

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 _____

RECEIVED
DEC 05 2016

STAFF USE ONLY:
 File number(s): ZON-16-07
 Project name: Jackson's Rezone
 Date filed: 12-5-2016 Date complete: _____
 Related files: _____

Subject Property Information

Address: 2414 South Montana Ave + 2422 S. Montana + 2406 S. Montana Ave
 Parcel Number(s): 2414: R035760000 2406: R0357801000 R0357500000
 Subdivision: Mantain View Block: 33 Lot: 14 Acreage: .50 Zoning: R-2
 Prior Use of the Property: R-2 (Residential)
 Proposed Use of the Property: C-Store / Fuel canopy and residential

Applicant Information:

Applicant Name: BRS Architects Phone: 208-336-8370
 Address: 1010 S. Allante Pl. #100 City: Boise State: ID Zip: 83709
 Email: cindy@brsarchitects.com Cell: _____
 Owner Name: Jacksons Food Stores Phone: 208-888-6061
 Address: 3450 E. Commercial Ct. City: Meridian State: ID Zip: 83642
 Email: Scott.Sbm@jacksons.com Cell: _____

Agent Name: (e.g., architect, engineer, developer, representative) BRS Architects / Cindy Huebert
 Address: 1010 S. Allante Pl. #100 City: Boise State: ID Zip: 83709
 Email: cindy@brsarchitects.com Cell: _____

Authorization

Print applicant name: Cynthia Huebert / BRS Architects
 Applicant Signature: [Signature] Date: 10-24-16

Project Name: <u>Jacksons Food Store #64</u>	File #: <u>ZON-16-07</u>
Applicant/Agent: <u>BRS Architects / Cindy Huebert</u>	

Applicant (v)	Description	Staff (v)
✓	Completed & signed Hearing Review Master Application	✓
✓	Narrative fully describing the proposed use/request	✓
✓	Recorded warranty deed for the subject property	✓
NA	Signed Lease Agreement (if applicable)	✓
	Vicinity map, showing the location of the subject property (8 1/2" x 11")	
✓	Site Plan The following are suggested items that may be shown on the site plan:	✓
	• Property boundaries of the site	
	• Existing buildings on the site	
	• Parking stalls and drive aisles	
	• Sidewalks or pathways (proposed and existing)	
	• Fencing (proposed and existing)	
✓	Metes and bounds legal description for the site to be rezoned (must be submitted in electronic format).	
NA	Landscape Plan (if applicable)	
✓	Neighborhood Meeting sign-in sheet	✓
✓	Fee	

STAFF USE ONLY:

Date Application Received: 12-5-2014

Received by: A Cabello

Proposed Hearing Date: HE 1-10-2017

Hearing Body: H9



ARCHITECTS

1010 S. Allante Place, Suite 100
Boise, Idaho 83709
Telephone 208 336-8370
Fax 208 336-8380
www.brsarchitects.com

November 4, 2016

Mr. Jarom Wagoner
Planning and Zoning Department
City of Caldwell
621 Cleveland Blvd.
Caldwell ID 83605

Re: Rezone Application
Jacksons Food Store # 64
2406 S. Montana Ave.
Caldwell, ID 83605
BRS No. 16101

Dear Mr. Wagoner,

On behalf of Jacksons Food Stores, we are respectfully requesting approval of the attached Rezone Application. We are requesting their current location at 2406 S. Montana Ave and two residential properties to the south from R-1 Zone (Low Density Residential) to a C-2 zone (Community Commercial) classification. The newly required residential parcels are located at 2414 S. Montana Ave and 2422 S. Montana Ave with an existing alley bordering along the north. Jacksons would maintain access from the existing store via the alley right of way and hope to have full movement accesses at both Montana and Linden. It would be Jacksons intention to locate a new fuel island with 3 pumps, a new canopy, and underground fuel storage tanks on this property and remove the existing fuel island and canopy on their existing property.

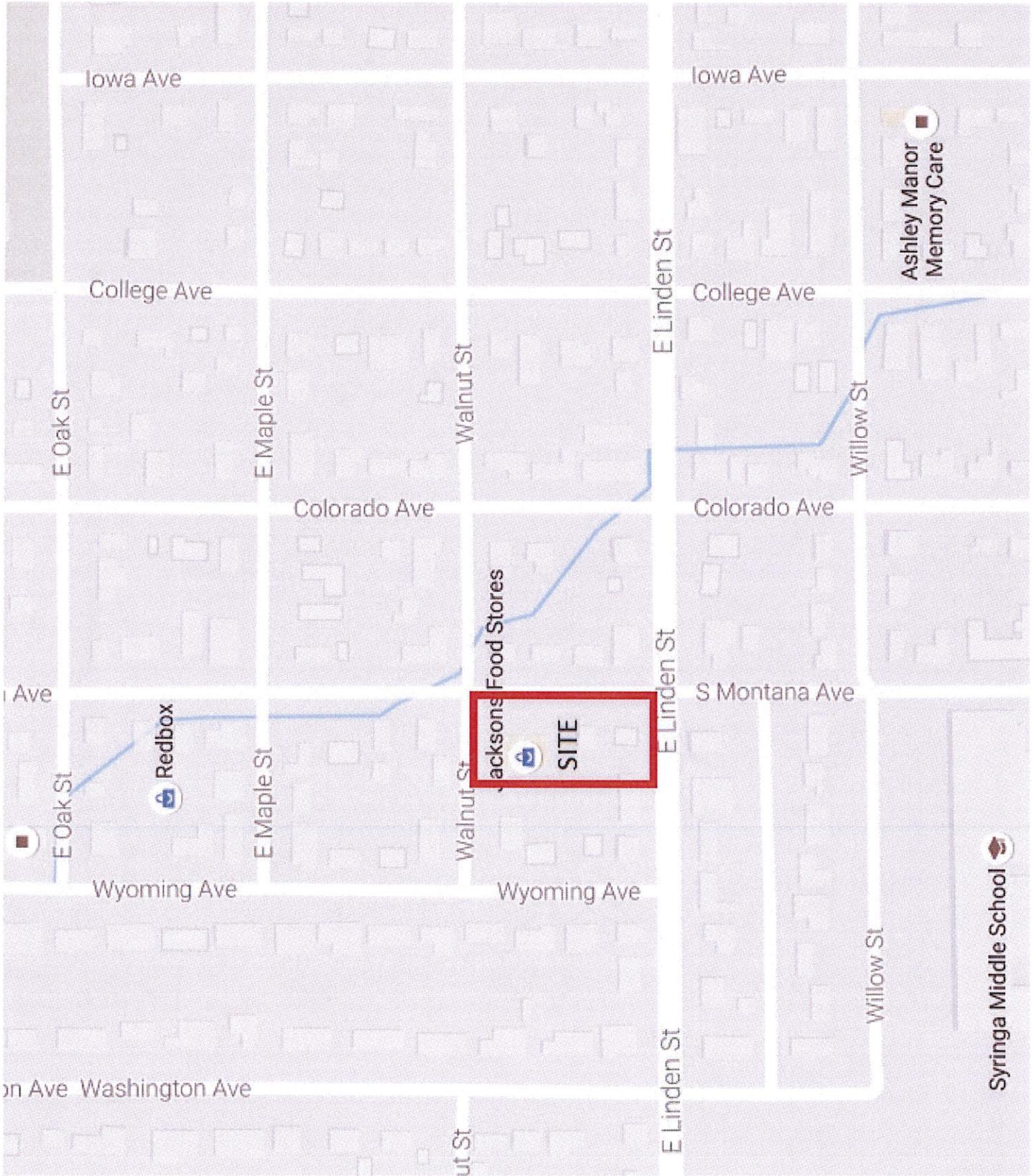
According to the City of Caldwell's Comprehensive Plan map it indicates the existing Jacksons parcel and the subject parcels are designated as commercial properties so pursuing a rezone to a C-2 classification appears to be supported by the Comprehensive Plan map. We hope the City of Caldwell would agree and approve this rezone request.

