



CITY OF Caldwell, Idaho

Planning & Zoning

HEARING REVIEW APPLICATION

Type of Review Requested (check all that apply)

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

STAFF USE ONLY:
 File number(s): ZON-17-06
Las Brisas Apts. Rezone
 Project name: _____
 Date filed: 6-9-2017 Date complete: _____
 Related files: _____

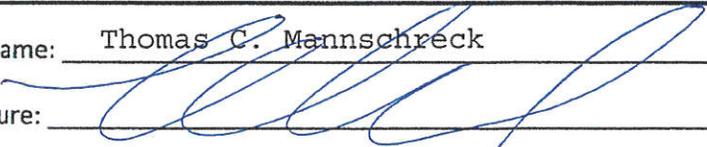
Subject Property Information

Address: 1420 E. Ustick Road Parcel Number(s): R3255500000
 Subdivision: _____ Block: _____ Lot: _____ Acreage: 4.864 Zoning: C-2
 Prior Use of the Property: Vacant Land; Current Zoning R-1 & C-2
 Proposed Use of the Property: C-2 Community Commercial

Applicant Information:

Applicant Name: Las Brisas Apartments, LLC Phone: _____
 Address: 413 W Idaho St., Ste. 200 City: Boise State: Id Zip: 83702
 Email: _____ Cell: _____
 Owner Name: _____ Phone: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Email: _____ Cell: _____
 Agent Name: (e.g., architect, engineer, developer, representative) Thomas C. Mannschreck
 Address: 413 W Idaho St., Ste. 200 City: Boise State: Id Zip: 83702
 Email: tmannschreck@thomasdevelopment.com Cell: (208) 867-0314

Authorization

Print applicant name: Thomas C. Mannschreck
 Applicant Signature:  Date: June 8, 2017



413. W. Idaho Street, Suite 200
Boise, Idaho 83702
(208) 343-8877
FAX (208) 343-8900
E-Mail: tdc@thomasdevelopment.com

June 9, 2017

Via Email: bbillingslev@cityofcaldwell.org

Mr. Brian Billingsley, AICP
Director
Planning & Zoning Department
City of Caldwell
621 Cleveland Blvd
Caldwell, Idaho 83605

RE: Las Brisas Apartments – Rezone Application Request

Dear Mr. Billingsley:

It is with great pride we submit the enclosed application to rezone a portion of the 4.83-acre parcel immediately west of Lenity Senior Living.

As we have discussed with you and others at the City of Caldwell, the rezone is necessary to have maximum flexibility to site this senior affordable and market rate apartment community on the property.

For the sake of expediency and consistency, we are enclosing the cover letter and narrative neighborhood description submitted to Idaho Housing & Finance Association (IHFA) for our successfully funded tax credit and HOME applications.

We believe that information provides more than sufficient information to process the request for rezone, but also importantly makes a public record with the City of Caldwell the representations we made, and which will be included in our development and long-term operation of this property.

The various meetings held with city staff regarding extension of E. Indian Springs Road have been met positively by the development team, and we are working on road configurations which will work for the City of Caldwell, our development, and Mr. Clegg's development.

Thank you again, Brian. I am available to answer questions which may come up.

Sincerely,

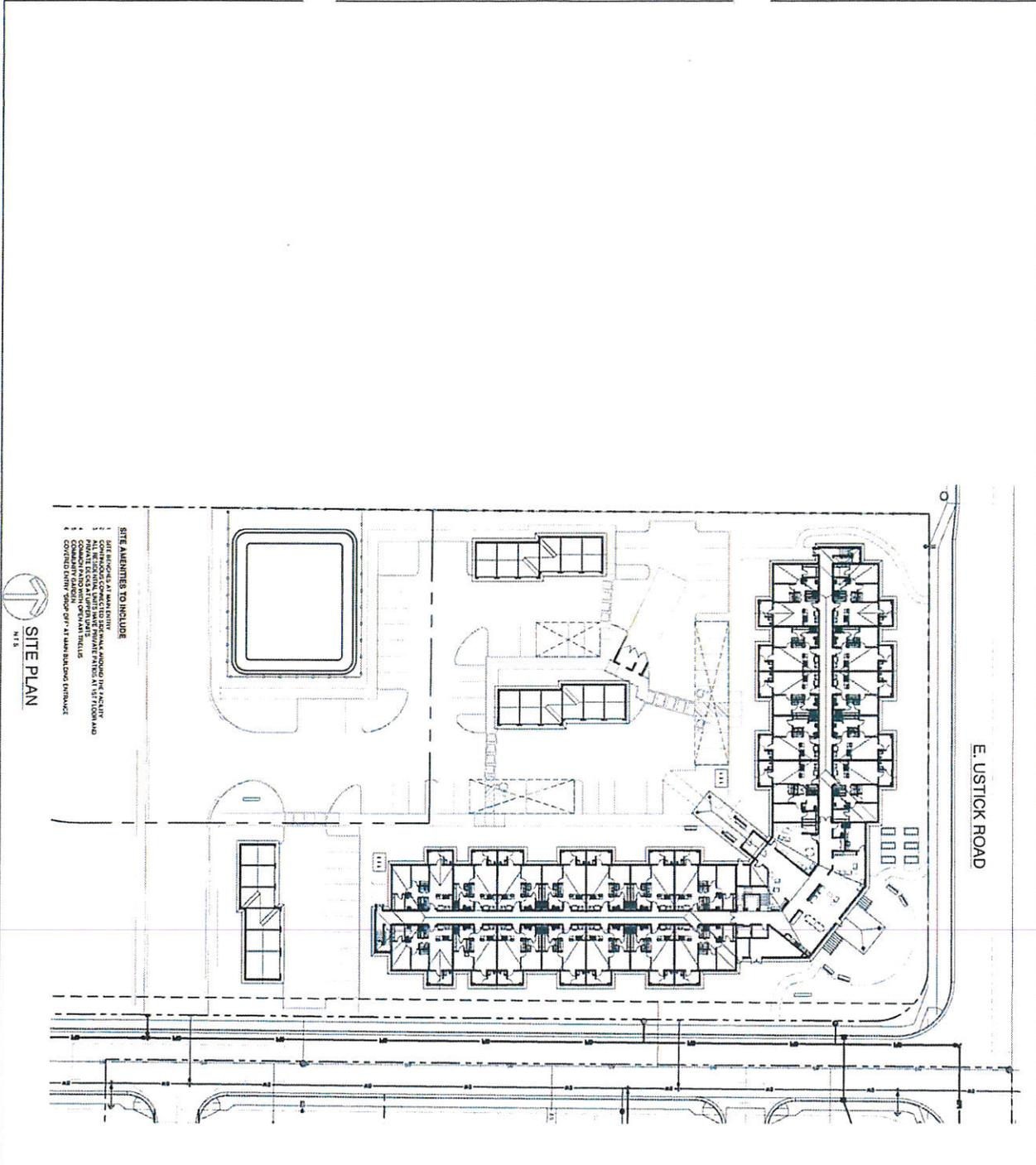
THOMAS DEVELOPMENT CO.

By Michelle Landay for
Thomas C. Mannschreck, President

TCM:mdl

Enclosure: As indicated.

cc: Connie Hogland, Northwest Integrity Housing Co.
Michelle Landay, Thomas Development Co.
Andrew Schank, Thomas Development Co.
Claire Casazza, The Pacific Companies
Doug Gibson, DG Architecture



SITE ELEMENTS TO INCLUDE

1. CONFORMANCE TO THE MINIMUM ACCESSIBILITY AND PARKING REQUIREMENTS
2. COMPLIANCE WITH THE STATE STREET, ADJACENT TO THE PROJECT
3. COMPLIANCE WITH THE STATE STREET, ADJACENT TO THE PROJECT
4. COMPLIANCE WITH THE STATE STREET, ADJACENT TO THE PROJECT
5. COMPLIANCE WITH THE STATE STREET, ADJACENT TO THE PROJECT
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7. COMPLIANCE WITH THE STATE STREET, ADJACENT TO THE PROJECT
8. COMPLIANCE WITH THE STATE STREET, ADJACENT TO THE PROJECT
9. COMPLIANCE WITH THE STATE STREET, ADJACENT TO THE PROJECT
10. COMPLIANCE WITH THE STATE STREET, ADJACENT TO THE PROJECT

SITE PLAN
N.T.S.

VICINITY MAP

APPLICANT
PACIFIC WEST ARCHITECTURE
400 E. STATE STREET, SUITE 100
DENVER, CO 80202

ACCESSIBILITY

TYPE A UNITS

UNIT MIX SUMMARY

UNIT TYPE	NO. OF UNITS	PERCENTAGE
1-BEDROOM TYPE A UNITS	3	6.25%
2-BEDROOM TYPE B UNITS	20	41.25%
3-BEDROOM TYPE C UNITS	37	76.25%
TOTAL UNITS	60	100.00%

COMMON AREAS INCLUDING COMMON & STAIRS
11,897 SF

TOTAL
48,809 SF

PARKING SUMMARY

REQUIREMENTS
154 - 48' x 25' 11" - 64' REQUIRED PARKING SPACES

PROVIDED
48 UNITS @ 1 SPACE PER UNIT = 48 SPACES
14 TOTAL SPACES (14) ACCESSIBLE (14) (TYPE E)
64 TOTAL SPACES (14) ACCESSIBLE (14) PROVIDED

SITE COVERAGE

50 FEET	PERCENTAGE
BUILDING FOOTPRINT AREA	17.75%
DRIVEWAY AREA	3.12%
PRIVATE CONC. DRIVEWAY (ROUND LOT)	1.04%
CONC. WALK	20.88%
CONC. WALK	15.35%
CONC. WALK	7.25%
CONC. WALK	20.25%
TOTAL AREA	100.00%

NOTE: ALL NUMBERS PROVIDED ARE ESTIMATES FOR THE CONFORMANCE.

