



KUNA PLANNING AND ZONING COMMISSION

Agenda for September 10, 2013

Kuna City Hall ▪ Council Chambers ▪ 763 W. Avalon ▪ Kuna, Idaho

REGULAR MEETING

6:00 pm

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young
Vice Chairman Stephanie Wierschem
Commissioner Dana Hennis
Commissioner Cathy Gealy
Commissioner Mike Bundy

2. CONSENT AGENDA

- a. Meeting Minutes – August 27, 2013
- b. Kuna Event Center – Enrique Contreras, **F of F & CL**, 13-07-SUP
- c. Merlin Pointe Sub **F of F & CL** 13-01-AN, 13-01-DA, 13-01-S

3. OLD BUSINESS:

4. PUBLIC MEETING

- a. **13-04-DR; Merlin Point Subdivision**-Design Review for Landscaping. The site is located at 1380 E. Kuna Road, Kuna, ID. (APN#'s: R0645254601 & S1324449005). **The landscaping, parking lot, lighting plan and signage will all go through design review as the parcels/phases are developed in the future, and not at this time.**

5. PUBLIC HEARING

- a. **13-07-SUP; Kuna Event Center** – Enrique Contreras, RECONSIDERATION - Applicant is requesting reconsideration of the commission's decision requiring the connection to, and installation of pressurized irrigation lines, and to modify the application to include consumption of liquor on site.

6. DEPARTMENT REPORTS

7. CHAIRMAN / COMMISSIONER DISCUSSION

8. ADJOURNMENT

**CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, August 27, 2013**

NOTE: *These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.*

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	x	Wendy Howell, Planning Director	x
Vice-Chairman Stephanie Wierschem	x	Troy Behunin, Planner II	x
Commissioner Dana Hennis	x	Travis Jeffers, Planning Technician	x
Commissioner Cathy Gealy	x		
Commissioner Mike Bundy	Absent		

6:00 P.M. –COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at 6:01 p.m.

1. CONSENT AGENDA

- A. Meeting Minutes – July 9, 2013
- B. Meeting Minutes – August 13, 2013

Commissioner Gealy motioned to approve consent agenda; Commissioner Hennis seconds, all aye and motioned carried 4-0.

Commissioner Gealy was not present at the July 9th, 2013 meeting.

2. OLD BUSINESS:

None

3. PUBLIC HEARING

- a) **13-01-AN, 13-01-DA, 13-01-ZC, 13-01-S and 13-04-DRC; Merlin Point Subdivision**-Requests for Annexation, a Zone Change, Development Agreement and Preliminary Plat for approx. 52 acres over 2 parcels, into the City of Kuna, from Steve Arnold (A Team Consultants), requesting C-1 Zoning for commercial and residential uses on site. The site is located at 1380 E. Kuna Road, Kuna, ID. (APN#'s: R0645254601 & S1324449005).

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Senior Planner, Troy Behunin at 763 W. Avalon St. in Kuna gave a brief overview of the Merlin Point Subdivision project. The applicant is requesting Annexation, Zone Change, Development Agreement, Design Review for landscaping and Preliminary Plat for approximately 52 acres over two parcels. The property is contiguous to the city limits of Kuna and therefore eligible for Annexation.

Commissioner Gealy moves to add 13-04-DRC for landscaping to the August 27th, 2013 agenda; Commissioner Hennis 2nds, all aye and motion carried 4-0.

The applicant is TFI headed by Tom Nicholson. The representative is Steve Arnold with A-Team Consultants who is present tonight to discuss the proposal. All of the required procedural items have been satisfied by the applicant. The applicant did hold the neighborhood meeting, which included invitation to property owners within 300' of the property. The property was posted properly within the appropriate time frame. The reason for the delay/continuance regarding this hearing was due to staff waiting on ACHD's final comments/report.

The applicant is proposing to put in Commercial and High Density Residential, which are allowed uses in a C-1 zone. They are proposing to put in townhomes, tri-plexes and or patio homes. Some of the Commercial lot lines may be adjusted to accommodate future tenants.

This project is within the Highway Overlay District which extends West and North of Kuna Road. One of the requirements is that the project includes a 660' frontage road. There is also a requirement for a 10' sidewalk buffer along HWY-69. One of the concerns is that Merlin Avenue is too long and does not comply with the Fire Departments requirements for a turnaround. Staff also believes that the site could be served with two full accesses instead of three, which currently includes the entrance at the curve. Staff believes that there are safety concerns with adding a signal there. The City Engineer, Gordon Law concurred with staff's recommendation and concerns as further described in his report.

ACHD Staff Report clarifications:

Page 11, Section D "Site Specific Conditions of Approval" #9. Planner Behunin pointed out that ACHD is simply pinpointing the recommended locations for roads and driveway locations. Sailor Road will be a public road.

Staff understands that the applicant is accepting of conditions as set forth in the staff report and including adding bike paths along the teed lateral as an amenity for the community.

Questions for Staff:

Commissioner Gealy asked about the specified 5 driveways as noted in the ACHD report. P/Behunin explained that the street design of the development will remain unchanged even if the interior lot lines change because of future tenants needs. The entryway points into the lots are not what ACHD is defining in their report.

C/Hennis asked if the "Swoop" street is not a public road. Troy confirmed that it is not. It is a private lane.

C/Gealy asked where Highway 69 ends. Staff explained that it ends at Orchard Street.

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C/Gealy asked if the 10' sidewalk is within 30' buffer. Staff confirmed that yes the sidewalk is within the buffer.

Planner Behunin explained that the City Engineer recommended that a sewer study be performed on the site in order to determine where the sewer should come from and where it should go to. Parts of this site fall within two sewer sheds. One is to the South Plant and one is to the North Plant. The closest points of connection to this site are at capacity or unknown at this point. The applicant was accepting of the sewer study as outlined in the staff report.

VC/Wierschem asked if the Neighborhood Certification was expired. Staff confirmed that the 6 month time frame was still valid because the public hearing was scheduled during the required timeframe.

No further questions for staff.

Steve Arnold with A-Team Land Consultants located at 1785 Whisper Cove in Boise is the representative on behalf of the applicant. The applicant owns all four corners of land along Highway 69. The applicant is starting at this corner because it is believed that there is adequate sewer capacity in the existing system. The applicants engineer feels the capacity is there for at least Phase 1 of the development. The plat shows more commercial lots than the developer would like to see if they can secure some larger anchor tenants for the site. The current plan allows some flexibility to develop. The overall development including the improved landscaping and commercial uses would help create an improved entry into Kuna, which is a main goal for this project. The applicant would like to incorporate a "Welcome to Kuna" sign within this project.

The applicant wants to add a pedestrian pathway along the teed lateral regardless of its final location. Steve believes that pathways are one of the most used amenities within communities and they are very supportive in contributing to Kuna's future pathway system. They have four deeded access points for this site as previously negotiated with Idaho Transportation Department (ITD). The access points meet ITDs and ACHDs policies. A traffic study was performed and all the roadways proposed performed at adequate levels of service. The driveway whether signaled or not provides improved access to the Sailor and Ensolorado.

A study is currently underway by ACHD to consider an overpass connecting State Highway 69 to the south. However, Steve believes that plan is unlikely to happen and does not believe that ACHD will take over ITD's roadway. If it does happen in the future, the applicant is okay with removing the center entry point.

The sewer study and utilities will be studied further to determine the best possible options for the site. The teed lateral will likely be piped across the drive aisle and across Ensolorado. Lot 17 and 18 will be combined into one lot in response to these changes. The developer will include a blanket easement over the commercial sites to allow cross access. There will be separate CC&Rs for the commercial uses and the residential uses. Curb and gutter will be added along HWY-69 to meet current land uses to the West. The Merlin turnaround will be compliant with Kuna Fire's requirements.

The only difference of opinion that the representative/developer has with the staff report is that ACHD will step up and modify that intersection in the near future and therefore eliminate the necessity for the entry point in the middle of the development. If they are wrong, the applicant, at their expense will get rid of the intersection and entry point. They feel strongly that this intersection warrants a traffic signal.

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Questions for Applicant:

C/Young asked for clarification that the only item within the staff report that they're indifferent with is the main entrance on the curve that aligns with Kuna Road. Steve confirmed.

VC/Wierschem asked why not put in the traffic signal now. Steve explained that they want to do the traffic signal sooner than later, but ACHD does not want to do it at this time given possible changes in the future. However, Steve does not believe that ACHD will take over ITDs roads. He believes there will eventually be a traffic signal and we need to plan for it.

No further questions for applicant.

Planner Behunin clarified the "overlay district includes the area within one-quarter mile (one thousand three hundred twenty (1,320) feet) east and west aligning with the centerline of State Highway 69, also known as the Meridian Road and its future southern alignments. The portion of State Highway 69 that curves and becomes East Kuna Road is excluded from the overlay district beyond a distance of one thousand three hundred twenty (1,320) feet west of the north/south aligning township section line underlying State Highway 69. The zoning overlay district is expanded to include the area within one-quarter mile (one thousand three hundred twenty (1,320) feet) north and south aligning with the centerline of Kuna Mora Road and its future alignments. The overlay district only applies within the Kuna City limits."

Public Testimony opened at 7:00pm

Neutral

Dave Szplett, 970 Ashwood Ct. is the Development Services Manager for Idaho Transportation Department. Overall, ITD has very little concern with this application. They did not ask for the traffic study. ITD purchased the Right-of-Way (ROW) from Tom Nicholson in 1996 and at that time they deeded 4 access points to Mr. Nicholson without restriction. The roadway now has enough ROW width for 6 lanes, but only need 4. There is plenty of capacity available. ITD does not feel that this site will restrict their plans in the future. The 3 main access points all meet ITDs separation policies. ITD has no plans to extend their roadway to the South at this time. In order for that to happen ACHD would have to take over the roadway. ITD wants their roadway to be the primary route. They prefer to have the signalized intersection at Kuna Road. They feel it's likely to happen within the next 5 years.

Questions:

C/Young asked for clarification that the signal isn't warranted for another 20-50 years. Dave responded and said that the overpass/highway extension plan could take 20-50 years, not the signal. The signal could be needed as soon as 5 years.

C/Gealy asked that if and when the signal goes in, do you expect the curve to remain or will it become a "T" intersection. Dave explained that the current plan includes a "T" intersection with their three roads. ITD agrees with the City of Kuna that the speed limit should be lowered from 45 to 35mph at the curve.

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No further questions.

Neutral

Roberta Sailor at 1185 E. Kuna Road wants the new development including landscaping and structures to promote an attractive entrance into Kuna and that it respects the overall goals of the Comprehensive Plan. Roberta suggested a “Birds of Prey” theme throughout the development and possibly extending that theme throughout the City of Kuna to create cohesion. She asked that the Planning and Zoning Commission and the City of Kuna keep these overall goals in mind when promoting colors, native plants and symbols/art. Roberta suggested that we could plan for an entrance at the center of the development and restrict access until a signal is installed.

No further questions for Roberta.

Applicant Rebuttal:

Steve Arnold with A-Team Land Consultant agrees with Roberta that we should create a main attractive, cohesive entrance into Kuna. That could include moving the “Welcome to Kuna” sign near the new development.

