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 _____

RECEIVED
MAR 02 2017

STAFF USE ONLY:

File number(s): ZON-17-01

Project name: Laster In Rezone

Date filed: 3/2/2017 Date complete: _____

Related files: _____

Subject Property Information

Address: 4918 & 4920 Laster Lane Parcel Number(s): R32466 & R32467

Subdivision: N/A Block: _____ Lot: _____ Acreage: 8.1 Zoning: R-1

Prior Use of the Property: 2 Single family residences

Proposed Use of the Property: 7 apartment buildings (144 living units) and parking structures

Applicant Information:

Applicant Name: Bob Unger, ULC Management, LLC Phone: 208-861-5220

Address: 6104 N Gary Lane City: Boise State: Idaho Zip: 83714

Email: bunger@ulcmanagement.com Cell: 208-861-5220

Owner Name: Dellon Smith Phone: 208-800-1272

Address: 9521 W Wright Street City: Boise State: Idaho Zip: 83709

Email: realestatebydellon@gmail.com Cell: 208-800-1272

Agent Name: (e.g., architect, engineer, developer, representative) Bob Unger, ULC Management, LLC

Address: 6104 N Gary Lane City: Boise State: Idaho Zip: 83714

Email: bunger@ulcmanagement.com Cell: 208-861-5220

Authorization

Print applicant name: Robert C Unger

Applicant Signature: _____ Date: 2/28/2017

A-1

THE CITY OF Caldwell

Planning & Zoning Division

REZONE CHECKLIST

Project Name: Laster Lane	File #: ZON-17-01
Applicant/Agent: Robert C Unger, ULC Management, LLC	

Applicant (√)	Description	Staff (√)
✓	Completed & signed Hearing Review Master Application	
✓	Narrative fully describing the proposed use/request	
✓	Recorded warranty deed for the subject property	
N/A	Signed Lease Agreement (if applicable)	
✓	Vicinity map, showing the location of the subject property (8 ½" 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).	
N/A	Landscape Plan (if applicable)	
✓	Neighborhood Meeting sign-in sheet	
✓	Fee $1,187,50	

STAFF USE ONLY:

Date Application Received: 3/6/2017

Received by: LC

Proposed Hearing Date: 4-11-2017

Hearing Body: PZ

ULC MANAGEMENT

TO: Caldwell City Council
Caldwell City Hearings Examiner
621 Cleveland Boulevard
Caldwell, Idaho 83605

DATE: February 28, 2017

RE: Laster Lane Apartments

On behalf of Dellon Smith, we are submitting this Rezone Application for Laster Lane Apartments. The site is 8.1 acres in size and located 4918 & 4920 Laster Lane, Caldwell, Idaho.

We are proposing to develop 7 apartment buildings totaling 114 living units. The property is currently zoned R-1. We are requesting a rezone to R-3. The gross density for the project is 17.77 dwelling units per acre. Uses and zoning surrounding the site are Stone Hedge Sub and Owyee Village Sub. to the south (single family residential zoned R-3), mobile home park to the east (retail zoned R-3), commercial and retail development to the north (commercial zoned C-2), and commercial and residential to the west (zoned C-2 and R-3).

Access to the site is via Laster Lane. All utilities are available to the site. A public street will be constructed (Leanne Street) to connect Maid Jessica Street to Laster Lane. All other streets are proposed to be private drive isles located within the project. The property has surface water irrigation rights from the Pioneer Irrigation District and a pressurized system will be installed.

We are proposing a total of 1.10 acres of open space, which includes numerous amenities (club house, playground equipment, and shelters).

Drainage for the project will be retained on site with the use of drainage trenches. Design and locations will be submitted to the City Engineer for final approval prior to construction.

We are proposing a total of 288 parking spaces with 144 covered parking spaces.

The existing trees on the site are generally in poor condition. We anticipate retaining all trees in good health and providing for additional trees through-out the project.

The multi-family structures proposed will house a total of 144 dwelling units. The buildings are 3 stories with a maximum height of 37'. We are proposing a variety of architectural applications on the exterior of the buildings (brick, stone, stucco, and siding) with neutral paint schemes to accomplish a blend of appearance from one building to the next. In addition, one clubhouse will also be provided with the same architectural blend for use by the residents of the project.

