDonald's Corporation for a special use permit to place an eighty (80) foot high pole sign at 210 N. 10th Avenue, Caldwell, ID on parcel R00383.
- 2.3 BACKGROUND: Currently the site is the location of the Fast Trac Car Wash. The Moxie Java has been removed. Boos Mountain States LLC is purchasing the property from Fast Trac Development for the purpose of establishing a McDonalds restaurant on the property. They have rezoned the remaining property to "C2", submitted a property boundary adjustment application to consolidate Lots 13-24, Block 54 of Boone Addition into one parcel, currently are in process of terminating

multiple development agreements (AMD 20 03) that contain conditions that either no longer apply to the proposed use and/or are stipulated in the current City Code and will be required at time of application for building permits. The request for a pole sign is commensurate with the site preparation for the new use as a McDonalds restaurant.

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

Business - This category includes land that is suitable for retail, light service, professional offices, small scale shopping center and professional businesses. Business uses should have frontage on or be within close proximity to a collector or arterial roadway and can be reasonably placed near a residential neighborhood.

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	C-2	Business	Car Wash, Residential, Vacant
North	C-2, C-4	Business	Pizza Hut, Interstate
South	C-2, R-3	Business/Public/TN	Wendy's, Residential, School
East	C-4/C-2/R-3	Business/Manuf. & Prod./TN	Manufacturing/Packaging
West	C-2	Business	JBX, Gas station, Carl's Junior

- Transportation/Connectivity: The subject property has frontage onto 10th Avenue, a principal arterial roadway, E. Freeport Street and 11th Street, classified as local roads. 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, ITD, Valley Regional Transit, COMPASS, and Idaho Power were all sent a request for comment on July 14, 2020.

2.5 Landscaping & Pathways: The 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.

III PUBLIC TESTIMONY

3.1 Before the Hearing Examiner, August 18, 2020

Reserved for Hearing Examiner

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 – SPECIAL USE PERMIT**

The Caldwell Hearing Examiner accepts the Comprehensive Plan Components as listed below.

- 5.1 The request for a Special Use Permit (SUP) for a Sign 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.

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.

GOAL 5: Provide for a safe and secure community.

- Policy 5-1: Access for emergency vehicles and responders should be given the highest Priority in the design of new development.
- Policy 5-6: Ensure that street, parking and driveway designs are adequately sized to accommodate the turning radius of public safety equipment.

GOALS AND POLICIES – Transportation (Chapter 9)

GOAL 2: Protect public safety and the environment.

- Policy 2-1: Ensure that lots have sufficient frontage and/or accessibility to public streets to mitigate public health and safety concerns.

GOAL 5: Protect the integrity of arterial corridors.

- Policy 5-2: In order to minimize the number of driveway approaches, create alternative access points when developing property along a principal arterial road.

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

VI FINDINGS OF FACT - SUP

6.1 The Caldwell 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.

VII CONCLUSIONS OF LAW - SUP

7.1 The Caldwell Hearing Examiner has the authority to hear this case and recommend to the Caldwell City Council 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 ORDER OF DECISION - SUP

8.1 Based on the Findings of Fact and Conclusions of Law, the Caldwell Hearing Examiner hereby orders that Case Number SUP-20-06, a request by Lytle Signs for a special-use permit to construct an 80 tall pole sign (McDonalds Emblem) at 612 N. 10th Avenue in Caldwell, Idaho is **approved** with the following conditions:

