

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Stephen Damron, Commissioner
Tyson Garten, Commissioner
Vacant



CITY OF KUNA
Kuna City Hall Council Chambers, 751 W 4th Street, Kuna, Idaho 83634

Planning & Zoning Commission Meeting
AGENDA
Tuesday February 8, 2022

6:00 PM REGULAR MEETING

For questions, please call the Kuna Planning and Zoning Department at (208) 922-5274.

1. CALL TO ORDER & ROLL CALL:

2. CONSENT AGENDA: ALL OF THE ITEMS LISTED ARE ACTION ITEMS

All items listed under the Consent Agenda are considered to be routine and are acted on with one (1) Motion by the Commission. There will be no separate discussion on these items unless the Chairman, Commissioner, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the Commission.

1. Regular Planning and Zoning Commission Meeting Minutes Dated January 25, 2022
2. Findings of Fact & Conclusions of Law
 1. Case No. 21-05-CPF (Combination & Preliminary Plat) for Zatica Subdivision No. 1 & No. 2
 2. Case No. 21-30-DR (Design Review) for Heartland Dental

3. PUBLIC HEARINGS: ALL OF THE ITEMS LISTED ARE ACTION ITEMS

- A. *Tabled from January 25, 2022* Case Nos. 21-06-SUP (Special Use Permit) & 21-20-DR (Design Review) for Meridian Mega Storage – Jessica Reid, Planning Services Specialist

Matt Sanchi of ZGA Architects, on behalf of his client Jason Papich, requests Special Use Permit & Design Review approval for an approx. 14.86-acre development which includes: Enclosed RV & self-storage; outdoor RV storage; self-storage office with second-floor living quarters; three (3) flex-space (office/warehouse) buildings; fire suppression tank/system; fencing; landscaping; and parking. The proposed project is to be completed in five (5) phases and be connected to a well & septic system until City Services are within 300 feet of the site. The subject site is located at 7370 S Meridian Road, #1 (APN: S1406325625) with a C-2 (Area Commercial) zone.

Staff requests this item be tabled to a date certain of February 22, 2022, pending critical reports from Ada County Highway District and Idaho Transportation Department.

4. BUSINESS ITEMS:

None

5. ADJOURNMENT:

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Stephen Damron, Commissioner
Tyson Garten, Commissioner
Vacant



CITY OF KUNA
Kuna City Hall Council Chambers, 751 W 4th Street, Kuna, Idaho 83634

Planning & Zoning Commission Meeting
MINUTES
Tuesday January 25, 2022

6:00 PM REGULAR MEETING

For questions, please call the Kuna Planning and Zoning Department at (208) 922-5274.

1. CALL TO ORDER & ROLL CALL:

(Timestamp 00:00:34)

COMMISSION MEMEBERS PRESENT:

Chairman Lee Young
Vice Chairman Dana Hennis
Commissioner Stephen Damron
Commissioner Tyson Garten
Vacant

CITY STAFF PRESENT:

Matt Johnson, City Attorney
Morgan Treasure, Economic Development Director
Jace Hellman, Planning and Zoning Director
Doug Hanson, Planner II
Jessica Reid, Planning Services Specialist

2. CONSENT AGENDA: ALL OF THE ITEMS LISTED ARE ACTION ITEMS

(Timestamp 00:00:48)

1. Regular Planning and Zoning Commission Meeting Minutes Dated January 11, 2022
2. Findings of Fact & Conclusions of Law
 1. Case No. 21-12-AN (Annexation) for Boise Basin/Markovetz
 2. Case Nos. 21-02-ZC (Rezone) & 21-02-SUP (Special Use Permit) for First Choice Collision Repair
 3. Case No. 21-11-DR (Design Review) for Commercial Tire
 4. 21-33-DR (Design Review) Modification for Athleta Townhomes
 5. 21-04-S (Preliminary Plat) & 21-14-DR (Design Review) for Falcon Crest Golf Villages

(Timestamp 00:00:52)

Motion To: Approve Consent Agenda.
Motion By: Commissioner Damron
Motion Seconded: Commissioner Garten
Further Discussion: None
Voting No: None
Absent: 0
Motion Passed: 4-0-0

3. PUBLIC HEARINGS: ALL OF THE ITEMS LISTED ARE ACTION ITEMS

(Timestamp 00:01:08)