ULC MANAGEMENT · 6104 N. GARY LANE · BOISE, IDAHO 83714
(208) 861-5220 · BUNGER@ULCMANAGEMENT.COM

A-2

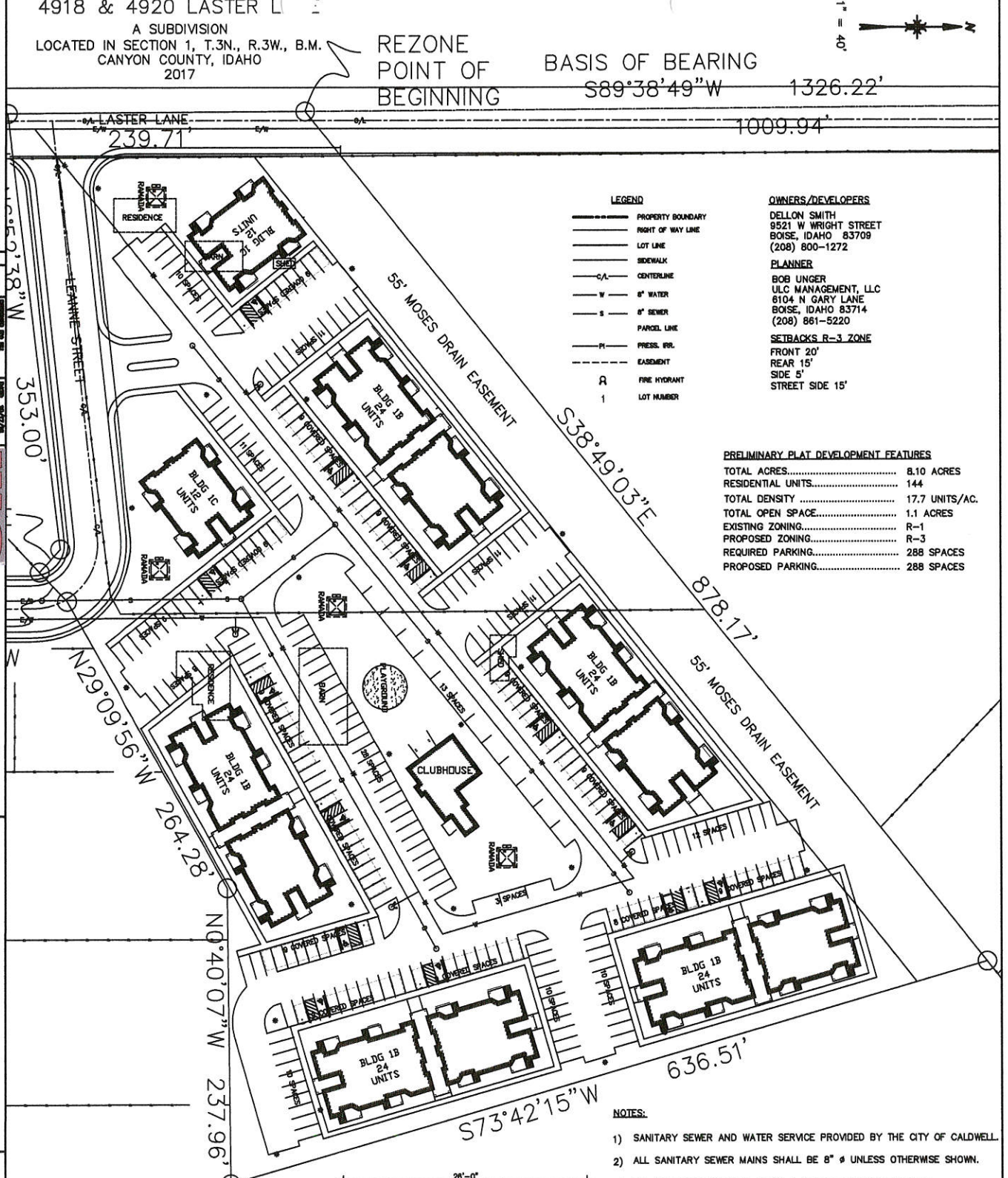
We look forward to working with you and your staff on this project and request your approval. If you have any questions or concerns please contact me at (208) 861-5220.

Sincerely,

Robert C. Unger
Manager

ULC MANAGEMENT · 6104 N. GARY LANE · BOISE, IDAHO 83714
(208) 861-5220 · BUNGER@ULCMANAGEMENT.COM

PRELIMINARY PLAN SHOWING
4918 & 4920 LASTER LANE
A SUBDIVISION
LOCATED IN SECTION 1, T.3N., R.3W., B.M.
CANYON COUNTY, IDAHO
2017



LEGEND

- PROPERTY BOUNDARY
- RIGHT OF WAY LINE
- LOT LINE
- SIDEWALK
- C/L — CENTERLINE
- W — 8" WATER
- S — 8" SEWER
- PARCEL LINE
- PI — PRESS. IRR.
- EASEMENT
- FIRE HYDRANT
- 1 — LOT NUMBER