8.2 Comply with all applicable city codes, ordinances, policies, and standards.

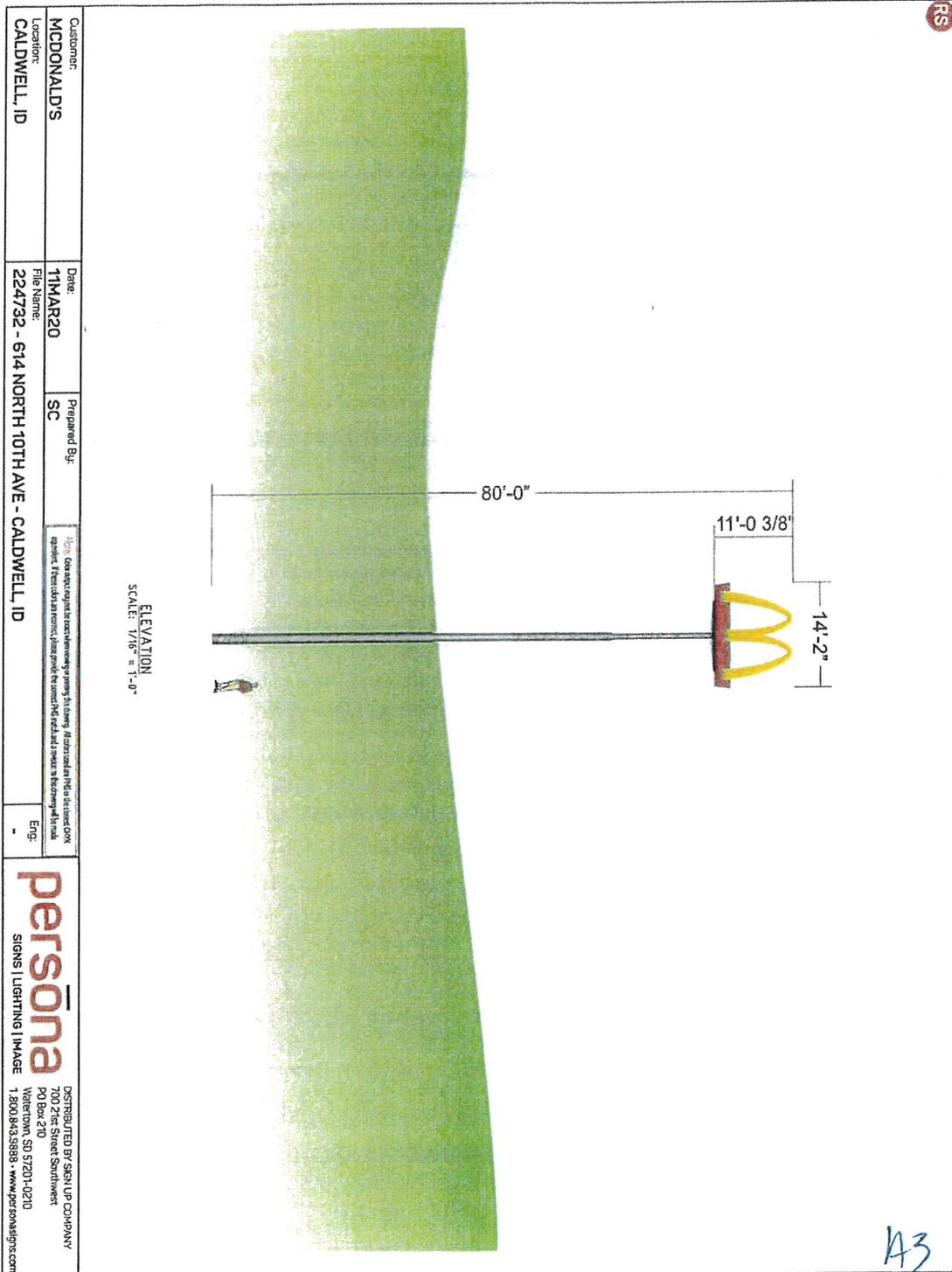
8.3 The 80 foot pole sign shall be located and installed in substantial compliance with the provided site plan, model elevation attached hereto as Exhibit "A3".

8.4 The base of the sign shall be landscaped in accordance with the Caldwell City Landscape Code at the time of installation. Applicant shall submit a landscape plan with the building permit for the pole sign.

8.5 The sign and pole w/base shall be maintained and kept in good repair including all required landscaping.

8.6 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.

EXHIBIT "A3"
 McDonald's Sign Elevation
 612 N. 10th Ave



"Site Layout, Cropped"