SITE AREA
126,817 SF (12.72 AC) @ 100.00%
148,809 SF (13.42 AC) @ 113.40%

PROJECT SITE

PROJECT
LAS BRISAS SENIOR APARTMENTS

PROJECT NO.
A1.2

DATE
10/01/16-12

SCALE
AS SHOWN

PROJECT NO.
1001-16-12

PACIFIC WEST ARCHITECTURE

400 E. STATE STREET, SUITE 100
DENVER, CO 80202
TEL: (303) 441-3247

ALASKA - ARIZONA - CALIFORNIA - COLORADO - HAWAII - IDAHO - ILLINOIS - IOWA - KANSAS - KENTUCKY - LOUISIANA - MONTANA - NEVADA - NEW MEXICO - NORTH CAROLINA - OREGON - SOUTH CAROLINA - TEXAS - UTAH - VIRGINIA - WISCONSIN - WYOMING

COMPILED BY PACIFIC WEST ARCHITECTURE

REVISIONS

NO.	DATE	DESCRIPTION
001	10/01/16	ISSUE FOR PERMIT
002	10/01/16	ISSUE FOR PERMIT
003	10/01/16	ISSUE FOR PERMIT

PROJECT
LAS BRISAS SENIOR APARTMENTS

PROJECT NO.
A1.2

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10/01/16-12

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AS SHOWN

PROJECT NO.
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DENVER, CO 80202
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ALASKA - ARIZONA - CALIFORNIA - COLORADO - HAWAII - IDAHO - ILLINOIS - IOWA - KANSAS - KENTUCKY - LOUISIANA - MONTANA - NEVADA - NEW MEXICO - NORTH CAROLINA - OREGON - SOUTH CAROLINA - TEXAS - UTAH - VIRGINIA - WISCONSIN - WYOMING

COMPILED BY PACIFIC WEST ARCHITECTURE

REVISIONS

NO.	DATE	DESCRIPTION
001	10/01/16	ISSUE FOR PERMIT
002	10/01/16	ISSUE FOR PERMIT
003	10/01/16	ISSUE FOR PERMIT

A3

PROJECT
LAS BRISAS SENIOR APARTMENTS

PROJECT NO.
A1.2

DATE
10/01/16-12

SCALE
AS SHOWN

PROJECT NO.
1001-16-12

PACIFIC WEST ARCHITECTURE

400 E. STATE STREET, SUITE 100
DENVER, CO 80202
TEL: (303) 441-3247

ALASKA - ARIZONA - CALIFORNIA - COLORADO - HAWAII - IDAHO - ILLINOIS - IOWA - KANSAS - KENTUCKY - LOUISIANA - MONTANA - NEVADA - NEW MEXICO - NORTH CAROLINA - OREGON - SOUTH CAROLINA - TEXAS - UTAH - VIRGINIA - WISCONSIN - WYOMING

COMPILED BY PACIFIC WEST ARCHITECTURE

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PROJECT
LAS BRISAS SENIOR APARTMENTS

PROJECT NO.
A1.2

DATE
10/01/16-12

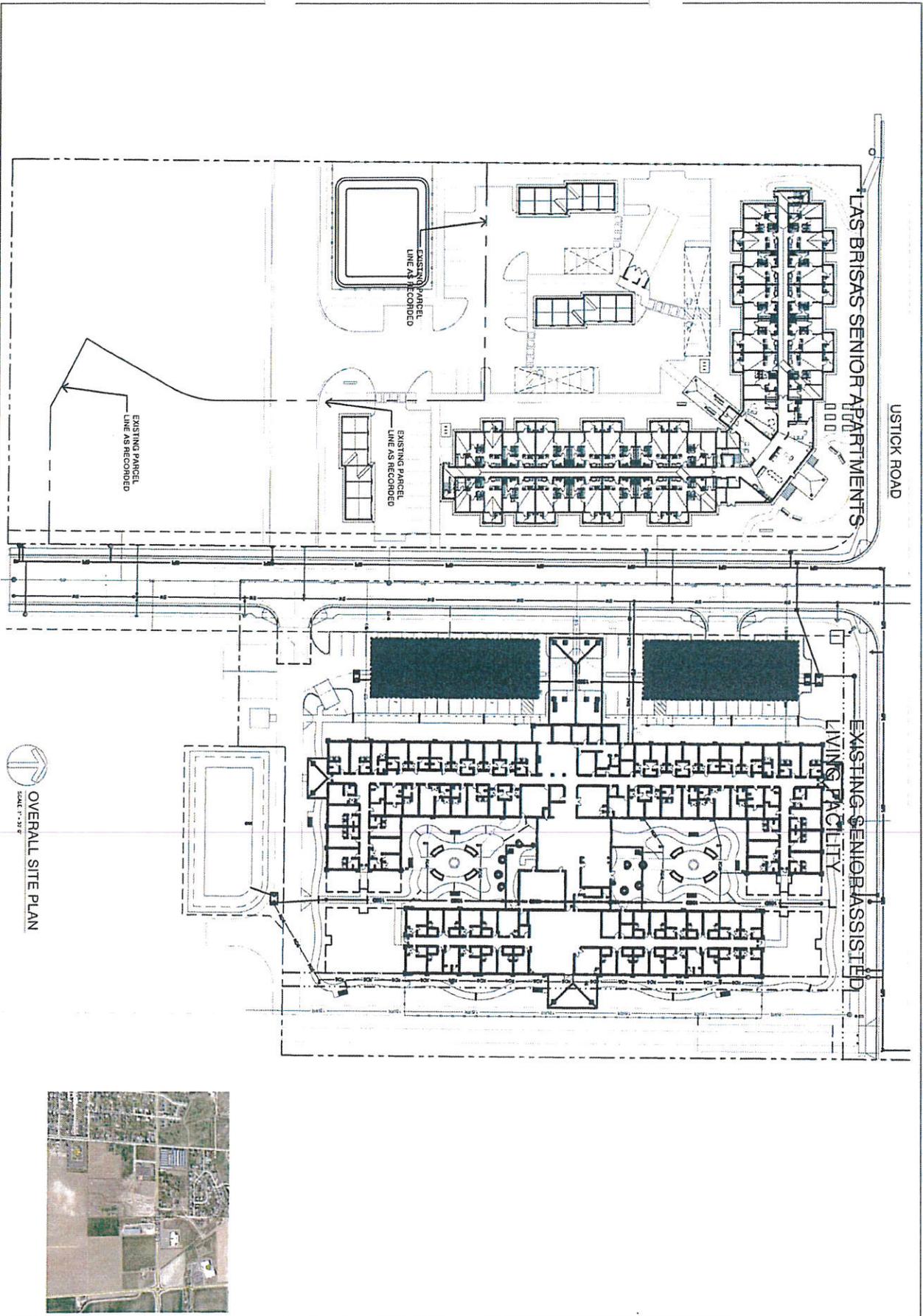
SCALE
AS SHOWN

PROJECT NO.
1001-16-12

A3

Las Brisas Apartments
1420 E. Ustick Road
Caldwell, Idaho
500' Scale





OVERALL SITE PLAN
SCALE: 1/8" = 1'-0"



A1.1

PROJECT
LAS BRISAS SENIOR APARTMENTS

3100 E. USTICK RD. & LENITY LIVING AVE
CALDWELL, ID

Pacific West Architecture

430 E. STATE STREET, SUITE 100
CALDWELL, IDAHO 83414
(208) 461-4077
661 FIDELITY DRIVE, SUITE 207
CALDWELL, IDAHO 83414

ALASKA - ARIZONA - CALIFORNIA - COLORADO - HAWAII - IDAHO
LOUISIANA - MONTANA - NEVADA - NEW MEXICO - NORTH CAROLINA - OREGON -
SOUTH DAKOTA - U.S.V.I. - UTAH - WASHINGTON - WYOMING

PACIFIC WEST ARCHITECTURE

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DATE: 11/15/11
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

ENGINEER

ARCHITECT

SCHEMATIC SET / NOT FOR CONSTRUCTION

A3

NEIGHBORHOOD MEETING FORM
City of Caldwell Planning and Zoning Department
621 E. Cleveland Blvd., Caldwell, ID 83605
Phone: (208) 455-3021

Start Time of Neighborhood Meeting: 6:30p.m. 6/8/17

End Time of Neighborhood Meeting: 7:45 p.m.

Those in attendance please print your name and address. If no one attended, Applicant please write across this form "No one attended."

<u>PRINTED NAME</u>	<u>ADDRESS, CITY, STATE, ZIP</u>
1. <u>Ruthy Ayala</u>	<u>4321 So. Montana Ave.</u>
2. <u>Dawna Jenkins</u>	<u>1403 E. Ustick Rd.</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____

AS

- 20. _____
- 21. _____
- 22. _____
- 23. _____
- 24. _____
- 25. _____

Neighborhood Meeting Certification:

Applicants shall conduct a neighborhood meeting for the following: special use permit applications; variance applications; annexation applications; planned unit development applications; preliminary plat applications that will be submitted in conjunction with an annexation, rezone or planned unit development application; and, rezone applications as per City of Caldwell Zoning Ordinance Section 10-03-12.

Description of the proposed project: Las Brisas Apartments - 48 units

Date of Round Table meeting: June 8, 2017 @ 11:00 a.m.

Notice sent to neighbors on: May, 26, 2017

Date & time of the neighborhood meeting: June 8, 2017 @ 6:30 p.m.

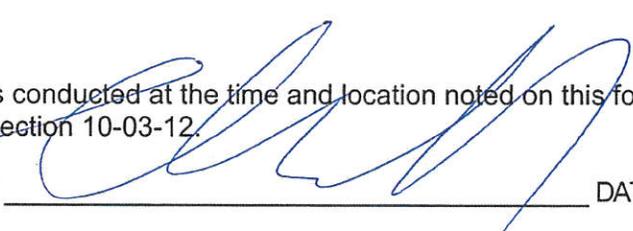
Location of the neighborhood meeting: Lenity Senior Living - 4119 Lenity Living Avenue

Developer/Applicant:

Name: Las Brisas Apartments, LLC

Address, City, State, Zip: 413 W Idaho Street, Suite 200, Boise, Id 83702

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accord with City of Caldwell Zoning Ordinance Section 10-03-12.

DEVELOPER/APPLICANT SIGNATURE  DATE 6/9/17

AS

Property Owner Acknowledgement

I, Douglas B. Clegg, 1342 E Covey Run Court
(Name) (Address)

Eagle, Idaho
(City) (State)

being first duly sworn upon, oath, depose and say:

1. That I am the record owner, or authorized designee of the record owner of property located at

1420 E. Ustick Road, Caldwell, Idaho 83605
(Address)

and I grant my permission to:

Las Brisas Apartments, LLC, 413 W Idaho St., Ste. 200
(Name) (Address)

Boise, Idaho
(City) (State)

to submit the accompanying application(s) pertaining to that property.

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

Dated this 9th day of June, 2017

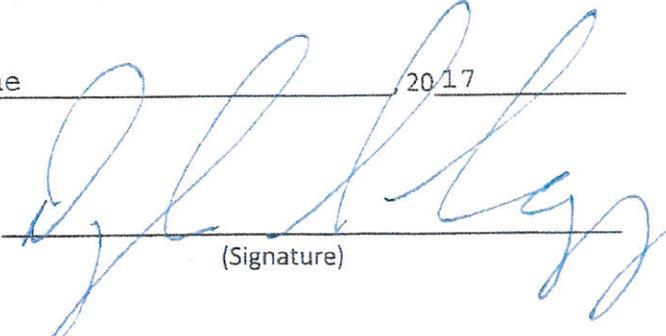

(Signature)

EXHIBIT A – LEGAL DESCRIPTION

A parcel of land located in the E 1/2 of Gov't Lot 2, of Section 3, T.3N., R.3W., B.M., Canyon County, Idaho, more particularly described as follows: **Commencing** at an Aluminum Cap marking the North 1/4 corner of said Section 3, from which the C 1/4 corner of said Section bears South 0° 27' 10" West, 2723.11 feet; Thence east along the section line common to sections 3 and 34 South 89° 53' 03" East, 661.02 feet to the **REAL POINT OF BEGINNING**.

