

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Bryan Clark, Commissioner
Ginny Greger, Commissioner
Jim Main, Commissioner

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



Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday May 23, 2023, at 6:00 PM

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

ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE INSTRUCTED BY THE COMMISSION.

1. CALL TO ORDER & ROLL CALL:

2. CONSENT AGENDA:

All items listed are routine and acted on with one (1) Motion by the Commission; there will be no separate discussion unless the Chairman, Commissioner, or Staff requests it be removed. Removed items will be placed under Business unless otherwise instructed.

- 1. Regular Commission Meeting Minutes Dated May 9, 2023
- 2. Findings of Fact & Conclusions of Law
 - A. Case No. 23-08-DR for Falcon Crest Townhomes
 - B. Case Nos. 21-06-SUP & 21-20-DR for Meridian Mega Storage

3. PUBLIC HEARINGS:

- A. *Tabled from May 9, 2023*, Case Nos. 21-14-AN (Annexation), 21-01, CPM (Comprehensive Plan Map Amendment), 21-10-S (Preliminary Plat) & 21-35-DR (Design Review) for Hazelcrest Subdivision – Tory Behunin, Senior Planner

Staff requests item be tabled to a date certain of June 13, 2023, pending on-going discussions with agencies; courtesy notices will be mailed as a reminder.

- B. Case No. 22-11-AN (Annexation) for Swanson & Weekes – Troy Behunin, Senior Planner

Applicant requests Annexation with the R-2 zone near the Southwest corner of S Ten Mile Road and W King Road intersection in Section 27, Township 2 North, Range 1 West; addresses are 1597 S Forrey Road and 1920 W King Road.

5. BUSINESS ITEMS:

- A. Case No. 22-02-DR (Design Review) Modification for Project Peregrine – Doug Hanson, Director

The Applicant requests a modification to their Design Review approval for buildout of a data center campus, including data halls, support buildings, parking, loading/unloading areas, and landscaping. The subject site is zoned M-1 (Light Industrial/Manufacturing) and is located on the Northeast corner of Kuna Mora Road and Cole Road.

6. ADJOURNMENT:

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Bryan Clark, Commissioner
Ginny Greger, Commissioner
Jim Main, Commissioner

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



Planning & Zoning Commission
REGULAR MEETING MINUTES
Tuesday May 9, 2023, at 6:00 PM

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

ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE INSTRUCTED BY THE COMMISSION.

I. CALL TO ORDER & ROLL CALL:

Timestamp 00:00:07

Chairman Young called the meeting to order and asked for roll call to be taken.

Timestamp 00:00:30

COMMISSION MEMBERS PRESENT:

Chairman Lee Young
Vice Chairman Dana Hennis – Absent
Commissioner Bryan Clark
Commissioner Ginny Greger
Commissioner Jim Main

CITY STAFF PRESENT:

Kelsey Briggs, City Attorney
Doug Hanson, Planning & Zoning Director
Troy Behunin, Senior Planner
Jessica Reid, Associate Planner

2. CONSENT AGENDA:

Timestamp 00:00:43

1. Regular Commission Meeting Minutes Dated April 25, 2023
2. Findings of Fact & Conclusions of Law
 - A. Case No. 22-15-AN for Rising Sun West
 - B. Case No. 23-05-SUP for Fitness Classes at 1475 W Firehouse Lane
 - C. Case No. 23-06-DR for Arctic Circle Playzone Addition

Timestamp 00:00:50

Motion To: Approve the Consent Agenda.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 4

Nay: 0

Absent: 1

Motion Carried: 4-0-1

3. PUBLIC HEARINGS:

Timestamp 00:01:03

- A. Case Nos. 22-12-ZC (Rezone) & 22-05-CPF (Combination Preliminary & Final Plat) for Vasiliy Subdivision – Troy Behunin, Senior Planner

Timestamp 00:01:25

Senior Planner Troy Behunin provided an overview of the application then stood for questions.

Timestamp 00:03:06

Applicant representative David Crawford of Centurion Engineers provided additional details regarding his client's request and explained, if approved, future homes constructed on the parcels would be serviced by septic and well. Mr. Crawford stood for questions.

Timestamp 00:05:12

As there were no questions from the Commission, Chairman Young opened the public hearing. There were no individuals signed in to testify, therefore the Chairman provided additional opportunity.

In Favor

None

Neutral

Ben Pearson, 1230 N Black Cat Road, Kuna, ID, 83634 – Testified

In Opposition

None

Timestamp 00:06:20

Ben Pearson testified that he owned an adjacent property and asked what would be built if the applications were approved; he was specifically concerned with apartments.

Timestamp 00:07:15

As there was no rebuttal from Mr. Crawford, Chairman Young closed the public hearing and the Commission proceeded into deliberation.

Timestamp 00:07:13

Commissioner Main stated he had no issues with the request and was happy to see the large lots.

Timestamp 00:07:45

Commissioner Clark expressed his concern of the parcels being open to future development if the R-6 zone was approved; he also asked about minimum lot sizes.

Timestamp 00:07:56

Chairman Young confirmed the city had minimum lot size requirements ([Kuna City Code 5-3-3](#)) and that if someone wanted to develop something in the future, they would be required to submit applications and go through the public hearing process, and apartments were not permitted in the R-6.

Timestamp 00:08:29

Commissioner Clark thanked the Chairman and felt Mr. Pearson's concerns were addressed.

Timestamp 00:08:37

Chairman Young believed the requested zoning was consistent with developments within the site's vicinity and that the transition to a lower density was indicated on the West of Black Cat per the FLUM (Future Land Use Map); he felt the applications were straightforward.

Timestamp 00:09:11

Motion To: Recommend approval of Case Nos. 22-12-ZC & 22-05-CPF for Vasiliy Subdivision to City Council with the Applicant being subject to the Conditions listed in staffs report.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 4

Nay: 0

Absent: 1

Motion Carried: 4-0-1

Timestamp 00:09:44

B. Case Nos. 21-14-AN (Annexation) & 21-10-S (Preliminary Plat) for Hazelcrest Subdivision – Tory Behunin, Senior Planner

Timestamp 00:10:00

Chairman Young stated staff had requested the item be tabled to a date certain of May 23, 2023, pending the Ada County Highway District (ACHD) staff report.

Timestamp 00:10:32

Senior Planner Troy Behunin notified the Commission he was fairly confident tabling to May 23rd would suffice as the ACHD draft staff report was under review by the Applicant.

Timestamp 00:11:07

Motion To: Table Case Nos. 21-14-AN & 21-10-S for Hazelcrest Subdivision to a date certain of May 23, 2023.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 4

Nay: 0

Absent: 1

Motion Carried: 4-0-1

5. BUSINESS ITEMS:

Timestamp 00:11:55

A. Case No. 23-08-DR (Design Review) for Falcon Crest Townhomes – Jessica Reid, Associate Planner

Timestamp 00:12:23

Associate Planner Jessica Reid provided an overview of the Design Review request then stood for questions.

Timestamp 00:14:10

Applicant representative Wendy Shrief of JUB Engineers provided some history of the overall project and its Phases and discussed the proposed townhome renderings and design options; she then stood for questions.