Questions:

C/Young asked if the pathways would connect with the Tomorrow Subdivision to the North. Steve explained that yes they would like to connect to it and add another pathway over lot 17.

Public testimony closed at 7:24pm

Planning and Zoning Commission Discussion:

C/Young is not completely in favor of adding a signal at the curve as well as the proposed entry point in the middle because of the possible safety issues it could create.

C/Hennis liked the idea of planning the entry point now, but restricting access until the signal is put in. Perhaps the applicant could work with staff to create an attractive barrier option preventing ingress/egress until the signal is warranted.

Steve Arnold would like to build up the entryway and possibly putting up Jersey Barriers in the meantime. He agrees that the signal needs to be put in before access is granted. That would be the safest option.

Commissioner Gealy motions to table 13-04-DR to the September 10, 2013 Planning and Zoning meeting; Commissioner Hennis seconds, all aye and motion carried 4-0.

*Commissioner Hennis motioned to approve **13-01-AN, 13-01-DA, 13-01-ZC and 13-01-S; Merlin Point Subdivision-Requests for Annexation, a Zone Change, Development Agreement and Preliminary Plat with the Conditions of Approval as stated in the Staff report and with the following modifications: remove item #18,***

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limit access at the curve until the signal goes in and that the developer work with the Kuna Fire Department on the Merlin "turnaround"; Commissioner Hennis seconds, all aye and motion carried 4-0.

3. DEPARTMENT REPORTS

1. New Rezone application in the works for Boise Project Board of Control
2. New Bike Committee Formed
3. Joint meeting next week (9/3/13) at 7:00pm
4. Community High Five Grant
 - We are a finalist for a potential \$300,000 grant to help facilitate our youth programs and hopefully contribute additional funds for future development. The funds go directly to helping our Kuna kids. We are looking at a potential YMCA/Boys and Girls Club facility which may include a pool for our youth.
5. Building Permit Totals for August 2013:
 - **31 Total Permits**
 - 11 New Residential

4. CHAIRMAN / COMMISSIONER DISCUSSION

Commissioner Gealy wanted to praise Roberta Sailor for reminding the Planning and Zoning Commission and City Staff of their role and the importance of creating cohesive projects throughout the City including an overall theme.

5. ADJOURNMENT

- *Commissioner Gealy motions to adjourn at 7:55 PM; Commissioner Hennis seconds, all aye and motion carried 4-0.*

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Travis Jeffers, Planning Technician
Kuna Planning and Zoning Department



City of Kuna

Findings of Fact and Conclusions of Law

P.O. Box 13
Kuna, ID 83634
Phone: (208) 922-5274
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Kunacity.Id.gov

To: Planning and Zoning Commission; acting as P&Z and Design Review Committee

Case Numbers: 13-07-SUP (Special Use Permit) Kuna Event Center
13-03-DR (Design Review)

Location: 321 W. 4th Street
Kuna, Idaho 83634

Planner: Troy Behunin, Senior Planner

Meeting Date: August 13, 2013

Findings of Fact: **September 10, 2013**

Applicants: Enrique Contreras & Ana Paz
1922 W. Ardell Road
Kuna, ID 83634
(208) 922.5169

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A. Course of Proceedings

1. Proposing a Banquet Facility (event center), as described in Kuna City Code 5-3-2 and 5-1-6-2 (Banquet Facility; Definitions) KCC is a permitted use in the Central business District (CBD). Proposing an establishment which serves alcoholic beverages in the CBD requires obtaining a Special Use Permit (SUP). A Banquet Facility is defined as: *An establishment, which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations.*
 - A. Kitchen facilities for the preparation or catering of food;
 - B. The sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and
 - C. Outdoor gardens or reception facilities
 - a. **Notifications**

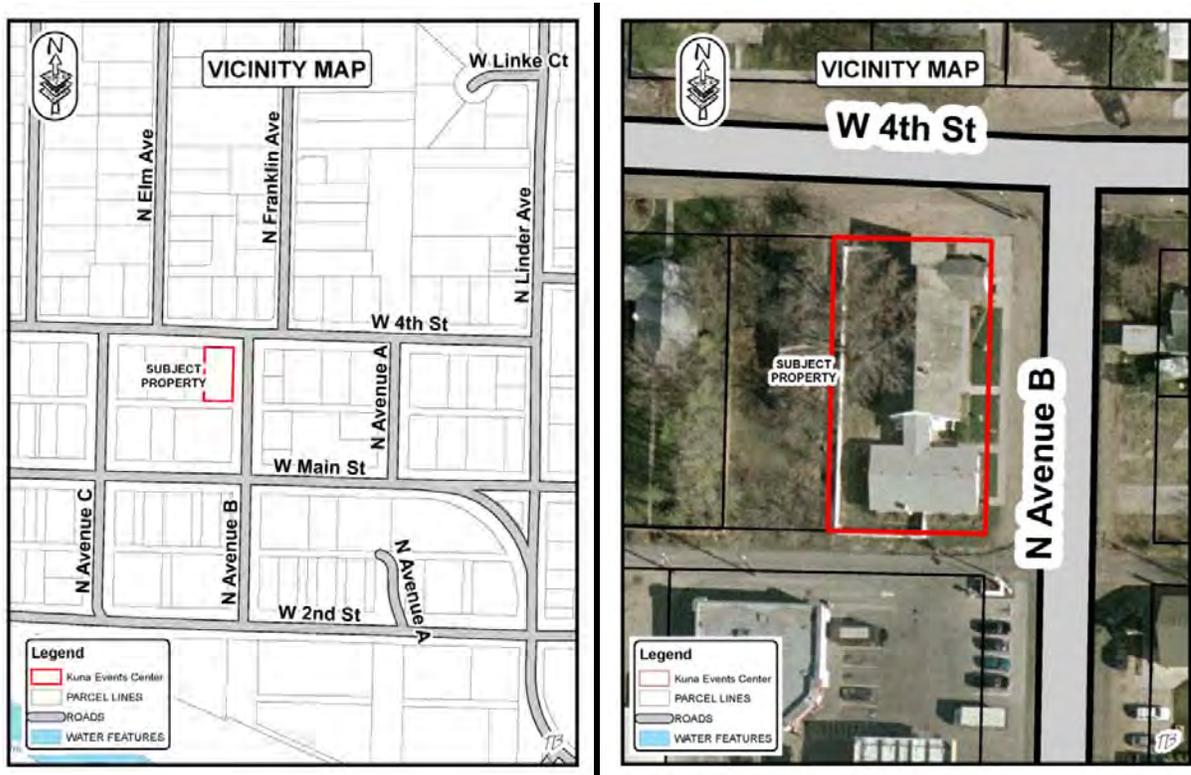
i. Agencies	June 14, 2013
ii. 300' Property Owners	July 16, 2013
iii. Kuna, Melba Newspaper	July 24, 2013
iv. Site Posted	July 31, 2013
2. In accordance with KCC Title 5, Chapters 1 and 3, this application seeks SUP approval for a banquet facility to hold public and private gatherings which may include consumption of food (prepared offsite) and limited alcoholic beverages (Beers and Wines). Alcoholic beverages being served in the Central Business District requires acquisition of a Special Use Permit.

B. General Project Facts, Staff Analysis:

1. **Request:** The applicant is seeking SUP approval for a banquet facility (which may serve foods and limited alcoholic beverages) at 321 W. 4th street, here in Kuna. The site is within 300 feet of a church. According to Title 23, Chapters 10 (11B) and 13 (07A) of Idaho State code, the approval of the governing body of the municipality to reduce the distance between the two uses is required. The applicant is also requesting Design Review for a change in color to the exterior of their building.
2. The applicants have submitted all necessary documents and materials for review and have held the appropriate neighborhood meeting and posted the site in accordance with KCC posting requirements. The applicant is proposing to open a banquet facility (events center) for people to rent out for celebrations, gatherings, meetings, weddings, Christmas parties and other private/public events.
3. **History:** The building is currently unoccupied and was used as a day-care facility and a church in the past.
4. **Legal Description:** See (Exhibit A2c) Affidavit of Legal Interest.
5. **Comprehensive Plan Designation:** The Future Land Use map (FLU) approved by City Council, indicates the site as Central Business District (CBD). In accordance with KCC 5-3-2, staff views this banquet facility request to be consistent with the FLU map as the applicant has applied for a SUP.
6. **Land Use:**

Direction	Current Zoning	
North	R-6, CBD	Medium Residential Density & Central Business District – Kuna City
South	CBD	Central Business District – Kuna City
East	CBD	Central Business District – Kuna City
West	CBD	Central Business District – Kuna City

6.1 Vicinity and Aerial Maps:



6.2 Parcel Number: APN: R5070000880

6.3 Parcel Sizes and Current Zoning: (CBD) .24 acre parcel and (approximately 10,454 square feet)

6.4 Services:

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

6.5 Existing Structures, Vegetation and Natural Features: It currently has a commercial building on site which has been used as a day care facility and a church in the past. The site has sidewalks along West 4th Street, and North Avenue B. The site has Street frontage to the north, and to the east.

6.6 Transportation / Connectivity: Access to the site is from West 4th Street, and North Avenue B.

6.7 Public Services, Utilities and Facilities: The City Engineer has reviewed the SUP application and provided comments in (Exhibit B2). Central District Health Department had no objections to this proposal as noted in (Exhibit B3). The Kuna Rural Fire District has reviewed the SUP application and provided comments in (Exhibit B6). Department of Environmental Quality submitted a template letter shown as (Exhibit B5). Notifications to government agencies were sent out for this land use action and the public is invited to attend.

C. Applicable Standards:

1. City of Kuna Zoning Ordinance No. 230.
2. City of Kuna Design Review Ordinance, 2011-08.
3. City of Kuna Landscape Ordinance No. 2006-100.
4. City of Kuna Comprehensive Plan.
5. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

D. Comprehensive Plan Analysis:

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

1. The proposed Special Use Permit for the site is consistent with the following Comprehensive Plan components:

GOALS AND POLICIES – *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 1: As part of a land use action review, the staff shall evaluate with guidance from the City's attorney; The Idaho Attorney General's six criterion established to determine the potential for property taking.

GOALS AND POLICIES – *Economic Development*

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

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

GOALS AND POLICIES – 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 2.3: 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.

E. Findings of Fact:

1. All required procedural items have been completed as shown in the staff report.
2. The proposed commercial use complies with Section 6.0 of Kuna’s Comprehensive Plan.
3. Public services are existing and are adequate to accommodate this site’s development.
4. The proposed commercial use does not appear it will be detrimental to the public’s health, safety and general welfare.
5. The site is zoned CBD and intended for use as a banquet facility, a permitted use in the CBD.
6. This site is zoned CBD and requires a SUP for alcoholic beverages to be sold and consumed.
7. This site is within 300 feet of a church and as stated in Title 23, Chapters 10 (11B) and 13 (07A) of Idaho State code, the approval of the governing body of the municipality to reduce the distance between the two uses is required.
8. A shortfall for off-site parking spaces exists, however arrangements have been made with surrounding land owners to compensate for its parking needs.
9. The project description, staff analysis and findings of fact are correct.

