



# City of Kuna

## Findings of Fact and Conclusions of Law

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**To:** Kuna Planning and Zoning Commission

**File Numbers:** 15-02-SUP (Special Use Permit) for an In-Home Pet Grooming Business.

**Location:** 226 E. Chapparosa Dr.  
Kuna, Idaho 83634

**Planner:** Trevor Kesner, Planner I

**Hearing date:** July 28, 2015  
**Findings of Fact:** August 11, 2015

**Applicant:** Shayla Menard  
226 E. Chapparosa Dr.  
Kuna, ID 83634  
(208) 447-0168  
[shaylaspawfection@gmail.com](mailto:shaylaspawfection@gmail.com)

### Table of Contents:

- A. Course Proceedings
- B. Applicants Request
- C. Vicinity & Aerial maps
- D. History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Findings of Fact
- J. Conclusions of Law
- K. Decision by the Commission

### A. Course of Proceedings:

1. A valid *Home Occupation* as described in 5-5-4 Kuna City Code (KCC) requires obtaining a Special Use Permit (SUP) within a residential zone in the city of Kuna. A 'pet grooming service business' is not specifically defined in KCC; therefore, staff has deferred to the 'Barber and Beauty shop' categorization.
2. In accordance with KCC Title 3, Chapter 5, this application seeks SUP approval for an In-Home pet grooming service business as a valid Home Occupation.