Thence continuing South 89° 53' 03" East, 309.64 feet;

Thence South 00° 29' 32" West, 685.53 feet;

Thence North 89° 30' 28" West, 309.40 feet;

Thence North 00° 28' 21" East, 683.50 feet to the Point of Beginning.

Containing 4.86 acres, more or less.



TitleOne
a title & escrow co.

Order Number E0151116

<p>2016-007017 RECORDED 02/26/2016 11:05 AM CHRIS YAMAMOTO CANYON COUNTY RECORDER Pgs=2 MBROWN \$13.00 TYPE: DEED TITLEONE BOISE ELECTRONICALLY RECORDED</p>
--

Quitclaim Deed

For value received, TitleOne Exchange Company, an Idaho Corporation

Does hereby convey, release, remise, and forever quit claim unto

Miriam LLC, an Idaho limited liability company

whose current address is 971 E. Winding Creek Drive #117, Eagle, ID 83616

the following described premises, in Canyon County, Idaho, to wit:

Parcel A:

A parcel of land located in the East half of Government Lot 2 of Section 3, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at an aluminum cap marking the North quarter corner of said Section 3, from which the center quarter corner of said Section bears South 0°27'10" West, 2723.11 feet; thence East along the section line common to Sections 3 and 34

South 89°53'03" East, 661.02 feet to the Real Point of Beginning; thence continuing

South 89°53'03" East, 309.64 feet; thence

South 00°29'32" West, 685.53 feet; thence

North 89°30'28" West, 309.40 feet; thence

North 00°28'21" East, 683.50 feet to the Point of Beginning.

Parcel B:

A parcel of land located in the East half of Government Lot 2 of Section 3, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at an aluminum cap marking the North quarter corner of said Section 3, from which the center quarter corner of said Section bears South 0°27'10" West, 2723.11 feet; thence East along the section line common to Sections 3 and 34

South 89°53'03" East, 970.66 feet to the Real Point of Beginning; thence continuing

South 89°53'03" East, 351.38 feet; thence

South 00°29'31" West, 478.33 feet; thence

North 89°30'28" West, 227.88 feet; thence

South 00°29'32" West, 35.00 feet; thence

North 89°30'28" West, 123.50 feet; thence

North 00°29'32" East, 511.02 feet to the Point of Beginning.

A10

Parcel C:

A parcel of land located in the East half of Government Lot 2 of Section 3, Township 3 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at an aluminum cap marking the North quarter corner of said Section 3, from which the center quarter corner of said Section bears South 0°27'10" West, 2723.11 feet; thence East along the section line common to Sections 3 and 34

South 89°53'03" East, 970.66 feet; thence
South 00°29'32" West, 511.02 to the Real Point of Beginning; thence
South 89°30'28" East, 123.50 feet; thence
North 00°29'32" East, 35.00 feet; thence
South 89°30'28" East, 227.88 feet; thence
South 00°29'31" West, 209.51 feet; thence
North 89°30'28" West, 351.37 feet; thence
North 00°29'32" East, 174.51 feet to the Point of Beginning.

To have and to hold the said premises, unto the said grantees, heirs and assigns forever.

Date: 2/26/2016

TitleOne Exchange Company, an Idaho Corporation



Cameron McFaddan, President

State of Idaho, County of Ada, ss.

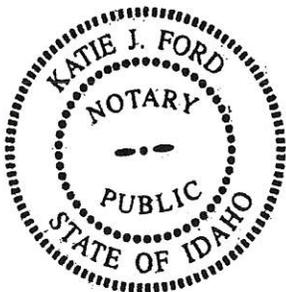
On this 26th day of February in the year of 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Cameron McFaddan known or identified to me to be the President of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

 _____, Notary Public

Residing at: Boise ID

My Commission Expires: August 4, 2020

(seal)





TitleOne
a title & escrow co.

There is a Difference.

Property Information

Date: 6/9/2017

Parcel ID: R3255500000

Site Address: 1420 E Ustick Rd Caldwell 83607

Warmest Regards,

The TitleOne Team
TitleOne Corporation
www.TitleOneCorp.com

Notice: This report is based on a search of our tract indexes of the county records. This is not a title or ownership report and no examination of the title to the property described has been made. For this reason, no liability beyond the amount paid for this report is assumed hereunder, and the company is not responsible beyond the amount paid for any errors and omissions contained herein.

www.titleonecorp.com

A10

Canyon County Parcel Information



Pam Doms
Customer Service
Phone (208) 475-1132
pdoms@TitleOneCorp.com
www.TitleOneCorp.com

Property ID: R3255500000
Alt Parcel ID: C00000030600
Property Address: 1420 E Ustick Rd
Caldwell, ID 83607
Parcel City Code: Caldwell
Owner Information
Name: Miriam LLC
Address: 971 E Winding Creek Dr #117
Eagle, ID 83616
Assessor Information
Legal Description: 03-3N-3W NE TX 15460 IN E1/2
OF LT 2
Twn/Range/Section: 03N03W03 Quarter:NE
Acres: 4.86 (211,702 SqFt)
Irrigation Dist: PIONEER IRRIGATION DISTRICT
School District: 770 Vallivue School Dist
Instrument #: [2016007017](#)
Subdivision:
Plat Instr. #:
Lot:
Block:
Recreation: -
Assessed Values
Land Value: \$340,640
Improvement Value: \$0
Total Value: \$340,640



Treasurer Information
Year: 2016 **Tax:** \$7,498
Year: 2015 **Tax:** \$3,093
Year: 2014 **Tax:** \$2,703

Assessor Land Categories

Use Code	Description	Value
21	21 City com lot/ac	\$56,630
21	21 City com lot/ac	\$284,010

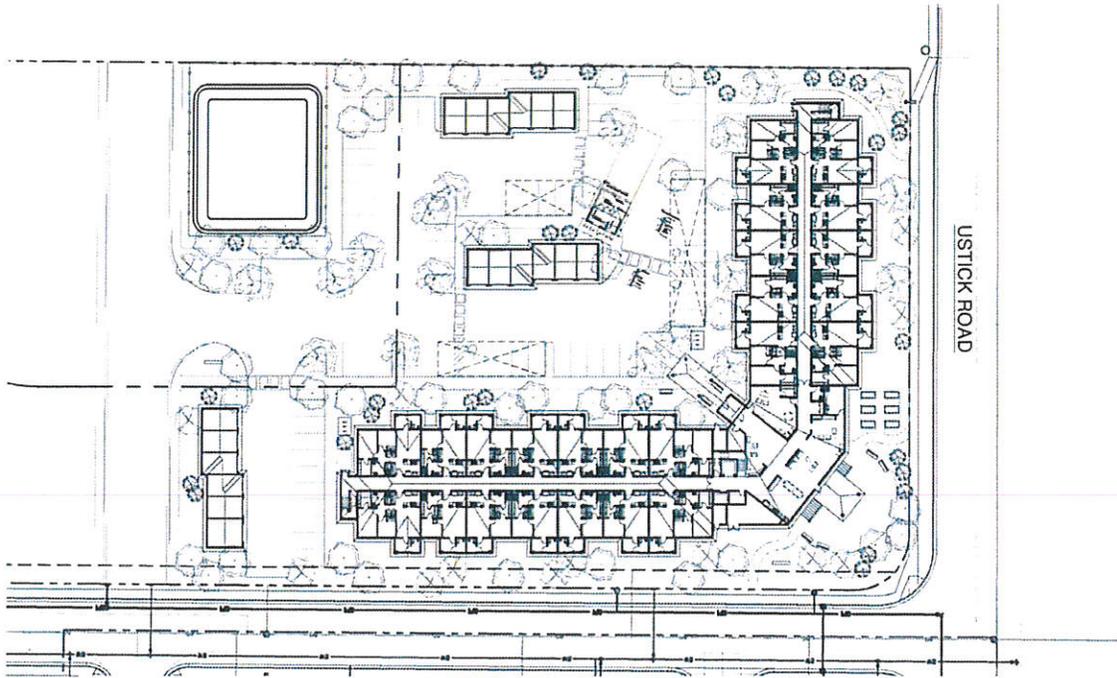
Residential Characteristics

Transfer Information

Rec. Date: 02/26/16	Doc Num: 0000007017	Doc Type: Warranty Deed
Owner: MIRIAM LLC		Grantor: KILBY,DARRYL & LEESA
Orig. Loan Amt:		Title Co: TITLE ONE AGENCY
Finance Type:	Loan Type:	Lender:

A/D

LANDSCAPE SITE PLAN
SCALE: 1" = 40'-0"



A2.1

PROJECT

LAS BRISAS SENIOR APARTMENTS

3100 E. USTICK RD. & LENTY LIVING AVE.

CALDWELL, ID

Pacific West Architecture

430 E. STATE STREET, SUITE 100
EAGLE, IDAHO 83616
(208) 461-6022
fax (208) 461-3217

ALASKA - ARIZONA - CALIFORNIA - COLORADO - HAWAII - IDAHO -
LOUISIANA - MONTANA - NEVADA - NEW MEXICO - NORTH CAROLINA - OREGON -
SOUTH DAKOTA - U.S.V.I. - UTAH - WASHINGTON - WYOMING



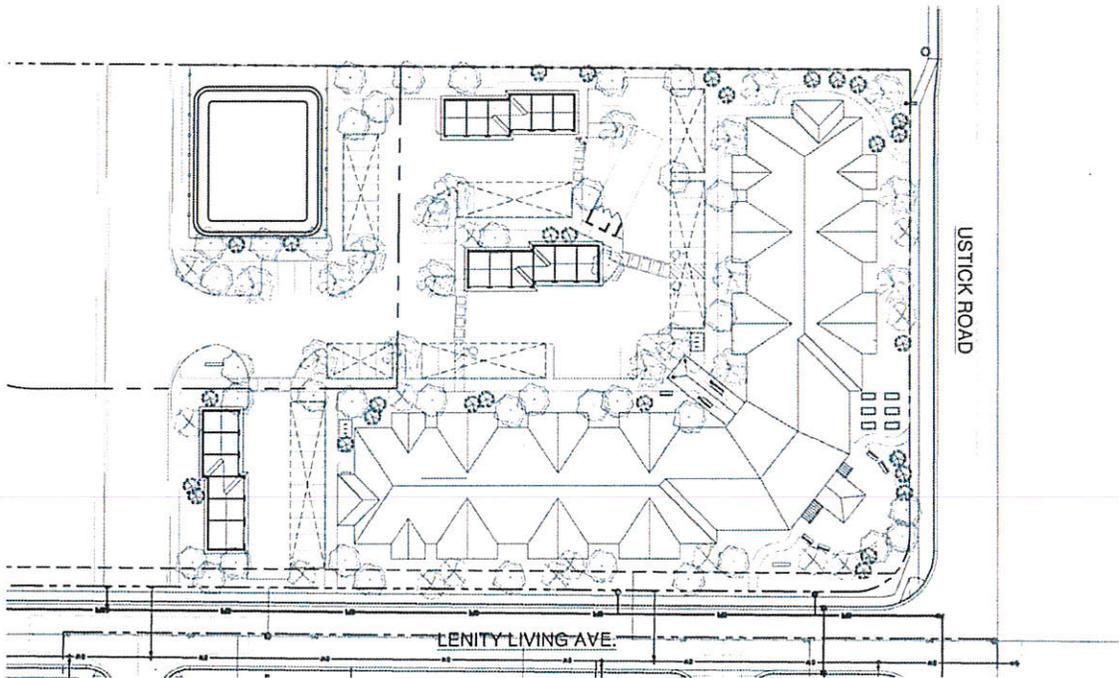
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DATE	11/16/11
NO.	00
BY	
CHECKED	
APPROVED	
SCALE	
TITLE	
PROJECT	

SCHEMATIC SET / NOT FOR CONSTRUCTION.