F. Conclusions of Law:

1. The proposed banquet facility use is consistent with Kuna City Code.
2. The proposed banquet facility use meets the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for a banquet facility.
4. The proposed banquet facility use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The proposed banquet facility use is not likely to cause adverse public health problems.
6. The proposed banquet facility use is in compliance with all other ordinances and laws of the City.
7. The proposed banquet facility use is not 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, 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 banquet facility purposes.
9. Based on the evidence contained in Case #13-07-SUP, this proposal complies with KCC Sections 5-3-2 and 5-1-6-2.
10. Based on the evidence contained in Case #13-07-SUP, this proposal complies with Section 6.0 of the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map.
11. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve or deny this SUP application.
12. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

G. Decision by the Commission:

Note: This proposed motion is for approval or denial of this request. However, if the Planning and Zoning Commission wishes to approve or deny specific parts of the requests as detailed in the report, those changes must be specified.

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 No.s 13-07-SUP, and 13-03-DR, a Special Use Permit and Design Review request by Enrique Contreras and Ana Paz, with the following conditions of approval:

Conditions of approval:

1. The applicant shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approved 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 Fire District shall approve all fire flow requirements and/or building plans.
 - b.) Approval from Ada County Highway District / Impact Fees, if any shall be paid prior to building permit approval.
2. Parking within the site shall comply with Kuna City Code (except as specifically approved otherwise).
3. Maintain a good working relationship with surrounding land owners to accommodate the shortfall in parking spaces for the site.
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, as outlined in the Engineers memorandum dated April 4, 2013.
5. In the event the uses or the building on this parcel are enlarged, expanded or altered in anyway (even for a temporary purpose), the applicant shall seek an amendment to the approvals of this SUP.
6. The applicant shall obtain a beer and wine license from the state and the City of Kuna in accordance with state and local laws.
7. Signage for the site shall comply with current Kuna City Code.
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, this SUP may be revoked by the Planning and Zoning Commission.
9. The applicant shall follow all agency and staff recommendations.
10. The applicant shall comply with all Federal, State and Local Laws.

DATED: This 10th day of September, 2013.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Troy Behunin, Senior Planner
Kuna Planning and Zoning Department



City of Kuna

Findings of Fact, and Conclusions of Law

P.O. Box 13
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To: Kuna Planning and Zoning Commission

File Numbers: 13-01-AN (Annexation)
13-01-DA (Development Agreement)
13-01-S (Subdivision) - Merlin Pointe Residentia and Commercial Subdivision and Annexation

Location: 1380 East Kuna Road, Kuna, Idaho

Planner: Troy Behunin, Senior Planner

Hearing date: August 27, 2013
Findings of Fact: **September 10, 2013**

Applicant: TFI, LP
PO Box 690
Meridian, ID 83680
208.888.1624
Lbootstfi@gmail.com

Representative: A-Team Land Consultants
Steve Arnold
1785 Whisper Cove Avenue
Boise, ID 83709
208.321.0525
Steve@ateamboise.com

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A. Course of Proceedings:

1. A rezone and a development agreement is designated in Kuna City Code 1-14-3 (KCC), as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

a. Notifications

- | | |
|---------------------------|---|
| i. Neighborhood Meeting | January 10, 2013 (four people attended) |
| ii. Agencies | April 8, 2013 |
| iii. 300' Property Owners | May 5, 2013 |
| iv. Kuna, Melba Newspaper | May 2, 2013 |
| v. Site Posted | May 9, 2013 |

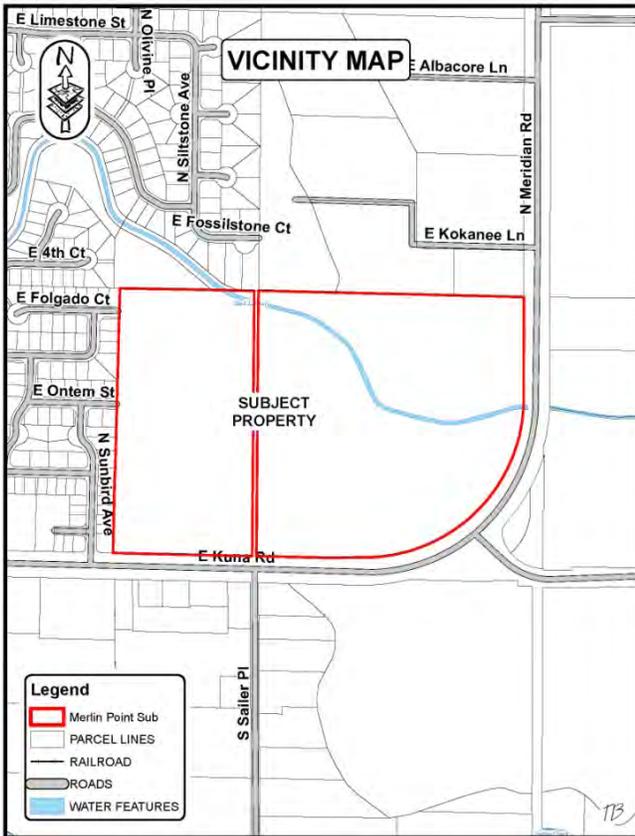
2. The applicant is relying on the category "A" annexation process as noted in Idaho Statute §50-222. The category "A" annexation is available for annexations where all private landowners, subject to annexation, raise no objection to the annexation process.

B. Applicants Request:

1. Request:

1. Annexation approval of two parcels with 52 total acres,
2. Approval of a Development Agreement to guide future development,
3. Approval of a preliminary plat to include 56 residential connected-townhome lots,
4. Approval of a preliminary plat to include 20 commercial lots,
5. Change the current zone from RUT (Rural Urban Transition) in the County, to C-1 (Neighborhood Commercial District),
6. Approval of internal public and private driveways for site traffic circulation,
7. Approval of a 30-foot landscape buffer between non-compatible uses, and along road frontages,
8. Access to State Highway 69 (SH 69) and Kuna Roads in four places. Three are public streets; including a right-in/right-out (RIRO) driveway, one access is proposed a private driveway.

C. Vicinity and Aerial Maps:



D. History: The property is contiguous to City limits on the west, south and north sides which is required in order to annex in to the City. The land currently has an existing building previously used for agriculture on the property which will be removed at time of future development.

E. General Projects Facts:

1. **Legal Description:** A legal description was included with the submitted request (See Exhibit A-2d).
2. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Mixed Use City Center. Staff views this land use request to be consistent with the approved FLU map.

3. **Surrounding Land Uses:**

North	RUT, R-4	Rural Urban Transition – Ada County, Medium Density Res. – Kuna City
South	RUT, C-2	Rural Urban Transition – Ada County, Area Commercial - Kuna City
East	RUT, AG	Rural Urban Transition – Ada County, Agriculture – Kuna City
West	R-6, R-12	Medium Density and High Density Residential – Kuna City

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

18.75 Acres; Rural Urban Transition; R0615254601
32.58 Acres; Rural Urban Transition; S1324449005

5. **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 Fire District
- Police Protection – Kuna City Police (Ada County Sheriff’s office)
- Sanitation Services – K&M Sanitation

6. **Existing Structures, Vegetation and Natural Features:** The site has an existing accessory building which historically has been used for agricultural purposes. The building will be removed when development of the parcels begins.

7. **Transportation / Connectivity:** The site has frontage along Kuna Road on the south side of the parcels, and SH 69, on the east side of the parcel.

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

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

The site is identified as Mixed-Use City Center on Kuna’s Future Land Use Map (FLU). The site is also within the City’s Highway overlay district. Staff views this zone request to be in accordance with the adopted Comprehensive Plan Map.

10. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Boise Project Board of Control, Central District Health Department, the Idaho Transportation Department (ITD), Ada County Highway District (ACHD) and the Department of Environmental Quality. The responding agency comments are included as exhibits with this case file. The following agencies reported they had no

comments, Kuna School District, Kuna Police Department, Ada County Planning and Zoning, Idaho Power, J&M Sanitation, and the Post Office.

F. Staff Analysis:

This site is within the Highway Overlay District. Those standards (Kuna City Code - KCC 5-2A-1) address development within this corridor. Among those standards is access management control; this requires a frontage road be placed at least 660' from the centerline of SH 69 (KCC 5-2A-5-E). Accordingly, North Merlin Avenue shall be moved westward in order to comply, approximately 330' west. Furthermore, North Merlin Avenue exceeds the allowed length of street (150' Max.), without an approved turn-around and the applicant will need to work with staff and Kuna Fire District (KFD) for a solution.

Considering the safety for on and off-site motorists, staff views four access points along Avalon and SH 69 to be excessive for the anticipated build-out traffic associated with this proposed development, and recommends two of the proposed access points be removed. Staff recommends the western most RIRO access be removed as there are two public streets directly adjacent to the lot. Staff recommends the proposed access on the inside of the curve be eliminated due to a number of concerns associated with this entrance; Including but not limited to: 1)It's not needed to serve the site (5 other accesses), 2) it may be removed to accommodate future reconstruction of SH 69, and 3) there are sight and stopping distance concerns. Staff recommends South Sailer Avenue and East Ensolorado Street be given full access. Staff supports the three proposed stub streets to/from adjacent properties.

This site is bisected by the Teed Lateral and is designated as a future trail along its borders. Staff recommends the applicant be conditioned to provide a trail adding to the overall trail make-up of the City, in accordance with City code. Staff notes the statement on the preliminary plat "Teed Lateral - portions to be piped"... Staff also recommends that a decision be made as to how this lateral will be handled, as it directly impacts at least six commercial lots and four residential lots. Whether the Teed is piped, or re-routed, and used as an amenity, it will be a significant undertaking, and staff recommends this sizeable effort be defined sooner rather than later. This decision potentially could impact the lot layout and street configuration among other design elements.

This site is in the precarious position of being within two sewer sheds of the City. There are several issues surrounding this property and the ability to serve it. Staff recommends a sewer study shall be conducted for this site, and to consider the other TFI LP properties in the area.

The City has adopted standard typologies for local residential streets which are 51' total width. The following streets need to be updated to reflect this width; East Ontem, East Folgado, East Jackpot and North Olivine. The rights-of-way for East Ensolorado, North Sailer and North Merlin Avenue shall be changed to 61' to follow the same City and ACHD standards.

At the time of development, this application will be subject to landscaping, parking lot, signage and building design reviews, among other land use applications as applicable.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case #'s 13-01-AN, 13-01-DA and 13-01-S, subject to the recommended conditions of approval.

G. Applicable Standards:

1. City of Kuna Zoning Ordinance No. 230,
2. City of Kuna Subdivision Ordinance No. 2010-15, title 6 Subdivision Regulations,
3. City of Kuna Landscaping Requirements, Title 5 Chapter 17,

4. City of Kuna Development Agreement Ordinance No. 525,
5. City of Kuna Comprehensive Plan,
6. City of Kuna Overlay District Ordinance, Title 5-2A,
7. Idaho Code, Title 50, Chapter 222, Annexation by Cities,
8. Idaho Code, Title 67, Chapter 6511(A), Development Agreement,
9. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

H. Comprehensive Plan Analysis:

The Kuna planning commission accepts the Comprehensive Plan components as described below.