Timestamp 00:20:27

Commissioner Clark asked if the design would be for both single-family and townhomes.

Timestamp 00:21:08

Chairman Young explained to Commissioner Clark as he was new to the Commission, that all other requirements had been met when the overall Falcon Crest Master Planned Community went through their application processes and that the city did not require single-family homes to go through the Design Review Process.

Timestamp 00:22:04

Commissioner Main felt the proposed materials and color palette were consistent with what had already been constructed.

Timestamp 00:22:19

Chairman Young expressed no concerns with the proposal nor were there any concerns from the rest of the Commission.

Timestamp 00:23:00

Motion To: Approve Case No. 23-08-DR for the Falcon Crest Townhomes with the Applicant being subject to the Conditions listed in the staff report.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 4

Nay: 0

Absent: 1

Motion Carried: 4-0-1

Timestamp 00:23:21

Chairman Young noted there were no additional items on the agenda and took the opportunity to welcome Commissioner Clark to the team.

6. ADJOURNMENT:

Timestamp 00:23:47

Motion To: Adjourn.

Motion By: Commissioner Main

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 4

Nay: 0

Absent: 1

Motion Carried: 4-0-1

Lee Young, Chairman

ATTEST:

Doug Hanson, Director



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

May 9, 2023 – P&Z Commission, Public Hearing

Case Name: **1200 N Black Cat Road Request:**

Case Type: Rezone and a Pre-Plat and Final Plat Combination Request.

Case Nos.: 22-12-ZC (Rezone) and 22-05-CPF (Pre-Plat & Final Plat Combination).

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

IN FAVOR		NEUTRAL		IN OPPOSITION	
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input checked="" type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
_____	_____	<i>Ben Pease</i>	_____	_____	_____
Print Name		Print Name		Print Name	
_____	_____	<i>1200 N. Black</i>	_____	_____	_____
Print Address		Print Address		Print Address	
_____	_____	<i>Kuna to Cat Rd</i>	_____	_____	_____
City	State, Zip	City	State, Zip	City	State, Zip
			<i>83634</i>		
<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u>	<input type="checkbox"/> <u>Not Testify</u>
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Print Address		Print Address		Print Address	
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City	State, Zip	City	State, Zip	City	State, Zi

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF)	Case No. 23-08-DR
)	
SH ACQ2020, LLC & M3 ID FALCON)	
CREST, LLC)	
)	FINDINGS OF FACT, CONCLUSIONS OF
<i>For Design Review of the Falcon Crest</i>)	LAW AND ORDER OF DECISION FOR
<i>Subdivision Townhomes.</i>)	DESIGN REVIEW APPLICATION.

THESE MATTERS came before the Commission for review and approval or denial on May 9, 2023, for receipt and consideration of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Commission does now hereby set forth this Record of Proceedings of these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 DESIGN REVIEW APPLICATION.pdf			X
2.3 VICINITY MAP.pdf			X
2.4 NARRATIVE.pdf			X
2.5 WARRANTY DEED SUBPHASE 1A.pdf			X
2.6 WARRANTY DEED SUBPHASE 1B.pdf			X
2.7 WARRANTY DEED SUBPHASE 2A.pdf			X
2.8 WARRANTY DEED SUBPHASE 2B.pdf			X
2.9 WARRANTY DEED SUBHASE 3A.pdf			X
2.10 WARRANTY DEED 5 & 6.pdf			X
2.11 AFFIDAVIT OF LEGAL INTEREST SHEA HOMES.pdf			X
2.12 AFFIDAVIT OF LEGAL INTEREST M3 (FC 6).pdf			X
2.13 FALCON CREST PHASES EXHIBIT COLOR.pdf			X
2.14 TOWNHOME ELEVATIONS.pdf			X
2.15 TOWNHOME COLOR MATRIX.pdf			X
APPLICANT PRESENTATION.pdf			

1.2 Public Meeting: The Commission heard this May 9, 2023. The FCO's have been requested to go before the Commission on May 23, 2023.

1.3 Witness Testimony: Those who testified at the Commission's May 9, 2023, meeting are as follows, to-wit:

A. City Staff: Jessica Reid, Associate Planner

- B. Appearing for the Applicant: Wendy Shrief, JUB Engineers

**II
DECISION**

WHEREUPON THE 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 Notice:** Kuna City Code (KCC) [1-14-3](#) states that Design Reviews are designated as public meetings with the Commission as the decision-making body; no formal noticing is required.
- 3.2 **Findings Regarding Design Review**
 - A. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be compliant with the design requirements listed in Kuna City Code.
 - B. The Comprehensive Plan outlines various goals for the development of our community; Section 7.8 provides specific details.
 - C. The overall proposed design options, and street-facing entries of the townhomes are compliant with Kuna City Code and provide an esthetically pleasing addition to the subdivision.
 - D. The parcels sized and reduced setbacks approved via the Development Agreement make the townhomes appropriate for their proposed locations.
 - E. There are no additional water or sewer services proposed and will not cause an additional strain on our public works infrastructure as the townhomes have been factored into their individual Final Plats.

**IV
STAFF TESTIMONY**

- 4.1 **Site Features**
 - A. The subject site is located within the Falcon Crest Master Planned Community, near the Northeast corner of E Kuna Road and S Cloverdale Road. Historically, the area has served as agricultural fields, bare ground, and a golf course.
 - B. The area is under construction and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 – 40 inches and greater than 60-inches.
 - C. Staff are not aware of any environmental issues, health, or safety conflicts beyond being within the Nitrate Priority Area. The Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

D. The current land uses surrounding the site are as follows:

North	R-6	Medium Density Residential – Kuna City
South	R-6	Medium Density Residential – Kuna City
	C-1	Neighborhood Commercial – Kuna City
East	R-6	Medium Density Residential – Kuna City
West	RR	Rural Residential – Ada County

4.2 Ada County Highway District (ACHD): N/A

4.3 Idaho Transportation (ITD): N/A

4.4 Pathways and Trails Master Plan: N/A

4.5 Dimensional Standards and Site Layout

- A. The proposed townhomes are to be constructed on parcels that have already been vetted via the Final Plat process or will be in the future.
- B. The proposed townhomes are proposed to be built as two (2) connected units and will be constructed throughout the various Phases of the Falcon Crest Subdivision. Currently, 12 units have already received building permits, but a Design Review has not yet been approved; this application resolves this issue.
- C. Based upon those same 12 permitted townhomes, the average size is 2,356 SF.

4.6 Elevations

- A. There are three (3) basic elevations proposed, with each elevation providing various color and style options; this Design Review covers the basic elevations, material options, and color options available. These townhomes are proposed to be constructed throughout Phases 1 – 6 of the Falcon Crest Subdivision, however, the number of townhomes per Phase varies.
- B. The basic façades propose vinyl windows, shingle roofing, and the fascia, trim, and lap siding appear to be wood. Generally, each unit presents with two (2) windows, one (1) mandoor and roll-up garage door on the front; 2 – 3 windows and one (1) sliding door on the rear; and four (4) windows on the exterior wall.
- C. The proposed variations offer stone, secondary siding accent, shutters, knee braces, pop-outs, belly bands, shingles, and extensive color palettes in mostly neutral colors.
- D. Staff notes that Architectural Compliance Inspections are required as part of this Design Review, therefore, staff will be able to confirm each townhome adheres to the intent of the options provided despite the numerous variations that result from them.