OWNERS/DEVELOPERS

DELLON SMITH
9521 W WRIGHT STREET
BOISE, IDAHO 83709
(208) 800-1272

PLANNER

BOB UNGER
ULC MANAGEMENT, LLC
6104 N GARY LANE
BOISE, IDAHO 83714
(208) 861-5220

SETBACKS R-3 ZONE

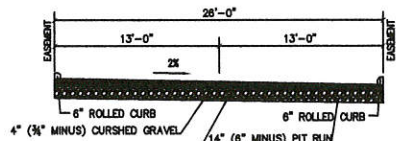
FRONT 20'
REAR 15'
SIDE 5'
STREET SIDE 15'

PRELIMINARY PLAT DEVELOPMENT FEATURES

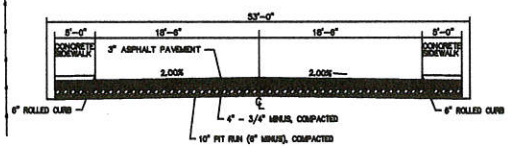
TOTAL ACRES	8.10 ACRES
RESIDENTIAL UNITS	144
TOTAL DENSITY	17.7 UNITS/AC.
TOTAL OPEN SPACE	1.1 ACRES
EXISTING ZONING	R-1
PROPOSED ZONING	R-3
REQUIRED PARKING	288 SPACES
PROPOSED PARKING	288 SPACES

NOTES:

1) SANITARY SEWER AND WATER SERVICE PROVIDED BY THE CITY OF CALDWELL.
2) ALL SANITARY SEWER MAINS SHALL BE 8" ø UNLESS OTHERWISE SHOWN.
3) ALL WATER MAINS SHALL BE 8" ø UNLESS OTHERWISE SHOWN.
4) DRAINAGE SHALL BE REMOVED VIA SUBSURFACE FACILITIES AS APPROVED BY THE CITY OF MERIDIAN AND/OR DISCHARGING RUNOFF INTO EXISTING DRAINS AT HISTORIC RATES.
5) THIS PROJECT IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
6) PRESSURIZED IRRIGATION SHALL BE PROVIDED TO ALL LOTS BY A PRESSURE SYSTEM WITH WATER SUPPLIED BY PIONEER IRRIGATION DISTRICT.
7) FIRE PROTECTION WILL BE PROVIDED IN ACCORDANCE WITH THE CALDWELL FIRE DEPARTMENT. ALL DRIVEWAYS ARE CONSIDERED TO BE FIRE LANES.
8) ALL STREETS/DRIVE ISLES AND PARKING SPACES WILL BE OWNED AND MAINTAINED BY THE ???????? APARTMENTS OWNERS ASSOCIATION. ALL STREETS/DRIVE ISLES AND PARKING AREAS WILL HAVE A BLANKET EASEMENT FOR PUBLIC UTILITY, IRRIGATION AND PROPERTY DRAINAGE.
9) ALL EXISTING STRUCTURES TO BE REMOVED.
10) 6' VINYL FENCING TO BE INSTALLED ON PERIMETER OF PROJECT NOT ADJACENT TO PUBLIC ROADS.



COMMON DRIVE
-NTS-



PUBLIC STREET SECTION
-NTS-

ULC MANAGEMENT
6104 N. GARY LANE, BOISE, IDAHO, 83714
bunger@ulcmanagement.com
208-861-5220 FAX 208-577-8493

4918 & 4920 LASTER LANE

DELLON SMITH

PRELIMINARY PLAN

JOB NO. 016-003

SHEET NO. 1

A3

PRELIMINARY PLAN SHOWING
4918 & 4920 LASTER L

A SUBDIVISION
LOCATED IN SECTION 1, T.3N., R.3W., B.M.
CANYON COUNTY, IDAHO
2017

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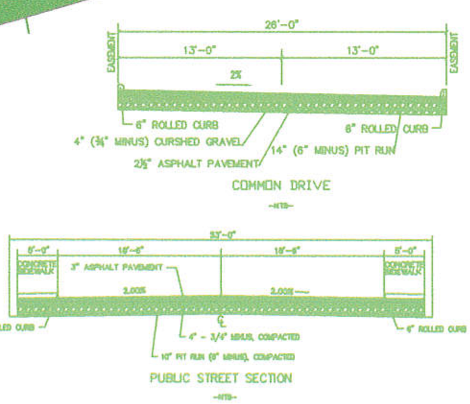

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ULC MANAGEMENT
6104 N. GARY LANE, BOISE, IDAHO, 83714
bunger@ulcmanagement.com
208-861-5220 FAX 208-577-6403