Handwritten initials and signature in blue ink.

CONCEPTUAL - LANDSCAPE SITE PLAN
SCALE: 1" = 40'-0"



CONCEPTUAL LANDSCAPE PLAN:
 ALL OFF SITE REQUIREMENTS TO BE PER CITY OF CALDWELL DESIGN STANDARDS.
 ON SITE LANDSCAPE PLANS TO BE DESIGNED BY ARCHITECT AND WILL BE DESIGNED TO MEET THE CITY OF CALDWELL REQUIREMENTS FOR TREE AND SHRUB COVER, PLACEMENT ON CENTER AND SIDE, FINAL LOCATION OF PLANTINGS, TREE SPECIES, TOWN PLANTIES AND PLACEMENT TO BE SPECIFIED ON FINAL SITE PLAN CONFIGURATION.
 USE OF NATIVE SPECIES AND XERISCAPE WILL BE UTILIZED WHERE APPROPRIATE AND AS APPROVED BY THE CITY OF CALDWELL.
 FORCED IRRIGATION SYSTEM TO BE METERED AND PROVIDED WITH SENSOR CONTROLS AND ZONES THAT ALLOW FOR WATER-WISE IRRIGATION STANDARDS.
 LOCATIONS OF TREES AND PLANTINGS SHOWN IS CONCEPTUAL AND MERELY INTENDED TO GRAPHICALLY SHOW PLACEMENT OF TREES AND SHRUBS IN LOCATIONS AND AREAS CONSISTENT WITH SIMILAR APPROVEMENTS TO ADJACENT COMMERCIAL PROPERTIES AND SHALL NOT BE MISCONSTRUED AS A FINAL PLANTING PLAN.

<p>A4.1</p>	<p>PROJECT</p> <p>LAS BRISAS SENIOR APARTMENTS</p> <p>3150 E. USTICK RD & LENITY LIVING AVE.</p>	<p>Pacific West Architecture</p> <p>430 E. STATE STREET, SUITE 100 CADIZ, IDAHO 83415 (208) 461-0022 FAX (208) 461-3207</p> <p>ALASKA - ARIZONA - CALIFORNIA - COLORADO - HAWAII - IDAHO LOUISIANA - MONTANA - NEVADA - NEW MEXICO - NORTH CAROLINA - OREGON - SOUTH DAKOTA - U.S.V. - UTAH - WASHINGTON - WYOMING</p> <p>CALDWELL, ID</p>		<p>DATE: 10/18/18</p> <p>SCALE: 1" = 40'-0"</p> <p>PROJECT: LAS BRISAS SENIOR APARTMENTS</p> <p>NO. 100</p> <p>NO. 100</p> <p>NO. 100</p>	<p>REVISIONS</p>
	<p>SCHEMATIC SET / NOT FOR CONSTRUCTION.</p>		<p>Copyright © 2018 by Pacific West Architecture, Inc.</p>	<p><i>Red</i> <i>P12</i></p>	

Las Brisas Apartments, LLC

413 W Idaho Street #200
Boise, Idaho 83702
Phone: (208) 338-5910

February 8, 2017

Via Hand Delivery & Email

Mr. Gerald Hunter
President and Executive Director
Idaho Housing and Finance Association
565 W. Myrtle Street, 4th Floor
Boise, Idaho 83702

Ms. Julie Williams-Mitchell
Executive Vice President
Idaho Housing and Finance Association
565 W. Myrtle Street, 4th Floor
Boise, Idaho 83702

Mr. Jack Hawkins
Grant Programs Manager
Idaho Housing and Finance Association
565 W. Myrtle Street, 4th Floor
Boise, ID 83702

Mr. Ernest O. Watkins
Manager/Multifamily Finance
Idaho Housing and Finance Association
565 W. Myrtle Street, 3rd Floor
Boise, Idaho 83702

Mr. Cory Phelps
Economic Development Finance Officer
Idaho Housing and Finance Association
565 W. Myrtle Street, 4th Floor
Boise, ID 83702

RE: Las Brisas Senior Apartment Community – Caldwell, Idaho

Dear Gerald, Julie, Ernie, Cory, and Jack:

Our application for a 48-unit senior USGBC LEED for Homes Platinum/Energy Star 3.0 development is enclosed.

Las Brisas will continue to refine the two-story senior central hallway building we have constructed several times in the past. It is interesting for us to look at the first rendition of this building, Troon Apartments in Lewiston, Idaho. We say this because we have occasion to be in Lewiston, Idaho, at this time for the construction of Kinsale Place Apartments.

Upgrades/improvements include:

- Brick, stone, and Hardi plank instead of vinyl siding
- Architectural 3-tab shingles
- One carport per apartment home, at no charge
- In unit washer and dryers
- Community recycling center
- Private meeting room for support service providers to counsel our residents
- LEED for Homes Platinum construction

The apartment homes, the interior, and the exterior common areas feature the continued refinement of senior apartment communities developed by Thomas Development Co. (TDC) and Northwest Integrity Housing Co. (NIHC).

The appraised value of the proposed site for Las Brisas Senior Apartment Community is \$890,000.

The Option and Purchase Agreement provide for an option price and sales price of \$890,000, payable \$650,000 cash and a \$240,000 charitable contribution from Miriam LLC, seller, to Northwest Integrity Housing Co, a 501(c)(3) corporation.

To ensure compliance with the 2017 HOME Administrative Plan, we have included a Purchase Option Agreement for evidence of site control. We have also elected to incorporate a draft Purchase Agreement and the required URA documents. You will note the Purchase and Sale Agreement is not signed, but simply demonstrates that if the Exclusive Option to Purchase is exercised that the attached Purchase and Sale Agreement will be the document whereby the land is acquired.

Thomas Development Co. and Northwest Integrity Housing Co. submitted on February 7, 2017, requests for waiver on the following HOME cap as contained in the 2017 HOME Administrative Plan:

- Three HOME-assisted projects under development at any one time

We always pride ourselves in picking excellent locations and Las Brisas Senior Apartment Community is no exception. This site is within a mile and half of a variety of existing amenities that the residents will utilize. Please refer to the Amenities list contained behind LIHTC Tab 7 and HOME Tab 21.

The Market Study dated February 7, 2017, was prepared by Mike Bousley, MAI, of Lembeck and Associates.

We emphasize the following points in the market study:

Primary Market Area (PMA) – Canyon County, Idaho.

Low income vacancy: 0.3%

Conventional apartment vacancy: 2.5%

Page 7: Average growth rate of Canyon County population was 1.7%/year between 2010 and 2015. The population growth for 55+ grew at a much faster rate of 4.02%, and is project to continue to grow at 3.75%.

Page 35: Among households age 55+ that have incomes of 60% AMI or lower, roughly 53.7% income qualify.

Page 46: There are 10 existing income and age restricted properties in the market area. Five operate under LIHTC guidelines. Including the construction of the Las Brisas Senior Apartment Community, the ratio of new age income restricted apartments as compared to the overall market construction is very low. Supply of affordable apartment homes in Canyon County is undersupplied.

Page 49: Ideally, capture rates should be less than 10% of market demand. The capture rate for Las Brisas Senior Apartment Community is **2.99%**!

Page 8: Absorption – The market study concludes Las Brisas will be absorbed at a rate of 15 units per month, implying stabilization roughly two months after completion, assuming 15 units are pre-leased.

Page 35: Poverty, Minority, and Unemployment Data – Census tract poverty data is 14.9%, slightly below the amounts for both Canyon County and the State of Idaho. Unemployment data shows that the census tract where the site is located is 5.9%, but the census tract located across Ustick Road to the North is only 2.8%. The minority population (24.8%) is higher than the State of Idaho (17.5%). Thus, the development is not in an area of concentrated poverty or an area with high unemployment levels. All three of these factors show the location for Las Brisas as an area of opportunity and for excellent community integration.

Page 76: Conclusions:

- The subject property will be physically well located relative to shopping and medical services, will offer above-average common and in-unit amenities, and will be entering an undersupplied rental market in which affordable supply has not kept up with growth in population and demand in the market area.
- There is currently strong demand for low to moderate income senior apartment units evidenced by the very low vacancy and extensive waiting lists at comparable properties.
- **Capture rate – 2.99%!**
- Program rents are 9.1% to 41.4% below conventional market rents.

The Market Study conclusions notes a couple of weaknesses:

Page 29 – “Current zoning does not allow multi-family development on the SW portion of the site.” While the market analyst is correct in that the SW portion of the site is not currently zoned for multifamily, the site plan submitted to IHFA and reviewed by the City of Caldwell, indicates current zoning does allow multifamily as an allowed use on the portion of the property where Las Brisas is to be located. See the evidence of zoning letter contained elsewhere in our application.

Page 77 – “Interior corridor will lead to slightly increased energy and maintenance expenses.” The owners and design team appreciate this observation. The long-term positive feedback we have received from residents, employees, and service providers about this design feature has lead us to conclude that the amenity is important. Further, the energy efficiency measures put in place during the design and construction process has demonstrated savings in utility costs for both the residents and the common areas.

Page 77 – “Units at the 60% AMI rent level will provide a rent gap of roughly 9.1%, which is slightly below a 10% gap.” Demand in the marketplace, as evidenced by the 2.99% capture rate, leaves little doubt that all units will be occupied and maximum rents achieved.

LIHTC Scoring Criteria:

Las Brisas Senior Apartment Community scores 91 of 100 points in the Tax Credit scoring. Exhibit A, the Low Income Housing Tax Credit Selection Criteria is completed and can be found in a Tab labelled as such and is located directly behind the Application.

A13

HOME Scoring Criteria:

The project meets all the HOME threshold requirements.

The project scores with a total of 86 points. A complete 2017 HOME Application Scoring Criteria can be found right before Tab 1 of the HOME Application.

Miscellaneous:

One hundred thirty percent (130%) basis boost. We do not need any basis boost for this development. We are approximately \$55,000 over the 2016 cost caps, but will not request a waiver.

Conclusion:

Delivery of new high quality affordable housing for seniors remains a challenge throughout the state. Without exception, all senior developments are welcome additions to the communities where located, and remain essentially 100% full with waiting lists in most income categories.

The City of Caldwell, based on our renovation of Greystone Court Apartments, welcomes our further presence in their city and heartily supports this application.