Please feel free to contact us if you have any questions or comments. We look forward to your input.

Sincerely,


Cynthia M. Huebert
BRS Architects

A2



A-84

**RECOMMENDATION BY
THE CALDWELL HEARING EXAMINER
CITY OF CALDWELL, IDAHO
PUBLIC HEARING HELD JANUARY 10, 2017**

Subject: Case No. ZON-16-07 (Jackson's Rezone)

THE FOLLOWING LAND USE ACTION IS THE PRIMARY FEATURE OF THIS APPLICATION:

- Rezone 0.57 acres, more or less, from R-2 (Medium Density Residential) to C-2 (Community Commercial) with a Development Agreement.

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 ZON-16-07 to be held before the Caldwell Hearing Examiner on January 10, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, December 25, 2016, notice was published in the Idaho Press Tribune, and on, or before, December 23, 2016 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, December 29, 2016 notice was posted on the site.
- 1.2 On January 10, 2017 the Caldwell Hearing Examiner recommended **approval** of the rezone request.
- 1.3 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: Cynthia Huebert, BRS Architects, 1010 S. Allante Place #100, Boise, ID, 83709.
- 2.2 OWNER: Jackson's Food Stores, 3450 E. Commercial Court, Meridian, ID, 83642.
- 2.3 REQUEST: The applicant is requesting to rezone approximately 0.57 acres from R-2 (Medium Density Residential) to C-2 (Community Commercial) with a Development Agreement.
- 2.4 BACKGROUND: The subject property currently has an existing Jacksons Gas Station, as well as 2 residential properties. Jackson's is hoping to expand, relocating to their fuel islands to be located along Linden Street, and adding additional fuel islands as well.

2.5 COMPREHENSIVE PLAN DESIGNATION: The Caldwell Comprehensive Plan Map designation for the site is Commercial.

Community Commercial: Suitable for a broad range of retail, service and professional businesses clustered in areas such as a shopping center which may be anchored by one or more large retail establishments.

2.6 Land Use: The subject property is zoned R-2 (Medium Density Residential) and is surrounded by the following uses:

<u>Direction</u>	<u>Zone</u>	<u>Comprehensive Map</u>	<u>Use</u>
Site	R-2	Commercial	Jacksons Gas Station
North	R-2	Medium Density Residential	Residential
South	R-2	Commercial	Multi-Family Residential
East	R-2	Commercial	Multi-Family Residential
West	R-2	Medium Density Residential	Residential

2.7 Public Services, Utilities and Facilities: The engineering department, fire marshal, building department, police department, and Pioneer Irrigation District were all sent a request for comment on December 14, 2016.

2.8 Transportation/Access Management: The subject property has frontage on Linden Street, a minor arterial roadway, and Montana Avenue, a collector roadway. The applicant should be required to construct street improvements along these roadways, including but not limited to street widening, vertical curb, gutter, and sidewalk.

The applicant is proposing one full-access driveway onto Linden Street located approximately 50 feet west of Montana Avenue. Access standards would not allow a driveway onto Linden Street. Staff is recommending a modification to allow for one right-in/right-out only driveway to be located on Linden Street. The driveway should be located as far west as is feasibly possible. The applicant should also be required to construct a 6-inch raised concrete median to restrict the driveway to right-in/right-out only. The median should begin at the intersection of Montana Avenue and extend approximately 110 feet to the west so as to extend along the entire property frontage.

There are currently 2 driveways from the site onto Montana Avenue. Both of these driveways are located on the northern half of the site. The applicant is proposing to construct a third driveway from the southern portion of the site onto Montana Avenue. Access standards would not allow an additional access onto Montana Avenue from the site. Staff is recommending that the applicant relocate the southernmost driveway approximately 50 feet to the south so as to encompass the alley right-of-way within the driveway itself.

2.9 Landscaping: As per Section 10-07-02(2) of City Code, landscaping should be required for this project. City Code requires a 20-foot wide landscape buffer along Linden Street, abutting the site. Due to site constraints, staff is recommending a modification to allow for the buffer to be reduced to no less than 13 feet wide. The site has approximately 100 feet of frontage along Linden Street which would require 3 Class II trees and 15 shrubs with vegetative ground cover (grass) within the buffer area.

City Code requires a 15-foot wide landscape buffer along Montana Avenue, abutting the site. The site has approximately 280 feet of frontage along Montana Avenue. Due to site constraints, staff is recommending a modification to allow for the buffer to be reduced to no less than 13 feet wide. The

northern half of the site was recently improved with landscaping, thus staff is recommending improvements only to the south 130 feet. The applicant should be required to plant a minimum of 4 Class II trees and 25 shrubs, along with vegetative ground cover (grass) within the buffer area.

III PUBLIC TESTIMONY

3.1 Testimony before the Hearing Examiner, January 10, 2017.

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting to rezone three parcels totaling 0.57 acres, more or less, from R-2 (Medium Density Residential) to C-2 (Community Commercial). There are three properties as part of this rezone request. There is an existing Jackson's convenience store/gas station at this location that has been there for years. This would be a legal, non-conforming use. They are looking at relocating their fuel islands to the South, which would give them the ability to increase the number of fuel islands as well as make the site more manageable coming in and going out. The owner, Mr. Jackson, recently went through a big remodel project at this convenience store making several improvements. The majority of the recommended Conditions of Approvals have to do with the two lower parcels as their sidewalk was recently constructed along Montana and some landscaping improvements were done along that street. There are two residential homes on the lower parcels that will be removed. The subject property has frontage on Linden Street which is a minor arterial roadway and also on Montana which is a collector roadway. This request is within the confines of the Comprehensive Plan Map. Staff does have a number of recommended Conditions of Approval in accordance with the City Code; improving the site, the access points to the site, and the access standards for the City of Caldwell. Given that Montana is a collector roadway and Linden is an arterial roadway, staff is recommending a modification to allow a right in /right out access. Currently, there are 2 access points on the North, the applicant is asking for a 3rd on the South portion. Staff is recommending they just have the 2 accesses and essentially relocate the central access just a little further to the south to be able to utilize the alley right-of-way and then extend it further along the property. This would still maintain access on the north end.