4.7 Parking

- A. Each proposed townhome provides a two (2) car garage.

4.8 Landscaping: N/A

4.9 Open Space: N/A

4.10 Fencing: N/A

4.11 Public Works: N/A

4.12 Comprehensive Plan

- A. Goal Area 3: Kuna’s land uses will support a desirable, distinctive, and well-designed community.
1. Goal 3.G: Respect and protect private property rights.
 - Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.

Analysis: The Falcon Crest Master Planned Community offers a large variety of high-end housing types which includes these proposed townhomes. The various design options provide extensive options while maintaining a cohesive look within the subdivision overall. The recorded Development Agreement and Kuna City Code provide the ability to offer diversity in development while maintaining the intent of city standards and respecting the Developers private property rights.

- 4.13 **Conclusion:** Upon review, staff found the Design Review request compliant with [KCC Title 5](#), Comprehensive Plan, and [Idaho Code §67-65](#).

V CONDITIONS

Based on the facts outlined in staff’s report, documentation contained in the case file, and testimony received at the public meeting, the Commission hereby Approves/Conditionally Approves/Denies Case No. 23-08-DR, subject to the following Conditions:

5.1 **Staff Recommended Conditions:** None

5.2 **Transportation:** None

5.3 **Site Layout, Dimensional Standards and Parking**

- A. Developer/Owner/Applicant is hereby notified that this project is subject to Design Review Inspection fees. These required inspections (post construction) are to verify architectural compliance prior to requesting a Certificate of Occupancy; Compliance Inspections will be performed per Phase.

5.4 **Landscape, Open Space and Fencing:** N/A

5.5 **Public Works:** N/A

5.6 **General**

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved 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:
1. The City Engineer shall approve all sewer connections.
 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Developer/Owner/Applicant has received approval of the drainage plan.
 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.”

4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protections facilities as required by the Kuna Rural Fire District shall be installed.
 5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 6. Approval from Ada County Highway District shall be obtained, and Impact Fees paid, prior to issuance of any building permit(s).
 7. All public rights-of-way shall be dedicated and constructed to the standards of the city and Ada County Highway District and/or applicable transportation agency.
- B.** Developer/Owner/Applicant and any future assigns having interest in the subject property, shall fully comply with all Conditions of development as approved by the Commission or seek amending them through the applicable process.
- C.** Developer/Owner/Applicant/Contractors are 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 outside of this time frame are subject to lawful penalties.
- D.** Developer/Owner/Applicant is hereby notified of Kuna’s weed control policies and requirements within 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 the seasons.
- E.** Applicants shall follow all staff and agency recommendations.
- F.** Applicants shall comply with all local, state, and federal laws.

**VI
TESTIMONY RECEIVED**

- 6.1 Associate Planner Jessica Reid provided an overview of the Design Review request.
- 6.2 Wendy Shrief of JUB Engineers provided additional information regarding the proposed Townhomes and that they would be constructed throughout the Falcon Crest Subdivision.

**VII
CONCLUSIONS OF LAW
RE: POWERS AND DUTIES OF THE COMMISSION**

- 7.1 The 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 [Idaho Code §50-1](#).
- 7.2 The Commission has decision-making authority over all legislative Design Review applications as provided in [Kuna City Code 1-14-3](#).

VIII
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW

8.1 [Kuna City Code 5-4-2](#) 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, office, multi-family 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 fees as prescribed from time to time by City Council.

IX
ORDER OF APPROVAL FOR DESIGN REVIEW

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

9.1 The Design Review application for the Falcon Crest Townhomes (Case No. 23-08-DR) is approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held the 23rd day of May 2023.

Lee Young, Chairman

2.22 J&M SANITATION.pdf			X
2.23 CITY ENGINEERS MEMO.pdf			X
2.24 MID-MILE RE-ALIGNMENT SUPPORT LETTER.pdf			X
2.25 FUTURE MID-MILE CONSTRUCTION AGREEMENT WITH BRIGHTON.pdf			X
2.36 UPDATED SITE PLAN.pdf			X
2.37 DEMOLITION SITE PLAN.pdf			X
2.26 UPDATED AGENCY TRANSMITTAL.pdf			X
2.27 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.28 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.29 IDAHO POWER.pdf			X
2.30 CENTRAL DISTRICT HEALTH DEPARTMENT.pdf			X
2.32 J&M SANITATION UPDATED.pdf			X
2.47 CITY ENGINEERS MEMO UPDATED.pdf			X
2.48 EMAIL CONFIRMATION OF SWC DRIVEWAY TEMP ACCESS.pdf			X
2.38 UPDATED PHASING PLAN.pdf			X
2.39 UPDATED PHASE 1 PLAN.pdf			X
2.40 UPDATED ELEVATIONS & FLOOR PLAN.pdf			X
2.41 UPDATED SITE FIRE COVERAGE AREA.pdf			X
2.42 UPDATED GRADING PLAN.pdf			X
2.43 LANDSCAPE PLAN.pdf			X
2.44 LIGHTING PLAN & CUTSHEETS.pdf			X
2.34 WEBSITE POSTING.pdf			X
2.35 KMN PUBLICATION PROOF.pdf			X
2.45 300 FT PROPERTY OWNERS NOTICE.pdf			X
2.46 PROOF OF PROPERTY POSTING.pdf			X
2.50 COMMISSION MINUTES 02.14.2023.pdf			X
2.51 FINAL DEMOLITION PLAN.pdf			X
2.52 FINAL SITE PLAN.pdf			X
2.53 FINAL PHASING PLAN.pdf			X
2.54 FINAL PHASE 1 SITE PLAN.pdf			X
2.55 FINAL ELEVATIONS & FLOOR PLANS.pdf			X
2.57 LANDSCAPE PLAN.pdf			X
2.58 FIRE CONNECTION MAP.pdf			X
2.59 BRIGHTON CONFIRMATION OF ARISTOCRAT DESIGN MOVING FORWARD.pdf			X

1.2 Hearings: The Commission heard this on February 14, 2023, and approved with the Condition the FCO’s would not be released until Conditions 5.1.A – G were met. The FCO’s have been requested to go before the Commission on May 23, 2023.

1.3 Witness Testimony: Those who testified at the Commissions February 14, 2023, hearing are as follows, to-wit:

A. City Staff:
 Jessica Reid, Associate Planner
 Doug Hanson, Director

B. Appearing for the Applicant:
 Matt Sanchi, ZGA Architects, 408 E Parkcenter Boulevard, Suite 205, Boise, Id, 83709 – Testified

- C. Appearing In Favor:
None
- D. Appearing Neutral:
None
- E. Appearing In Opposition:
None

**II
DECISION**

WHEREUPON THE 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 Notice

- A. **Notice Required:** Notice has been given in accordance with Kuna City Code (KCC) and Idaho Statutes.
 1. Notice for the February 14, 2023, public hearing was posted on the city website January 18, 2023, and published in the Kuna Melba News January 25, 2023.
 2. Notice for the February 14, 2023, public hearing containing a description of the proposed application was mailed on January 25, 2023, to all known and affected property owners within 300-feet of the boundaries of the subject site.
 3. Notice for the February 14, 2023, public hearing was posted on site by the Applicant on January 31, 2023, in accordance with [KCC 5-1A-8](#).