- A.** Tabled from December 14, 2021 Case Nos. 21-06-SUP (Special Use Permit) & 21-20-DR (Design Review) for Meridian Mega Storage – Jessica Reid, Planning Services Specialist

(Timestamp 00:01:50)

Motion To: Table Case Nos. 21-06-SUP (Special Use Permit) & 21-20-DR (Design Review) for Meridian Mega Storage to a date certain of February 8, 2022.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 4-0-0

(Timestamp 00:02:20)

- B.** Case No. 21-05-CPF (Combination Preliminary & Final Plat) Zatica Subdivision No. 1 & No. 2 – Doug Hanson, Planner II

(Timestamp 00:02:36)

Chairman Young recused himself from hearing the Case as his employer performs a large amount of work for the Applicant and left the dais.

Vice Chairman Hennis thanked Chairman Young and took over.

(Timestamp 00:02:56)

Planner II Doug Hanson presented an overview of the application. Mr. Hanson explained that an in-person representative for the project was unable to attend but had submitted written testimony then read the testimony into the record (exhibit attached to the meeting minutes); he then stood for questions.

(Timestamp 00:05:51)

An unexpected representative for the Applicant was present, Vice Chairman Hennis invited him to speak.

(Timestamp 00:06:38)

Todd Isom addressed the Commission stating he was in agreeance with staff's presentation and the testimony from his associate; he then stood for questions.

(Timestamp 00:06:56)

Vice Chairman Hennis clarified if the replat of the subdivision was strictly for the installation of new mechanical equipment; Mr. Isom confirmed.

(Timestamp 00:07:33)

Vice Chairman Hennis opened the Public Hearing.

Support:

1. Todd Isom, 250 Parkcenter Boulevard, Boise, Idaho, 83706 – Testified

Neutral:

None

Against:

None

(Timestamp 00:07:50)

Vice Chairman Hennis closed the Public Hearing and the Commission proceeded into deliberation.

(Timestamp 00:09:04)

Motion To: Recommend Approval to City Council of Case No. 21-05-CPF (Combination Preliminary & Final Plat) for Zatica Subdivision No. 1 & No. 2, with the Conditions as outlined in the Staff Report.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 0

Motion Passed: 4-0-0

(Timestamp 00:09:43)

Chairman Young returned to the dais.

4. **BUSINESS ITEMS:**

(Timestamp 00:09:50)

A. Case No. 21-30-DR (Design Review) for Heartland Dental – Jessica Reid, Planning Services Specialist **ACTION ITEM**

(Timestamp 00:10:03)

Planning Services Specialist Jessica Reid presented an overview of the project then stood for questions; there were none.

(Timestamp 00:12:40)

Aaron Hartfield of ALC Architecture introduced himself and as he had no other items to add to staff's presentation, stood for questions; there were none.

(Timestamp 00:12:54)

The Commission proceeded into deliberation.

The Commissioners believed it was a well-designed project and appropriate for the location and zone.

Commissioner Damron and Vice Chairman Hennis expressed concern there was only one light within the parking lot.

(Timestamp 00:15:18)

Motion To: Approve Case No. 21-30-DR (Design Review) for Heartland Dental, with the Conditions as outlined in the staff report.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 0

(Timestamp 00:15:44)

Chairman Young asked staff if there were any other items to discuss.

(Timestamp 00:15:50)

Planning and Zoning Director Jace Hellman announced his resignation from the city effective in March as he had taken a job in his home state.

The Commission expressed they were sad to see Mr. Hellman go but wished him luck in his future endeavors.

(Timestamp 00:17:12)

Mr. Hellman informed the Commission the search for an individual to complete the late Commissioner Cathy Gealys term was still active.

5. **ADJOURNMENT:**

(Timestamp 00:17:42)

Motion To: Adjourn.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Damron

Further Discussion: None

Voting No: None

Absent: 0

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Jace Hellman, Planning and Zoning Director
Kuna Planning and Zoning Department



CITY OF KUNA

751 W. 4th Street • Kuna, Idaho • 83634 • Phone (208) 922-5274
Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET

January 25, 2022 – Planning and Zoning Commission Public Hearing

Case Name: Zatica No. 1 and 2

Case No: 21-05-CPF (Combination preliminary and Final Plat)

Please print your name below if you would like to present oral testimony or written exhibits about this item to the Commission or City Council.