Mr. Mapp asked for clarification on where the exits currently exist and where the curb cuts are located and where they will be located in the future.

Mr. Wagoner pointed out on the map where curb cuts and ingress and egress will be located. The applicant is asking for 3 curb cuts on Montana and 1 on Linden.

Mr. Wagoner stated the City Engineer wanted him to mention that the reason for the allowance of the curb cut on Linden is to facilitate truck circulation for gasoline delivery.

Mr. Doug Racine, BRS Architects, 1010 Allante Place #100, Boise, ID testified that the existing Jackson's store has been at that location for a long time. It's currently a non-conforming use. The fuel island is the essential reason they are seeking re-zone on the parcels to the south. They currently have an existing curb cut along Walnut Street, and 2 existing curb cuts along Montana Avenue that service the existing store. This store has recently been remodeled; the sidewalk has been reconstructed as well as the 3 approaches. With the parcel to the South we would be locating a new fuel island canopy, eliminating the existing fuel island canopy. We would be crossing the alley right-of-way with an electrical conduit from the store to the pumps. We have reviewed this with Engineering and there is no issue with that. We will be paving and improving that alley way with hard surface material to the westerly property line of the 2 adjoining parcels.

Mr. Wagoner stated that regarding Conditions 8.7 and 8.11 and the 13 foot wide landscape buffer, this is a reduction of the 20 feet required by ordinance. Regarding Condition 8.9 after discussing this with the City Engineer we would be comfortable leaving the right-of-way as it is and striking Condition 8.9.

Mr. John Jackson, 3450 Commercial Court, Meridian, ID stated he would like to address the curb cuts. The northern piece of the project is completed; the curb cuts and sidewalks are all brand new. On the southern portion of the property they are in agreement with the requests for landscaping. One issue he has is the right in/right out only. They would be the only property on Linden that has a median. It would limit their access considerably which would be a detriment to their customers. They respectfully request full access off Linden.

Mr. Mapp indicated the right in/right out is so close to the intersection and he would request that there are no curb cuts on that side of the street.

Mr. Jackson indicated it was 100 feet from the corner to their property line not 50 feet. Mr. Jackson believes a median would restrict his customers and reduce their business. They would only be able to turn right on Linden.

Scott Stom, 3450 E Commercial Street, Meridian, ID stated he would like to discuss the right-of-way the City is requiring in Condition 8.5. They were planning to place their fuel sign on that corner. In discussions with the City they thought they might be able to enter into a license agreement that possibly some of the right-of-way could be encroached to locate our sign.

Mr. Mapp asked Mr. Wagoner about the sign on the property.

Mr. Wagoner indicated that if they adopt the right-of-way changes it would affect the sign placement because then it would be within the right-of-way. Typically there is a 3 ft setback from the right-of-way for the sign location.

Mr. Wagoner has no issue striking Condition 8.9. The right-of-way that is existent will be sufficient for what they need. But they would still like to have the right-of-way on Linden Street as is required by code.

Mr. Mapp asked Mr. Jackson if the main reason for the right in/right out was to move the gasoline trucks in and out.

Mr. Jackson explained that the right in/right out will not inhibit the gasoline trucks from making their deliveries. The main reason they are asking to not have the right in/right out is for customer access.

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

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

- 5.1 The proposed project is consistent with the following Comprehensive Plan Components:

GOALS AND POLICIES – Property Rights

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 – Population

Goal 1: Maintain a high quality of life and livability in the community.

Policy 1-1: Plan for anticipated population and households that the community can support with adequate services and amenities.

GOALS AND POLICIES – Economic Development

Goal 1: Promote economic development initiatives relating to housing, business, jobs, schools, recreational opportunities, infrastructure systems, public utilities and facilities, and public services.

Policy 1-3: Encourage development that generates new job opportunity.

Goal 3: Create neighborhoods where citizens can live, work and play.

Policy 3-2: Generate employment opportunities that support local economies and reduce vehicle miles traveled between home and work.

Policy 3-3: Promote economic development growth that is sustainable, environmentally manageable, that will assist in maintaining the City's fiscal stability, and that will reduce the need for residents to commute out of the City.

GOALS AND POLICIES – Land Use

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 1-2: Encourage commercial and industrial uses in areas that are readily accessible to regional and principal arterials and/or public transit.

Goal 2: To create a strong sense of community and place.

Policy 2-2: Encourage the restoration and redevelopment of underutilized and neglected properties through infill development.

Goal 4: Create communities that generate cost effective public services and infrastructure.

Policy 4-3: Require developers to meet design principles, development standards, and street and utility improvement requirements as set forth in the City's subdivision ordinance and infrastructure policy.

GOALS AND POLICIES – Public Services, Utilities, & Facilities

Goal 3: Protect the public, health, and general welfare of the citizens of Caldwell.

Policy 3-1: Require all new non-agricultural development in the Caldwell Area of Impact be connected to potable water and city sewer service.

Policy 3-3: Require new development to meet the City's public infrastructure design standards, and any other applicable public entity's adopted policies.

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 1-2: Continue to work toward the elimination of blight and areas of deterioration.

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

All adopted city ordinances, standards and codes were used in evaluating the application.

VI FINDINGS OF FACT

- 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

- 7.1 The Caldwell Hearing Examiner has the authority to hear this case and recommend to the City Council that it be approved or denied. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and City ordinances.

VIII RECOMMENDATION

- 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 ZON-16-07 a request by Jackson's Food Stores to rezone three parcels totaling 0.57 acres, more or less, from R-2 (Medium Density Residential) to C-2 (Community Commercial) with a Development Agreement located at 2406, 2414, and 2422 S. Montana Avenue in Caldwell, Idaho is **approved** with the following conditions of approval:
- 8.2 All requirements of federal, state and local laws, rules and regulations in place at the date of submittal of any applications shall be adhered to in development of the subject property.
- 8.3 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 the rezone development agreement or in an Order of Decision.
- 8.4 A development agreement, as prepared by the planning and zoning department, shall be approved by City Council in conjunction with the rezone.
- 8.5 Dedicate 40 feet of right-of-way (minus existing) measured from the centerline of Linden Street, abutting the site. The right-of-way shall be dedicated either at time of future development or within 60 days of a request from the city, whichever occurs earlier.