3.2 Findings Regarding Special Use Permit and Design Review

- A. The subject site is located within City Limits at 7370 S Meridian Road. Historically, the subject site has been used as a single-family residence, and an open field.
- B. General weeds at the proposed subject site have been cleared and the single-family residence has been demolished. The site has an estimated average slope of 3 – 5.9%; however, fill dirt has been brought on site. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 – 40-inches.
- C. Staff are not aware of any environmental issues, health, or safety conflicts beyond being within the Nitrate Priority Area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.
- D. The existing land uses and zoning districts for lands surrounding the subject site are as follows:

North	R-4	Medium-Low Density Residential – City of Meridian
South	RUT	Rural Residential – Ada County
East	A	Agriculture – City of Kuna
	R-4	Medium-Low Density Residential – City of Meridian
West	A	Agricultural – City of Kuna

- E.** The Applicant held a Neighborhood Meeting on August 4, 2021; there were four (4) attendees. It was after application submission when the Applicant and staff were notified of the future Mid-Mile Collector issue and the application was placed on hold while the Applicant coordinated with ITD, ACHD, and Brighton; the application was released to proceed on December 6, 2022. A public hearing notice was posted on the city website January 18, 2023. A legal notice was published in the Kuna Melba News on January 25, 2023, and notices were mailed to property owners within 300-ft of the subject site on January 25, 2023. The Applicant posted a sign on the property January 31, 2023.
- F.** 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, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, with special allowances for water, sewer, and irrigation supported by the City Engineer, and if the Applicant provides the additional required parking stalls and closes the southwest driveway at full buildout.
- G.** The Comp Plan has listed numerous goals for supporting an economically diverse and vibrant community, while the FLUM designates future land uses. The FLUM designates the subject site as commercial and is currently zoned C-2 (Area Commercial).
- H.** Currently, there are no water, sewer, or irrigation services available to the subject site; as such, the City Engineer supports the use of a private septic system and well, along with an onsite storage tank and pump for fire suppression. According to Exhibit 2.23 and 2.47, Public Works staff must receive CDHD septic system approval and review the civil site plan for existing and proposed utilities; after receiving approval and construction drawing review, Public Works can support this application. Staff again notes CDHD has yet to issue a septic permit for the subject site; should a permit not be issued by CDHD, the Applicant shall be required to coordinate with Public Works staff and the City Engineer to come to a new solution. Estimated traffic counts based on proposed uses, ingress/egress locations, and traffic circulation has been reviewed by both ACHD and ITD and have been approved, barring the temporary solution for Phase 1 access between the Applicant and ITD. A construction agreement for the future Mid-Mile Collector between the Applicant and Brighton, has been signed and recorded.
- I.** Throughout the development of the project and beyond, connection fees, impact fees (Fire, Police, Parks and Ada County Highway District), and property taxes will be collected, therefore satisfying the financial capability to provide supporting services.
- J.** Connection to an onsite well and private septic system, as well as other public improvements such as streetlights, an onsite storage tank and pump for fire suppression, sidewalks, etc., are required to be implemented as a part of this project. No major wildlife habitats will be impacted by the proposed development.
- K.** Upon review, staff notes that the submitted Landscape Plan (Exhibit 2.43) appears to generally comply with KCC; however, there are no specific plantings noted outside of Class II or Class III trees, turf and lowscape drought resistant plants. The Applicant shall be required to submit a detailed Landscape Plan to staff for review and approval prior to release of the Findings of Fact and Conclusions of Law; this Landscape Plan shall reflect a plant schedule, tree, and shrub planting notes, etc., as detailed on the Design Review Application Form.
- L.** Pursuant to [Idaho Code §67-8003](#), the Owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more that twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written taking analysis concerning the action if requested.

IV STAFF TESTIMONY

Associate Planner Jessica Reid, in a staff memo to the Commission dated February 14, 2023, confirmed a review of the site plan and records on file at the City of Kuna has been completed with the following conclusions:

4.1 Ada County Highway District

A. Trip Generation

The Applicant's proposed development is estimated to generate 260 additional vehicle trips per day, with 27 of those being within the peak PM hour.

The average daily traffic counts, based on ACHD's most current traffic counts, are as follows:

- Meridian Road/Hwy 69, south of Lake Hazel Road – 29,153 on October 17, 2021.
- Lake Hazel Road, west of Eagle Road – 6,326 on August 29, 2019.
- Columbia Road, east of Meridian Road/Hwy 69 – 3,626 on July 21, 2020.

B. South Meridian Transportation Plan (SMTP)

The SMTP is a long-range planning tool used to identify future roadway, intersection, and corridor needs in the South Meridian area. As such, the SMTP recommends construction of a new residential Collector roadway, located at the half mile between Lake Hazel Road and Columbia Road.

C. Meridian Road/Hwy 69

ACHD defers to the Idaho Transportation Department (ITD) for this roadway as it is under their jurisdiction; however, ACHD recommends the Applicant, city and ITD work together to determine if additional right-of-way (ROW) or improvements are necessary.

A new public street intersection onto Meridian Road/Hwy 69 is proposed at the half mile, in alignment with Aristocrat Drive. If ITD approves a permit to allow for the construction of this new public street intersection, then it should be constructed to ITD standards.

D. New East/West Collector

There are currently no Collector roadways within or adjacent to the site; however, ACHD [Policy 7206.2.1](#) states that the Developer is responsible for improving all Collector frontages adjacent to the site, or internal to the development as required, regardless of whether access is taken to all of the adjacent streets.

Historically, this future Collector was adopted as part of the 2009 SMTP and further memorialized as part of ACHD's adoption of the 2009 and 2013 Master Street Map (MSM). When the MSM was updated in 2016, this Collector was moved off the Mid-Mile alignment, to a quarter mile north in alignment with Paint Horse Lane.

Brighton, Developer of lands immediately north of the subject site, contacted ACHD and the City of Meridian, to request an amendment to the MSM in which the Collector was shifted back to the Mid-Mile in alignment with Aristocrat Drive. This Collector realignment was supported by the City of Kuna (see Exhibit 2.24), City of Meridian, and ACHD; the realignment went before the ACHD

Commission as part of the MSM update. A Mid-Mile Construction Agreement has been entered into by the Applicant and Brighton (Exhibit 2.25).