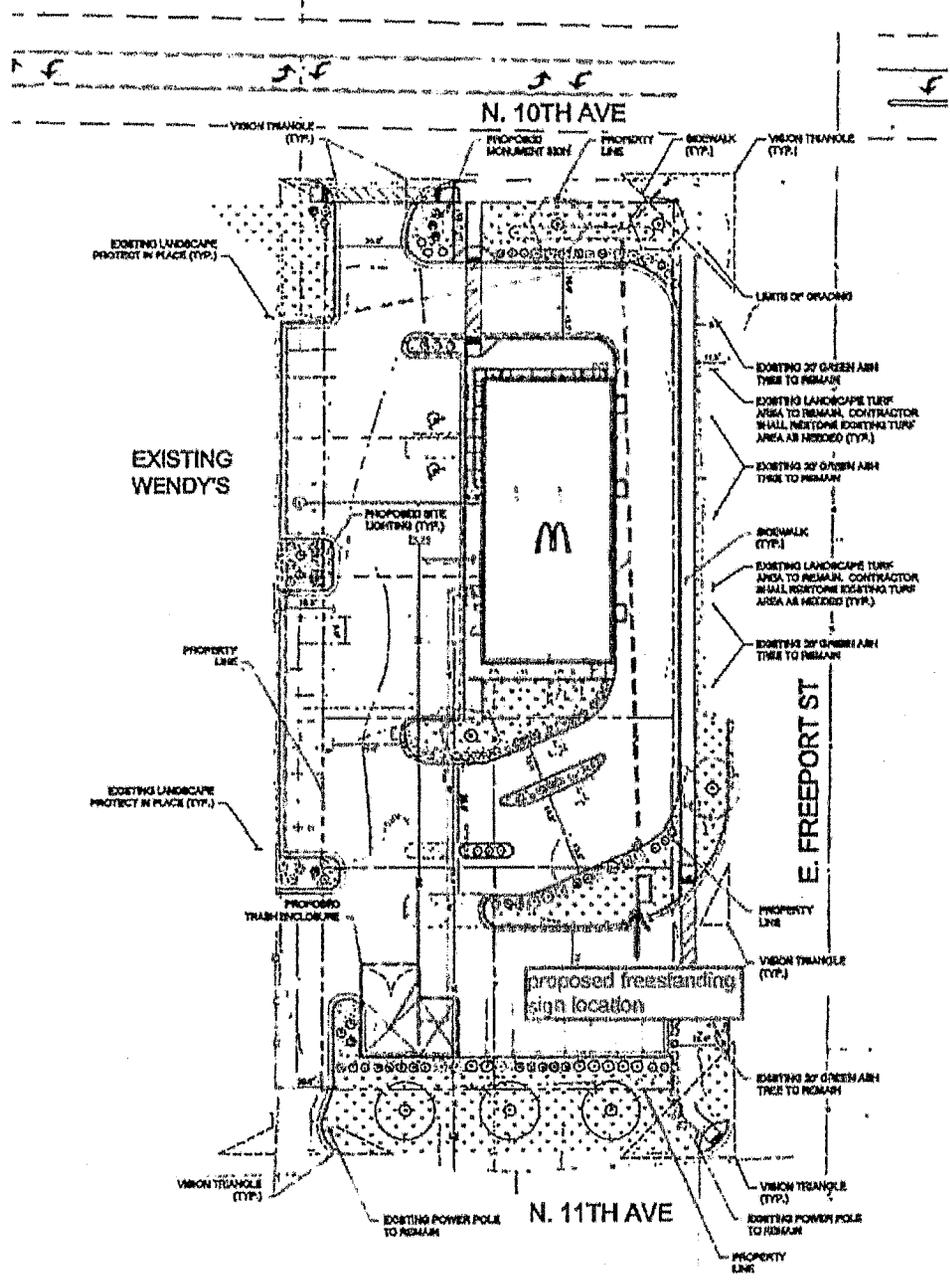


EXHIBIT "A 2"
Letter of Intent
[SUP 20-06]



June 17, 2020

City of Caldwell
Planning and Zoning Department
621 E Cleveland Blvd
Caldwell, ID 83605

Regarding: Special Use Permit application for McDonald's

To whom this may concern:

Lytle Signs, as the representative for McDonald's Corporation and Fast Track Development would like to apply for a special use permit to allow an 80' overall height illuminated freestanding sign. Caldwell city code 10-02-06(H1) currently allows for freestanding signs that exceed 50' only with a special use permit. The property owners are requesting the 80' sign to extend above the existing trees on the southeast side of the property. This would eliminate the need to remove any existing trees and would allow the sign to extend above the tree line. The McDonald's site will be a new project to be built from ground up at 612 N 10th Ave in Caldwell.

Letters of the request with supporting documents were mailed to all residences with 350' of the property in replace of the neighborhood meeting. This was done due to the restrictions in place for public meetings due to the Covid-19 mandates. The letters were mailed to all residences on June 2nd, and we allowed 14 days to hear comments back. As of June 16th, no responses were received from our mailing.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Reeder", is written over a faint, light blue circular stamp.

Robert Reeder
Lytle Signs

• • • • • & VINYL SIGNS •

• Fax 208-736-8653 •

A handwritten mark in blue ink, consisting of the letters "A2" with a small square symbol to the left, is located in the bottom right corner of the page.



McDonald's USA, LLC
Denver Field Office
4643 S. Ulster Street
Suite 1300
Denver, CO 80237
303-779-0444

5-21-2020

Reference: New McDonald's Restaurant (SUP Request)
Address: 614 North 10th Ave, Caldwell ID 83605

TO WHOM IT MAY CONCERN,

McDonald's would like to request that the City of Caldwell allow us to extend our new pylon sign up to 80' tall. There are many existing mature trees surrounding the property at approximately 50' tall. We feel that we need to extend past these trees to preserve these trees and the natural beauty of this area. Please consider this request.

Sincerely,

Rick Darmody
Owner/Operator

Carter Mann

Carter Mann
McDonald's Corporation Construction Manager

A2

EXHIBIT "A4"
VICINITY MAP

Assessor's Office Web Application



SITE LOCATION PHOTO



PH

SITE MAP SUP-20-06