IN FAVOR	NEUTRAL	IN OPPOSITION
<input checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> <u>Todd Isom</u> Print Name <u>250 Parkcenter</u> Print Address <u>Boise ID 83706</u> City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip



January 25, 2022

City of Kuna
Attention: Planning and Zoning Commission
Kuna, ID 83634

Dear Members of the Planning and Zoning Commission,

RE: Case No. 21-05-CPF (Combination Preliminary & Final Plat) Zatica Subdivision No. 1 & No. 2

Thank you for taking the time to discuss and consider Case No. 21-05-CPF for approval this evening. Unfortunately, we are not able to be there in person, as result of some unforeseen circumstances. In lieu of not being there, we would like to use this letter to briefly define the purpose of the project and request your approval.

The Owner is currently completing a process of providing additional grocery freezer and produce storage capacity at the right rear corner of the store, to handle the demand of their local customer base. To accomplish this desire, they are needing additional room/access area on the backside/right rear (north side of the store). The only possible legal way to provide this additional access area and room for the equipment is to shift the north property line, parallel to the backside of the grocery store, to the north approximately four feet (plus/minus). In addition to shifting the north property line, the Owner is also requesting to combine the current "parking lot parcel" with the "grocery store parcel." Please refer to the Planning Department's staff report for the exhibits.

Overall, this is an existing developed site already serviced by City water and sewer utilities. The site has existing connectivity to the adjacent City streets. The proposed parcel line adjustments will not change the overall characteristics of the development, rather "clean-up" the site development to provide better access to the Owner's facilities.

Thank you again for taking the project under consideration, we respectfully request your approval.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ron Isackson'.

Ron Isackson
Civil Lead

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATION OF ALBERTSON’S, LLC <i>For a Combination Plat for 700 E Avalon Street.</i>)))))))	Case No. 21-05-CPF (Combination Plat) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF RECCOMENDED APPROVAL OF COMBINATION PLAT APPLICATION.
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THESE MATTERS came before the Planning and Zoning Commission for Public Hearing on January 25, 2022 for the receipt and consideration by the Planning and Zoning Commission of these Findings of Fact, Conclusions of Law and Order of Decision for the above referenced Application. The Planning and Zoning Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
RECORD OF PROCEEDINGS**

The record of proceedings of the above-referenced matter consists of the follow, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>		Withdrawn	Refused	Admitted
1.1	Staff Report			X
2.1	P&Z Application Coversheet			X
2.2	CPF Application			X
2.3	Narrative			X
2.4	Vicinity Map			X
2.5	Special Warranty Deed & Legal Description			X
2.6	Affidavit of Legal Interest			X
2.7	Neighborhood Meeting Certification			X
2.8	Commitment to Property Posting			X
2.9	Subdivision Name Reservation			X
2.10	Combination Plat			X

2.11	Combination Plat Utility Plan			X
2.12	Agency Transmittal			X
2.13	Central District Health Department			X
2.14	Department of Environmental Quality			X
2.15	Nampa and Meridian Irrigation District			X
2.16	City Engineer			X
2.19	Ada County Highway District			X
2.17	P&Z Commission Kuna Melba News			X
2.18	P&Z Commission Mailer			X
2.20	Proof of Property Posting			X
2.21	Ron Isackson (Applicant) Written Testimony			X

1.2 Hearings

1.2.1 The Planning and Zoning Commission heard this on January 25, 2022. The FCO's have been requested to go to the Planning and Zoning Commission on February 8, 2022.

1.3 Witness Testimony

1.3.1 Those who testified at the Planning and Zoning Commission's January 25, 2022 hearing are as follows, to-wit:

1.3.1.1 City Staff:
Doug Hanson, Planner II

1.3.1.2 Appearing for the Applicant:
Ron Isackson, Cushing Terrell, 800 W Main Street, Suite 800 –
Submitted Written Testimony

1.3.2.3 Appearing in Favor:
Todd Isom, 250 Parkcenter, Boise, ID 83706 – Testified

1.3.2.4 Appearing Neutral:
None

1.3.2.5 Appearing Against:
None

**II
DECISION**

WHEREUPON THE PLANNING AND ZONING COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

**III
FINDINGS OF FACT**

3.1 Findings Regarding Notice

3.1.1 Notice Required: Notice has been given in accordance with City Code and Idaho Statutes.

3.1.2 Notice Provided

3.1.2.1 Notice was published for the January 25, 2022 hearing on the Zatica No. 1 & 2 Combination Plat in the *Kuna Melba News*, the official City of Kuna newspaper, which has general circulation within the boundaries of the City, Ada County and Canyon County.