The Applicant has proposed to construct a new East/West Collector within the site as a full 36-foot street section with vertical curb, gutter, a 4-foot planter strip and 8-foot detached concrete sidewalk. This new Collector is proposed to intersect Meridian Road/Hwy 69 in alignment with Aristocrat Drive. As the Collector moves east, it is proposed to transition to the north of the subject site; this section is to have curb, gutter and a future 8-foot detached sidewalk constructed within the site, with the other improvements to be constructed on the parcel to the north (pavement, curb, gutter, and sidewalk on the north of the roadway).

ACHD staff comments that the Collector proposal generally meets District Policy and should be approved as proposed, with the recommendation that a left turn lane be constructed on the new East/West Collector at its intersection with Meridian Road/Hwy 69, which extends a minimum of 100-feet and provides appropriate tapers; this will allow right turning vehicles to turn onto Meridian Road/Hwy 69 without waiting on left turning vehicles. ACHD also provides additional recommendations regarding the construction of this Collector as it moves north onto the Brighton property.

Based upon ITD's Meridian Road/Hwy 69 Corridor Study, Aristocrat Drive may be restricted to a right-in-right-out only, with construction of an R-cut median. If warranted and permitted by ITD in the future, ACHD recommends additional right-of-way be dedicated on the north of the proposed East/West Collector, which would allow for easier installation of a signal.

Typically, [KCC 5-17-13](#) requires a minimum 20-foot landscape buffer, 8-foot detached sidewalk, and a 4 – 8-foot irrigated and landscaped planter strip. However, based upon the extensive coordination between the Applicant, Brighton, ACHD and ITD; the recorded future Collector Construction Agreement between the Applicant and Brighton; as well as the Applicant's proposed improvements listed above, staff would support ACHD's recommendation the future Collector be approved as proposed.

E. Stub Streets

There are no stub streets to or from the site; however, the Applicant has proposed to construct one (1) stub street to the east, the East/West Collector.

ACHD states the Applicant's proposal meets District Policy and should be approved as proposed, with the additions that the Applicant install a sign at the terminus of the stub street which states, "THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS STREET WIL BE EXTENDED AND WIDENED IN THE FUTURE" and install a temporary paved cul-de-sac turnaround at the terminus, which meets standard cul-de-sac dimensions, due to its 105-foot length.

Staff supports ACHD's approval of the proposed stub at the end of the new East/West Collector, with the addition of the temporary cul-de-sac turnaround. Construction of the East/West Collector should follow the Collector Construction Agreement between the Applicant and Brighton and ACHD recommendations. All stub streets shall be installed in accordance with [KCC 6-3-3-C](#) and ACHD Policy.

F. Driveways

There are no public streets within the site; however, the Applicant has proposed to construct a 66-foot driveway (a 24-foot-wide ingress, 10-foot center island, then a 32-foot-wide egress). The

driveway is proposed to be located 444-feet east of the Meridian Road/Hwy 69 intersection (measured from centerline).

The driveway location is approved as it meets District Policy; however, the driveway width does not. As such, the driveway will be restricted to a maximum width of 36-feet within the right-of-way (ROW) and can be widened as it moves south into the site; the proposed center island should also be located outside of the dedicated ROW. ACHD adds, if gates are to be constructed, they should be located a minimum of 50-feet from edge of pavement of the new East/West Collector, and a turnaround should be provided.

Staff notes the updated Phase No. 1 plan (Exhibit 2.39) shows the Applicants intent to use the existing single-family home driveway as ingress/egress; as this driveway offers direct access to Meridian Road/Hwy 69, it comes under ITD jurisdiction; see Section 6.2 for additional information.

Staff supports ACHD's recommendations for the ingress/egress driveway location and widths from the future Mid-Mile Collector.

1. After coordination with ACHD and Brighton, a Collector design has been agreed upon (Exhibit 2.59); as such, the Applicant has adjusted their site plan to meet these requirements. The driveway into the site remains 36 feet wide, the center island has been moved out of the right-of-way, and the entry gates into the storage area have been moved well outside the minimum if 50 feet from the future Collector edge of pavement (Exhibit 2.52).

G. Other Access

The new East/West roadway, E Aristocrat, is classified as a Collector; other than the access specifically approved with the future construction of this Collector, direct lot access is prohibited.

4.2 Idaho Transportation Department (ITD)

- A. ITD has reviewed the proposed development plan and provided general Conditions based upon IDAPA (Idaho Administrative Procedures Act) and Idaho Code.
- B. In the updated Phase 1 plan (Exhibit 2.35), it is indicated the Applicant intends to use the existing driveway which originally served the single-family home on the southwest corner of the subject site; the residence has since been demolished. Upon review with ITD, it was determined this access could not be utilized due to the distance from the driveway for Northwest Lineman College being less than 500-feet, per [IDAPA 39.03.42](#) (see table on Page 13 of 25). However, due to the construction timeline of the future Mid-Mile Collector, this driveway serves as the only access to the site and Phase 1 of the project. The Applicants team provided ITD with a proposed solution which would maintain the southwest driveway access through the completion of the future Mid-Mile Collector and Phase 2 of the project. ITD Development Services Coordinator Niki Benyakhlef has reviewed the Applicants proposal; however, the proposal still needs to be reviewed by her Supervisor; Niki believes she will have a determination by the end of the week of February 13 – 17. As the project has been substantially delayed due to the realignment of the future Mid-Mile Collector and working through a Construction Agreement with the neighboring Developer, the Applicant wished to maintain their scheduled meeting date of February 14, 2023.
- C. As the Applicant is actively pursuing a temporary access solution with ITD, and because the southwest driveway will be closed with appropriate landscaping once the first segment of the future Mid-Mile Collector is constructed, staff is confident with this Case appearing before the Commission for review and decision.

1. On April 6, 2023, Niki Benyakhlef notified the Applicants team the existing driveway which served the original residence, could be utilized as temporary site access via an Approach Permit, until Collector construction is completed (Exhibit 2.48); this satisfies Condition 5.1.D.