- 8.6 Construct vertical curb, gutter, and 7-foot wide sidewalk along Linden Street abutting the site. These improvements shall be constructed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 8.7 Install a 13-foot wide landscape buffer along Linden Street, abutting the site. The buffer shall contain a minimum of 3 Class II trees and 15 shrubs, along with vegetative ground cover (grass). The landscape improvements shall be completed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 8.8 One right-in/right-out driveway approach shall be allowed onto Linden Street from the site. The driveway approach shall be located along the west end of the subject property. Construct a 6-inch raised concrete median on Linden Street commencing at the intersection of Montana Avenue and extending west on Linden Street approximately 110 feet so as to extend along the entire property frontage.
- 8.9 Construct vertical curb, gutter, and 7-foot wide sidewalk along Montana Avenue beginning at Linden Street and running north to the alley right-of-way. These improvements shall be constructed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 8.10 Install a 13-foot wide landscape buffer along Montana Avenue, abutting the site. The buffer shall contain a minimum of 4 Class II trees and 25 shrubs, along with vegetative ground cover (grass). The landscape improvements shall be completed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 8.11 One new driveway approach shall be allowed onto Montana Avenue from the site allowing for a total of 3 driveways onto Montana Avenue from the site.

CASE NUMBER ZON-16-07 WAS HEARD BY THE CALDWELL HEARING EXAMINER AT A PUBLIC HEARING HELD JANUARY 10, 2017.

THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION WERE ADMINISTRATIVELY APPROVED AND SIGNED BY THE CALDWELL HEARING EXAMINER ON THE DATE NOTED BELOW.



 M. Jerome Mapp, Hearing Examiner

ATTEST:



 Date



 Jarom Wagoner, Senior Planner

CALDWELL HEARING EXAMINER MINUTES

January 10, 2017

- I. **Call to Order** – Hearing Examiner, Mr. Jerome Mapp, opened the meeting for the public hearing at 7:37 p.m.
- II. **Review of Proceedings** – Mr. Jerome Mapp outlined the procedures for the public hearing.

Members Present: Jarom Wagoner (Senior Planner/Development Team Leader); Robb MacDonald (City Engineer); April Cabello (Planning Technician)

Members Absent: Brian Billingsley (Planning Director)

III. **Old Business:**

Mr. Mapp approved the Minutes of the November 8, 2016 meeting as previously signed by Hearing Examiner Mapp.

IV. **New Business:**

Case Number ANN-16-07 A request by Rodney Mack to annex 2.06 acres, more or less, with an R-1 (Low Density Residential) zoning designation. The subject property is located at 16130 S. Florida Avenue (Parcel # R3273900000) in Caldwell, Idaho.

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting annexation into the city limits with a designation of R-1 (Low Residential) zoning. The site is currently location in the County and the Comprehensive Plan Map indicates the property as medium density residential. Staff finds this request does comply with the comprehensive plan. The only conditions of approval we are requesting are that the applicant dedicate right of way for Florida Avenue. This is a standard request; the property line currently goes to the center of the road. Also, we'd like to enter into a deferral agreement for construction of street improvements and sidewalk. There is sidewalk on the west side of Florida but there is none on the east side where this property is located, so we felt a deferral agreement would be better than requiring the applicant to do that at this time. Another condition is the access point at Florida Avenue needs to be in compliance with current City collector street standards and any development in the future would require connecting to city services potable water and sanitary sewer.

Mr. Mapp asked for clarification regarding the parcels. There were originally 2 parcels and now there is only 1 coming in for annexation.

Mr. Wagoner stated that at one point this parcel was part of the property contiguous to the east. There was a lot split in the early 2000s but there is not documentation for that with the county. Therefore, that created what the county refers to as an unrecognized lot. There are 2 separate owners now and the owners to the east are not interested in working together with the applicant. By annexing into the City we would recognize it as a legal parcel in the City limits

and that way they could build on that parcel or they could divide the parcel – this gives them different options.

Mr. Rodney Mack, 1028 W. Victory Road, Meridian, ID stated that 2.6 acres into the City of Caldwell was part of a land sale of 35 acres in 2001. At that time all the land was zoned agriculture. The 2.6 acres was set aside by the original owner, John Brooks, (now deceased). He built a shop and included living quarters in the back of the shop. I am John Brooks' personal representative and I am inheriting the 2.6 acres. The larger 33 acres was sold without a wide enough access road which made this an illegal split. Therefore, the 2.6 acres is not recognized by the County. I have tried to correct this issue with the current owner of the 33 acres but he is not interested in doing so. My only option is to annex this land into the City.

Mr. Mapp asked Mr. Mack if he has reviewed the staff report.

Mr. Mack indicated he has reviewed the staff report and does not have any issues with the report.

MR. MAPP CLOSED THE PUBLIC TESTIMONY.

Comprehensive Plan Analysis for **ANN-16-07 (Annexation)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ANN-16-07 (Annexation)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ANN-16-07 (Annexation)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

RECOMMENDATION FOR ANN-16-07 (Annexation): The Hearing Examiner **RECOMMENDED** that Case Number ANN-16-07 BE APPROVED with conditions: 8.2 through 8.6 as written

Case Number SUP-16-20: A request by Verizon Wireless and Jodie Knopp for a special-use permit to construct a Wireless Communications Facility within the M-1 (Light Industrial) Zone. The subject property is located at 6301 Cleveland Boulevard in Caldwell, Idaho.

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting a special use permit to install a new wireless communication facility. The existing use is the Jalopy Jungle Salvage Yard and the tower will be located along the back portion of the property which is along Laster Lane. Laster Lane is a dead end street with very limited traffic. This request is in compliance with the Comprehensive Plan and Comprehensive Plan Map and staff sees no issues with the request. However, we do have some conditions of approval. We would strike Condition 8.3 for the fire apparatus access road. We took that condition from a different, recent Verizon proposal; they will not have 20 feet to get through to the tower. The difference is the prior proposal where we did have that condition was the cell tower was on the back of the property without a road fronting it. Therefore, the fire department did need that access. This

tower will be along the frontage and the fire department will have access so the condition is not needed. We do ask for conditions 8.2 and 8.4; that they comply with all applicable city codes, ordinances, policies and standards. And also the dedication of 35 feet of right-of-way measured from the centerline of Laster Lane, abutting the site. The right-of-way dedication shall be completed prior to issuance of any building permit for the subject property. One other condition that could take the place of 8.3 is completion of the written property acknowledgment form. Due to miscommunication between the applicant and property owner (the owner is out of state) this has not been completed. The property owner is aware of this proposal and is in agreement we just need the signed form. We request that this form be completed within 2 weeks.

Mr. Mapp has no questions.

Jodie Knopp, 5710 S. Green Street, Murray, UT stated that as the population throughout Caldwell increases each communications facility accommodates a certain amount of users and it was determined by a collaborate effort between customers and Verizon Wireless that this particular area needs more support and more efficient service which the proposed facility is intended to provide. The facility will include a 100 foot tower with an equipment platform at the base of the tower to hold outdoor cabinets which will all be located in a fully fenced and gated area. The proposed facility is a passive, unoccupied use. The facility will only generate the average of one vehicle trip per month for maintenance. The facility will be structurally engineer to meet or exceed local building codes, safety requirements as well as FCC and FAA requirements, ensuring a safe facility which will not be hazardous to surrounding properties or public. She has read through the facts and findings and is discussed with Mr. Wagoner about striking Condition 8.3 and as well as adding the additional Condition and is in agreement with all Conditions of Approval.