<i>Newspaper</i>	<i>Date Published</i>
<i>Kuna Melba News</i>	January 5, 2022

3.1.2.2 Notice for the January 25, 2022 hearing containing the legal description of the property proposed to be re-platted was mailed on December 29, 2021 to all known and affected property owners within three hundred (300) feet of the boundaries of the area described in the application.

3.1.2.3 Notice for the January 25, 2022 hearing was posted on a sign in accordance with Kuna City Code 5-1A-8 on January 14, 2022. A Proof of Property Posting was provided to staff on January 14, 2022.

3.1.2.4 Notice for the January 25, 2022 hearing was posted on the City Website.

3.2 Findings Regarding Combination Plat

3.2.1 The land for proposed re-plat is comprised of six (6) parcels totaling approximately 9.93 acres. The parcels are as follows:

Property Owner	Parcel Size:	Current Zone	Parcel Number
Albertson's, LLC	0.63 acres	C-2 (Area Commercial)	R9835320080
Albertson's, LLC	0.48 acres	C-2 (Area Commercial)	R9835320010
Albertson's, LLC	2.74 acres	C-2 (Area Commercial)	R9835320030
Albertson's, LLC	1.12 acres	C-2 (Area Commercial)	R9835310050
Albertson's, LLC	0.56 acres	C-2 (Area Commercial)	R9835310074
Albertson's, LLC	4.38 acres	C-2 (Area Commercial)	R9835310024

3.2.2 The existing land uses and zoning districts for lands surrounding the subject parcel is as follows:

North	R-6	Medium Density Residential – Kuna City
South	C-3	Service Commercial – Kuna City
East	R-12 R-6 C-1	High Density Residential – Kuna City Medium Density Residential – Kuna City Neighborhood Commercial – Kuna City
West	R-4 C-2	Medium Density Residential – Kuna City Area Commercial – Kuna City

3.2.4 Phase No. 1 of the Zatica Subdivision is fully developed with storefronts and restaurant's, Phase No. 2 is made up of empty platted lots. Vegetation on site is consistent with that of weeds and grasses. The site has an estimated average slope of 2.0% to 5.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 to 40 inches across the majority of the site and greater than 60 inches in the southwest of the site.

3.2.5 Staff is not aware of any environmental issues, health or safety conflicts beyond the designation of being in the Nitrate Priority Area. Idaho Department of Environmental Quality (IDEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

3.2.6 The Recreation and Pathways Master Plan Map indicates a future trail through Phase No. 2 of the Zatica Subdivision, and a bike route to run the site's entire western frontage along Kay Avenue.

3.2.7 The Ada County Highway District (ACHD) reviewed the Agency Transmittal and determined that they had no comments on the submitted application.

3.2.8 Zatica Phase No. 1 is accessed via fully improved driveways from Avalon Street and Kay Avenue. Phase No. 2 is accessed via shared drives from Phase No. 1 and unimproved driveways off of Kay Avenue. Zatica Phase No. 2 unimproved driveways along Kay Avenue will be required to be brought to Ada County Highway District (ACHD) and Kuna City Code (KCC) standards when parcels develop.

3.3 Testimony of the City Planner

3.3.1 Conclusions: The City Planner, in a staff report to the Planning and Zoning Commission dated January 25, 2022 confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:

3.3.1.1 The Applicant held a Neighborhood Meeting with residents within 300-feet of the proposed project area on October 19, 2021, there were no attendees. Neighborhood Meeting minutes have been provided as a part of this application. The proposed application has been noticed to all property owners within 300 feet and a legal notice was published in the Kuna Melba News, and city website.

3.3.1.2 The properties are currently zoned C-2 (Area Commercial) within Kuna City Limits. The Applicant is requesting the Combination Plat in order to perform a boundary adjustment between Phase No. 1 and No. 2 of the Zatica Subdivision. The boundary adjustment will accommodate new mechanical and refrigeration equipment to be added to the north side of the existing Albertson's grocery store. There is no new development associated with this application.

3.3.1.3 Per Exhibit 2.16, Public Works staff must review the civil site plan for existing and proposed utilities. After review, Public Works staff can support this Combination Plat.