1. The proposed annexation and zone change for the site is consistent with the following Comprehensive Plan components:

GOALS AND POLICIES – 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 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

GOALS AND POLICIES – Economic Development

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

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

GOALS AND POLICIES – 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 2.3: 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. The preliminary plat use is consistent with Kuna City Code.
2. The preliminary plat use appears to meet the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for a preliminary plat use.
4. The preliminary plat use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The residential preliminary plat is not likely to cause adverse public health problems.
6. The residential preliminary plat appears to be in compliance with all ordinances and laws of the City.

7. The residential preliminary plat appears to not 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, 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 residential purposes.
9. The Kuna planning commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
10. Based on evidence contained in **Case No. 13-01-AN, 13-01-DA and 13-01-S**, this proposal appears to comply with KCC Title 6.
11. Based on the evidence contained in **Case No. 13-01-AN, 13-01-DA and 13-01-S**, this proposal appears to comply with Section 6.0 of the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map.
12. The Planning and Zoning Commission has the authority to recommend approval or denial of this preliminary plat application.
13. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

J. Conclusions of Law:

1. Based on the evidence contained in **Case No. 13-01-AN, 13-01-DA and 13-01-S**, Kuna planning commission finds **Case No. 13-01-AN, 13-01-DA and 13-01-S**, comply with Kuna City Code.
2. Based on the evidence contained in **Case No. 13-01-AN, 13-01-DA and 13-01-S**, Kuna planning commission finds **Case No. 13-01-AN, 13-01-DA and 13-01-S**, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

K. Decision by the Commission:

Note: This proposed motion is for approval or denial of this request. However, if the planning commission wishes to approve or deny specific parts of the request as detailed in this report, they must be specified.

Based on the facts outlined in staff's report and the public testimony as presented at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby *approves* Case No.s **13-01-AN, 13-01-DA and 13-01-S** – an annexation, development agreement and preliminary plat request from TFI LP (Tom Nicholson), with the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - a. The City Engineer shall approve the sewer hook-ups.
 - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
 - d. The Boise-Kuna Irrigation District shall approval any modifications to the existing irrigation system.
 - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of a building permit.

2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
 - 2.1 – Dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
 - 2.2 - The following streets need rights-of-way to be dedicated at 51'; East Ontem, East Folgado, East Jackpot and North Olivine.
 - 2.3 The following streets need rights-of-way to be dedicated at 61'; East Ensolorado, North Sailer and North Merlin Avenue.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
4. A sewer study shall be conducted for this site, with consideration to the other TFI, LP properties in the area.
5. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
6. Lighting within the site shall comply with Kuna City Code.
7. Parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
8. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise).
9. Signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).
10. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
11. At time of development, the applicant shall comply with the designated Comprehensive Plan, use or submit for a Comprehensive Plan Map amendment.
12. Submit a petition before final platting to the City consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City.
13. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through public hearing processes.
14. Applicant shall follow the Highway Overlay District standards within Kuna City Code (KCC 5-2A-1).
 - 14.1 - A frontage road shall be placed at least 660' from the centerline of SH 69. See KCC5-2A-5-E. This requires the proposed North Merlin Avenue to be moved westward.
 - 14.2 This requires a thirty-foot (30') commercial landscape buffer and a ten-foot (10') sidewalk adjacent the SH 69 frontage, among other requirements listed in KCC 5-2A – 1 thru 8.
15. Applicant shall follow the zoning (KCC Title 5) and subdivision (KCC Title 6) regulations as listed in City code.
16. The applicant's preliminary plat (date stamped 2.26.2013) and landscape and lighting plan, (date stamped 2.26.2013) shall be considered binding site plans, or as modified by Council.
17. All stub streets shall follow City and KFD standards for maximum street lengths without an approved turn-around (150' Max).
18. Applicant shall remove the proposed RIRO on East Kuna Road (south west part of the site). Allow the entrance from SH 69 on the curve. East Ensolorado & North Sailer Avenue and the SH 69 curve shall be full accesses, for a total of three (3) accesses from SH 69.
19. This development will be subject to landscaping and building design reviews, among other land use applications as applicable, at time of development.
20. Applicant shall indicate their intentions for either, piping and/or re-routing and using the Teed Lateral as an amenity, and show the new location of the lateral if being re-routed.

21. Applicant shall add a trail to at least one side of the Teed Lateral through the site if it is not piped / titled, in conformance with the approved trails map, and City code (KCC 5-17-14).
22. Applicant shall follow staff, City engineers and other agency recommended requirements as applicable.
23. Developer shall comply with all local, state and federal laws.

DATED this _____ day of September, 2013.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST

Troy Behunin, Senior Planner
Kuna Planning and Zoning Department



City of Kuna

Reconsideration - Staff Report

P.O. Box 13
Kuna, ID 83634
Phone: (208) 922-5274
Fax: (208) 922-5989
Kunacity.Id.gov

To: Planning and Zoning Commission; acting as P&Z and Design Review Committee

Case Numbers: 13-07-SUP (Special Use Permit) Kuna Event Center
13-03-DR (Design Review)

Location: 321 W. 4th Street
Kuna, Idaho 83634

Planner: Troy Behunin, Senior Planner

Meeting Date: September 10, 2013

Applicants: Enrique Contreras & Ana Paz
1922 W. Ardell Road
Kuna, ID 83634
(208) 922.5169

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- A. Course Proceedings
- B. General Facts, Staff Analysis
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- D. Comprehensive Plan Analysis
- E. Proposed Findings of Fact
- F. Proposed Conclusions of Law
- G. Proposed Decision by the Commission

A. Course of Proceedings

1. Proposing a Banquet Facility (event center), as described in Kuna City Code 5-3-2 and 5-1-6-2 (Banquet Facility; Definitions) KCC is a permitted use in the Central business District (CBD). Proposing an establishment which serves alcoholic (including hard liquor) beverages in the CBD requires obtaining a Special Use Permit (SUP). A Banquet Facility is defined as: *An establishment, which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations.*
 - A. Kitchen facilities for the preparation or catering of food;
 - B. The sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and
 - C. Outdoor gardens or reception facilities
 - a. **Notifications**

i. Agencies	June 14, 2013
ii. 300' Property Owners	July 16, 2013
iii. Kuna, Melba Newspaper	July 24, 2013
iv. Site Posted	July 31, 2013
v. Re-Posted	August 28, 2013
2. In accordance with KCC Title 5, Chapters 1 and 3, this application seeks SUP approval for a banquet facility to hold public and private gatherings which may include consumption of food (prepared offsite), alcoholic and hard liquor beverages. All alcoholic beverages being served in the Central Business District requires acquisition of a Special Use Permit.

B. General Project Facts, Staff Analysis:

1. **New Request:** The applicant requests reconsideration of the commission’s decision requiring the connection to, and installation of off-site pressurized irrigation lines as the request for an SUP does not match the cost of these public improvements. Applicant also would like to modify the application to include consumption of liquor on site as a state license has now become available for this location.

Original request: The applicant is seeking SUP approval for a banquet facility (which may serve foods and limited alcoholic beverages) at 321 W. 4th street, here in Kuna. The site is within 300 feet of a church. According to Title 23, Chapters 10 (11B) and 13 (07A) of Idaho State code, the approval of the governing body of the municipality to reduce the distance between the two uses is required. The applicant is also requesting Design Review for a change in color to the exterior of their building.

2. The applicants have submitted all necessary documents and materials for review and have held the appropriate neighborhood meeting and posted the site in accordance with KCC posting requirements. The applicant is proposing to open a banquet facility (events center) for people to rent out for celebrations, gatherings, meetings, weddings, Christmas parties and other private/public events.

3. **History:** The building is currently unoccupied and was used as a day-care facility and a church in the past.

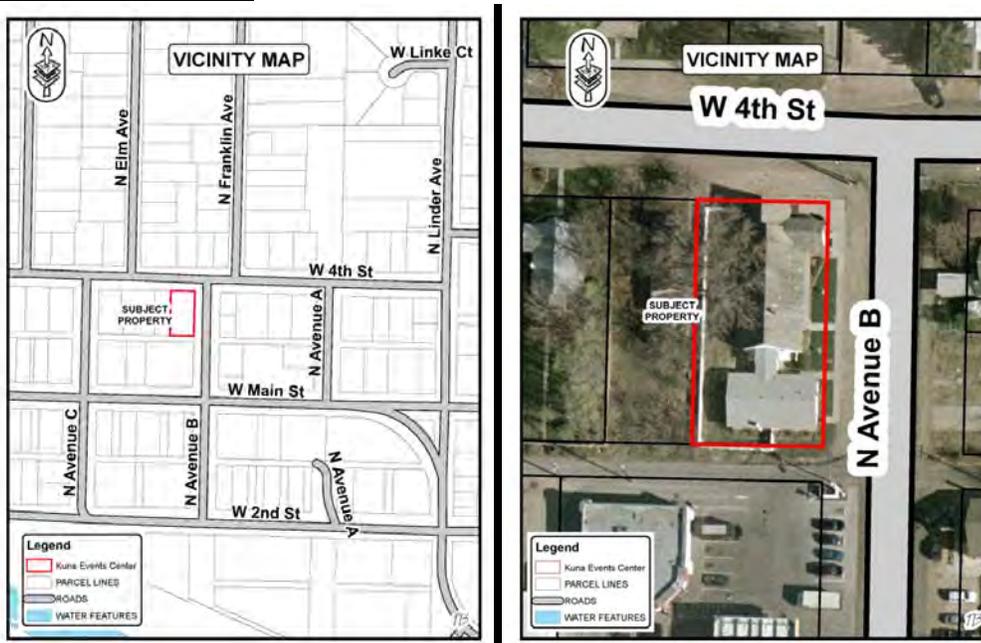
4. **Legal Description:** See (Exhibit A2c) Affidavit of Legal Interest.

5. **Comprehensive Plan Designation:** The Future Land Use map (FLU) approved by City Council, indicates the site as Central Business District (CBD). In accordance with KCC 5-3-2, staff views this banquet facility request to be consistent with the FLU map as the applicant has applied for a SUP.

6. **Land Use:**

Direction	Current Zoning	
North	R-6, CBD	Medium Residential Density & Central Business District – Kuna City
South	CBD	Central Business District – Kuna City
East	CBD	Central Business District – Kuna City
West	CBD	Central Business District – Kuna City

6.1 **Vicinity and Aerial Maps:**



6.2 Parcel Number: APN: R5070000880

6.3 Parcel Sizes and Current Zoning: (CBD) .24 acre parcel and (approximately 10,454 square feet)

6.4 Services:

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

6.5 Existing Structures, Vegetation and Natural Features: It currently has a commercial building on site which has been used as a day care facility and a church in the past. The site has sidewalks along West 4th Street, and North Avenue B. The site has Street frontage to the north, and to the east.