Mr. Mapp has no questions.

MR. MAPP CLOSED THE PUBLIC TESTIMONY.

Comprehensive Plan Analysis for **SUP-16-20 (Special-Use)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUP-16-20 (Special-Use)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **SUP-16-20 (Special-Use)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

ORDER OF DECISION FOR SUP-16-20 (Special-Use Permit): The Hearing Examiner **ORDERED** that Case Number SUP-16-20 IS APPROVED with the following conditions: 8.2 & 8.4 striking 8.3 and replacing it with the Condition that they will provide the City with the Written Property Acknowledgement Form within 2 weeks.

Case Number ZON-16-07: A request by Jackson's Food Stores to rezone three parcels totaling 0.57 acres, more or less, from R-2 (Medium Density Residential) to C-2 (Community Commercial) with a Development Agreement. The subject properties are located at 2406, 2414, and 2422 S. Montana Avenue in Caldwell, Idaho.

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting to rezone three parcels totaling 0.57 acres, more or less, from R-2 (Medium Density Residential) to C-2 (Community Commercial). There are three properties as part of this rezone request. There is an existing Jackson's convenience store/gas station at this location that has been there for years. This would be a legal, non-conforming use. They are looking at relocating their fuel islands to the South, which would give them the ability to increase the number of fuel islands as well as make the site more manageable coming in and going out. The owner, Mr. Jackson, recently went through a big remodel project at this convenience store making several improvements. The majority of the recommended Conditions of Approvals have to do with the two lower parcels as their sidewalk was recently constructed along Montana and some landscaping improvements were done along that street. There are two residential homes on the lower parcels that will be removed. The subject property has frontage on Linden Street which is a minor arterial roadway and also on Montana which is a collector roadway. This request is within the confines of the Comprehensive Plan Map. Staff does have a number of recommended Conditions of Approval in accordance with the City Code; improving the site, the access points to the site, and the access standards for the City of Caldwell. Given that Montana is a collector roadway and Linden is an arterial roadway, staff is recommending a modification to allow a right in/right out access. Currently, there are 2 access points on the North, the applicant is asking for a 3rd on the South portion. Staff is recommending they just have the 2 accesses and essentially relocate the central access just a little further to the south to be able to utilize the alley right-of-way and then extend it further along the property. This would still maintain access on the north end.

Mr. Mapp asked for clarification on where the exits currently exist and where the curb cuts are located and where they will be located in the future.

Mr. Wagoner pointed out on the map where curb cuts and ingress and egress will be located. The applicant is asking for 3 curb cuts on Montana and 1 on Linden.

Mr. Wagoner stated the City Engineer wanted him to mention that the reason for the allowance of the curb cut on Linden is to facilitate truck circulation for gasoline delivery.

Mr. Doug Racine, BRS Architects, 1010 Allante Place #100, Boise, ID testified that the existing Jackson's store has been at that location for a long time. It's currently a non-conforming use. The fuel island is the essential reason they are seeking re-zone on the parcels to the south. They currently have an existing curb cut along Walnut Street, and 2 existing curb cuts along Montana Avenue that service the existing store. This store has recently been remodeled; the sidewalk

has been reconstructed as well as the 3 approaches. With the parcel to the South we would be locating a new fuel island canopy, eliminating the existing fuel island canopy. We would be crossing the alley right-of-way with an electrical conduit from the store to the pumps. We have reviewed this with Engineering and there is no issue with that. We will be paving and improving that alley way with hard surface material to the westerly property line of the 2 adjoining parcels.

Mr. Wagoner stated that regarding Conditions 8.7 and 8.11 and the 13 foot wide landscape buffer, this is a reduction of the 20 feet required by ordinance. Regarding Condition 8.9 after discussing this with the City Engineer we would be comfortable leaving the right-of-way as it is and striking Condition 8.9.

Mr. John Jackson, 3450 Commercial Court, Meridian, ID stated he would like to address the curb cuts. The northern piece of the project is completed; the curb cuts and sidewalks are all brand new. On the southern portion of the property they are in agreement with the requests for landscaping. One issue he has is the right in/right out only. They would be the only property on Linden that has a median. It would limit their access considerably which would be a detriment to their customers. They respectfully request full access off Linden.

Mr. Mapp indicated the right in/right out is so close to the intersection and he would request that there are no curb cuts on that side of the street.

Mr. Jackson indicated it was 100 feet from the corner to their property line not 50 feet. Mr. Jackson believes a median would restrict his customers and reduce their business. They would only be able to turn right on Linden.

Scott Stom, 3450 E Commercial Street, Meridian, ID stated he would like to discuss the right-of-way the City is requiring in Condition 8.5. They were planning to place their fuel sign on that corner. In discussions with the City they thought they might be able to enter into a license agreement that possibly some of the right-of-way could be encroached to locate our sign.

Mr. Mapp asked Mr. Wagoner about the sign on the property.

Mr. Wagoner indicated that if they adopt the right-of-way changes it would affect the sign placement because then it would be within the right-of-way. Typically there is a 3 ft setback from the right-of-way for the sign location.

Mr. Wagoner has no issue striking Condition 8.9. The right-of-way that is existent will be sufficient for what they need. But they would still like to have the right-of-way on Linden Street as is required by code.

Mr. Mapp asked Mr. Jackson if the main reason for the right in/right out was to move the gasoline trucks in and out.

Mr. Jackson explained that the right in/right out will not inhibit the gasoline trucks from making their deliveries. The main reason they are asking to not have the right in/right out is for customer access.

MR. MAPP CLOSED THE PUBLIC TESTIMONY.

Comprehensive Plan Analysis for **ZON-16-07 (Zoning)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ZON-16-07 (Zoning)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ZON-16-07 (Zoning)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

RECOMMENDATION FOR ZON-16-07 (Zoning): The Hearing Examiner **RECOMMENDED** that Case Number ZON-16-07 BE APPROVED with the following conditions: 8.1 through 8.8, 8.10, and 8.11 as written, delete 8.9 and modifying 8.12 to allow 3 curb cuts, the 2 existing curb cuts plus one new curb cut that will commence at the alley and move to the South as stated on the site plan.

V. Planning Issues – None

VI. Adjournment

The Hearing Examiner adjourned the meeting at approximately 8:57 p.m.

MINUTES APPROVED AND SIGNED BY THE HEARING EXAMINER, M. JEROME MAPP, ON THE DATE NOTED BELOW:


Mr. Jerome Mapp _____ 2/2/17 _____ ATTEST:
Date


Jarom Wagener, Senior Planner / Development Team Leader _____ 2-2-17 _____
Date

For detailed Minutes, please request a copy of the digital recording.