4918 & 4920 LASTER LANE

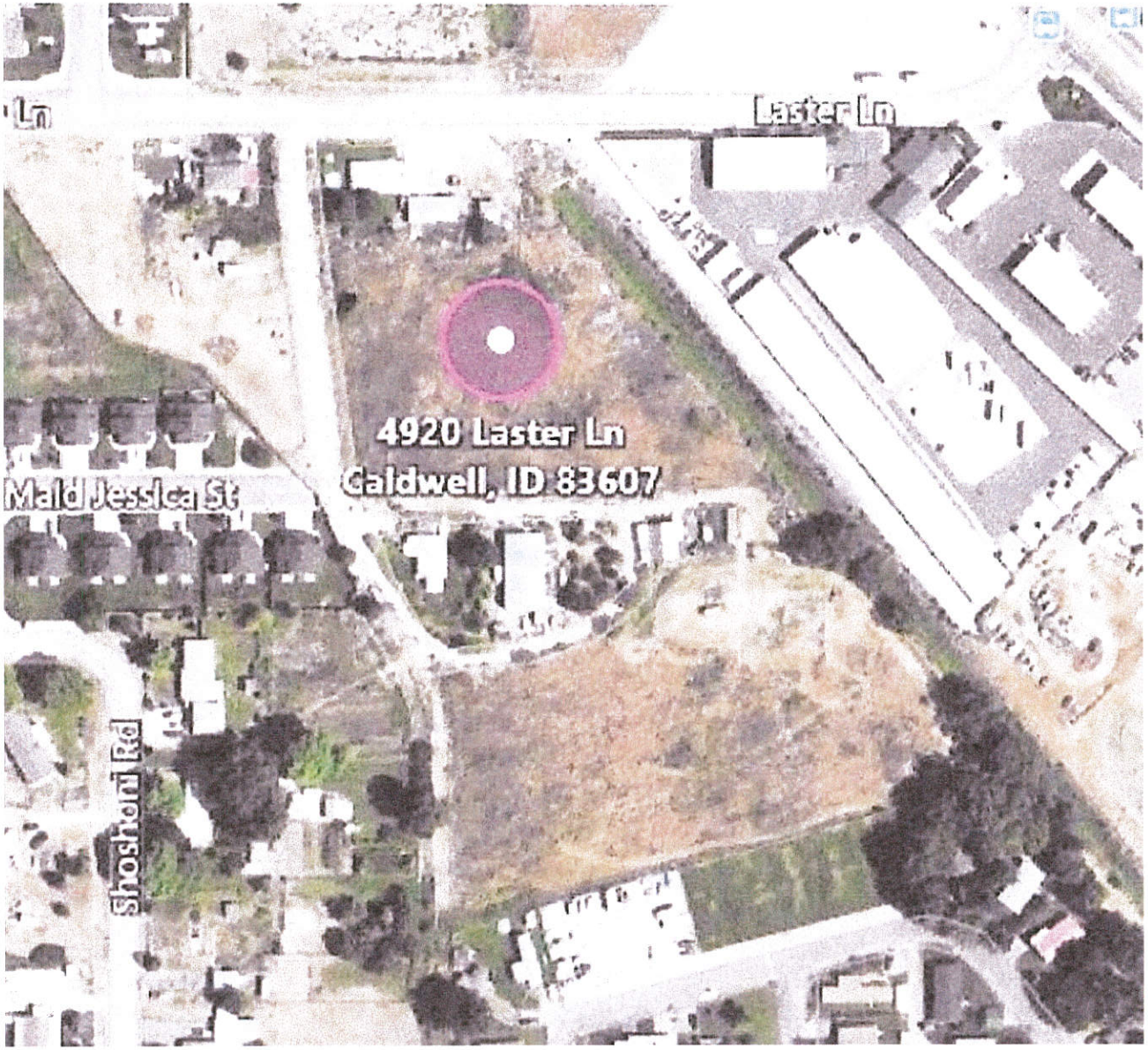
DELLON SMITH

MASTER PLAN

JOB NO. 016-003

SHEET NO. 1

A3


Ln
Laster Ln
4920 Laster Ln
Caldwell, ID 83607
Mald Jessica St
Shoshoni Rd

Legal Description
Laster Lane Property Rezone

A parcel for rezone purposes being located in the NE ¼ of the SE ¼ of Section 1, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and more particularly described as follows:

Commencing at a point marking the northeast corner of said NE ¼ of the SE ¼, from which a point marking the northwest corner of said NE ¼ of the SE ¼ bears S 89°38'49" W a distance of 1326.22 feet;

Thence S 89°38'49" W along the northerly boundary of said NE ¼ of the SE ¼ a distance of 1009.94 feet to a point on the centerline of the Moses Drain and the **POINT OF BEGINNING;**

Thence leaving said northerly boundary S 38°49'03" E along said centerline of the Moses Drain a distance of 878.17 feet to a point;

Thence leaving said centerline S 73°42'15" W a distance of 636.51 feet to a point on the easterly boundary of the Owyhee Village Subdivision as shown on Page 1 of Book 12, records of Canyon County, Idaho;

Thence along said easterly boundary the following described courses and distances;

Thence N 0°40'07" W a distance of 237.96 feet to a point;

Thence N 29°09'56" W a distance of 264.28 feet to a point;