4.3 Pathways and Trails Master Plan: N/A

4.4 Site Layout and Dimensional Standards

- A. The Applicant proposes a 66-foot-wide ingress/egress driveway, located approximately 444-feet east of the Meridian Road/Hwy 69 and future East/West Collector intersection. This proposal does not meet ACHD Policy and shall be restricted to a maximum width of 36-feet and should be constructed within the right-of-way (ROW).
- B. The proposed site layout places two (2) flexspace buildings parallel to the Meridian Road/Hwy 69 frontage on the west, separated by a landscape buffer and parking lot; the storage office with living quarters is proposed to be constructed near the north property line, approximately 18-feet east of the ingress/egress driveway. The indoor/outdoor/covered storage spaces are proposed to be constructed within the remaining 10-acre portion of the subject site. These proposed structure and space locations appear to be in general compliance with the standards listed in [KCC 5-3-3](#).
- C. The two (2) proposed flexspace buildings are as follows:
 - Building No. 1: 80-feet x 260-feet; 20,800 SF; up to 13 occupants; and
 - Building No. 2: 80-feet x 240-feet; 19,200 SF; up to 12 occupants.
- D. No restrooms are proposed within the two (2) buildings themselves; however, restroom facilities are proposed at the south end of Building No. 1 and at the north end of Building No. 2. These restrooms are proposed to be accessed via outdoor pedestrian walkways; there also appears to be a janitors closet for each building, which separates the men's and women's restrooms. A 45-foot-wide parking lot is proposed at the front of the buildings, and a 40-foot-wide, gated driveway is proposed along the rear of the buildings.
- E. The proposed two-story storage office contains living quarters on the second floor, which are intended for the caretakers operating the storage facility. The office is proposed to be 832 SF, with the remaining area being identified as "utility"; staff believes part of this utility area is intended to be used as garage space for the caretakers. The office entrance is oriented westward and a 20-foot-wide, gated ingress/egress to the storage facility extends from the offices southwest corner towards Building No. 1. The second story living quarters is proposed to be 1,564 SF, with caretaker garage facing east, on the ground level. [KCC 5-3-2](#) permits a "caretaker" within a C-2 zone, in conformance with footnote 13, which states this accessory use is intended to provide security services, not solely as a rental residence.
- F. There are eight (8) enclosed buildings providing RV or self-storage options, one (1) covered RV parking structure, and the remaining are intended to be open RV storage spaces; overall, there are 554 storage spaces within the facility. At complete buildout, a permanent water storage tank with pump house for fire suppression, will be in the northeast corner of the site.
- G. Applicant proposes two (2) dumpsters to service the property; one (1) will be located near the northeast corner of Building No. 1, and the second will be in the southwest corner of the storage facility portion. General elevations for the trash enclosures have been provided; however, actual materials and measurement were not identified.

- H. The overall project is proposed to be constructed in four (4) Phases, with Phase No. 1 encompassing fencing of the southern portion of the storage facility, landscaping along Meridian Road/Hwy 69, a temporary office and four (4) 2,000-gallon temporary water holding tanks for fire suppression.

4.5 Elevations

- A. The storage office with living quarters and flexspace buildings are proposed to be metal with anodized aluminum store fronts covered by metal awnings, panel overhead doors, and corrugated steel wall panels which alternate between wide vertical and horizontal lines, and narrow vertical lines; the roof will be corrugated steel. The proposed color palette is generally variations of Gray, with portions in a muted Rustic Red.
- B. The enclosed RV and self-storage buildings are proposed to be metal with corrugated steel wall panels, and roll-up doors; the proposed color palette is Solar White with variations of Gray.
- C. The covered RV storage spaces are proposed to have steel framing with a corrugated metal roof; color palette is Charcoal Gray.
- D. Staff notes that all metal siding shall have a concealed fastener system, while metal roofing shall have a standing or batten seam with a concealed fastener system. All metal buildings are required to conform to the design requirements, objectives and considerations listed in [KCC 5-4-6](#).

4.6 Parking

- A. Per the updated site plan (Exhibit 2.36), the Applicant proposes 51 standard stalls, and two (2) ADA stalls along the front of the flexspace buildings and proposes 24 standard parking stalls in the rear. Applicant proposes the front stalls to be 90-degree style with a length of 18-feet; a width was not provided. Applicant also proposes the rear stalls be parallel style with a width of 12-feet; a length was not provided. The storage office proposes five (5) standard 90-degree style stalls, and one (1) ADA 90-degree style stall, while the storage facility caretakers are provided with what appears to be a two (2) car garage space; lengths and widths were not provided. Staff notes the Project Data Table on Exhibit 2.33 does not match the actual measurements provided on the site plan.
- B. Per the parking standards and requirements listed in [KCC 5-9-2](#) and [KCC 5-9-3](#), and the intended office/warehouse use of the flexspaces, one (1) parking stall is required for each 300-feet of floor area. Based on the square footage of the proposed flexspace, a total of 133 parking stalls would be required, with five (5) of those being ADA accessible. Based on the square footage of the storage facility's office, 2.77 standard stalls would be required, with one (1) those being ADA accessible, while the second floor living quarters would require two (2) standard spaces.
 - 1. As a result of additional Conditions required by the Commission, the Applicant's team has worked with staff to review and determine an alternative parking plan as the floorplan for the flexspace units reflect small offices with the bays being intended as storage/warehouse for future businesses. Upon review of past similar projects, it has been determined the Applicants proposal of 83 standard stalls and 3 ADA stalls for the flexspace buildings, and 4 standard stalls, 1 ADA stall, and a 2 car garage for living quarters above the office, provides ample parking for the intended uses (see Exhibit 2.52). Therefore, this meets the staff recommended Condition 5.1.B.
- C. Though current city services limitations reduce the number of flexspace buildings that can be developed initially down to one (1) (or the equivalent of 16 EDUs per the City Engineer's Memo), these limitations will not persist into continuum and staff must base their review on actual full build out of the overall development. Based upon this review, staff finds the proposed number of parking stalls for the flexspace buildings to be inadequate and recommends the Applicant remove the 45 self-

storage units along the storage facility west fence adjacent to the flexspace buildings, and remove a few self-storage/RV spaces from the west end of each block, in order to shift the entire site layout to the east; this shift may allow the space needed to provide additional required parking stalls and maintain required drive aisle widths.

4.7 Open Space: N/A

4.8 Fencing

- A. Most of the fencing for the site is proposed to be chainlink security fence with privacy slats. The south side chainlink fencing of the storage facility appears to sit upon a substantial retaining wall, as there is a large slope difference between the subject site and the neighboring Northwest Lineman College. The north side of the storage facility is proposed to utilize a corrugated steel wall mirroring the design and colors of the flexspace and office; this wall will sit upon what appears to be a CMU retaining wall which steps along with the topography and appears to be approximately 14-feet in height. The west side of the storage facility proposes the same type of corrugated steel wall but has no retaining wall.
- B. The keypad-controlled gates for the storage facility and rear of the flexspace buildings, are proposed to be approximately 12-feet tall; no fencing material was directly called out.
- C. [KCC 5-4-6\(B\)\(3\)](#) typically does not allow the use of chainlink in commercial districts, but it does state other fencing types may be considered on a case-by-case basis; [KCC 5-5-5](#) (Regulations for Fencing, Walls and Hedges) specifically states fencing between commercial and residential uses shall be site obscuring. The current uses of the surrounding properties are as follows:

Location	Current Use	Jurisdictional Authority
North	Single-family residential subdivision in development	City of Meridian
South	Northwest Lineman College	Ada County
East	Single-family residence	City of Kuna
West	Meridian Road/Hwy 69	ITD

- D. Staff do not support the use of chainlink with privacy slats based on the surrounding uses, and the fact the south fence becomes a focal point due to the height difference and recommends the corrugated steel wall be continued around the entire perimeter of the storage facility, except where keypad-controlled gates are located. Due to the accumulation of multiple buildings and walls being painted in the tri-color palette, it could in fact create a distraction to vehicles and surrounding land users; as such, staff recommends all walls only be painted in two (2) colors, Ash Gray and Charcoal Gray.
 - 1. The Commission agreed with the staff recommendation that the metal fence should be installed on the North, East, and West lines of the storage area, as well as being painted in only the two (2) gray colors; however, the Commission found that the use of chainlink with privacy slats on the south of the storage portion was adequate. These updates are reflected on the Final Site Plan (Exhibit 2.52).