**ORDER OF DECISION
BY THE MAYOR AND CITY COUNCIL
CITY OF CALDWELL, IDAHO
PUBLIC HEARING HELD FEBRUARY 6, 2017
SIGNED FEBRUARY 21, 2017**

Subject: Case No. ZON-16-07 (Jackson's Rezone)

THE FOLLOWING LAND USE ACTION IS THE PRIMARY FEATURE OF THIS APPLICATION:

- **Rezone 0.57 acres, more or less, from R-2 (Medium Density Residential) to C-2 (Community Commercial) with a Development Agreement.**

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
IX	ORDER OF DECISION

I COURSE OF PROCEEDINGS

- 1.1 The Caldwell Planning and Zoning Department issued a notice of public hearing on application ZON-16-07 to be held before the Caldwell Hearing Examiner on January 10, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, December 25, 2016, notice was published in the Idaho Press Tribune, and on, or before, December 23, 2016 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, December 29, 2016 notice was posted on the site.
- 1.2 On January 10, 2017 the Caldwell Hearing Examiner recommended **approval** of the rezone request.
- 1.3 The Caldwell Planning and Zoning Department issued a notice of public hearing on application ZON-16-07 to be held before the Caldwell City Council on February 6, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On or before January 22, 2017 notice was published in the Idaho Press Tribune, on or before January 20, 2017 notice was mailed to all political subdivisions providing services to the site and to property owners within 300 feet of the site; and, on or before January 26, 2017 notice was posted on the site.
- 1.4 On February 6, 2017 the Caldwell City Council **approved** the rezone request.
- 1.5 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: Cynthia Huebert, BRS Architects, 1010 S. Allante Place #100, Boise, ID, 83709.
- 2.2 OWNER: Jackson’s Food Stores, 3450 E. Commercial Court, Meridian, ID, 83642.
- 2.3 REQUEST: The applicant is requesting to rezone approximately 0.57 acres from R-2 (Medium Density Residential) to C-2 (Community Commercial) with a Development Agreement.
- 2.4 BACKGROUND: The subject property currently has an existing Jacksons Gas Station, as well as 2 residential properties. Jackson’s is hoping to expand, relocating to their fuel islands to be located along Linden Street, and adding additional fuel islands as well.
- 2.5 COMPREHENSIVE PLAN DESIGNATION: The Caldwell Comprehensive Plan Map designation for the site is Commercial.

Community Commercial: Suitable for a broad range of retail, service and professional businesses clustered in areas such as a shopping center which may be anchored by one or more large retail establishments.

- 2.6 Land Use: The subject property is zoned R-2 (Medium Density Residential) and is surrounded by the following uses:

<u>Direction</u>	<u>Zone</u>	<u>Comprehensive Map</u>	<u>Use</u>
Site	R-2	Commercial	Jacksons Gas Station
North	R-2	Medium Density Residential	Residential
South	R-2	Commercial	Multi-Family Residential
East	R-2	Commercial	Multi-Family Residential
West	R-2	Medium Density Residential	Residential

- 2.7 Public Services, Utilities and Facilities: The engineering department, fire marshal, building department, police department, and Pioneer Irrigation District were all sent a request for comment on December 14, 2016.
- 2.8 Transportation/Access Management: The subject property has frontage on Linden Street, a minor arterial roadway, and Montana Avenue, a collector roadway. The applicant should be required to construct street improvements along these roadways, including but not limited to street widening, vertical curb, gutter, and sidewalk.

The applicant is proposing one full-access driveway onto Linden Street located approximately 50 feet west of Montana Avenue. Access standards would not allow a driveway onto Linden Street. Staff is recommending a modification to allow for one right-in/right-out only driveway to be located on Linden Street. The driveway should be located as far west as is feasibly possible. The applicant should also be required to construct a 6-inch raised concrete median to restrict the driveway to right-in/right-out only. The median should begin at the intersection of Montana Avenue and extend approximately 110 feet to the west so as to extend along the entire property frontage.

There are currently 2 driveways from the site onto Montana Avenue. Both of these driveways are located on the northern half of the site. The applicant is proposing to construct a third driveway from the southern portion of the site onto Montana Avenue. Access standards would not allow an additional access onto Montana Avenue from the site. Staff is recommending that the applicant

relocate the southernmost driveway approximately 50 feet to the south so as to encompass the alley right-of-way within the driveway itself.

- 2.9 Landscaping: As per Section 10-07-02(2) of City Code, landscaping should be required for this project. City Code requires a 20-foot wide landscape buffer along Linden Street, abutting the site. Due to site constraints, staff is recommending a modification to allow for the buffer to be reduced to no less than 13 feet wide. The site has approximately 100 feet of frontage along Linden Street which would require 3 Class II trees and 15 shrubs with vegetative ground cover (grass) within the buffer area.

City Code requires a 15-foot wide landscape buffer along Montana Avenue, abutting the site. The site has approximately 280 feet of frontage along Montana Avenue. Due to site constraints, staff is recommending a modification to allow for the buffer to be reduced to no less than 13 feet wide. The northern half of the site was recently improved with landscaping, thus staff is recommending improvements only to the south 130 feet. The applicant should be required to plant a minimum of 4 Class II trees and 25 shrubs, along with vegetative ground cover (grass) within the buffer area.

III PUBLIC TESTIMONY

- 3.1 Testimony before the Hearing Examiner, January 10, 2017

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting to rezone three parcels totaling 0.57 acres, more or less, from R-2 (Medium Density Residential) to C-2 (Community Commercial). There are three properties as part of this rezone request. There is an existing Jackson's convenience store/gas station at this location that has been there for years. This would be a legal, non-conforming use. They are looking at relocating their fuel islands to the South, which would give them the ability to increase the number of fuel islands as well as make the site more manageable coming in and going out. The owner, Mr. Jackson, recently went through a big remodel project at this convenience store making several improvements. The majority of the recommended Conditions of Approvals have to do with the two lower parcels as their sidewalk was recently constructed along Montana and some landscaping improvements were done along that street. There are two residential homes on the lower parcels that will be removed. The subject property has frontage on Linden Street which is a minor arterial roadway and also on Montana which is a collector roadway. This request is within the confines of the Comprehensive Plan Map. Staff does have a number of recommended Conditions of Approval in accordance with the City Code; improving the site, the access points to the site, and the access standards for the City of Caldwell. Given that Montana is a collector roadway and Linden is an arterial roadway, staff is recommending a modification to allow a right in /right out access. Currently, there are 2 access points on the North, the applicant is asking for a 3rd on the South portion. Staff is recommending they just have the 2 accesses and essentially relocate the central access just a little further to the south to be able to utilize the alley right-of-way and then extend it further along the property. This would still maintain access on the north end.

Mr. Mapp asked for clarification on where the exits currently exist and where the curb cuts are located and where they will be located in the future.

Mr. Wagoner pointed out on the map where curb cuts and ingress and egress will be located. The applicant is asking for 3 curb cuts on Montana and 1 on Linden.

Mr. Wagoner stated the City Engineer wanted him to mention that the reason for the allowance of the curb cut on Linden is to facilitate truck circulation for gasoline delivery.