3.3.1.4 Staff has reviewed the proposed Combination Plat for compliance with Title 5 and Title 6 of Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan. The Applicant will be required to work with Kuna's staff, ACHD, the Kuna Rural Fire District (KRFD) and any other applicable agencies to ensure conformance to each agency's requirements. If the Planning and Zoning Commission recommends approval of Case No. 21-05-CPF (Combination Plat), the Applicant shall be subject to the Conditions of Approval listed in section "IX" (9) of the staff report, as well as any additional Conditions requested by the Planning and Zoning Commission.

3.3.2 Staff Recommendations: As a result of the review, City Planner II, Doug Hanson, recommends if the Planning and Zoning Commission recommended approval of

Case No. 21-05-CPF (Combination Plat), the Applicant shall be subject to the following Conditions of Approval:

- 3.3.2.1** 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:
 - 3.3.2.1.1** The City Engineer shall approve the sewer connections.
 - 3.3.2.1.2** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - 3.3.2.1.3** 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”.
 - 3.3.2.1.4** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
 - 3.3.2.1.5** The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - 3.3.2.1.6** Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid *prior to issuance* of any building permit(s).
 - 3.3.2.1.7** All public rights-of-way shall be dedicated and constructed to standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- 3.3.2.2** 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.
- 3.3.2.3** Compliance with Idaho Code §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.

- 3.3.2.4** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Irrigation System (KMIS) of the City.
- 3.3.2.5** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform all corresponding Master Plans.
- 3.3.2.6** The Applicant/Developer/Owner shall work with staff in order to provide final locations of street lights as required by Kuna City Code.
- 3.3.2.7** Street lights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- 3.3.2.8** Fencing within and around the site shall comply with Kuna City Code (unless specifically approved otherwise and permitted).
- 3.3.2.9** 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.
- 3.3.2.10** Landscaping shall not be placed within ten (10) feet of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- 3.3.2.11** All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in KCC 5-10.
- 3.3.2.12** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary and Final Plat.
- 3.3.2.13** Any revisions to the plat are subject to Administrative Determination to rule if the revision is substantial.
- 3.3.2.14** The Developer/Owner/Applicant/Contractors are all hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within the hours specified in KCC 10-6-3. Noises and other

public nuisances/distractions outside of this time frame re subject to lawful penalties.

- 3.3.2.15** The Developer/Owner/Applicant is hereby notified of Kuna’s weed control policies and requirements (KCC 8-1-3). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- 3.3.2.16** The Developer/Owner/Applicant, 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.
- 3.3.2.17** The Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- 3.3.2.18** The Developer/Owner/Applicant shall comply with all local, state and federal laws.

3.4 Other Testimony

- 3.4.1** 1/25/2022 Public Hearing – Ron Isackson, Cushing Terrell, 800 W Main St, Suite 800, Boise, Idaho 83702, via written testimony discussed the property owner’s intention to add additional grocery freezer and produce storage at the right rear corner of the store. The property adjustment will allow the property owner sufficient room to do so. The current grocery store parcel and parking lot parcel will also be combined.
- 3.4.2** 1/25/2022 Public Hearing – Todd Isom 250 Parkcenter, Boise, Idaho 83706, discussed that they simply want to adjust some property boundaries in order to accommodate adding new mechanical and refrigeration equipment to the existing Albertson’s.

IV

CONCLUSIONS OF LAW

RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

- 4.1** City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho Code.
- 4.2** The power of the City of Kuna lies in the Planning and Zoning Commission to hear this matter as provided in Idaho Code §50-13 & §67-65, and Kuna City Code 1-14-3.

- 4.3 The Kuna Planning and Zoning Commission has the exclusive general supervisory authority over recommendation of all plat approvals and certification under their jurisdiction as provided in Idaho Code §50-1308.

V
CONCLUSIONS OF LAW
RE: APPLICATION FOR COMBINATION PLAT

- 5.1 The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to I.C. §50-13 & §67-65.
- 5.2 Kuna City Code, Title 1, Chapter 14, Section 3, states that Combination Preliminary and Final Plats are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.
- 5.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by I.C. §50-13 & §67-65 and Article 12, section 2.