The industry continues to face many challenges in the development and operation of affordable housing. We bring this Tax Credit and HOME application to Idaho Housing and Finance Association with strong support from the City of Caldwell, including a substantial financial contribution from the Seller, thus leveraging the scarce HOME and Tax Credit resources.

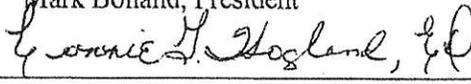
Thank you for your consideration.

Sincerely,

Las Brisas Apartments, LLC

By: Northwest Integrity Housing Co., an Idaho
non-profit corporation
Its: Co-Managing Member

By: 
Mark Bolland, President

By: 
Connie G. Hogland, Executive Director

By: **Thomas Development Co., an Idaho
Corporation**
Its: **Co-Managing Member**

By: 

Thomas C. Mannschreck, President

**NARRATIVE DEVELOPMENT DESCRIPTION
NEIGHBORHOOD IMPACT DOCUMENTATION
LAS BRISAS SENIOR APARTMENTS
CALDWELL, IDAHO**

The purpose of this document is to provide additional information about the Las Brisas Apartments development and its surrounding neighborhood.

HOME Specific Requirements –

Site and Unit Design is Beneficial to Seniors – This site is in a growing part of town. We are located adjacent to a recently completed memory care and assisted living facility. This is the identical business model we used for Valencia in Fruitland, Idaho. Valencia leased up in less than three months and remains full with a wait list.

The proximity to shopping, medical, dental facilities, houses of worship, and the under construction Walmart neighborhood store results in this application receiving the maximum nine points for Tax Credit scoring purposes.

Amenities are consistent with the market area – As indicated in the market study on page 46, there are ten existing income or age-restricted properties in the market area. Of these ten properties, five are existing senior affordable properties operating under LIHTC guidelines.

- Portstewart – LIHTC
- Leisure Village XII – LIHTC
- Vineyard Suites – LIHTC
- Logan Park Senior – LIHTC
- Sagewood Senior – LIHTC
- Leisure Village IX – USDA RD
- Hazel Park – HUD
- Leisure Village III – USDA RD
- Friendship Manor I and II – HUD
- Leisure Village V – USDA RD
- Faith Landing – Market
- Eagles Nest - Market

The development team is familiar with all of these properties, and in fact, Thomas Development Co. built Portstewart. The market study concludes that Las Brisas unit and common area amenities will be superior to the majority of the comparable senior properties.

We respectfully suggest the amenities that will be offered at Las Brisas Apartments will be a market leader for this area. While the above listed properties were constructed to meet the market demands when they were built, the level of amenities the Las Brisas development team has included in its senior apartment communities for the last several years has been met with universal market acceptance and consistently low vacancy rates. Furthermore, these apartment communities have become an asset to each community where they are located.

1. **Plans** – The floor plans, elevations, and site plan are located behind LIHTC Tab 7. The structural quality of this apartment community will utilize industry-leading standards. We will introduce a number of different building colors, including siding, roof, and trim colors, to provide a varied and aesthetically pleasing appearance. The refinements, both interior and exterior, are exciting and unique. The exterior will incorporate cultured stone wainscot that will blend nicely with horizontal and vertical fiber cement siding. The apartments will exceed the current energy codes and will be constructed to USGBC LEED for Homes Platinum standards. The apartments feature large dual pane windows, permitting substantial natural light in each room and creating an appearance of an inviting and spacious unit interior.

2. **Landscape Plan and Open Space Calculation** – The final landscape plan will follow resource allocation. The proposed density of Las Brisas Apartments is minimal, approximately 15 apartments per acre. This yields an open space calculation in excess of 50% of the entire site while still including ample parking consisting of 84 total parking spaces. This includes 18 garages, 4 accessible spaces, 48 uncovered spaces and 18 carports. We are confident this property offers ample parking for a senior apartment community.

3. **Community Building** – A two-story community building will offer a dramatic entry area with a vaulted open ceiling in approximately 50% of the community room. The second floor, featuring a recycling facility, library, exercise center, and craft room, is easily accessed via elevator or stairway with a sky bridge connecting the residential wings of the apartment community. The ground floor contains a leasing office, kitchen, business center with a computer, high-speed internet access and a printer, and a spacious community room with a fireplace, and living room furniture. The community room will be utilized to facilitate social gatherings with the residents and will serve as a meeting area for state, local, and federal agencies, and organizations specifically working with seniors to provide supportive services.

The community room is utilized in many ways as part of our resident hospitality and retention programs. A monthly potluck dinner is sponsored, in which the property provides entrees and beverages, and residents decide amongst themselves what dishes to contribute. Past experiences have indicated these are festive occasions and promote a strong and vibrant community. Additionally, weekly bingo parties are held in which the property contributes an amount to the prize pool. Each of the senior communities takes on its own individual character, and the community room, library, and other common amenities are utilized for a variety of functions that

facilitate the creation of this unique and special community character. All events are posted on monthly calendars to insure residents have maximum opportunity to participate.

Each of our apartment communities fit into a variety of different neighborhoods, and we pride ourselves on the ability to adapt each apartment to its surrounding neighborhood. The spirit, camaraderie, and sense of community create a very pleasant living environment for the residents at our senior communities. Our resident retention is exemplary, with most move-outs being attributed to residents transitioning to a higher level of health care.

4. **Site Plan** – The site plan is efficiently laid out with the buildings' setbacks meeting or exceeding City required minimums. Each apartment home has private outside space, and there is ample public outside open space that provides an excellent gathering space for residents. Las Brisas Apartments will also feature concrete sidewalks in front of the building connecting each side entrance to the parking area and garage/storage units. Please see the attached site plan for reference. All apartments will have attractive views to the northeast, south, west, or southwest.

5. **Landscaping** – Landscaping will be an attractive mix of evergreen and deciduous trees and foundation plantings that will provide a variety of color, size, and shape on a year-round basis. The lawn areas will be completely sodded, and a high-efficiency underground sprinkler system will service all the landscaping. The landscape plan and plant selection will be made with a concerted effort to minimize irrigation water requirements and decrease utility costs.

A community garden will be installed for use by all residents. This garden will be raised and will have ADA-compliant sidewalks surrounding its perimeter so all residents can enjoy this opportunity. The residents may work together on selecting planting materials, and the residents will incur no cost for planting, fertilization, and maintenance of the garden.

6. **Fencing** – Appropriate fencing for privacy and screening will be installed as the final site plan is developed.

7. **Quality of Location, Distance to Community Services, and Description of Surrounding Neighborhood** –

Please refer to the Proximity of Amenities document located behind HOME Tab 21 for the various business, community resources, and amenities available to our residents.

Surrounding land uses include:

- North:
 - Single family residential, approximately 40 years old
 - Heritage Academy Charter School
- East:
 - Assisted living facility under construction
 - Older residential

- Agriculture
- South:
 - Agriculture
 - LDS Church
- West:
 - Clock Tower Business Park

8. **Development Density** – The low density and building design allows the apartment community to integrate smoothly into this neighborhood and mitigate any potential impact.

CITY OF CALDWELL
CALDWELL HEARING EXAMINER MINUTES
Community Room, Caldwell Police Department
110 South 5th Avenue, Caldwell, Idaho
July 11, 2017, 7:00 P.M.

- I. **Call to Order** – Hearing Examiner, Mr. Jerome Mapp, opened the meeting for the public hearing at 7:02 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); Lori Colligan (Administrative Secretary)

Members Absent: Brian Billingsley (Planning Director)

Old Business:

- III. Mr. Mapp approved the Minutes of the May 2, 2017 and May 11, 2017 meetings as previously signed by Hearing Examiner Mapp.

IV. New Business:

1. **Case Number ZON-17-03:** A request by Christian Faith Center for a Comprehensive Plan Map Change from Low Density Residential to Commercial with a rezone of 5.02 acres, more or less from R-1 (Low Density Residential) to C-2 (Community Commercial), and approval of a Development Agreement. The subject property is located at 5106 S. 10th Avenue (Parcel # R2503000000) in Caldwell, Idaho.

Testimony:

Jarom Wagoner, Senior Planner, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting to rezone approximately 5.02 acres from R-1 (Low Density Residential) to C-2 (Community Commercial) with a Development Agreement.

Mr. Wagoner stated the Comprehensive Plan Map does indicate the property is low density residential, however, within the Comprehensive Plan itself there is a section in regards to major thoroughfares within the City of Caldwell, that have an overlay type of zoning, 10th Avenue is one of those. For this stretch of 10th Avenue those properties abutting 10th Avenue are indicated as C-1 (Neighborhood Commercial) or C-2 (Community Commercial) which is what is being proposed tonight. If this request is approved they are required to provide landscaping for the property, this would be along 10th Avenue. Which would require a minimum of 20 foot wide vegetative landscape buffer to include trees as well as shrubs, additionally; there should be a landscape requirement along the west end/the back side of the property due to the residential neighborhood at that location. Typically that would be a 15 ft. wide landscape buffer and that is to provide buffering between whatever type use does go in on the property and the neighbors that are currently there. It is my understanding there is not an end user at this time. It has been

difficult to sell as residential. Staff does find this request in compliance with the Comprehensive Plan. If this is approved there are conditions of approval. We would like to add an additional condition, 8.6 in regards to the landscaping buffer along the backside of the property.

Mr. Mapp asked in regards to landscaping if there would be timeframe for the landscaping to be completed. If this does pass what kind of timeframe will they have?

Mr. Wagoner would not suggest a timeframe but typically that landscaping would be required to be completed at future development.

Mr. Mapp asked Mr. Wagoner to explain how you can have a parcel that is R-1 but have an overlay zone of Commercial use.

Mr. Wagoner stated the city has a Comprehensive Plan Map and that map shows the City incorporated and unincorporated and impact area of the City and what the future plans are for those areas. It does not guarantee that those will develop as we propose it is just what we foresee as those developments. Within that area there are certain corridors that have an overlay for properties that front a major street. Those would typically be our principal and minor arterial roadways; 10th Avenue, Ustick Road, Middleton Road; those areas where you will find a higher amount of traffic and vehicles.

Mr. Mapp asked about the Development Agreement – what would you anticipate putting in the agreement without knowing what is going to be build on the property.

Mr. Wagoner stated that within the C-2 Community Commercial zone there are a number of outright allowed uses and there may be some uses the neighbors would feel would be too obtrusive regardless of landscaping. It is possible that within the development agreement we could limit some of those uses.

Mr. Mapp confirmed that the development agreement ensures the type of land use that will be considered when the property is developed.

Mr. Wagoner confirmed that was true. The Development Agreement is signed by the property owner and the Mayor and that document is recorded. It does not expire.

Mr. Mapp read the staff report and the letter from Pastor Sears indicating they have had interested buyers but without the commercial zoning already in place the property became less desirable. And that the sole purpose of the rezone is to improve the marketability.

Mr. Mapp wants to go on the record to state that this is not a reason to rezone a piece of property. You can't zone a piece of property based upon marketability. It has to be based on land use decisions only.