Mr. Doug Racine, BRS Architects, 1010 Allante Place #100, Boise, ID testified that the existing Jackson's store has been at that location for a long time. It's currently a non-conforming use. The fuel island is the essential reason they are seeking re-zone on the parcels to the south. They currently have an existing curb cut along Walnut Street, and 2 existing curb cuts along Montana Avenue that service the existing store. This store has recently been remodeled; the sidewalk has been reconstructed as well as the 3 approaches. With the parcel to the South we would be locating a new fuel island canopy, eliminating the existing fuel island canopy. We would be crossing the alley right-of-way with an electrical conduit from the store to the pumps. We have reviewed this with Engineering and there is no issue with that. We will be paving and improving that alley way with hard surface material to the westerly property line of the 2 adjoining parcels.

Mr. Wagoner stated that regarding Conditions 8.7 and 8.11 and the 13 foot wide landscape buffer, this is a reduction of the 20 feet required by ordinance. Regarding Condition 8.9 after discussing this with the City Engineer we would be comfortable leaving the right-of-way as it is and striking Condition 8.9.

Mr. John Jackson, 3450 Commercial Court, Meridian, ID stated he would like to address the curb cuts. The northern piece of the project is completed; the curb cuts and sidewalks are all brand new. On the southern portion of the property they are in agreement with the requests for landscaping. One issue he has is the right in/right out only. They would be the only property on Linden that has a median. It would limit their access considerably which would be a detriment to their customers. They respectfully request full access off Linden.

Mr. Mapp indicated the right in/right out is so close to the intersection and he would request that there are no curb cuts on that side of the street.

Mr. Jackson indicated it was 100 feet from the corner to their property line not 50 feet. Mr. Jackson believes a median would restrict his customers and reduce their business. They would only be able to turn right on Linden.

Scott Stom, 3450 E Commercial Street, Meridian, ID stated he would like to discuss the right-of-way the City is requiring in Condition 8.5. They were planning to place their fuel sign on that corner. In discussions with the City they thought they might be able to enter into a license agreement that possibly some of the right-of-way could be encroached to locate our sign.

Mr. Mapp asked Mr. Wagoner about the sign on the property.

Mr. Wagoner indicated that if they adopt the right-of-way changes it would affect the sign placement because then it would be within the right-of-way. Typically there is a 3 ft setback from the right-of-way for the sign location.

Mr. Wagoner has no issue striking Condition 8.9. The right-of-way that is existent will be sufficient for what they need. But they would still like to have the right-of-way on Linden Street as is required by code.

Mr. Mapp asked Mr. Jackson if the main reason for the right in/right out was to move the gasoline trucks in and out.

Mr. Jackson explained that the right in/right out will not inhibit the gasoline trucks from making their deliveries. The main reason they are asking to not have the right in/right out is for customer access.

3.2 BEFORE THE CITY COUNCIL, FEBRUARY 6, 2017

Jarom Wagoner, 621 Cleveland Blvd., acknowledged being sworn in and outlined the facts from the staff report. He provided an aerial map indicating the requested rezone of the subject properties. He noted that current residential subject properties would be demolished for the purpose of expansion of the Jackson Food Store. All three of the subject properties are would be rezoned to C-2 thus making the zoning in conformance to the current regulations.

Mr. Wagoner reviewed the recommendations from staff under the Conditions of Approval:

- Dedicate 40 feet of right along Linden Street for street improvements as well as portions of Montana Avenue by constructing curb/gutter/sidewalk and provide landscaping. He reported that the recent remodel of the site included improvements on the street to the north of the site as well as a section of Montana Avenue.
- No new driveway approaches would be allowed onto Montana Avenue from the site. The existing southern driveway would be relocated 50 feet to the south to be in alignment with the alley right-of-way. Replace the relocated driveway section with vertical curb, gutter, and sidewalk to match the existing conditions on either side.
- One right-in/right-out driveway approach would be allowed onto Linden Street from the site. The driveway-way approach would be located on the west end of the subject property. A median would be built on Linden Street for safety reasons in association with the roadway intersection.

In response to questions from Councilman Stadick, Mr. Wagoner confirmed that trucks would enter the site from the east and exit from the west. Mr. Wagoner stated that the trucks could enter from Montana and exit the property on Linden.

In response to questions from Mayor Nancolas, Mr. Wagoner reported that staff has spoken with the applicant concerning only having two driveways. He noted that it is the applicant's desire to continue with three driveways for access purposes on Montana Avenue.

Doug Racine, BRS Architects, 1010 Allante Place #100, Boise, acknowledged being sworn in and spoke in favor of the application.

In response to questions from Councilman Callsen, Mr. Racine reported that a solid vinyl fence would be placed between the subject property and properties south of the site.

John Jackson, 3450 Commercial Court, acknowledged being sworn in and spoke in favor of the application. He requested that consideration be given to the two recently constructed curb cuts and sidewalks on Montana which were redone at the time of the remodel of the facility. He asked that the alleyway be extended. He expressed his concern regarding the right-in/right-out access issues. The access design as recommended by staff would be a considerable detriment to their customers. He provided a financial statement indicating the loss of profit due to access to the site at their new business along Hwy 20/26 and Middleton Road.

Jarom Wagoner asked for clarification concerning the widening of the alleyway as explained by Mr. Jackson.

Robb MacDonald, 621 Cleveland Blvd., explained that the recent improvements to the Jackson's Store were considered as tenant improvements and therefore the two northern access points were able to remain during the remodel.

Ted Brumet, 622 E. Linden Street, acknowledged being sworn in and spoke as neutral to the application. He expressed his concern about any access being allowed on Linden Street due to safety reasons. He referenced the routine traffic congestion at the intersection of Linden and Montana due to the close proximity of the school. He asked about the removal or closure of the existing underground storage tanks at the site.

Brent Orton, 621 Cleveland Blvd., stated that the Idaho DEQ and EPA regulate fuel systems.

John Jackson stated that the newly proposed fuel tank system would be built per the requirements of DEQ and EPA. He noted that there is a specific protocol to abandon a fuel tank as set by DEQ and EPA.

Stephanie Cook, 1816 Wyoming Avenue, was sworn in by the City Clerk and spoke as neutral to the application. She explained that she owns property near the subject site and asked about right-of-way access to the parcel.

The Mayor reported that the existing right-of-way for her property will continue to exist.

MOVED by Stadick, SECONDED by Allgood to close the public testimony portion of the hearing.

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

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

- 5.1 The proposed project is consistent with the following Comprehensive Plan Components:

GOALS AND POLICIES – Property Rights

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 – Population

Goal 1: Maintain a high quality of life and livability in the community.

Policy 1-1: Plan for anticipated population and households that the community can support with adequate services and amenities.

GOALS AND POLICIES – Economic Development

Goal 1: Promote economic development initiatives relating to housing, business, jobs, schools, recreational opportunities, infrastructure systems, public utilities and facilities, and public services.