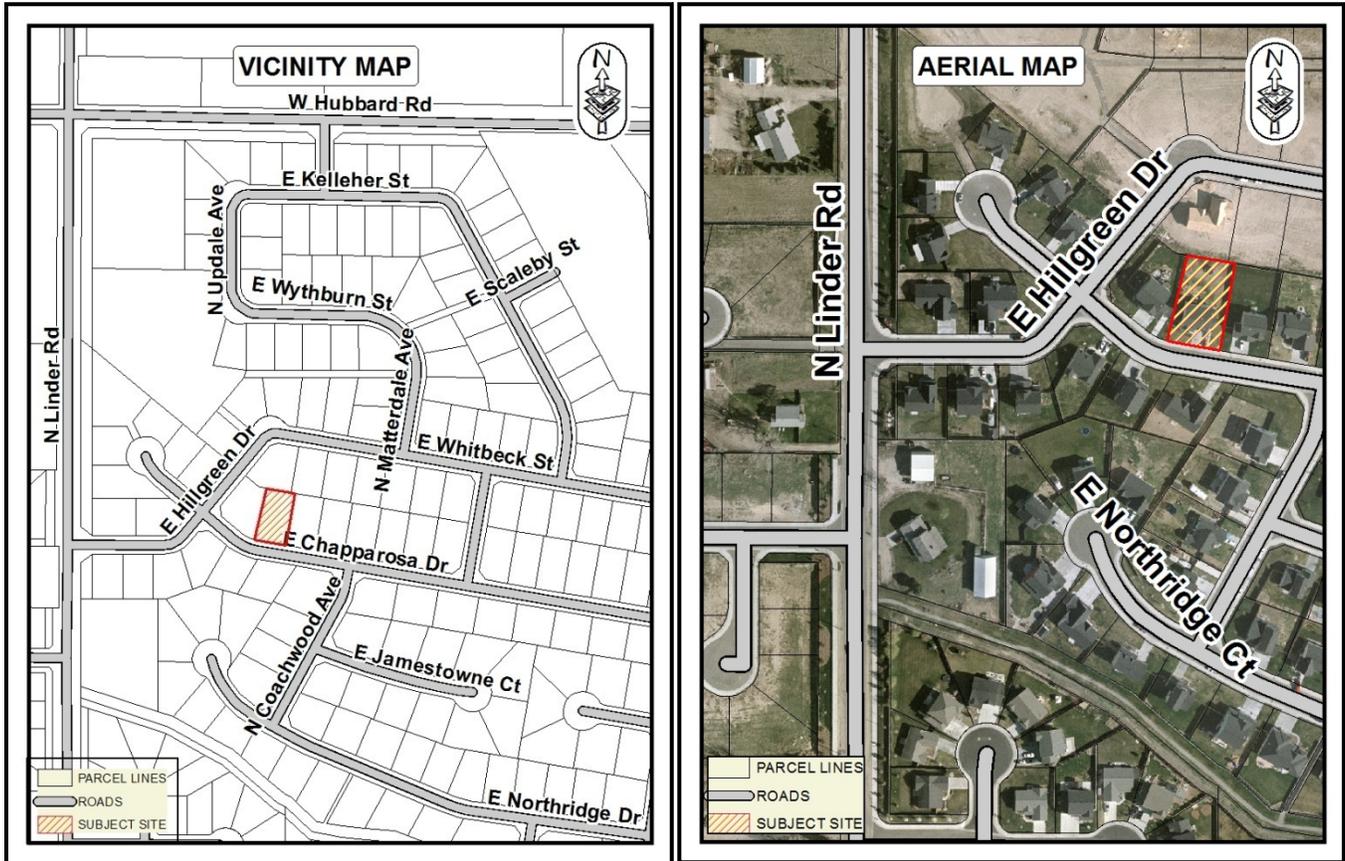
#### a. Notifications

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| i. Neighborhood Meeting             | February 4, 2015 (three attendees) |
| ii. Agency Notification             | June 5, 2015                       |
| iii. 300' Notice to Property Owners | June 5, 2015                       |
| iv. Kuna, Melba Newspaper           | June 24, 2015                      |
| v. Site Posted                      | July 17, 2015                      |

**B. Applicant Request:**

The application was received from Shayla Menard for a Special Use Permit (SUP) to operate an in-home pet grooming service business located at 226 E. Chapparosa Drive (APN#: R1375610110).

**C. Vicinity and Aerial Maps:**



**D. History:**

The applicant is proposing to operate ‘Shayla’s Pawfection’; an in-home pet grooming service business which provides pet grooming services during normal business hours. The home-based business is to be located within one of the existing garage bays on site and will include a grooming tub, table, dryers and cages to service a maximum of four (4) animals at any one time during business hours only. No kennel services, overnight pet ‘sitting’ or boarding will occur. Clients will be utilizing driveway parking spaces for parking. The applicant proposes to limit business operations to four (4) days a week, Monday-Saturday. The site is currently designated as Low-Medium Density Residential (R-4), and an in-home occupation land use requires an SUP to establish this type of business in this zone.

**E. General Projects Facts:**

1. **Legal Description:** A legal description was provided with the submitted application (Lot 02, Block 02; Chapparosa Ridge Subdivision).

2. **Surrounding Land Uses:**

<b>North</b>	R-4	Low-Medium Density Residential District – Kuna City
<b>South</b>	R-5	Medium Density Residential District– Kuna City
<b>East</b>	R-4	Low-Medium Density Residential District – Kuna City
<b>West</b>	R-4	Low-Medium Density Residential District – Kuna City

3. **Parcel Sizes, Current Zoning, Parcel Numbers:**

- Parcel Size: 0.264 acres
- Zoning: Low-Medium Density Residential District (R-4)
- Parcel #: R1375610110

4. **Services:**

Sanitary Sewer– City of Kuna  
Potable Water – City of Kuna  
Irrigation District – Boise-Kuna Irrigation District  
Pressurized Irrigation – City of Kuna (KMID)  
Fire Protection – Kuna Rural Fire District  
Police Protection – Kuna Police (Ada County Sheriff)  
Sanitation Services – J&M Sanitation

5. **Existing Structures, Vegetation and Natural Features:**

There is currently a residence on site with three (3) parking spaces and a six (6) foot wood fence around the backyard perimeter.

6. **Transportation / Connectivity:**

The site has frontage along East Chapparosa Drive on the south side of the parcel.

7. **Environmental Issues:**

Staff is not aware of any environmental issues, health or safety conflicts. This site’s topography is generally flat.

8. **Comprehensive Future Land Use Map:**

The Future Land Use Map (FLU) identifies this site as Low-Medium Density Residential. Staff views this proposed land use request to be consistent with the surrounding and approved FLU map designations.

9. **Agency Responses:**

The following agencies returned comments: City Engineer (Gordon Law, P.E.). The responding agencies’ comments are included with this case file.

Kuna City Engineer (Gordon Law, P.E.): June 9, 2015	Exhibit B-2
Central District Health District (CDHD): June 12, 2015	Exhibit B-3

The following agencies were notified, but did not comment: Ada County Development Services, Ada County Assessor, Boise-Kuna Irrigation District, Idaho Department of Environmental Quality (DEQ), Idaho Power, Intermountain Gas, J&M Sanitation, Kuna Rural Fire & Ambulance, Kuna School District, U.S. Post Office, City Forrester (Natalie Purkey), and City Attorney (Richard Roats).

F. **Staff Analysis:**

Staff has determined that this application complies with Title 5 of Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case # 15-02-SUP, subject to the recommended conditions of approval.

**G. Applicable Standards:**

1. Kuna City Code, Title 5, Zoning Regulations
2. City of Kuna Comprehensive Plan
3. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act (LLUPA)

**H. Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission may accept the Comprehensive Plan components as described below:

1. The proposed use for the site is consistent with the following Comprehensive Plan components:

**2.0 – Property Rights**

**Goal 1: *Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in private property “takings”.***

Policy: As part of a land use action review, staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criteria established to determine the potential for property taking.