Thence N 42°44'47" W a distance of 32.17 feet to a point;

Thence leaving said easterly boundary N 41°32'51" E a distance of 24.78 feet to a point;

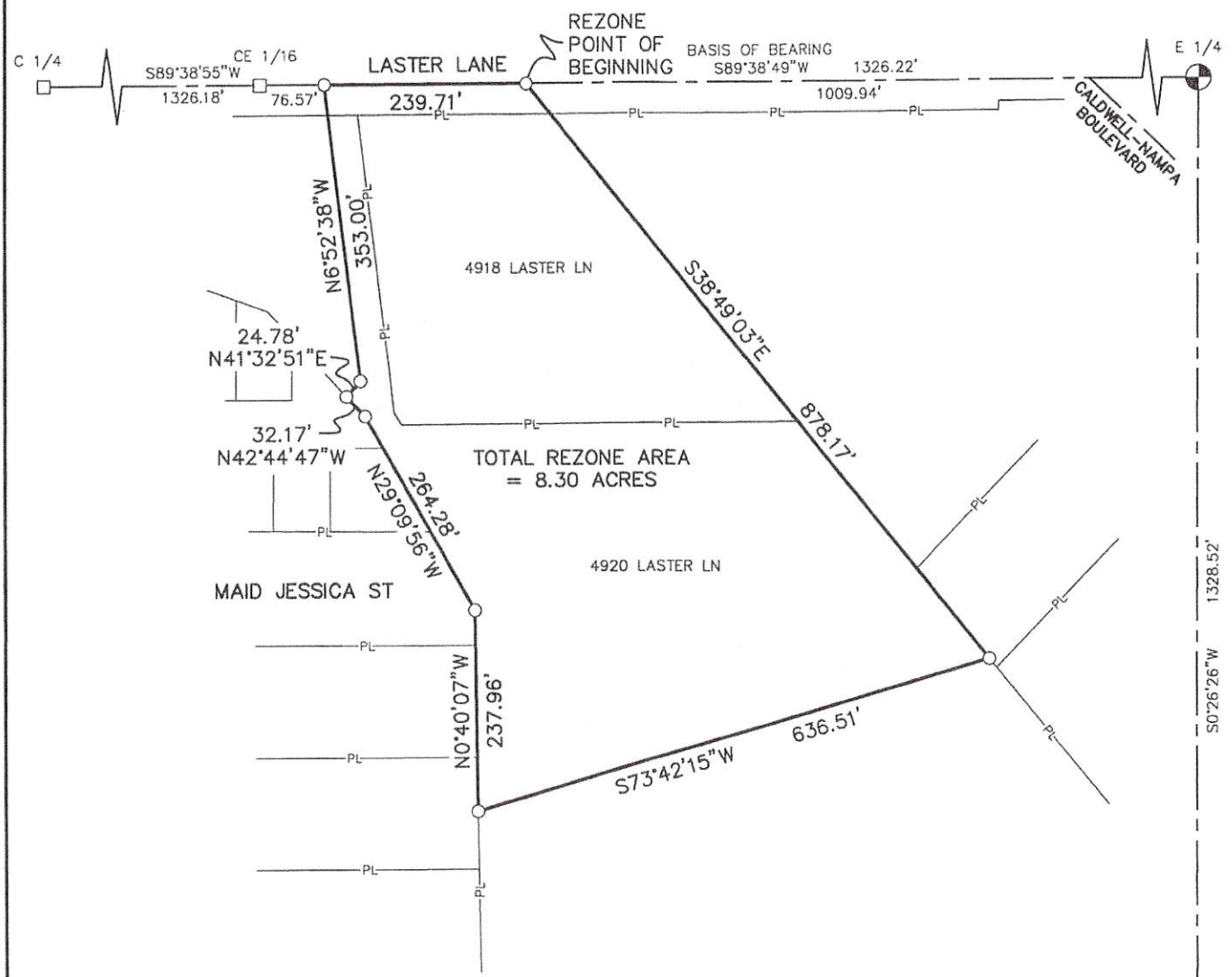
Thence N 6°52'38" W a distance of 353.00 feet to a point on the northerly boundary of said NE ¼ of the SE ¼;

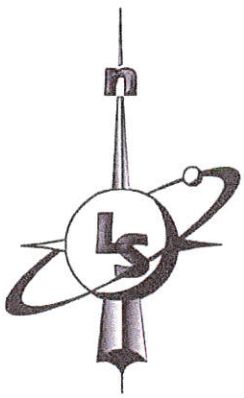
Thence N 89°38'49" E along said northerly boundary a distance of 239.71 feet to the **POINT OF BEGINNING.**

This parcel contains 8.30 acres and is subject to any easements existing or in use.