VI
ORDER OF RECCOMENDING APPROVAL OF APPLICATION FOR
COMBINATION PRELIMINARY AND FINAL PLAT

The Kuna Planning and Zoning Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the hearing, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

- 6.1 Recommend Approval to City Council of the Combination Plat application (Case No. 21-05-CPF).

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 8th day of February 2022.

Lee Young, Chairman
Kuna Planning and Zoning Commission

2.16	Ada County Highway District Comments			X
2.17	Public Works Memo			X

1.2 Public Meeting

1.2.1 The Planning and Zoning Commission heard this on January 25, 2022; the Findings have been requested to go before the Commission on February 8, 2022.

1.3 Testimony

1.3.1 Those who testified at the Commissions January 25, 2022, meeting are as follows, to-wit:

1.3.1.1 City Staff:

Jessica Reid, Planning Services Specialist

1.3.1.2 Applicant’s Representative:

Jeff Likes, ALC Architecture

**II
DECISION**

WHEREUPON THE PLANNING AND ZONING COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

**III
FINDINGS OF FACT**

3.1 Findings Regarding Design Review

3.1.1 The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements listed in Kuna City Code Title 5.

3.1.2 Review by Staff and the Commission of the proposed Design Review confirms the proposed building is appropriate for the subject site.

3.1.3 The Comprehensive Plan designates the future land use designation of the proposed subject site as Commercial; the subject site is currently zoned as such and is to be developed following the zones permitted uses.

3.1.4 Upon review, staff finds the proposed facility is an appropriate fit for the property’s C-1 (Neighborhood Commercial) zone and use.

3.1.5 The buildings placement and orientation, building façade and colors, parking lot, and landscaping all provide adequate mitigation of the impact on adjacent properties.

3.1.6 The proposed parking lot and the amount of regular and ADA parking spaces provided meets KCC 5-9. Safe pedestrian access is provided via sidewalks immediately adjacent to the main entrance.

3.2 Testimony of City Staff

- 3.2.1 Conclusions:** The Planning Services Specialist, is a staff report to the Planning and Zoning Commission dated January 25, 2022, confirmed that a review of the site and records on file at the City of Kuna has been completed with the following conclusions:
- 3.2.1.1** The subject site currently has an active Lot Line Adjustment application (Case No. 21-05-LLA), and upon approval, shall reduce the subject site from approximately 1.18-acres to 0.65-acres. The layout of the proposed project is appropriate for the reduced lot size.
- 3.2.1.2** The proposed 4,200 square foot dental office is oriented with the aluminum storefront system and entrance facing east towards the parking lot, and is covered by a metal awning. Additionally, the south elevation offers another bank of storefront windows meeting the main entrance at the southeast corner. The north and west elevations are comprised of stucco and stone with windows and man doors with awnings. Building mounted outdoor LED wall sconces provide illumination with four (4) mounted to the east elevation, and one (1) on each of the remaining elevations. An eight (8) foot sidewalk along the east elevation provides safe pedestrian access and a five (5) foot sidewalk along the north elevation provides safe employee access.
- 3.2.1.3** The proposed CMU trash enclosure will be painted to match the main building, is proposed in the northeast corner of the parking lot and recessed into the landscape buffer. It is proposed to be six (6) feet in height and offers two (2) accesses; one (1) main door sized opening with steel gate and one (1) opening with steel gate for J&M Sanitation to access the dumpster(s).
- 3.2.1.4** The proposed parking lot provides 34 standard stalls and two (2) ADA accessible stalls, much beyond the required number of stalls per Kuna City Code (KCC) 5-9-3(C)(8). One (1) LED streetlight is proposed to be installed in the center of the parking lot. The parking area is proposed to be fully paved and striped, and surrounded with concrete curb and landscaping.
- 3.2.1.5** As the proposed building is located on a site that is part of a developed subdivision, adequate landscaping including sod, trees and sidewalk, already exists along N Meridian Road. Proposed landscaping for the site itself includes a variety of deciduous trees, shrubs, grasses, perennials, sod and mulch. A 10-foot landscape buffer is proposed along N Jacksonmill Avenue, providing separation between the active street and parking lot, and landscaped islands hem in the remaining parking stalls. Sod is proposed in the southwest and is separated from the building by a planting bed which wraps around to the west and north elevations.
- 3.2.1.6** Per the Public Works Memo (Exhibit 2.17), a utility site layout for water, sewer and pressurized irrigation needs to be provided prior to applying for a building permit. Moreover, fire suppression must be shown and approved by the Kuna Rural Fire District (KRFD), and additional fire flow and/or sprinkler connection may be required to provide adequate suppression.