6.6 Transportation / Connectivity: Access to the site is from West 4th Street, and North Avenue B.

6.7 Public Services, Utilities and Facilities: The City Engineer has reviewed the SUP application and provided comments in (Exhibit B2). Central District Health Department had no objections to this proposal as noted in (Exhibit B3). The Kuna Rural Fire District has reviewed the SUP application and provided comments in (Exhibit B6). Department of Environmental Quality submitted a template letter shown as (Exhibit B5). Notifications to government agencies were sent out for this land use action and the public is invited to attend.

C. Applicable Standards:

1. City of Kuna Zoning Ordinance No. 230.
2. City of Kuna Design Review Ordinance, 2011-08.
3. City of Kuna Landscape Ordinance No. 2006-100.
4. City of Kuna Comprehensive Plan.
5. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

D. Comprehensive Plan Analysis:

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

1. The proposed Special Use Permit for the site is consistent with the following Comprehensive Plan components:

GOALS AND POLICIES – *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 1: As part of a land use action review, the staff shall evaluate with guidance from the City's attorney; The Idaho Attorney General's six criterion established to determine the potential for property taking.

GOALS AND POLICIES – *Economic Development*

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

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

GOALS AND POLICIES – 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 2.3: 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.

E. Proposed Findings of Fact:

1. All required procedural items have been completed as shown in the staff report.
2. The proposed commercial use complies with Section 6.0 of Kuna’s Comprehensive Plan.
3. Public services exist and are adequate to accommodate this site’s development.
4. The proposed commercial use does not appear it will be detrimental to the public’s health, safety and general welfare.
5. The site is zoned CBD and intended for use as a banquet facility, a permitted use in the CBD.
6. This site is zoned CBD and requires a SUP for all alcoholic beverages to be sold and consumed.
7. This site is within 300 feet of a church and as stated in Title 23, Chapters 9 (13), 10 (11B) and 13 (07A) of Idaho State code, the approval of the governing body of the municipality to reduce the distance between the two uses is required.
8. A shortfall for off-site parking spaces exists, however arrangements have been made with surrounding land owners to compensate for its parking needs.
9. The project description, staff analysis and findings of fact are correct.

F. Proposed Conclusions of Law:

1. The proposed banquet facility use is consistent with Kuna City Code.
2. The proposed banquet facility use meets the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for a banquet facility.
4. The proposed banquet facility use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The proposed banquet facility use is not likely to cause adverse public health problems.
6. The proposed banquet facility use is in compliance with all other ordinances and laws of the City.
7. The proposed banquet facility use is not 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, 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 banquet facility purposes.
9. Based on the evidence contained in Case #13-07-SUP, this proposal complies with KCC Sections 5-3-2 and 5-1-6-2.
10. Based on the evidence contained in Case #13-07-SUP, this proposal complies with Section 6.0 of the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map.
11. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve or deny this SUP application.
12. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

G. Proposed Decision by the Commission:

Note: This proposed motion is for approval or denial of this request. However, if the Planning and Zoning Commission wishes to approve or deny specific parts of the requests as detailed in the report, those changes must be specified.

Based on the facts outlined in staff's report and public testimony as presented (if any), the Planning and Zoning Commission of Kuna, Idaho, hereby (approves or denies) Case No.s 13-07-SUP, and 13-03-DR, a Special Use Permit and Design Review request by Enrique Contreras and Ana Paz, (with or without) the following conditions of approval:

Recommended Conditions of Approval:

1. The applicant shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approved 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 Fire District shall approve all fire flow requirements and/or building plans.
 - b.) Approval from Ada County Highway District / Impact Fees, if any shall be paid prior to building permit approval.
2. Parking within the site shall comply with Kuna City Code (except as specifically approved otherwise).
3. Maintain a good working relationship with surrounding land owners to accommodate the shortfall in parking spaces for the site.
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, as outlined in the Engineers memorandum dated April 4, 2013.
5. In the event the uses or the building on this parcel are enlarged, expanded or altered in anyway (even for a temporary purpose), the applicant shall seek an amendment to the approvals of this SUP.
6. The applicant shall obtain a beer and wine license from the state and the City of Kuna in accordance with state and local laws.
7. Signage for the site shall comply with current Kuna City Code.
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, this SUP may be revoked by the Planning and Zoning Commission.
9. The applicant shall follow all agency and staff recommendations.
10. The applicant shall comply with all Federal, State and Local Laws.
11. Applicant will not be required to connect to the City's pressurized Irrigation System until further development or re-development occurs.
12. The consumption of Liquor on site shall be allowed after acquiring a state license for such.

13-07-SUP.



City of Kuna
 Planning & Zoning
 Department
 P.O. Box 13
 Kuna, Idaho 83634
 208.922.5274
 Fax: 208.922.5989
 Website: www.cityofkuna.com

Special Use Checklist

Special Use requires a public hearing with the Planning & Zoning Commission. A public hearing sign will be required to be posted by the applicant for the meeting. Sign posting regulations are available online.

Project name: CONTRERAS EVENT CENTER **Applicant:** ENRIQUE BANA CONTRERAS

All applications are required to contain one copy of the following:

*
*

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	✓
✓	Detailed submittal letter explaining how the project enhances and beautifies the community and types of services the project will provide.	✓
✓	<u>Legal description of the property:</u> Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description.	✓
✓	Proof of ownership—A copy of your deed and Affidavit of Legal Interest (for all interested parties).	
	8 1/2 x 11 vicinity map showing streets, driveways, property lines, etc.	
N/A	Landscape plan drawn to scale as the same size as the site development plan with the following details: ◇ Type, size and location of all existing & proposed plant materials and other ground covers. The size of plants at planting and maturity should be included. ◇ Existing vegetation labeled to remain or to be removed with landscaping on adjacent properties by area (s) to be considered. ◇ Method of irrigation. ◇ Cross-sections through areas of special features, berms, retaining walls, etc. ◇ Footprints of all structures to be constructed.	—
N/A	Site development plan on 24x36 to scale (not smaller than 1=30 unless otherwise approved) with the following information: ◇ Building locations—existing and proposed with spare-footages. ◇ Fences—existing, surrounding and proposed. ◇ Off-street parking, circulation and driveway locations and types. ◇ Location and size of adjacent streets and driveways. ◇ North arrow and property lines. ◇ Drawings of major exterior elevations. ◇ Building materials and color scheme. ◇ Existing grades and proposed new grades. ◇ Existing lighting and proposed lighting.	—
✓	Commitment of Property Posting form signed by the applicant/agent.	✓
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	✓

Note: Only one copy of the above items need to be submitted when applying for multiple applications.

This application shall not be considered complete (nor will a Public Hearing be set) until staff has received all required information. Once the application is deemed complete, staff will notify the applicant of the scheduled hearing date, fees due, additional copies needed, etc.





City of Kuna
 Planning & Zoning
 Department
 P.O. Box 13
 Kuna, Idaho 83634
 208.922.5274
 Fax: 208.922.5989
 Website: www.cityofkuna.com

Commission & Council Review Application

Note: Engineering fees shall be paid by the applicant if required.

*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	13-07-SUP
Project name	KUNA EVENT CTR.
Date Received	6.3.13
Date Accepted/Complete	6.12.13
Cross Reference Files	-
Commission Hearing Date	8.13.13
City Council Hearing Date	

Type of Review (check all that apply):

- Annexation
- Appeal
- Comprehensive Plan Amendment
- Design Review
- Development Agreement
- Final Planned Unit Development
- Final Plat
- Lot Line Adjustment
- Lot Split
- Planned Unit Development
- Preliminary Plat
- Rezone
- Special Use
- Temporary Business
- Vacation
- Variance

Contact/Applicant Information

Owners of Record: <u>ANA PAZ & E CONRERAS</u>	Phone Number: <u>922.5169</u>
Address: <u>482 WEST MAIN</u>	E-Mail: <u>INFO@ELGALLOGIROKUNA.COM</u>
City, State, Zip: <u>KUNA</u>	Fax #: _____
Applicant (Developer): <u>SAME</u>	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: <u>DAVID SZPLETT</u>	Phone Number: <u>863.4153</u>
Address: <u>970 ASHWOOD COURT</u>	E-Mail: <u>DAVID.SZPLETT@YAHOO.COM</u>
City, State, Zip: <u>KUNA ID 83634</u>	Fax #: _____

Subject Property Information

Site Address: <u>321 WEST 4TH STREET</u>	
Site Location (Cross Streets): <u>@ AVENUE B</u>	
Parcel Number (s): <u>R 5070000880 T2N R1W</u>	
Section, Township, Range: <u>SEC 23,</u>	
Property size: <u>0.24 ACRES</u>	
Current land use: <u>DAYCARE</u>	Proposed land use: <u>EVENT CENTER</u>
Current zoning district: <u>CBD</u>	Proposed zoning district: <u>CBD</u>

Project Description

Project / subdivision name: _____
 General description of proposed project / request: _____

 Type of use proposed (check all that apply):
 Residential _____
 Commercial EVENTS CENTER
 Office _____
 Industrial _____
 Other _____

 Amenities provided with this development (if applicable): _____

Residential Project Summary (if applicable)

Are there existing buildings? Yes No
 Please describe the existing buildings: _____
 Any existing buildings to remain? Yes No
 Number of residential units: _____ Number of building lots: _____
 Number of common and/or other lots: _____
 Type of dwellings proposed:
 Single-Family _____
 Townhouses _____
 Duplexes _____
 Multi-Family _____
 Other _____
 Minimum Square footage of structure (s): _____
 Gross density (DU/acre-total property): _____ Net density (DU/acre-excluding roads): _____
 Percentage of open space provided: _____ Acreage of open space: _____
 Type of open space provided (i.e. landscaping, public, common, etc.): _____

Non-Residential Project Summary (if applicable)

Number of building lots: _____ Other lots: _____
 Gross floor area square footage: _____ Existing (if applicable): _____
 Hours of operation (days & hours): _____ Building height: _____
 Total number of employees: _____ Max. number of employees at one time: _____
 Number and ages of students/children: _____ Seating capacity: _____
 Fencing type, size & location (proposed or existing to remain): _____
 Proposed Parking: a. Handicapped spaces: _____ Dimensions: _____
 b. Total Parking spaces: _____ Dimensions: _____
 c. Width of driveway aisle: _____
 Proposed Lighting: _____
 Proposed Landscaping (berms, buffers, entrances, parking areas, common areas, etc.): _____

Applicant's Signature: [Signature] Date: 5-24-13

Enrique F. Contreras
Ana M. Paz
1922 W. Ardell Rd.
Kuna, ID 83634

May 28th, 2013

To whom it may concern,

Our intent for this building is to turn it into an event center where people can gather to have Meetings, Weddings, Birthday Parties, Christmas Parties, Employee Parties, Corporate Parties, Chamber Luncheons, Christmas Bazaars, Auctions and any other community events.

Our Event Center will provide full service catering provided by El Gallo Giro Mexican Restaurant and Bar service along with beer and wine.

Our purpose of the center is to add another place for people to gather and come together and have a good time with no worries.

Using this building for this intent will enhance and beautify this part of the downtown.