LASTER LANE PROPERTY - REZONE

EXHIBIT





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LandSolutions
Land Surveying and Consulting
231 E. 5TH ST., STE. A
MERIDIAN, ID 83642
(208) 288-2040 (208) 288-2557 fax
www.landsolutions.biz

A-9

ORDER OF DECISION BY THE MAYOR AND CITY COUNCIL
CITY OF CALDWELL, IDAHO
PUBLIC HEARING HELD MAY 15, 2017
SIGNED JUNE 5, 2017

Subject: **Case No. ZON-17-01 (Laster Lane Apartments Rezone)**

The following Land Use Action is the primary feature of this application:

- **Rezone 8.12 acres, more or less, from R-1 (Low Density Residential) to R-3 (High Density Residential) 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-17-01 to be held on May 2, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, April 17, 2017, notice was published in the Idaho Press Tribune, and on, or before, April 15, 2017 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, April 21, 2017 notice was posted on the site.

1.2 On May 2, 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-17-01 to be held before the Caldwell City Council on May 15, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, May 1, 2017, notice was published in the Idaho Press Tribune, and on, or before, May 3, 2017 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, May 9, 2017 notice was posted on the site.

1.4 On May 15, 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: Bob Unger, ULC Management LLC, 6104 Gary Lane, Boise, Idaho, 83714.

2.2 PROPERTY OWNER: Dellon Smith, 9521 W. Wright Street, Boise, Idaho, 83709.

2.3 REQUEST: The applicant is requesting to rezone approximately 8.12 acres from R-1 (Low Density Residential) to R-3 (High Density Residential) with a Development Agreement. The applicant intends to construct 7 multi-family structures with a total of 144 dwelling units.

2.4 COMPREHENSIVE PLAN DESIGNATION: The Caldwell Comprehensive Plan Map designation for the site is High Density Residential.

High Density Residential – Suitable for more intense land uses and as a transitional district to include: multi-family housing such as apartments, townhouses, condominiums, and manufactured home parks. This classification is also suitable for professional office development and limited neighborhood commercial uses, public and semi-public uses, and compatible institutional uses. The residential density range shall not exceed twenty-five (25) units per gross acre and it shall not exceed thirty-five (35) units per gross acre for a mixed use (planned unit development) site.

2.5 COMPREHENSIVE PLAN COMPONENTS APPLICABLE TO THE REQUEST:
Land Use: The subject property is zoned C-3 (Service Commercial) and is surrounded by:

Direction	Zone	Comprehensive Map	Use
Site	R-1	High Density Residential	Repair Shop/Residential Home
North	C-3	Commercial	Vacant
South	R-1	High Density Residential	Retail, Auto Sales
East	C-3	Commercial	I-84, Airport
West	R-1	High Density Residential	Mobile Home Park

2.6 Transportation/Connectivity: The subject property has frontage onto Laster Lane, a collector roadway. Maid Jessica Street, a local roadway, provides a stub to the subject property. The applicant is proposing to continue this stub street into and thru the site so as to provide a connection to Laster Lane.

2.7 Public Services, Utilities and Facilities: The engineering department, fire marshal, building department, police department, Caldwell and Vallivue School Districts, Pioneer Irrigation District, Canyon Highway District No. 4, Bureau of Reclamation, Army Corp of Engineers, and Department of Water Resources were all sent a request for comment.

2.8 Right-of-Way/Street Improvements: The applicant should be required to provide right-of-way (ROW) dedication and street improvements as part of this request.

The applicant should be required to dedicate 35 feet of ROW measured from the centerline of Laster Lane, abutting the site. The applicant should be required to widen Laster Lane as one-half of a collector roadway including, but not limited to, pavement widening, vertical curb, gutter, and either 7-foot wide attached sidewalk or a 5-foot wide detached sidewalk.

The applicant is proposing to construct a local street (Leanne Street) within the development Leanne Street will provide a connection from Maid Jessica Street to Laster Lane. The applicant should be required to dedicate 53 feet of ROW for Leanne Street, as shown on the submitted site plan (Exhibit A-3). The applicant should be required to construct Leanne Street as a local roadway including, but not limited to, pavement widening, vertical curb, gutter, 5-foot wide sidewalk.

2.9 Landscaping: As per Section 10-07-02(2) of City Code, landscaping should be required for this project. City Code requires a 15-foot wide vegetative (grassed) landscape buffer along Laster Lane. The site has approximately 260 feet of frontage along Laster Lane, which would require a minimum of 7 Class II trees and 37 shrubs, along with vegetative ground cover (grassed) within the buffer area.

2.10 Open Space/Amenities: The applicant is proposing to provide approximately 1.1 acres of useable open space which equates to 13% of the total land area. The applicant is proposing to construct 4 ramadas, a playground area, and clubhouse within the development.