3.2.1.7 Upon complete review, staff finds the application generally complies with Title 5 of Kuna City Code; Comprehensive Plan Future Land Use Map (FLUM); and Idaho Code. Staff would recommend the Planning and Zoning Commission Approve Case No. 21-30-DR, with the Applicant being subject to the recommended Conditions of Approval listed in Section VIII (8) of this report.

3.2.2 Staff Recommendations: As a result of the review, Planning Services Specialist, Jessica Reid, recommended approval of the applications with the following Conditions:

3.2.2.1 The Applicant shall follow all requirements for sanitary sewer, potable water, irrigation system connections, and all other requirements of the Kuna Public Works Department. Potable/drinking water shall not be used for irrigation purposes per Kuna City Code 6-4-2(B)(9).

3.2.2.2 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 plans. All site improvements are prohibited prior to approval of these agencies and the issuance of a building permit:

3.2.2.2.1 No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received approval of the Civil Plan.

3.2.2.2.2 The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities are required by the Kuna Rural Fire District is required.

3.2.2.2.3 The city shall approve any modifications to the existing irrigation system.

3.2.2.2.4 Approval from Ada County Highway District impact fees, if any, shall be paid prior to issuance of building permits.

3.2.2.3 Developer/Owner/Applicant shall provide engineering certification on all final engineering drawings, as applicable.

3.2.2.4 Developer/Owner/Applicant shall provide a utility site layout showing proposed modifications to the water/sewer/pressurized irrigation lines and how they connect to the proposed building, to Public Works prior to construction or Building Permit application.

3.2.2.5 On-site stormwater retention shall be reviewed in conjunction with this Design Review and Applicant/Developer shall be required to provide a stormwater disposal and treatment plan which accounts for increased on-site storm water runoff volumes; detailed drawings of drainage and treatment facilities with supporting calculations for review and approval.

3.2.2.6 If applicable, Fire Suppression shall be shown on all plans and approved by the Kuna Rural Fire District (KRFD).

3.2.2.7 The Kuna Rural Fire District, or KRFD representative, must approve fire access to the project before, during, and after construction.

- 3.2.2.8** Developer/Owner/Applicant shall verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties; slopes shall not be steeper than 3:1 on lots adjacent to a street or common lot, and no steeper than 4:1 for lots with common rear lot lines.
- 3.2.2.9** This development is subject to Architectural and Landscape compliance Design Review inspections *prior* to receiving a Certificate of Occupancy. Design Review inspection fees shall be paid *prior* to requesting staff inspection.
- 3.2.2.10** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Planning and Zoning Commission, or seek amending them through the Design Review process.
- 3.2.2.11** All required landscaping shall be permanently maintained in healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within three (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.
- 3.2.2.12** Landscaping shall not be placed within 10 feet of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities, and must honor all vision triangles.
- 3.2.2.13** As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the Applicants Engineer.
- 3.2.2.14** Developer/Owner/Applicant is hereby notified of Kuna’s weed control policies and requirements (KCC 8-1-3). Weeds, grasses, vines or other growth which endanger property or are over 12-inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout the seasons.
- 3.2.2.15** Developer/Owner/Applicant is hereby notified of Kuna’s working hours. Construction of any kind shall only be conducted between 7:00 AM to 11:00 PM; noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- 3.2.2.16** Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
- 3.2.2.17** Developer/Owner/Applicant shall comply with all local, state and federal laws.

IV CONCLUSIONS OF LAW

- 4.1** City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to Chapter 1, Title 50, Idaho.

4.2 The Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in Kuna City Code Title 1, Section 14, Section 3.

4.3 Kuna City Code Title 5, Chapter 4, Section 2 provides that:

This chapter applies to all proposed development located within the design review overlay district which shall include the entire city limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multifamily residential projects, common areas, 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, and requires the submittal of a design review application pursuant to this chapter and fee as prescribed from time to time by the city council.

IV CONCLUSIONS OF LAW

The Kuna Planning and Zoning Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the public meeting, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY APPROVE:

5.1 Case No. 21-30-DR (Design Review) for Heartland Dental.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 8th day of February, 2022.

Lee Young, Chairman