**5.0 – Economic Development**

**Goal 1: *Promote and support a diverse and sustainable economy that will allow more Kuna residents to work in their community.***

Policy: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

Policy: Promote the expansion of home-based businesses in appropriately zoned areas.

**6.0 – Land Use**

**Goal 2: *Encourage a balance of land uses to ensure that Kuna remains a desirable, stable, and self-sufficient community.***

Objective 2.2:

Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

Policy: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**I. Findings of Fact:**

1. All required procedural items shall be completed as shown in the staff report.
2. The in-home pet grooming business complies with Section 6.0 of Kuna’s Comprehensive Plan.
3. Public services are available and are adequate to accommodate this site’s intended use.
4. The site is zoned R-4 and is appropriate for use as an in-home pet grooming business by obtaining a Special Use Permit.

5. The site is physically suitable for the proposed use with permitted modifications.
6. The use appears to be in compliance with all ordinances and laws of the City.
7. The use does not appear to be detrimental to the present and potential surrounding uses; to the health, safety, and general welfare of the public, taking into account the physical features of the site, facilities and existing adjacent uses.
8. The existing and proposed street and utility services in proximity to the site are suitable and adequate for commercial purposes.
9. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, public testimony and the supporting evidence list as presented.
10. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve or deny this case.
11. The neighborhood meeting was held on February 4, 2015 and the notification requirements were met.
12. All notifications and the public hearing were conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Conclusions of Law:**

1. The in-home pet grooming business is consistent with Kuna City Code.
2. The in-home pet grooming business meets the general objectives of Kuna's Comprehensive Plan.
3. The site is physically suitable for an in-home pet grooming business use with permitted modifications.
4. The in-home pet grooming business is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The in-home pet grooming business is not likely to cause adverse public health problems.
6. The in-home pet grooming business is in compliance with all other ordinances and laws of the City.
7. The in-home pet grooming business does not appear to be detrimental to the present and potential surrounding uses; or, to the health, safety, and general welfare of the public taking into account the physical features of the site, the location of public facilities and existing adjacent uses.
8. The existing and proposed street and utility services in proximity to the site are suitable and adequate for in-home pet grooming business purposes.
9. Based on the evidence contained in Case #15-02-SUP, this proposal appears to comply with Sections 5-5-4 and 5-1-6-2 of Kuna City Code.
10. Based on the evidence contained in Case #15-02-SUP, this proposal appears to comply with the Kuna Comprehensive Plan and the Future Land Use Map.
11. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve this SUP application.
12. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and Kuna City Ordinances.

**K. Decision by the Commission:**

*Note: This motion is for approval of this request. However, the Planning and Zoning Commission wishes to approve the request as detailed in this report and those changes are specified below:*

Based on the facts outlined in staff's report and public testimony as presented, the Planning and Zoning Commission of Kuna, Idaho, hereby approves Case #15-02-SUP, a Special Use Permit request by Shayla Menard for an *In-Home* pet grooming service business, with the following conditions of approval:

**Recommended Conditions of Approval:**

1. The applicant shall obtain a building permit to include separate plumbing and electrical permits for any modifications/remodels/additions of the existing home prior to any construction and the issuance of a business license.
2. The applicant and/or owner shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approval use or may be written or stamped upon a copy of the approved plan. All site improvements are prohibited prior to approval of these agencies.
  - a.) The Kuna Building Department
3. Parking on site shall comply with Kuna City Code 5-5-4-K-3-g.
4. The applicant shall follow all of the requirements for sanitary sewer, potable water, pressure irrigation system connections, and all other requirements of the City engineer.
5. As requested by the applicant, the pet grooming business will be open Monday through Saturday, 8 am to 5 pm weekly, with operations usually limited to four (4) days per week.
6. Signs, banners, flags or other means to advertise, attract attention or identify the parcel as a business are not allowed on site in accordance with KCC 5-5-4-K-3-e.
7. In the event that the special use on this parcel is enlarged, expanded or altered in any way, the applicant shall seek an amendment to the approvals of this SUP through the public hearing process.
8. This SUP is valid as long as the conditions of approval are adhered to continuously. In the event the conditions are not continuously followed, the SUP approval may be revoked by the Planning and Zoning Commission.
9. Applicant shall comply with all local, state and federal laws.
10. Applicant shall clean up animal waste at the site daily to prevent unpleasant odors for surrounding neighbors.
11. Applicant shall ensure that noise from any animals kept on site do not create a public nuisance. In the event that the city receives a complaint regarding excessive barking or noise generated from animals being kept on site, this SUP approval shall be reviewed by the Planning and Zoning Commission for potential modification(s) and/or reconsideration.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST

\_\_\_\_\_  
Trevor Kesner, Planner I  
Kuna Planning and Zoning Department