Mr. Monty Sears, 2003 W. Rock Creek Dr., Nampa, ID, stated that they acquired possession of the property 4 years ago by adopting a church called Living Waters. They were unable to follow

through with the development and they immediately began marketing this property in its current zone. It has come to their attention that there are buyers who are interested if it was zoned Commercial. We believe if we rezone the property there would be ample opportunities to sell the property.

Mr. Mapp asked why they haven't marketed the property with the caveat that they would pay for the application to rezone.

Mr. Sears would like to defer that question to his real estate agent.

Mr. Cody Lampman, 148 N. Yale Street, Nampa, ID testified that in marketing the property as a residential piece, he has mentioned to potential buyers it could be commercial potential but that's not something you can guarantee. He has had calls from people who were only interested if it was zoned commercial. They have had meetings with the City on the rezoning process and asked if they had to have a designated use in place prior to the rezone application, it was recommended to them that based on the Comprehensive Map that rezoning Commercial would be the highest and best use for the property.

Kelli Sears, 2003 W. Rock Creek Drive, Nampa, ID signed up in favor but chose not to speak.

William Adams, 5222 S. 10th Ave., Caldwell, ID testified that his initial opposition to this request is based on the fact that this is a financial decision and he does not see how someone can have their property rezoned simply to make it more marketable. A C-2 zoning concerns him and what type of development might be put there. There is likelihood of increased crime, loud noises, bright lights and bright signage which would deny peaceful and useful enjoyment of his property. Increased traffic means increased traffic accidents. Roadway widening should be considered prior to approving any commercial property.

Mr. Mapp indicated his concerns could be rectified in a Development Agreement.

Ms. Dixie Parker, 5301 S. 10th Ave., Caldwell, ID signed to speak for Ron Ames in case he didn't arrive in time but he has shown up so she will not speak.

Mr. Ron Ames, 5104 S. 10th Ave., Caldwell ID stated that his property is surrounded by the church property. They are trying to rezone for financial reasons, what they are asking for is way above what they paid for. That property can be sold as residential if it sold at the price it is worth. His concern is C-2 zoning and what type of use will be allowed. The property has not been well maintained in the 4 years that they've owned it.

Mr. Mapp explained that types of use can be restricted in the Development Agreement.

Mr. Timothy Rosandick, 315 E. Pat Lane, Caldwell, ID stated that to use the reason of marketing to justify a zoning change is inappropriate. It makes no sense that the City would approve a rezone because it's not marketable. It can be sold as residential if it's priced at a level where a buyer would be interested. He would like to enter into record a Quit Claim Deed that was filed

in Canyon County on August 17, 1998 relative to the property in question. It set forth a deed restriction clause that specifies that the described tract would be for residential purposes and that such residence must be above value, etc. This may not be an issue germane to this hearing but it could be a civil matter.

Mr. Wagoner entered the document as Exhibit PZ-1001.

Mr. Rosandick asked about the staff report and the landscape buffer on the back of the property. The back of that property references the western edge of the property. The back of the property would be 10th Avenue. An additional berm was mentioned along the back of the property. Landscape buffering should be along all sides protecting all the residential area.

Mr. Wagoner confirmed the landscaper buffer will be along 10th Avenue. There are no other streets that have frontage along the property.

Mr. Kendall Sohrokoff, 305 Pat Lane, Caldwell, ID stated that his concern is the property going to Commercial zone and what may or may not go in there. He understands you can limit what goes in but he recently purchased this property and the covenants indicated this was to be residential.

Mr. Mapp indicated that would be a civil matter and he has nothing to do with the covenants as the neighbors all signed to dissolve the covenants.

Mr. Sohrokoff stated his other concern is the landscape buffer doesn't include the South side. He wants to know what's included in the 15 foot buffer zone.

Mr. Wagoner stated the landscape buffer will be a 15 foot wide buffer requirement and that would be along any of those properties abutting those residential uses. It is required to have spacing of 1 (class 2) tree every 35 feet. A class 2 tree is one which grows 35 to 45 ft at maturity.

Mr. Sohrokoff asked about drainage, most of the properties drain towards the back.

Mr. Wagoner would defer that question to the City Engineer.

MR. MAPP CLOSED THE PUBLIC TESTIMONY.

Mr. Mapp stated there are a number of issues brought up this evening. The applicant is on record stating why he wants to rezone the property.

Mr. Wagoner asked if he was going to allow rebuttal.

Mr. Mapp stated the Development Agreement is a good remedy for some of the issues. The question is that the property is not marketable. The neighbors felt a church was compatible to a residential area and that fell through. He has to point out a few things; 1) only 1/3 of the property fronts 10th Ave. The idea of rezoning all the property doesn't make sense. 2) what has

been done in the past all throughout the valley in this type of case they would rezone the frontage to a commercial type of use like a doctor or lawyer's office and leave the remainder of the property as residential. The front could be commercial, allow an access to the back and have residential in the back of the property. I think the applicant needs to sit down with someone and do a design of that piece of property.

MR. MAPP OPENED THE PUBLIC TESTIMONY FOR REBUTTAL

Mr. Cody Lampman said that what brought them here is the one offer they had on the property that backed out. That got them thinking that the only real offer they had was for commercial. That's what prompted them to meet with the city to discuss the rezone. They met with City staff and after reviewing the Comprehensive Plan it seemed Commercial was the best option for rezone. They are on board to help alleviate the neighbors concerns and issues.

Mr. Mapp said he has no doubt they want to be good neighbors. He can look at this site and he thinks there is a better way than to rezone the entire parcel.

MR. MAPP CLOSED THE PUBLIC TESTIMONY.

Comprehensive Plan Analysis for **ZON-17-03 (Rezone)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ZON-17-03 (Rezone)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ZON-17-03 (Rezone)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

ORDER OF DECISION FOR ZON-17-03: The Hearing Examiner **RECOMMENDED** that Case Number ZON-17-03 BE DENIED based on the following:

1. He can't approve a request to rezone a piece of property, based upon, as requested by the applicant, to be able to "IMPROVE THE MARKETABILITY TO POTENTIAL BUYERS".
2. In addition, the idea of rezoning a whole parcel based upon 1/3 that would be impacted by Commercial doesn't provide proper land use planning. It is recommended that the applicant and the neighbors meet to see if they can come up with a compromise land use that would suit the applicant as well as the neighbors.
3. The recommendation of an over lay zoning doesn't work on this parcel because the parcel is affected by the C-2 zoning classification is 1/3 of the property that is located on 10th Avenue. The remainder of the property is surrounded by residential land uses. It would be more appropriate to consider residential on the larger portion in

the rear and an office type land use along 10th Avenue with access to the rear portion of the property.

4. The applicant needs to come back with a master plan that shows the land use figuration. Land use that won't be as restrictive to neighbors abutting this property.
2. **Case Number ZON-17-05:** A request by Las Brisas Apartments, LLC to rezone a portion of Parcel # R3255500000, that portion totaling 1.45 acres more or less, from R-1 (Low Density Residential) to C-2 (Community Commercial), and approval of a Development Agreement. The subject property is located at 1420 E. Ustick Road in Caldwell, Idaho.

Testimony:

Jarom Wagoner, Senior Planner, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting to rezone approximately 1.45 acres from R-1 (Low Density Residential) to C-2 (Community Commercial) with a Development Agreement. The applicant intends to construct a senior multi-family housing unit. The site plan that was in the original packet showed the apartments to the north along Ustick Road with the continuation of Indian Springs Street through the property, essentially in line with the driveway for the Lenity Assisted Living Center. Since that time the applicant is proposing to shift the apartments down further to the South so as to not extend that street through the property and leaving the balance of the portion of the property to the north for future commercial development.

Tom Mannschreck, 413 W. Idaho, Boise, ID testified that the site plan that was attached to the staff report was one that was necessary to submit the application to Idaho Housing Finance Association. Zoning is a requirement for that submittal. The idea was that if we funded, which we have, that the site plan would be moved down and we would pursue the rezone that's before you right now. A1.1 is the new site plan proposal at this time.

Mr. Wagoner entered the revised site plan as Exhibit PZ-1000

Mr. Andrew Schank, 2293 N Old Lace Ave., Kuna, ID signed up in favor but chose not to speak.

Ms. Michelle Landay, 7154 W. State Street, Suite 231, Boise, ID signed up in favor but chose not to speak.

Mr. Mapp asked what was happening with the Northern portion of the property.

Mr. Mannschreck stated that would be used for a compatible neighborhood use such as a Doctor's office. The Indian Springs street extension bears some consideration. We respectfully disagree with staff's recommendation to extend Indian Springs. We agree with staff's recommendations with exception to the memorandum that is attached to the staff report.

Mr. Mapp asked if this was a condition in the staff report.

Mr. Wagoner stated this is Condition 8.3.

Mr. Mapp stated that since this is senior living they will have to meet the requirements of the fair housing act.

Mr. Mannschreck said absolutely.

Mr. Mapp asked Jarom if he has any issues deleting Condition 8.3 regarding Indian Springs.

Mr. Wagoner stated that from a planning perspective they like to see connectivity. The City Engineer oversees Streets and can comment on this.

Mr. Mannschreck said extending Indian Springs would cut right through the middle of the revised site plan.

Mr. Mapp indicated that road doesn't extend to anything so he will not recommend it be connected. He'll leave that decision to City Council.

Mr. MacDonald indicated the memorandum did request that Indian Springs be extended through. More recently they have had discussions about it and though connectivity usually is a goal that we want to achieve from a traffic standpoint. In this case there are definitely some cons to having that connect through. Where this development will continue south of this then we see that there will connectivity coming through. With the use that's currently up there we don't see a critical connection that has to be had between the two uses here. For that reason, and also that this is just a local street, it's not part of our master plan we are certainly open to the option of not having that connect through.

Mr. Dan Sullivan, 5700 E. Franklin, Suite 160, Nampa, ID stated that he was asked by Morgan Development to attend this hearing. This is the first time he's seen this site plan. They would like Indian Springs to go through to Lenity Living Avenue.

Mr. Mapp asked why they want it to connect.

Mr. Sullivan said because it's a connection and it's a fire access. They would like a condition to have it go through.

Mr. Wagoner stated Mr. Sullivan represents the neighboring property to the West.

Mr. Mannschreck testified that the revised site plan was presented at the neighborhood meeting. They are comfortable with the fire requirements and don't see a fire access issue at all.

MR. MAPP CLOSED THE PUBLIC TESTIMONY.

In regards to the extension of Indian Springs there isn't anything on record from the Fire Department stating it is a fire issue.

Comprehensive Plan Analysis for **ZON-17-05 (Rezone)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ZON-17-05 (Rezone)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ZON-17-05 (Rezone)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

ORDER OF DECISION FOR ZON-17-05: The Hearing Examiner **RECOMMENDED** that Case Number ZON-17-05 BE APPROVED with the following conditions: 8.2 through 8.7 as written in the staff report with the exception of document PA-3 (Engineering Memorandum) in regards to extending Indian Springs Street.