Enrique F. Contreras



VICINITY MAP

W Linke Ct

N Elm Ave

N Franklin Ave

N Linder Ave

W 4th St

SUBJECT
PROPERTY

N Avenue A

W Main St

N Avenue C

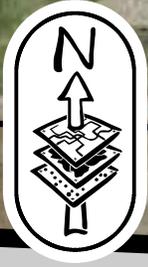
N Avenue B

W 2nd St

N Avenue A

Legend

-  Kuna Events Center
-  PARCEL LINES
-  ROADS
-  WATER FEATURES



VICINITY MAP

W 4th St

**SUBJECT
PROPERTY**

N Avenue B

Legend

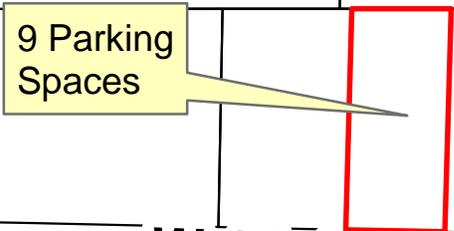
-  Kuna Events Center
-  PARCEL LINES
-  ROADS
-  WATER FEATURES



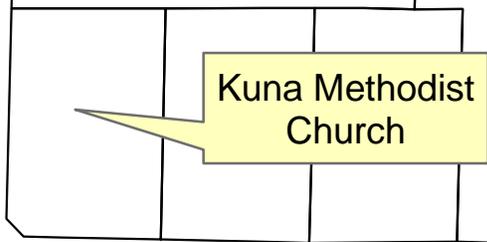
VICINITY MAP

N Elm Ave

N Franklin Ave

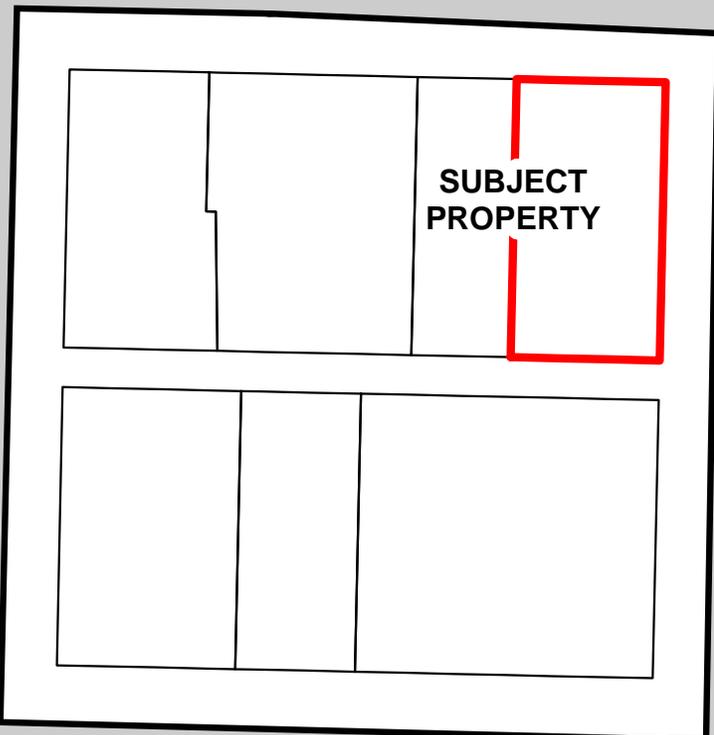


9 Parking Spaces

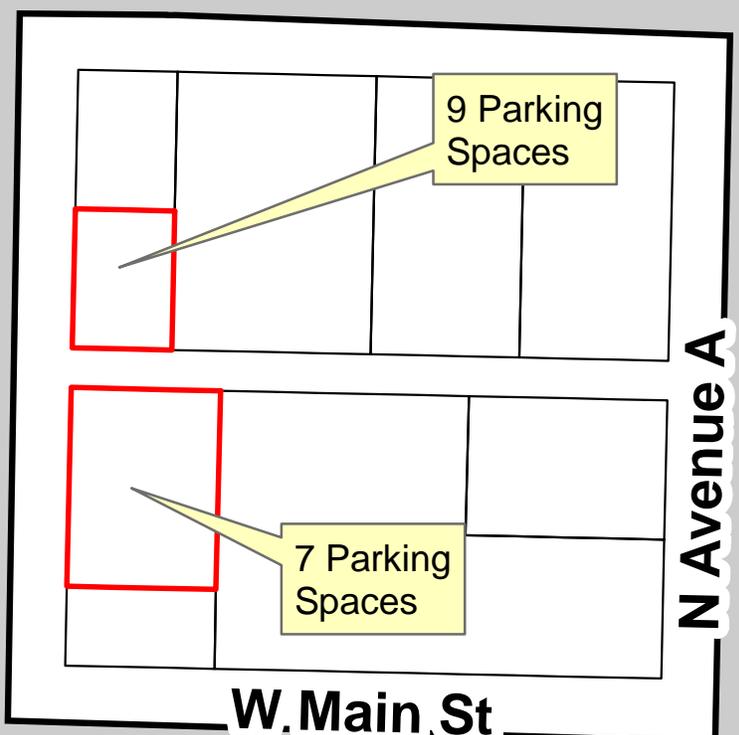


Kuna Methodist Church

W 4th St



SUBJECT PROPERTY



9 Parking Spaces

7 Parking Spaces

N Avenue A

W Main St

Legend

-  Parking Spaces
-  PARCEL LINES
-  ROADS

N Avenue B



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.cityofkuna.com

GORDON N. LAW
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731
Email: gordon@cityofkuna.com

MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law
Kuna City Engineer

RE: Kuna Event Center
Special Use Permit
13-07-SUP

DATE: June 26, 2013

The City Engineer has reviewed the Special Use Permit request of the above applicant dated June 14, 2013. It is noted that this proposal will rely on an existing building and not create an additional buildable lot. Comments are provided to address proposed conditions to apply to the approval of the applicant's request and to subsequent tenant improvements. It is to be assumed that all conditions are to be met at building permit issuance or before occupancy. Accordingly, the City Engineer provides the following comments:

1. Sanitary Sewer System

- a) The existing structure is already connected to the City sewer system. **The new use is subject to connection fees for any increase in connected load as computed from peak occupant load as building permits are obtained less any previously purchased EDUs.**
- b) The property lies within the Ten Mile Lift Station sewer shed which is served by the South Wastewater Treatment Plant. The developer has proposed continuing the connection already in place - which is agreeable to the City Engineer. Specific recommendations of note are as follows:
 - 1) It is recommended this application be conditioned to require connection to the City sewer system for all sanitary sewer needs.
 - 2) For any connected load, it is recommended this application be conditioned to conform to the sewer master plan. In this instance, no frontage or trunk lines need to be constructed.
- c) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer at 287-1727.
- d) The current sewer treatment connection fee is \$4,326 and sewer interceptor fee is \$829 per equivalent dwelling unit (Resolution R25-2008). The number of equivalent dwelling units will be determined at the time of building permit application, at which time connection fees will be due and payable.

2. Potable Water System

- a) The existing structure is already connected to the City water system. **The new use is subject to connection fees for any increase in connected load as computed from peak occupant load as building permits are obtained less any previously purchased EDUs .**
- b) Water supply capacity is available for this site upon payment of appropriate fees. Specific recommendations of note are as follows:
 - 1) It is recommended this application be conditioned to require connection to the City water system for all potable water needs.
 - 2) For any connected load, it is recommended this application be conditioned to conform to the water master plan. In this instance, no frontage or trunk lines need to be constructed.
- c) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- d) The current water connection fee is \$1,085 for supply per equivalent dwelling unit and \$1,173 for trunk mains per equivalent dwelling unit. Fees for any new or additional meter and service are also applicable but are dependent on the size of the meter. The number of equivalent dwelling units will be determined at the time of building permit application, at which time the connection fees will be due and payable.
- e) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer.
- f) Please verify there is adequate separation between potable water service lines and all non-potable water lines (storm drains, sewer services, etc.).

3. Pressure Irrigation

- a) The existing landscaping is irrigated from the potable water system but pressure irrigation is available within a reasonable distance (100-150 feet) from the 4-inch pressure irrigation main at the corner of Elm and 4th Street. In order to preserve drinking water supplies for potable use, city policies encourage that potable water not be used for irrigation purposes. **It is recommended the applicant is conditioned to connect this site to the Municipal Irrigation System.**
- b) For any connected load, it is recommended this application be conditioned to conform to the pressure irrigation master plan and local network plans. **The master plan does not require the installation of any master plan lines in the vicinity of the project but the City has started extension of an 8-inch main in the block of 4th Street just west of this location and the City Engineer would recommend that the applicant construct an 8-inch main from the corner of 4th and Elm in 4th Street to the extent necessary to reach the frontage of the applicant's property and consistent with local network plans.**
- c) The current Pressure Irrigation connection fee is \$900 for supply and \$620 for mains per each equivalent dwelling unit. The number of equivalent dwelling units will be determined at the time of building permit application based on landscaped area, at which time connection fees will be due and payable. **The property is subject to connection fees for its connected load.**
- d) As a condition related to Items 3(a) and 3(c), approval of the development shall constitute an automatic petition for inclusion in the municipal irrigation system and agreement to the pooling of water rights for billing purposes.
- e) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer.

4. Grading, Gravity Irrigation Storm Drainage

The following items are listed but nothing in the application suggested any potential issues or needed submittals:

- a) Runoff from public right-of-way is regulated by ACHD. Plans are required to conform to ACHD standards.
- b) Design of the storm water disposal system for the private property portion of the development, if applicable, is subject to the review of the City Engineer and any affected drainage entity. Exclusive of public right-of-way, any increase in quantity or rate of runoff or decrease in quality of runoff compared to historical conditions must be detained, treated and released at rates no greater than historical amounts. In the alternative, offsite disposal of storm water in excess of historical rates or conditions or disposal at locations different than provided historically, approval of the operating entity is required.
- c) The city is now requiring with every new development, a documentation map that illustrates the surface and sub-surface water irrigation supply as well as drainage ways that exist in the proposed development. The map must include a layout and essential features of existing irrigation ditches, drainage ditches and pipelines within the proposed development. Open and piped facilities should be noted.
- d) The map should include any proposed changes to the systems.

5. General

The following items are listed but nothing in the application suggested any potential issues or needed submittals:

- a) A plan approval letter will be required if this project affects any local irrigation districts.
- b) The City reserves the right of prior approval to all agreements involving the applicant (or its successors) and the irrigation or drainage district related to the property of this application. In particular the city would be concerned about the abandonment of surface water or drainage rights without city approval.
- c) Verify that existing and proposed elevations match sufficiently at property boundaries to not impose a slope burden on adjacent properties.
- d) State the vertical datum used for elevations on all plans.
- e) Provide engineering certification on all final engineering drawings.

6. Public Works Inspection Fees

An inspection fee will be required for any **public** water, sewer and irrigation construction work associated with this development. The developer will still require a qualified responsible engineer to do sufficient inspection to justly certify to the City of Kuna the project was completed in accordance with approved plans and specifications and to provide accurate as-built drawings to the City. The developer's engineer and the City's inspector are permitted to coordinate inspections as much as possible. The current inspection fee is \$1.00 per lineal foot of sewer, water and pressure irrigation main and payment is due and payable prior to City's scheduling of a pre-construction conference. It is noted that plans for public facility construction are not prepared at this point and the exact length is unknown.