4.9 Landscaping

- A. The Applicant has submitted a general landscape plan. An approximately 60-foot landscape buffer and 10-ft sidewalk is proposed along the subject sites Meridian Road/Hwy 69 frontage; this area is to be planted with turf and 11 Class II trees. A 5-foot planter strip is proposed around the south and

west perimeters of the front parking lot, with the north portion following the curve of the drive and increasing to approximately 20-feet with a 10-foot sidewalk.

- B.** A turf area with low-scape drought resistant plants and rock mulch, is proposed to the north of building No. 1, south of building No. 2, and between the two (2); this between area is also proposed to have a sidewalk in which to access the two (2) sets of exterior restrooms. Landscaped islands are proposed within the front parking lot every 14 spaces; these islands are to contain an approved Class III trees.
- C.** Additional landscape islands with low-scape drought tolerant plants and rock mulch are proposed on the south side of the sidewalk along the future Mid-Mile Collector, in front of the storage facility office, within the island separating the ingress/egress lanes on the driveway, on and near the northwest corner of the storage facility fencing, and on each end of the parallel parking to the rear of the flexspace buildings.
- D.** Applicant shall be required to submit a detailed landscape plan to staff; this landscape plan shall reflect the items listed on the Design Review application form.
 - 1.** The Applicant has submitted a Final Landscape Plan (Exhibit 2.57), thus meeting Condition 5.1.F.

4.10 Lighting

- A.** Applicant proposes 40W, 80W and 120W neutral White LED wall pack downlighting lighting throughout the entire subject site (see Exhibit 2.44); these wall packs automatically turn/off from dusk to dawn and are waterproof.
- B.** [KCC 5-4-6\(F\)\(3\)](#) provides specific lighting requirements within commercial zoning districts. All lighting within and around the site shall be Dark Sky compliant.

4.11 Public Works

- A.** Upon initial review (Exhibit 2.23), the City Engineer comments Public Works staff must receive Central District Health Department septic system approval and review the civil site plan for existing and proposed utilities; after receiving civil site plan approval and construction drawing review, they can support approval of the requested Special Use Permit and Design Review.
- B.** Per updated comments provided in Exhibit 2.47, Public Works staff must receive CDHD septic system approval and review the civil site plan for existing and proposed utilities; after receiving approval and construction drawing review, Public Works can support approval of the Special Use Permit and Design Review applications.
- C.** The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

4.12 Idaho Power

- A.** Based upon preliminary review (Exhibit 2.29), it is noted that the Hubbard to Nampa 230,000-volt and Mora to Columbia 138,000-volt transmission lines easement is located on the southwest corner of the subject site. It is also noted there are no proposed onsite structures which are within the height restriction area for the transmission lines, and that all structures should be located beyond the distance indicated to avoid future maintenance or construction issues.

4.13 J&M Sanitation

- A. In Exhibit 2.42, it states at least three (3) trash enclosures are needed to serve the proposed flexspaces. Detailed drawings with dimensions and materials have been requested for review; specifications for the construction of these trash enclosures have been provided by J&M Sanitation.
- B. Staff notes that [KCC 5-5-6](#) provides requirements for the construction of solid waste enclosures for all Commercial properties. Staff recommends two (2) additional trash enclosures be added to the site; one (1) to serve the flexspace buildings, and one (1) located within the storage facility itself; these enclosures shall be constructed to KCC and J&M Sanitation standards.

4.14 Central District Health Department (CDHD)

- A. Exhibit 2.30 stresses the subject site does not currently have septic approval as test holes and an NP Study are still required. CDHD makes no guarantee a septic permit can be issued for the property.
- B. Staff recommends that the septic permit be issued prior to submission of building permits, and notes that if a septic permit is not issued, a new solution shall be coordinated with Public Works staff and City Engineer prior to submission of building permits.

4.15 Comprehensive Plan

- A. Goal Area 1: Kuna will be Economically Diverse and Vibrant.
 - 1. Goal 1.A.: Ensure Land Use in Kuna will support economic development.
 - Objective 1.A.2.: Create commercial nodes and corridors that support development of economic opportunities that do not compete with downtown revitalization efforts.
 - Policy 1.A.2.a.: Designate commercial land use nodes and corridors at strategic locations such as Meridian Road/Hwy 69 and Ten Mile Road.
 - Policy 1.A.2.c.: Focus on development of commercial uses that will not compete with downtown Kuna's businesses and character.
 - 2. Goal 1.C.: Attract and Encourage new and existing businesses.
 - Objective 1.C.2.: Create an environment that is friendly to business creation, expansion, and relocation.

Analysis: Development of additional flexspaces satisfies a great need in Kuna as current inventory is low, if not non-existent. As Meridian Road/Hwy 69 is the city's primary commercial corridor, development of the site with the proposed zoning and uses is appropriate.

- B. Goal Area 3: Kuna's land uses will support a desirable, distinctive, and well-designed community.
 - 1. Goal 3.A.: Ensure community design directs growth and implements sustainable land use patterns.
 - Objective 3.A.1.: Use the Future Land Use Map and land use regulations to direct development, encourage complementary and compatible land uses, and achieve good community design.
 - Policy 3.A.1.b.: Concentrate commercial and mixed-use areas along main entryway corridors, and reserve areas for low-density residential development, open space, industrial and agricultural uses at Kuna's outer areas and along the rail line.
 - Policy 3.A.1.d.: Use design standards such as facades, streetscaping, building orientation, setbacks, buffers, and parking requirements to encourage pedestrian-friendly environments and improve connectivity.
 - 2. Goal 3.C.: Encourage development of commercial areas with good connectivity and character.
 - Objective 3.C.1.: Create well-planned regional commercial centers that provide employment and services.

- Policy 3.C.1.a.: Concentrate regional commercial centers in proximity to entryway corridors for good visibility and access. Whenever possible, ensure access to commercial centers is from mid-mile collectors to prevent added congestion on entryway corridors.
- 3. Goal 3.G.: Respect and protect private property rights.
 - Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
 - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

Analysis: Meridian Road/Hwy 69 is the city's primary commercial corridor, as such, the Comprehensive Plan Future Land Use Map (FLUM) designates a portion of all parcels with frontage along this corridor, to be commercial. The design requirements in KCC 5-4 ensure similarity in design while allowing for individuality, thus making Kuna an aesthetically pleasing city. Subject site access onto Meridian Road/Hwy 69 via a future Mid-Mile Collector assists with keeping traffic congestion off other classified roadways with a lower intensity use. Developer compliance with Kuna City Code and Idaho Statutes provides the avenue for successful development of their private property. The placement of commercial development along the primary corridor provides residents with the ability to access a broad range of businesses and services within a condensed area.

4.16 Upon review, staff finds the request for Special Use Permit and Design Review to be in general compliance with [KCC Title 5](#) and [Title 6](#); [Idaho Code §67-65](#); and the Kuna Comprehensive Plan, if the additional required parking stalls are provided and the southwest driveway is closed, at full build out. The Applicant will be required to work with Kuna staff, ACHD, ITD, the Kuna Rural Fire District (KRFD) and any other applicable agencies, to ensure conformance to each agency's requirements.