III PUBLIC TESTIMONY

3.1 BEFORE THE CALDWELL HEARING EXAMINER, May 1, 2017

Jarom Wagoner, Senior Planner/Development Team Leader, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant requests to rezone approximately 8.12 acres from R-1 (Low Density Residential) to R-3 (High Density Residential) with a Development Agreement. The applicant intends to construct 7 multi-family structures with a total of 144 dwelling units.

Mr. Robert Unger, ULC Management, 6104 N. Grey Lane, Boise, ID 83714 stated he represents Mr. Dellon Smith who is the owner and developer of the property. He met with staff to go over the design of the project and he is in agreement with the Staff Report, Conditions of Approval and the Development Agreement.

Mr. Mapp asked when the public space (club house and amenities) for the residents will be constructed.

Mr. Unger stated they will be constructed as a part of the project and the entire project will be constructed at one time.

3.2 BEFORE THE CALDWELL CITY COUNCIL, May 15, 2017

Jarom Wagoner, 621 Cleveland Blvd., acknowledged being sworn in and outlined the contents of the staff report. He noted that the rezone request addresses approximately 8.12 acres from R-1 (Low Density Residential) to R-3 (High Density Residential) with a development agreement. The applicant intends to construct seven (7) multi-family residential structures with a total of 144 dwelling units.

Discussion was held concerning the lack for a secondary access point for the development. Mr. Wagoner recommended that an emergency only access be available at Maid Jessica Street.

Bob Unger of ULC Management LLC at 6104 Gary Lane, Boise, acknowledged being sworn in and spoke in favor of the request. He noted that the developer would be in agreement with adding the requirement for a secondary emergency access point to the preliminary plat as a condition of approval. Two neighborhood meetings were held concerning the proposed development. He asked for approval of the application with the addition of the secondary access requirement.

In response to questions from Councilman Callsen, Mr. Unger reported that the four parking spaces forfeited for the secondary access point would be recovered through a redesign of the development. Councilman Callsen recommended that signage be required indicating "no parking" in the four spaces to keep the area available for emergency access.

MOVED by Stadick, SECONDED by Hopper 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 request was found to be 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 – 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 1-1: Guide the growth and development of land uses in such a way that the health, safety, and general welfare of residents will be protected.

Goal 3: Create communities that are more livable, affordable, connectable and sustainable.

Policy 3-2: Maximize the use of land by encouraging high-density residential development in areas that have adequate services that can act as a buffer between less dense residential and commercial uses, and support public transit.

GOALS AND POLICIES – Public Services, Utilities, & Facilities

Goal 1: Ensure that there are adequate public services and infrastructure to meet the needs of the public.

Policy 1-2: Provide for the orderly expansion of public services to meet the needs of population growth, and ensure that adequate infrastructure is in place to serve new development.

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. The proposed use is conditionally permitted by the terms of the ordinance and is subject to conditions of approval.

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 City Council that Case Number ZON-17-01 a request by Bob Unger and ULC Management LLC to rezone two parcels totaling 8.12 acres, more or less, from R-1 (Low Density Residential) to R-3 (High Density Residential) with a development agreement for the properties located at 4918 Laster Lane and 4920 Laster Lane in Caldwell, Idaho, is **approved** with the following conditions of approval:

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

8.3 Comply with all requirements of the Idaho Transportation Department.

8.4 The development, design, and construction of the Laster Lane Apartments Development shall be in substantial compliance with the submitted preliminary plat and site plan (See Exhibit A-3) of Case File Exhibit ZON-17-01. Any substantial deviations, as determined by the Planning & Zoning Director, from said Case File Exhibit, shall require City Council approval, through a public hearing.

8.5 Comply with the requirements of all applicable agencies, including but not limited to Caldwell Engineering Department, Pioneer Irrigation District, Bureau of Reclamation, and Army Corp of Engineers.

8.6 The development shall utilize cluster mailboxes for delivery of mail. Individual mailboxes shall not be allowed. A cluster mailbox placement plan shall be submitted to the Planning and Zoning department showing coordination with the United States Postal Services prior to submitting the first building permit.

8.7 Dedicate as public right-of-way a minimum thirty-five (35) foot half width right-of-way (from centerline) along the entire Laster Lane alignment (per City Standard R-810 C).

8.8 Construct Laster Lane abutting the site as a 21-foot one-half width collector street section with a 6-foot wide bike lane, standard vertical curb, 5-foot wide sidewalk, sub-base and asphalt paving, required storm water drainage facilities and street lights (see Caldwell Std. Dwg. 810-C).

8.9 Install a 15-foot wide street landscape buffer along Laster Lane, abutting the site. The landscape buffer shall contain a minimum of 7 Class II trees and 37 shrubs and shall contain grass and other vegetative ground cover so that the entire buffer area is covered.