7. Right-of-Way

Sufficient full and half right-of-way on section and quarter lines for arterial and collector streets shall be provided and developed pursuant to City and ACHD standards. In this instance, the site fronts on one classified street (4th Street) and sufficient right-of-way is already dedicated.

- a) Approaches are already established.
- b) Sidewalks have previously been provided.
- c) Curb and Gutter has previously been provided.

8. As-Built Drawings

As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the developer's engineer. The city may help track changes, but will not be responsible for the finished product. As-built drawings will be required before occupancy is granted.

9. Property Description

- a) A description was provided by the applicant.



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street•Boise, ID 83706-2239•(208) 373-0550

DEQ Response to Request for Environmental Comment

Date: 6/25/2013
Agency Requesting Comments: Kuna Planning and Zoning
Date Request Received: 6/19/2013
Applicant/Description: 13-07-SUP Kuna Event Center

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. Air Quality

- *Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).*

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- *IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.*

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. Wastewater and Recycled Water

- *DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.*

All projects for construction or modification of wastewater systems require

preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

- *DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.*
- *DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.

3. Drinking Water

- *DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.*
- *IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.*

All projects for construction or modification of public drinking water systems require preconstruction approval.

- *DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.*
- *If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.*
- *DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.*
- *DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.*

For questions, contact Todd Crutcher, Engineering Manager at 373-0550.

4. Surface Water

- *A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.*
- *Please contact DEQ to determine whether this project will require a National Pollution*

Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.

- *If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.*
- *The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at: <http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>*
- *The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.*

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

5. Hazardous Waste And Ground Water Contamination

- ***Hazardous Waste.*** *The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.*
- *No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.*
- ***Water Quality Standards.*** *Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).*

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- ***Ground Water Contamination.*** *DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water*

quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method.”

For questions, contact Aaron Scheff, Waste & Remediation Manager, at 373-0550.

6. Additional Notes

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any our technical staff at 208-373-0550.

Sincerely,

Danielle Robbins

Danielle Robbins
danielle.robbins@deq.idaho.gov
Boise Regional Office
Idaho Department of Environmental Quality

C: File # 1890

RECEIVED

JUL 16 2013

CITY OF KUNA

Kuna Rural Fire District



From the Desk of
Jon Tillman
Asst. Fire Chief

Ph. 922-1144
Fax 922-1135
P.O. Box 607
Kuna, ID. 83634

TO: Troy Behunin

DATE: July 16, 2013

RE: 13-07-sup, Kuna event center

The Kuna Rural Fire District has the following comments on the proposed project.

- Proposed building will be sprinkled throughout with plans to be submitted to the I.S.F.M.'s office.
- Building will be equipped with emergency lighting including exit signs.
- Fire extinguishers will be installed as per I.F.C. 2009.
- A Knox Box will be installed at main entrance with final mounting location to be approved by the Fire Chief or his designee.

Please feel free to call me at the Fire District office should you have any questions or concerns.

Sincerely,


Jon Tillman
Assistant Fire Chief





CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Kuna
Meridian
Star

Rezone #

Conditional Use # 13-07-SUP

Preliminary / Final / Short Plat Kuna Event Center

Sect. 25

- 1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
high seasonal ground water
waste flow characteristics
bedrock from original grade
other
6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approval from appropriate entities are submitted, we can approve this proposal for:
central sewage
community sewage system
community water well
interim sewage
central water
individual sewage
individual water
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
central sewage
community sewage system
community water
sewage dry lines
central water
10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
food establishment
swimming pools or spas
child care center
beverage establishment
grocery store
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.
14. Reviewed By: [Signature]

Date: 6/20/13

RECEIVED

CITY CLERK

Review Sheet



Kuna United Methodist Church
4th and Franklin
PO Box 17
Kuna ID 83634
208-922-4745
www.kunaumc.org

April 23, 2013

To Whom It May Concern:

I have reviewed the concept for the proposed event center in the former daycare center at 321 West 4th Street and shared this information with the Leadership Team at Living Hope~Kuna United Methodist Church. The Leadership Team members and I understand that the events center will provide rental space for weddings, parties, and other community events, and will operate only for these special events. We also understand that a beer and wine permit is part of the application.

After discussing this at our November 4, 2012 meeting, neither the Kuna United Methodist Church Leadership Team (representing the congregation) nor I have any objections to this project as outlined above.

Respectfully,

Rev. Karen Hernandez
Pastor

April 23, 2013

Ana Paz and Enrique Contreras
El Gallo Giro, Kuna
432 West main Street
Kuna, ID 83634

I have reviewed the concept for the proposed events center in the former daycare center at 321 West 4th Street. I understand that the new events center will provide rental space for weddings, parties and other community events, and will operate only for these special events. I understand that a beer and wine permit is part of the application. The Hill Photography Studio does not object to this project as outlined above.

In additional, the Hill Photography Studio does not operate on weekends and evenings. The seven parking spaces for my photography business are available for parking for your planned events center.

A handwritten signature in black ink, appearing to read 'Jason Murphy', with a long horizontal flourish extending to the right.

Jason Murphy
Hill Photography Studio
340 North Avenue B
Kuna, ID 83634

April 23, 2013

City of Kuna
Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

We are the owners of the two properties at 366 North Avenue B and at 281 West 4th Street in Kuna. The Avenue B property has a commercial use. The 4th Street property is a residential rental unit.

Our food truck business does not operate on weekends and evenings. The rental unit has a surplus of parking area. The nine (9) parking spaces for our property are available for parking for the planned events center at 321 West 4th Street.

A handwritten signature in black ink, appearing to read 'Ana Paz and Enrique Contreras', written over a circular stamp or seal.

Ana Paz and Enrique Contreras
El Gallo Giro, Kuna
432 West main Street
Kuna, ID 83634

City of Kuna
P.O. Box 13
Kuna, ID 83834

Re: Parking for Available for the Paz and Contreras Events Center

This is additional parking information for the Paz and Contreras application for the proposed Kuna Events Center at 321 West 4th Street. The standard parking requirement is for 22 off-street parking spaces. The applicant has a total of 34 parking spaces, a total of 24 spaces in an off-street location.

The available parking inventory is:

- 9 spaces in the applicant owned (paved) lot on the north side of 4th Street and adjacent to the subject property.
- 7 parking spaces in the applicant owned (paved) lot on the east side of Avenue B and adjacent to the subject property.
- 8 parking spaces at the Hill Photography site (agreement letter attached) on the east side of Avenue B and adjacent to the subject property.
- 10 on-street parking spaces on 4th Street and Avenue B adjacent to the subject property.



David Szplett (for the applicant)
970 West Ashwood Court
Kuna, ID 83634.2245



City of Kuna Design Review Application

P.O. Box 13
Kuna, Idaho 83634
(208) 922.5274
Fax: (208) 922.5989
Website: www.cityofkuna.com

FILE NO.: 13-03-DR
 CROSS REF. 13-07-Sup.
 FILES: KUNA EVENT CENTER - ENRIQUE CONTRERAS

The City of Kuna has adopted a Design Review process whose purpose is to make Kuna a pleasant and comfortable place to live and work. This Design Review process is based on standards and guidelines found in the Design Review Ordinance No. 2007-02 and the Architecture and Site Design Booklet. Both of these documents can be found online (www.cityofkuna.com) or are picked up in the City's Planning and zoning department is located at 763 W Avalon, Kuna ID. Staff is glad to assist you with your application form.

The Design Review application applies to the following land use actions:

- ▶ Multi- family dwellings (3 or more)
- ▶ Commercial
- ▶ Industrial
- ▶ Institutional
- ▶ Office
- ▶ Common Area
- ▶ Subdivision Signage
- ▶ Proposed Conversions
- ▶ Proposed changes in land use and/or building use or exterior remodeling
- ▶ Exterior restoration, and enlargement or expansion of existing buildings, signs or sites.

Application Submittal Requirements

Applicant Use		Staff Use
<input type="checkbox"/>	Date of pre- application meeting : <u>Apr. 19, 2013</u> <i>Note: Pre-Applications are valid for a period of three (3) months.</i>	<input type="checkbox"/>
<input type="checkbox"/>	A complete Design Review Application form <i>Note: It is the applicant's responsibility to use a current application.</i>	<input type="checkbox"/>
<input type="checkbox"/>	Detailed letter of explanation or justification for the application, describing the project and design elements, and how the project complies with Design Review standards.	<input type="checkbox"/>
<input type="checkbox"/>	One (1) Vicinity Map (8 ½" x 11") at 1" = 300' scale (or similar), label the location of the property and adjacent streets.	<input type="checkbox"/>
<input type="checkbox"/>	One 8 ½" x 11" colored aerial photo depicting proposed site, street names, and surrounding area within five-hundred feet (500').	<input type="checkbox"/>
<input type="checkbox"/>	Copy of Deed; and, if the applicant is not the owner, an original notarized statement (affidavit of legal interest) from the owner (and all interested parties) stating the applicant is authorized to submit this application.	<input type="checkbox"/>



Detailed site, landscape, drainage plan, elevation and to scale. *(No smaller than 1"=30', unless otherwise approved.)*
One of each plan (site, landscape, drainage plan and elevations) is required to be submitted in the following plan sizes:

- (1) 24" X 36" TO SCALE COPIES
- (1) 11" X 17" REDUCTIONS
- (1) 8 1/2" X 11" REDUCTIONS

attached

Provide a color rendering and material sample board specifically noting where each color and material is to be located on the structure.
Note: Provide photo of the colored rendering and material samples board to City Staff electronically in a JPG or PDF format.

The Applicant is obligated to provide a site plan that graphically portrays the site and includes the following features:

Site Plan

Applicant Use		Staff Use
<input type="checkbox"/>	North Arrow	<input type="checkbox"/>
<input type="checkbox"/>	To scale drawings	<input type="checkbox"/>
<input type="checkbox"/>	Property lines	<input type="checkbox"/>
<input type="checkbox"/>	Name of "Plan Preparer" with contact information	<input type="checkbox"/>
<input type="checkbox"/>	Name of project and date	<input type="checkbox"/>
<input type="checkbox"/>	Existing structures, identify those which are to be relocated or removed	<input type="checkbox"/>
<input type="checkbox"/>	On-site and adjoining streets, alleys, private drives and rights-of-way	<input type="checkbox"/>
<input type="checkbox"/>	Drainage location and method of on-site retention / detention	<input type="checkbox"/>
<input type="checkbox"/>	Location of public restrooms	<input type="checkbox"/>
<input type="checkbox"/>	Existing / proposed utility service and any above-ground utility structures and their location	<input type="checkbox"/>
<input type="checkbox"/>	Location and width of easements, canals and drainage ditches	<input type="checkbox"/>
<input type="checkbox"/>	Location and dimension of off-street parking	<input type="checkbox"/>
<input type="checkbox"/>	Locations and sizes of any loading area, docks, ramps and vehicle storage or service areas	<input type="checkbox"/>
<input type="checkbox"/>	Trash storage areas and exterior mechanical equipment, with proposed method of screening	<input type="checkbox"/>
<input type="checkbox"/>	Sign locations <i>(a separate sign application must be submitted with this application)</i>	<input type="checkbox"/>
<input type="checkbox"/>	On-site transportation circulation plan for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input type="checkbox"/>	Locations and uses of ALL open spaces	<input type="checkbox"/>
<input type="checkbox"/>	Locations, types and sizes of sound and visual buffers <i>(Note: all buffers must be located outside the public right-of-way)</i>	<input type="checkbox"/>
<input type="checkbox"/>	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input type="checkbox"/>
<input type="checkbox"/>	Locations of subdivision lines <i>(if applicable)</i>	<input type="checkbox"/>
<input type="checkbox"/>	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input type="checkbox"/>	Location of walls and fences and indication of their height and material of construction	<input type="checkbox"/>
<input type="checkbox"/>	Roofline and foundation plan of building, location on the site	<input type="checkbox"/>
<input type="checkbox"/>	Location and designations of all sidewalks	<input type="checkbox"/>
<input type="checkbox"/>	Location and designation of all rights-of-way and property lines	<input type="checkbox"/>

Landscape and Streetscape Plan

The landscape and streetscape plans need to be drawn by the project architect, professional landscape architect, landscape designer, or qualified nurseryman for development's possessing more than twelve thousand (12,000) square feet of private land. The landscaped and streetscape plans must be colored.