3. **Case Number ZON-17-04/SUP-17-04**: A request by MTP Acquisitions and John Giuliani for a Comprehensive Plan Map Change from High Density Residential to Commercial with a rezone of 3.23 acres, more or less from C-4 (Highway Commercial) to C-3 (Service Commercial), and approval of a Development Agreement. Also being requested is a Special-Use Permit to construct a mini-storage unit facility. The subject property is located at 520 S. Florida Avenue (Parcel # R3513600000) in Caldwell, Idaho.

Testimony:

Jarom Wagoner, Senior Planner, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting to rezone approximately 3.23 acres from C-4 (Highway Commercial) to C-3 (Service Commercial) with a Development Agreement. The rezone will facilitate the requested SUP to construct a mini-storage complex on the site.

Mr. Wagoner stated they would like to add one additional condition that is not in the staff report in regards to landscape buffering along I84. The City is trying to enhance the visual barriers therefore there is a requirement for a 30 foot wide landscape buffer along those properties abutting I84. Additionally, in regards to the special use permit that would obviously be contingent on final approval from the City Council. If City Council does not approve the rezone and the SUP is approved tonight then obviously the approval for the SUP becomes null and void.

Mr. John Giuliani, 3605 Arthur Street, Caldwell, ID testified that as Jarom indicated they are in the process of developing a series of 4-plexes on the South Eastern part of the property. The Mini Storage would reduce traffic congestion and would be adequate complimentary use for this site. The condition regarding the landscaping buffer is something they would be fine with working towards the only consideration is a site easement on the property.

Mr. Mapp wanted clarification on the units.

Mr. Giuliani stated they were 4-plexes on the right and then the storage unit on the left.

Mr. Josh Polfer signed up in favor but decided not to speak.

Ms. Carol Jones, 2811 Hillcrest Ln., Caldwell, ID stated she signed up neutral on this request, one issue she wants to bring up is when she went to the neighborhood meeting she was told she would receive notification of the hearing and she did not receive that notification.

Mr. Mapp asked how she knew about the meeting.

Ms. Jones said a neighbor told her. One of her concerns is there is no common area and there will be 44 families living there and the little kids crossing the street to get to the playground that is on the other section with trucks and such going into the storage unit. She would like to see a bridge or something so they could get over there safely or a common area put in for them. It was mentioned that undesirable uses can be eliminated; our experience has been to the contrary.

Mr. Mapp stated that Development Agreements are based upon what the developer and Council agree upon, each one is different.

Mr. Sue Tachick, 223 Florida, Caldwell, ID stated her questions have been answered.

Elizabeth VanGorder, 504 Reece, Caldwell, ID stated the request to change from C-4 to C-3 was previously denied. She has a question for the need for a C-3 zoning for mini-storage. Does it have to be C-3 or could it be C-2 or C-1?

Mr. Wagoner stated that a mini storage is a special use permit in just two zones; C-2 and C-3.

Ms. VanGorder asked if this changed to C-3 as requested can he go ahead with any construction allowed for this parcel. Is he committed to the mini storage or can he change it.

Mr. Wagoner stated that with a rezone to C-3 it's typically open to the uses allowed in that zone. The Development Agreement does have the ability to restrict to whatever use the City Council ultimately feels appropriate to put in the Development Agreement.

Mr. Mapp asked Mr. Giuliani to respond to Ms. VanGorder's question.

Mr. Giuliani stated it is his intention to build the storage units. The only other use he would consider would be consistent with C-3 and C-4 which would be more multi-family at some point in time.

Sue Kushlan, 121 S. Louisiana, Caldwell, ID signed up neutral but decided not to speak.

Shirley Shaft, 124 S. Florida Ave., Caldwell, ID signed up in opposition but decided not to speak.

MR. MAPP CLOSED THE PUBLIC TESTIMONY.

One more person has decided to speak neutrally.

MR. MAPP OPENED THE PUBLIC TESTIMONY.

Bonnie Minder, 504 Reece, Caldwell, ID stated it was her understanding when Mr. Giuliani originally wanted to change it to C-3 that he wanted to put in a wood place. That was denied and she was worried about him changing his mind and putting that there instead of mini-storage.

Mr. Wagoner said if the rezone is approved it would depend on the allowed uses within the C-3 zone when he wanted to convert that or implement that. It also depends on the requirements of the Development Agreement.

Mr. Giuliani has no rebuttal.

MR. MAPP CLOSED THE PUBLIC TESTIMONY.

Comprehensive Plan Analysis for **ZON-17-04 (Rezone)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ZON-17-04 (Rezone)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ZON-17-04 (Rezone)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

ORDER OF DECISION FOR ZON-17-04: The Hearing Examiner **RECOMMENDED** that Case Number ZON-17-04 **BE APPROVED** with the following conditions: 8.2 through 8.6 as written in the staff report.

Comprehensive Plan Analysis for **SUP-17-04 (Special-Use)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUP-17-04 (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-17-04 (Special-Use)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

ORDER OF DECISION FOR SUP-17-04: The Hearing Examiner **ORDERED** that Case Number SUP-17-04 **BE APPROVED** with the following conditions: 12.2 through 12.6 as written in the staff report.

V. Planning Issues – None

- a. The next regularly scheduled Hearing Examiner meeting is scheduled for September 12, 2017.

VI. Adjournment

The Hearing Examiner adjourned the meeting at approximately 9:24 p.m.

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

 8/11/17 ATTEST:
Mr. Jerome Mapp Date

 8-16-17
Jarom Wagoner, Senior Planner / Development Team Leader 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 SEPTEMBER 5, 2017
SIGNED SEPTEMBER 18, 2017**

Subject: Case No. ZON-17-05 (Las Brisas Apartments Rezone)

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

- Rezone 1.45 acres, more or less, from R-1 (Low Density Residential) to C-2 (Community Commercial) with a Development Agreement

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I COURSE OF PROCEEDINGS

- 1.1 The Caldwell Planning and Zoning Department issued a notice of Public Hearing on application ZON-17-05 to be held on July 11, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, June 25, 2017, notice was published in the Idaho Press Tribune, and on, or before, June 23, 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, June 29, 2017 notice was posted on the site.
- 1.2 On July 11, 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-17-05 to be held on September 5, 2017. Public notice requirements set forth in Idaho Code, Chapter 65, Local Planning Act, were met. On, or before, August 20, 2017, notice was published in the Idaho Press Tribune, and on, or before, August 18, 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, August 24, 2017 notice was posted on the site.
- 1.4 On September 5, 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: Las Brisas Apartments LLC, 413 W. Idaho Street Suite 200, Boise, Idaho, 83702.

- 2.2 REPRESENTATIVE: Thomas Mannschreck, 413 W. Idaho Street Suite 200, Boise, Idaho, 83702.
- 2.3 REQUEST: The applicant is requesting to rezone approximately 1.45 acres from R-1 (Low Density Residential) to C-2 (Community Commercial) with a Development Agreement. The applicant intends to construct a senior multi-family housing unit.
- 2.4 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.

2.5 COMPREHENSIVE PLAN COMPONENTS APPLICABLE TO THE REQUEST:

Land Use: The subject property is zoned R-1 (Low Density Residential) and is surrounded by:

<u>Direction</u>	<u>Zone</u>	<u>Comprehensive Map</u>	<u>Use</u>
Site	R-1	Commercial	Vacant Land
North	R-1	Commercial	Residential
South	R-1/C-2	Medium Density Residential	Vacant Land
East	C-2	Commercial	Assisted Living Facility
West	C-2	Commercial	Medical Offices

- 2.6 Transportation/Connectivity: The subject property has frontage onto Ustick Road, a principal arterial roadway and Lenity Living Lane, a local roadway. Indian Springs Street, a local roadway, provides a stub to the subject property. The applicant is proposing to not continue this stub street into the site and not connect it to Lenity Living Lane.
- 2.7 Public Services, Utilities and Facilities: The engineering department, fire marshal, building department, police department, Pioneer Irrigation District, Canyon Highway District No. 4 were all sent a request for comment.
- 2.8 Landscaping: As per Section 10-07-02(2) of City Code, landscaping should be required for this project. City Code requires a 25-foot wide vegetative (grassed) landscape buffer along Ustick Road and a 10-foot wide landscape buffer along Lenity Living Lane.

III PUBLIC TESTIMONY

3.1 BEFORE THE HEARING EXAMINER, July 11, 2017

Jarom Wagoner, Senior Planner, 621 Cleveland Blvd., Caldwell, ID 83605, presented the staff report and stated that the applicant is requesting to rezone approximately 1.45 acres from R-1 (Low Density Residential) to C-2 (Community Commercial) with a Development Agreement. The applicant intends to construct a senior multi-family housing unit. The site plan that was in the original packet showed the apartments to the north along Ustick Road with the continuation of Indian Springs Street through the property, essentially in line with the driveway for the Lenity Assisted Living Center. Since that time the applicant is proposing to shift the apartments down further to the South so as to not extend that street through the property and leaving the balance of the portion of the property to the north for future commercial development.

Tom Mannschreck, 413 W. Idaho, Boise, ID testified that the site plan that was attached to the staff report was one that was necessary to submit the application to Idaho Housing Finance Association.

Zoning is a requirement for that submittal. The idea was that if we funded, which we have, that the site plan would be moved down and we would pursue the rezone that's before you right now. A1.1 is the new site plan proposal at this time.

Mr. Wagoner entered the revised site plan as Exhibit PZ-1000

Mr. Andrew Schank, 2293 N Old Lace Ave., Kuna, ID signed up in favor but chose not to speak.

Ms. Michelle Landay, 7154 W. State Street, Suite 231, Boise, ID signed up in favor but chose not to speak.

Mr. Mapp asked what was happening with the Northern portion of the property.

Mr. Mannschreck stated that would be used for a compatible neighborhood use such as a Doctor's office. The Indian Springs street extension bears some consideration. We respectfully disagree with staff's recommendation to extend Indian Springs. We agree with staff's recommendations with exception to the memorandum that is attached to the staff report.

Mr. Mapp asked if this was a condition in the staff report.

Mr. Wagoner stated this is Condition 8.3.

Mr. Mapp stated that since this is senior living they will have to meet the requirements of the fair housing act.

Mr. Mannschreck said absolutely.

Mr. Mapp asked Jarom if he has any issues deleting Condition 8.3 regarding Indian Springs.

Mr. Wagoner stated that from a planning perspective they like to see connectivity. The City Engineer oversees Streets and can comment on this.

Mr. Mannschreck said extending Indian Springs would cut right through the middle of the revised site plan.

Mr. Mapp indicated that road doesn't extend to anything so he will not recommend it be connected. He'll leave that decision to City Council.

Mr. MacDonald indicated the memorandum did request that Indian Springs be extended through. More recently they have had discussions about it and though connectivity usually is a goal that we want to achieve from a traffic standpoint. In this case there are definitely some cons to having that connect through. Where this development will continue south of this then we see that there will connectivity coming through. With the use that's currently up there we don't see a critical connection that has to be had between the two uses here. For that reason, and also that this is just a local street, it's not part of our master plan we are certainly open to the option of not having that connect through.