Policy 1-3: Encourage development that generates new job opportunity.

Goal 3: Create neighborhoods where citizens can live, work and play.

Policy 3-2: Generate employment opportunities that support local economies and reduce vehicle miles traveled between home and work.

Policy 3-3: Promote economic development growth that is sustainable, environmentally manageable, that will assist in maintaining the City's fiscal stability, and that will reduce the need for residents to commute out of the City.

GOALS AND POLICIES – Land Use

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 1-2: Encourage commercial and industrial uses in areas that are readily accessible to regional and principal arterials and/or public transit.

Goal 2: To create a strong sense of community and place.

Policy 2-2: Encourage the restoration and redevelopment of underutilized and neglected properties through infill development.

Goal 4: Create communities that generate cost effective public services and infrastructure.

Policy 4-3: Require developers to meet design principles, development standards, and street and utility improvement requirements as set forth in the City's subdivision ordinance and infrastructure policy.

GOALS AND POLICIES – Public Services, Utilities, & Facilities

Goal 3: Protect the public, health, and general welfare of the citizens of Caldwell.

Policy 3-1: Require all new non-agricultural development in the Caldwell Area of Impact be connected to potable water and city sewer service.

Policy 3-3: Require new development to meet the City's public infrastructure design standards, and any other applicable public entity's adopted policies.

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 1-2: Continue to work toward the elimination of blight and areas of deterioration.

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

All adopted city ordinances, standards and codes were used in evaluating the application.

VI FINDINGS OF FACT

- 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

- 7.1 The Caldwell City Council has the authority to hear this case and order that it be approved or denied. The public notice requirements were met and the hearing was conducted within the guidelines of applicable Idaho Code and City ordinances.

VIII RECOMMENDATION

- 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 ZON-16-07 a request by Jackson's Food Stores to rezone three parcels totaling 0.57 acres, more or less, from R-2 (Medium Density Residential) to C-2 (Community Commercial) with a Development Agreement located at 2406, 2414, and 2422 S. Montana Avenue in Caldwell, Idaho is **approved** with the following conditions of approval:
- 8.2 All requirements of federal, state and local laws, rules and regulations in place at the date of submittal of any applications shall be adhered to in development of the subject property.
- 8.3 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 the rezone development agreement or in an Order of Decision.
- 8.4 A development agreement, as prepared by the planning and zoning department, shall be approved by City Council in conjunction with the rezone.
- 8.5 Dedicate 40 feet of right-of-way (minus existing) measured from the centerline of Linden Street, abutting the site. The right-of-way shall be dedicated either at time of future development or within 60 days of a request from the city, whichever occurs earlier.
- 8.6 Construct vertical curb, gutter, and 7-foot wide sidewalk along Linden Street abutting the site. These improvements shall be constructed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 8.7 Install a 13-foot wide landscape buffer along Linden Street, abutting the site. The buffer shall contain a minimum of 3 Class II trees and 15 shrubs, along with vegetative ground cover (grass). The landscape improvements shall be completed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 8.8 One right-in/right-out driveway approach shall be allowed onto Linden Street from the site. The driveway approach shall be located along the west end of the subject property. Construct a 6-inch raised concrete median on Linden Street commencing at the intersection of Montana Avenue and extending west on Linden Street approximately 110 feet so as to extend along the entire property frontage.

- 8.9 Construct vertical curb, gutter, and 7-foot wide sidewalk along Montana Avenue beginning at Linden Street and running north to the alley right-of-way. These improvements shall be constructed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 8.10 Install a 13-foot wide landscape buffer along Montana Avenue, abutting the site. The buffer shall contain a minimum of 4 Class II trees and 25 shrubs, along with vegetative ground cover (grass). The landscape improvements shall be completed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 8.11 One new driveway approach shall be allowed onto Montana Avenue from the site allowing for a total of 3 driveways onto Montana Avenue from the site.

IX ORDER OF DECISION

- 9.1 Based on the Findings of Fact and Conclusions of Law, the Caldwell City Council hereby orders that Case Number ZON-16-07 a request by Jackson's Food Stores to rezone three parcels totaling 0.57 acres, more or less, from R-2 (Medium Density Residential) to C-2 (Community Commercial) with a Development Agreement located at 2406, 2414, and 2422 S. Montana Avenue in Caldwell, Idaho is **approved** with the following conditions of approval:
- 9.2 All requirements of federal, state and local laws, rules and regulations in place at the date of submittal of any applications shall be adhered to in development of the subject property.
- 9.3 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 the rezone development agreement or in an Order of Decision.
- 9.4 A development agreement, as prepared by the planning and zoning department, shall be approved by City Council in conjunction with the rezone.
- 9.5 Dedicate 40 feet of right-of-way (minus existing) measured from the centerline of Linden Street, abutting the site. The right-of-way shall be dedicated either at time of future development or within 60 days of a request from the city, whichever occurs earlier.
- 9.6 Construct vertical curb, gutter, and 7-foot wide sidewalk along Linden Street abutting the site. These improvements shall be constructed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 9.7 Install a 13-foot wide landscape buffer along Linden Street, abutting the site. The buffer shall contain a minimum of 3 Class II trees and 15 shrubs, along with vegetative ground cover (grass). The landscape improvements shall be completed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 9.8 One right-in/right-out driveway approach shall be allowed onto Linden Street from the site. The driveway approach shall be located along the west end of the subject property. Construct a 6-inch raised concrete median on Linden Street commencing at the intersection of Montana Avenue and extending west on Linden Street approximately 110 feet so as to extend along the entire property frontage.

- 9.9 Construct vertical curb, gutter, and 7-foot wide sidewalk along Montana Avenue beginning at Linden Street and running north to the alley right-of-way. These improvements shall be constructed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 9.10 Install a 13-foot wide landscape buffer along Montana Avenue, abutting the site. The buffer shall contain a minimum of 4 Class II trees and 25 shrubs, along with vegetative ground cover (grass). The landscape improvements shall be completed either at time of future development or within 120 days of a request from the city, whichever occurs earlier.
- 9.11 One new driveway approach shall be allowed onto Montana Avenue from the site. The driveway width shall be no greater than 40 feet and shall be located as shown on the submitted site plan (Exhibit A-3) of Case File ZON-16-07. The northern edge of said new driveway shall be located at least five (5) feet north of the southern boundary of the unimproved alley intersecting Montana Avenue at the location depicted in said site plan.
- 9.12 Construct a 6-foot tall vinyl privacy fence along the entire west boundary of the site.

CASE NUMBER ZON-16-07 WAS HEARD BY THE MAYOR AND CITY COUNCIL AT A PUBLIC HEARING HELD FEBRUARY 6, 2017.

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF DECISION WERE APPROVED BY CITY COUNCIL MEMBERS AND SIGNED BY MAYOR NANCOLAS AT A REGULARLY SCHEDULED MEETING HELD FEBRUARY 21, 2017.



Mayor Garret L. Nancolas

ATTEST:



City Clerk