The Planning Director or City Forester may require the preparation of a landscape plan for smaller developments by one of the noted individuals if the lot(s) have unique attributes.

Applicant Use		Staff Use
<input type="checkbox"/>	North Arrow	<input type="checkbox"/>
<input type="checkbox"/>	To scale drawings	<input type="checkbox"/>
<input type="checkbox"/>	Boundaries, property lines and dimensions	<input type="checkbox"/>
<input type="checkbox"/>	Name of "Plan Preparer" with contact information	<input type="checkbox"/>
<input type="checkbox"/>	Name of project and date	<input type="checkbox"/>
<input type="checkbox"/>	Type and location of all plant materials and other ground covers. <i>Please review the City's plant list and rely upon it to identify the site's planting strategy. Include botanical and common name, quantity, spacing and sizes of all proposed landscape materials at the time of planting, and at maturity. A list of acceptable trees is available upon request from City Planning Staff. If there are any questions, please contact the City Forester, Natalie Reeder, at 208.880.0953</i>	<input type="checkbox"/>
<input type="checkbox"/>	Existing vegetation identified by specific size. Identify those which are proposed to be relocated or removed.	<input type="checkbox"/>
<input type="checkbox"/>	Method of irrigation. <i>Note: All plant materials, except existing native plants not damaged during construction or xeriscape species shown not to require regular watering, shall be irrigated by underground sprinkler systems set on a timer in order to obtain proper watering duration and ease of maintenance.</i>	<input type="checkbox"/>
<input type="checkbox"/>	Location, description, materials, and cross-sections of special features, including berming, retaining walls, hedges, fences, fountains street/pathway furniture (benches, etc.), etc.	<input type="checkbox"/>
<input type="checkbox"/>	Sign locations <i>Note: A separate sign application must be submitted with this application</i>	<input type="checkbox"/>
<input type="checkbox"/>	Locations and uses for open spaces	<input type="checkbox"/>
<input type="checkbox"/>	Parking layout including spaces, driveways, curb cuts, circulation patterns, pedestrian walks and vision triangle	<input type="checkbox"/>
<input type="checkbox"/>	Illustration that demonstrates adequate sight distance is provided for motor vehicles, pedestrians and bicycles	<input type="checkbox"/>
<input type="checkbox"/>	Location and designations of all sidewalks	<input type="checkbox"/>
<input type="checkbox"/>	Engineered grading and drainage plans: A generalized drainage plan showing direction drainage with proposed on-site retention. Upon submission of building/construction plans for an approved design review application, a detailed site grading and drainage plan, prepared by a registered professional engineer (PE) shall be submitted to the City for review and approval by the City Engineer.	<input type="checkbox"/>

Building Elevations

Applicant
Use

Detailed elevation plans of each side of any proposed building(s) or additions(s)
Note: Four (4) elevations to include all sides of development and must be in color

Identify the elevations as to north, south, east, and west orientation

Colored copies of all proposed building materials and indication where each material and color application is to be located

Note: Submit as 11"x17" reductions

Screening/treatment of mechanical equipment

Provide a cross-section of the building showing any roof top mechanical units and their roof placement

Detailed elevation plans showing the materials to be used in construction of trash enclosures

Staff
Use

Lighting Plan

Applicant
Use

Exterior lighting including detained cut sheets and photometric plan (pedestrian, vehicle, security, decoration)

Types and wattage of all light fixtures

Note: The City encourages use of "dark sky" lighting fixtures

Placement of all light fixtures shown on elevations and landscaping plans

Staff
Use

Roof Plans

Applicant
Use

Size and location of all roof top mechanical units

Staff
Use

Design Review Application

Applicant: ANA PAZ + ENRIQUE CONTRERAS Phone: 922.5169

Owner

Representative

Fax/Email: _____

Applicant's Address: 482 WEST MAIN ST

KUNA ID

Zip: 83634

Owner: ANA PAZ + ENRIQUE CONTRERAS Phone: _____

Owner's Address: SAME Email: _____

Zip: _____

Represented By: (if different from above) DAVID SZPLETT Phone: 863.4153

Address: 970 ASHWOOD CT Email: DAVID.SZPLETT@YAHOO.COM

KUNA

Zip: 83634

Address of Property: 321 WEST 4TH ST

KUNA

Zip: 83634

Distance from Major Cross Street: 300 ft from MAIN ST Street Name(s): 4th ST

Please check the box that reflects the intent of the application

- BUILDING DESIGN REVIEW
 SUBDIVISION / COMMON AREA LANDSCAPE

- DESIGN REVIEW MODIFICATION
 STAFF LEVEL APPLICATION

This Design Review application is a request to construct, add or change the following: *(Briefly explain the nature of the request.)*

GROUND-MOUNTED MONUMENT SIGN - LIGHTER

PAINTED BUILDING SIGN - UNLIGHTER

1. Dimension of Property: 90' x 140'
 2. Current Land Use(s): DAY CARE CENTER
 3. What are the land uses of the adjoining properties?

North: RESIDENTIAL
 South: COMMERCIAL
 East: RESIDENTIAL & COMMERCIAL
 West: RESIDENTIAL } CBD ZONING

4. Is the project intended to be phased, if so what is the phasing time period? NONE
 Please explain: _____

5. The number and use(s) of all structures: 1 STRUCTURE FOR EVENTS CENTER

6. Building heights: 26' Number of stories: 1

The height and width relationship of new structures shall be compatible and consistent with the architectural character of the area and proposed use.

Note: The maximum building height for each zoning district is as follows:

L-O: 35'	C-2: 60'	CBD: 80'	M-2: 60'	P: 60'
C-1: 35'	C-3: 60'	M-1: 60'	M-3: 60'	

7. What is the percentage of building space on the lot when compared to the total lot area? 37%

8. Exterior building materials & colors: *(Note: This section must be completed in compliance with the City of Kuna Ordinance No. 2007-21A (as amended); found online at www.cityofkuna.com under the City Code.*

Roof: WOOD SHINGLE / BROWN/NATURAL

Walls: (State percentage of wall coverage fro each type of building material below for each frontage wall) If there is not adequate space to identify the various building materials and applications, please list them on the attached sheet of this application. Please attach photos to support application types.

BRICK LOWER, WOOD SIDING UPPER

- % of Wood application: 50% / _____
 % EIFS: _____ / _____
(Exterior Insulation Finish System)
 % Masonry: 50% / _____
 % Face Block: _____ / _____
 % Stucco: _____ / _____
 & other material(s): _____ / _____
 List all other materials: _____
 Windows/Doors: _____ / _____
(Type of window frames & styles / doors & styles, material)
 Soffits and fascia material: _____ / _____
 Trim, etc.: _____ / _____

Other: _____ / _____

9. Please identify Mechanical Units: INTERNAL ONLY - HEATING
Type/Height: EXTERNAL - AIR CONDITIONER
Proposed Screening Method: _____

10. Please identify trash enclosure: *(size, location, screening & construction materials)* _____
ENCLOSED FENCING

11. Are there any irrigation ditches/canals on or adjacent to the property?
If yes, what is the name of the irrigation or drainage provider?
ALLEY, NOT USED
KUNA CITY

12. Fencing: *(Please provide information about new fencing material as well as any exiting fencing material)*
NONE
Type: _____
Size: _____
Location: _____

(Please note that the City has height limitations of fencing material and requires a fence permit to be obtained prior to installation)

13. Proposed method of On-site Drainage Retention/Detention:
SURFACE

14. Percentage of Site Devoted to Building Coverage: 37%
% of Site Devoted to Landscaping: 63% Square Footage: 6500 ±
(Including landscaped rights-of-way)
% of Site that is Hard Surface: 37% Square Footage: 4000 ±
(Paving, driveways, walkways, etc.)
% of Site Devoted to other uses: _____
Describe: _____
% of landscaping within the parking lot (landscaped islands, etc.): NONE

15. For details, please provide dimensions of landscaped areas within public rights-of-way:

16. Are there any existing trees of 4" or greater in caliper on the property? *(Please provide the information on the site plans.)*
If yes, what type, size and the general location? *(The City's goal is to preserve existing tree with greater than a four inch (4") caliper whenever possible.)*
NONE IN FRONT
3 IN REAR YARD

17. Dock Loading Facilities:
Number of docking facilities and their location: NONE
Method of screening: _____

18. Pedestrian Amenities: *(bike racks, receptacles, drinking fountains, benches, etc.)* NONE

19. Setbacks of the proposed building from property lines: NO CHANGES TO EXTERNAL

Front _____ -feet Rear _____ -feet Side _____ -feet Side _____ -feet

20. Parking requirements: 22
Total Number of Parking Spaces: 25 Width and Length of Spaces: _____
Total Number of Compact Spaces 8'x17': 0

21. Is any portion of the property subject to flooding conditions? Yes _____ No _____

IF THE PLANNING DIRECTOR OR DESIGNEE, THE DESIGN REVIEW BOARD AND/OR THE CITY COUNCIL DETERMINE THAT ADDITIONAL AND/OR REVISED INFORMATION IS NEEDED, AND/OR IF OTHER UNFORESEEN CIRCUMSTANCES ARISE, ANY DATES OUTLINED FOR PROCESSING MAY BE RECHEDULED BY THE CITY. APPLICANT/REPRESENTATIVE MUST ATTEND THE DESIGN REVIEW BOARD MEETING/PLANNING AND ZONING MEETINGS.

The Ada County Highway District may also conduct public meetings regarding this application. If you have questions about the meeting date or the traffic that this development may generate or the impact of that traffic on streets in the area, please contact the Ada County Highway District at 208.387.6170. In order to expedite your request, please have ready the file number indicated in this notice.

Signature of Applicant _____ Date _____

City staff comments:

Signature of receipt by City Staff _____ Date _____

FOR ADDITIONAL INFORMATION:
(Please list page number and item in reference)



Planned Building Colors