Mr. Dan Sullivan, 5700 E. Franklin, Suite 160, Nampa, ID stated that he was asked by Morgan Development to attend this hearing. This is the first time he's seen this site plan. They would like Indian Springs to go through to Lenity Living Avenue.

Mr. Mapp asked why they want it to connect.

Mr. Sullivan said because it's a connection and it's a fire access. They would like a condition to have it go through.

Mr. Wagoner stated Mr. Sullivan represents the neighboring property to the West.

Mr. Mannschreck testified that the revised site plan was presented at the neighborhood meeting. They are comfortable with the fire requirements and don't see a fire access issue at all.

MR. MAPP CLOSED THE PUBLIC TESTIMONY.

3.2 BEFORE THE CITY COUNCIL, September 5, 2017

Jarom Wagoner, 621 Cleveland Blvd., acknowledged being sworn in and read into the record a letter received today from the Caldwell Fire Marshal, Andy Cater. The Mayor labeled the exhibit as CC-1000.

Mr. Wagoner outlined the contents of the staff report noting that a development agreement is included with the request. He explained the Lenity Avenue runs north-south and Indian Springs Street stubs to the subject property. The request is compliant with the Comprehensive Plan and Comprehensive Plan Map.

Mr. Wagoner addressed the continuance of Indian Springs Street as referenced by the Fire Marshal. He explained there is a parcel located south of the subject property that is vacant. Without the continuance of stub street, it could hamper the owner of that parcel the ability to develop inasmuch as they do not have any frontages on Montana where a secondary access could be constructed. Council could recommend continuance of Indian Springs Street or placement of a cul-de-sac at the location.

In response to questions from Councilman Allgood, Mr. Wagoner clarified that the subject parcel has two zoning classifications. The request is to rezone a portion of the parcel which is currently classified as R-1 to C-2.

In response to questions from Councilman Stadick, Mr. Wagoner reported that the main thoroughfare east of the site is South Indiana; however, Montana Avenue is the closest roadway.

Tom Mannschreck, 413 W. Idaho Street, Boise, acknowledged being sworn in and spoke in favor of the request. He distributed a site plan of the proposed development which the Mayor labeled as CC-1001.

Mr. Mannschreck noted that the plan is to construct an age-appropriate senior housing development at the site. He stated that the comments by the Fire Marshal are of interest noting that if Indian Springs Street is extended, it would go through the middle of the proposed building. Fire Code requirements have been met with the development including the fact that the units will be fire sprinkled. He indicated that he supports recommendations from staff contingent upon removal of Item #3 (under Right-of-Way) and Item #1 (under Street) outlined within the memo dated June 20, 2017 (attached to the staff report) dealing with the extension of Indian Springs Street:

Councilman Hopper commented that the design could include necessary elements such as bollards for fire safety purposes.

Mr. Mannschreck indicated that he and the architect would work with the Fire Department to insure that the design is part of the conditions of permitting.

Andrew Shank, 413 W. Idaho Street, signed in favor of the request but did not provide public testimony.

Clint Boyle, 5700 E. Franklin Road, Nampa, acknowledged being sworn in and spoke as neutral to the request. He indicated that he represents the developer of the Clock Tower professional office complex. His client supports the rezone request to commercial with the condition concerning the extension and improvement of Indian Springs Street across his property.

Mr. Boyle addressed concerns dealing with the rezone request; 1) Interconnectivity; 2) An alternative route for the facilities to Montana rather than Ustick; 3) Comprehensive Plan: public safety, safe and secure community, and access for public safety equipment; 4) Indian Springs needs to be a cul-de-sac or an extension of the aligned street which will facilitate general circulation through the commercial area; and 5) Planning sense for connectivity since the stub was constructed with the desire of future expansion.

Mr. Boyle continued by emphasizing that the owner would oppose the rezone without the extension of Indian Springs Street or at least construction of a cul-de-sac. The owner does not want to be saddled with the burden of the cul-de-sac on his future development land. He constructed Indian Springs Street with the original Clock Tower project with the understanding that it would extend in the future. The conditions within the staff report (Items 9.9 and 9.10) and in the development agreement (Items 11 & 12) should remain in place as provided by City staff in light of public safety and good planning practices.

In rebuttal, Mr. Mannschreck addressed comments made within the public testimony about public safety. He noted that safety items have been addressed within the proposed development. He emphasized that the proposed project is a senior housing development and therefore traffic accessibility and connectivity is not desired due to the age of the potential clients. No abutting parcels would be land-locked due to the development. He noted his opposition of a requirement to construct a cul-de-sac or extend Indian Springs Street.

Mayor Nancolas asked Mr. Mannschreck if the proposed development could be shifted to the north and thereby would meet the connectivity concerns.

Mr. Mannschreck indicated that Indian Springs Street would have not economic benefit for the proposed development. The street improvement requirements would be cost prohibitive for the proposed development.

In response to questions from Councilman Hopper, Mr. Mannschreck confirmed that if they were to shift the proposed development to the north and be required to develop at least the half section of Indian Springs Street, it would make the project financially unviable.

In response to questions from Councilman Allgood, Mr. Wagoner explained the property boundaries of the Lenity Living development.

Discussion followed.

MOVED by Pollard, 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 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 found to be inconsistent with the following Comprehensive Plan Components:

GOALS AND POLICIES – Transportation

Goal 1: Provide for the efficient, safe, and cost-effective movement of people and goods.

Policy 1-5: Design local streets in a manner that provides good interconnectivity as well as connectivity to adjacent developments.

Policy 1-6: Cul-de-sacs are discouraged in situations where the road can be extended to intersect with a nearby local street.

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

GOAL 3: Create communities with more cohesive, interconnected and walkable neighborhoods.

Policy 3-1: Require public street systems for new residential subdivisions and manufactured home developments to connect with existing local streets or to provide for future interconnections in the City's planned street system.

GOAL 5: Protect the integrity of arterial corridors.

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

GOALS & POLICIES – Public Safety

GOAL 1: Provide for a safe and secure community.

Policy 1-1: Access for emergency vehicles and responders should be given a high priority in the design of new development.

Policy 1-2: Develop new neighborhoods with arterial and collector streets for co-lateral circulation, proper ingress/egress for emergency vehicles, including secondary routes, adequate street widths and turning spaces.

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 Caldwell City Council that Case Number ZON-17-05 a request by Las Brisas Apartments LLC to rezone 1.45 acres, more or less, from R-1 (Low Density Residential) to C-2 (Community Commercial) with a development agreement for a portion of the property located at 1420 E. Ustick Road 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 the City Engineering Department requirements as stated in Exhibit PA-3, except for the requirement to extend Indian Springs Street.
- 8.4 Install a 25-foot wide landscape buffer along Ustick Road. The landscape buffer shall contain a minimum of 10 Class II trees and 44 shrubs and shall contain grass and other vegetative ground cover so that the entire buffer area is covered.
- 8.5 Install a 10-foot wide street landscape buffer along Lenity Living Lane, abutting the site. The landscape buffer shall contain a minimum of 19 Class II trees and 96 shrubs and shall contain grass and other vegetative ground cover so that the entire buffer area is covered.
- 8.6 Provide a minimum of 72 paved parking stalls for the proposed multi-family development. The parking lot shall be paved and meet all City Code requirements.
- 8.7 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-17-05 a request by Las Brisas Apartments LLC to rezone 1.45 acres, more or less, from R-1 (Low Density Residential) to C-2 (Community Commercial) with a development agreement for a portion of the property located at 1420 E. Ustick Road 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 All street improvements shall be constructed to City of Caldwell specifications.
- 9.4 Intersection and driveway spacing shall comply with ACHD Intersection and driveway spacing requirements adopted by the City of Caldwell.
- 9.5 Install a 25-foot wide landscape buffer along Ustick Road. The landscape buffer shall contain a minimum of 10 Class II trees and 44 shrubs and shall contain grass and other vegetative ground cover so that the entire buffer area is covered.
- 9.6 Install a 10-foot wide street landscape buffer along Lenity Living Lane, abutting the site. The landscape buffer shall contain a minimum of 19 Class II trees and 96 shrubs and shall contain grass and other vegetative ground cover so that the entire buffer area is covered.
- 9.7 Provide a minimum of 72 paved parking stalls for the proposed multi-family development. The parking lot shall be paved and meet all City Code requirements.

- 9.8 Perpetuate the right-of-way along an alignment connecting Indian Springs Street with Lenity Living Avenue. Dedicate to the City of Caldwell a fifty-three (53) foot full width right-of-way along said alignment. The Caldwell City Code, at § 11-03-02, speaks to street requirements, and specifically, at Subsection (7), to the importance of connectivity in new developments, requiring a "minimum of one street connection for vehicular connectivity . . . to all adjacent properties . . . at appropriate locations as determined by the engineering department and planning and zoning department as a joint decision or by council if topography, geography, dimensions or size of the subdivision/development are such that no connectivity is warranted or feasible." The importance of this requirement is further underscored by the fact that a waiver of the requirement only appears to be warranted if "an adjacent property has already developed and did not have provision for connectivity . . .," and that any such waiver is to be limited to "that specific direction only." Caldwell City Code § 11-03-02(7). Additionally, this requirement will prevent the "Stub Street" (defined at Caldwell City Code § 11-01-04) which was required of the developer of the adjacent property from being converted into a "Dead End Street" (also defined at Caldwell City Code § 11-01-04). "Dead End Streets" are prohibited in the City of Caldwell. Caldwell City Code § 11-03-02(3).
- 9.9 Construct Indian Springs Street along an alignment connecting with Lenity Living Lane 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). The Caldwell City Code, at § 11-03-02, speaks to street requirements, and specifically, at Subsection (7), to the importance of connectivity in new developments, requiring a "minimum of one street connection for vehicular connectivity . . . to all adjacent properties . . . at appropriate locations as determined by the engineering department and planning and zoning department as a joint decision or by council if topography, geography, dimensions or size of the subdivision/development are such that no connectivity is warranted or feasible." The importance of this requirement is further underscored by the fact that a waiver of the requirement only appears to be warranted if "an adjacent property has already developed and did not have provision for connectivity . . .," and that any such waiver is to be limited to "that specific direction only." Caldwell City Code § 11-03-02(7). Additionally, this requirement will prevent the "Stub Street" (defined at Caldwell City Code § 11-01-04) which was required of the developer of the adjacent property from being converted into a "Dead End Street" (also defined at Caldwell City Code § 11-01-04). "Dead End Streets" are prohibited in the City of Caldwell. Caldwell City Code § 11-03-02(3).
- 9.10 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. This shall include, but not be limited to, a secondary access road as approved by the Fire Marshal. Final approval of the location and number of fire hydrants within the development shall be determined by the Fire Marshal.

Case Number ZON-17-05 was heard by the Mayor and City Council at a public hearing held September 5, 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 September 18, 2017.



Mayor Garret L. Nancolas

ATTEST:



City Clerk