8.10 Dedicate as public right-of-way a minimum fifty-three (53) foot full width right-of-way (per City Standard R-810 E) for the proposed Leanne Street. Leanne Street shall connect from Maid Jessica Street to Laster Lane, as proposed on the submitted Case File Exhibit A-3.

8.11 Construct the proposed Leanne Street as a 37-foot width local street section with standard vertical curb, 5-foot wide sidewalk, sub-base and asphalt paving, required storm water drainage facilities and street lights (see Caldwell Std. Dwg. 810-E).

8.12 Provide a minimum of 1.1 acres of open space. The open space shall contain a minimum of 4 ramadas, playground area with play equipment and slides, and a clubhouse as shown on the submitted Case File Exhibit A-3.

8.13 The proposed driveway access shall be constructed along Leanne Street, as proposed. No direct vehicular access shall be allowed onto Laster Lane.

8.14 Provide a minimum of 216 paved parking stalls for the proposed multi-family development. The parking lot shall be paved and meet all City Code requirements. A minimum of 40% of the parking stalls shall be covered.

8.15 All requirements from the Fire Department for access, turnarounds, emergency access, water supply, fire hydrants, etc. shall be met in the development of the subject property. Final approval of the location and number of fire hydrants within the development shall be determined by the Fire Marshal.

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-17-01 a request by Bob Unger and ULC Management LLC to rezone two parcels totaling 8.12 acres, more or less, from R-1 (Low Density Residential) to R-3 (High Density Residential) with a development agreement for the properties located at 4918 Laster Lane and 4920 Laster Lane in Caldwell, Idaho, is **approved** with the following conditions of approval:

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

9.3 Comply with all requirements of the Idaho Transportation Department.

9.4 The development, design, and construction of the Laster Lane Apartments Development shall be in substantial compliance with the submitted preliminary plat and site plan (See Exhibit A-3) of Case File Exhibit ZON-17-01. Any substantial deviations, as determined by the Planning & Zoning Director, from said Case File Exhibit, shall require City Council approval, through a public hearing.

9.5 Comply with the requirements of all applicable agencies, including but not limited to Caldwell Engineering Department, Pioneer Irrigation District, Bureau of Reclamation, and Army Corp of Engineers.

9.6 The development shall utilize cluster mailboxes for delivery of mail. Individual mailboxes shall not be allowed. A cluster mailbox placement plan shall be submitted to the Planning and Zoning department showing coordination with the United States Postal Services prior to submitting the first building permit.

9.7 Dedicate as public right-of-way a minimum thirty-five (35) foot half width right-of-way (from centerline) along the entire Laster Lane alignment (per City Standard R-810 C).

9.8 Construct Laster Lane abutting the site as a 21-foot one-half width collector street section with a 6-foot wide bike lane, standard vertical curb, 5-foot wide sidewalk, sub-base and asphalt paving, required storm water drainage facilities and street lights (see Caldwell Std. Dwg. 810-C).

9.9 Install a 15-foot wide street landscape buffer along Laster Lane, abutting the site. The landscape buffer shall contain a minimum of 7 Class II trees and 37 shrubs and shall contain grass and other vegetative ground cover so that the entire buffer area is covered.

9.10 Dedicate as public right-of-way a minimum fifty-three (53) foot full width right-of-way (per City Standard R-810 E) for the proposed Leanne Street. Leanne Street shall connect from Maid Jessica Street to Laster Lane, as proposed on the submitted Case File Exhibit A-3.

9.11 Construct the proposed Leanne Street as a 37-foot width local street section with standard vertical curb, 5-foot wide sidewalk, sub-base and asphalt paving, required storm water drainage facilities and street lights (see Caldwell Std. Dwg. 810-E).

9.12 Provide a minimum of 1.1 acres of open space. The open space shall contain a minimum of 4 ramadas, playground area with play equipment and slides, and a clubhouse as shown on the submitted Case File Exhibit A-3.

9.13 The proposed driveway access shall be constructed along Leanne Street, as proposed. No direct vehicular access shall be allowed onto Laster Lane.

9.14 Provide a minimum of 216 paved parking stalls for the proposed multi-family development. The parking lot shall be paved and meet all City Code requirements. A minimum of 40% of the parking stalls shall be covered.

9.15 All requirements from the Fire Department for access, turnarounds, emergency access, water supply, fire hydrants, etc. shall be met in the development of the subject property. Final approval of the location and number of fire hydrants within the development shall be determined by the Fire Marshal.

CASE NUMBER ZON-17-01 WAS HEARD BY THE MAYOR AND CITY COUNCIL AT A PUBLIC HEARING HELD MAY 15, 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 JUNE 5, 2017.

Mayor Garret L. Nancolas

ATTEST:

CITY OF CALDWELL INCORPORATED JAN 15 1890 CANYON COUNTY IDAHO

City Clerk