V CONDITIONS

Based upon the record contained in Case Nos. 21-06-SUP and 21-20-DR, including the Comprehensive Plan, staff's memorandums, the exhibits and testimony during the public hearing, the Commission approved Case Nos. 21-06-SUP and 21-20-DR, subject to the following Conditions:

5.1 Staff Recommended Conditions

- A. All corrugated metal siding and fencing shall have a color match fastening system; fencing shall not exceed 8-feet in height per [KCC 5-5-5\(E\)](#). All metal roofing shall have a concealed fastener system per [KCC 5-4-6](#).
- B. Developer/Owner/Applicant shall work with staff to determine the appropriate number of parking stalls, based on a modified analysis. *This Condition has been met per Exhibit 2.52.*
- C. Developer/Owner/Applicant shall work with J&M Sanitation to meet their trash enclosure requirements. *This Condition has been met.*
- D. Developer/Owner/Applicant shall submit the temporary access plan approved by ITD for Phase 1 of the project for staff to maintain an accurate Case file. *This Condition has been met via Exhibits 2.48 and 2.54.*
- E. Developer/Owner/Applicant shall submit an updated site plan, which reflects any required changes to the number of parking stalls, trash enclosures, and trash enclosure details, for staff to maintain an accurate case file. *This Condition has been met via 2.52.*

- F. Developer/Owner/Applicant shall submit a detailed Landscape Plan to staff for review and approval; this Landscape Plan shall reflect a plant schedule, tree and shrub planting notes, etc., as detailed on the [Design Review Application Form](#). *This Condition has been met via Exhibit 2.57.*
- G. Findings of Fact and Conclusions of Law shall not be released until these Conditions have been met.

5.2 Transportation

- A. Buffers, curb, gutter, and sidewalk (attached and detached) along Aristocrat (future Mid-Mile Collector) shall be installed in accordance with ACHD and Mid-Mile Collector Construction Agreement with Brighton, with the addition of a temporary turnaround at the east terminus of the future Mid-Mile Collector.
- B. The ingress/egress driveway from the future Mid-Mile Collector to subject site shall not exceed 36-feet in width and be constructed within the right-of-way (ROW); the landscape island shall be constructed outside of the ROW, and the driveway is permitted to widen once outside of the ROW.
- C. Developer/Owner/Applicant shall close the southwest corner driveway, per ITD and [IDAPA 39.03.42](#) requirements, at the termination of the temporary access agreement timeframe approved by ITD. This driveway shall be closed in a manner which mirrors the Meridian Road/Hwy 69 landscape buffer once the detailed Landscape Plan has been reviewed and approved by staff.
- D. All parking stalls, driveways, drive aisles, and storage facility areas shall be paved or covered with a dust-free surface, as approved by the City Engineer; the site shall be fully paved upon completion of all Phases, unless otherwise approved.
- E. Direct lot access to the future Mid-Mile Collector is prohibited other than the driveway specifically approved with this application.
- F. Developer/Owner/Applicant shall work with ACHD, ITD, Brighton and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in each report; these improvements shall adhere to each applicable agency's requirements.
- G. Developer/Owner/Applicant shall install a sign at the terminus of every proposed stub street stating, "these roads will continue in the future". Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

5.3 Site Layout, Dimensional Standards and Parking

- A. Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- B. Applicant shall ensure the proper easement widths on all lots in accordance with [KCC 6-3-8](#).
- C. It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with [KCC 5-3-3](#).
- D. Developer/Owner/Applicant shall ensure all structures shall be located beyond the distance from the transmission line easement as indicated by Idaho Power.

5.4 Landscape, Open Space and Fencing

- A. Developer/Owner/Applicant shall install the corrugated metal fencing on the East property line of the storage facility in lieu of chainlink, and it shall only be painted in two (2) colors, Ash Gray and Charcoal Gray; chainlink with privacy slats shall be installed on the South of the storage portion of the project.

- B. Fencing within and around the site shall comply with [KCC 5-4](#) and [KCC 5-5-5](#), unless specifically approved otherwise and permitted as part of this application.
- C. Applicant shall submit a detailed landscape plan to staff for review and approval prior to release of the Findings of Fact and Conclusions of Law; this Landscape Plan shall reflect a plant schedule, tree and shrub planting notes, etc., as detailed on the [Design Review Application Form](#). *This Condition has been met via 2.57.*
- D. All required landscaping shall be permanently maintained in 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 in public Rights-of-Way shall be with approval from ACHD.
- E. Landscaping shall not be placed within ten (10) feet of all meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- F. 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](#).
- G. If any revisions are made, the Applicant shall provide Planning and Zoning Staff with a revised copy of the applicable plan (site, landscape, etc.); any revisions are subject to Administrative Determination to rule if the revision is substantial.
- H. Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify landscaping compliance prior to requesting signature on the final plat.

5.5 Public Works

- A. The City Engineer shall receive Central District Health Department septic system approval and review the civil site plan for existing and proposed utilities. Should a septic permit not be issued for the site, Developer/Owner/Applicant shall coordinate with Public Works and the City Engineer to come to a revised solution.
- B. When city utilities come within 300-feet of the subject site, Developer/Owner/Applicant shall extend utilities to each parcel and connect per [KCC 6-4-2](#) and the Design Review Conditions Acceptance Agreement (Exhibit 2.18). The Developer/Owner/Applicant shall conform to all corresponding City of Kuna Master Plans.
- C. 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](#).
- D. Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- E. 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 Pressure Irrigation System of the City (KMIS).
- F. The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or Water Booster Station.

- G. At the time of connection to city services, the Developer/Owner/Applicant shall submit a request to the Public Works Director/City Engineer for a Will-Serve Letter stating the city's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
- H. Developer/Owner/Applicant shall work with staff to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.

5.6 General

- A. The Developer/Owner/Applicant 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:
 - 1. The City Engineer shall approve all sewer connections.
 - 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. 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".
 - 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.
 - 5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - 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).
 - 7. All public rights-of-way shall be dedicated and constructed to the 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.
- B. 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 Commission, or seek amending them through applicable processes.
- C. Developer/Owner/Applicant/Contractors are 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 are subject to lawful penalties.
- D. Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements as listed in [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.
- E. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

5.7 Additional Conditions: After receiving testimony, closing the public hearing, and discussion, the Commission provided the following Condition per this by case basis:

- A. Developer/Owner/Applicant shall install chainlink with privacy slats on the South boundary of the storage facility.

**VI
TESTIMONY RECEIVED**

6.1 Matt Sanchi, ZGA Architects, 408 E Parkcenter Boulevard, Suite 205, Boise, ID, 83709, testified to a general overview of the project and its associated history. Mr. Sanchi informed the Commission they were in general agreement with the staff report but requested to modify Conditions 9.1.1, 9.1.2, 9.1.3, and 9.4.1; he then explained their reasoning.

**VII
CONCLUSIONS OF LAW
RE: POWERS AND DUTIES OF THE COMMISSION**

- 7.1** 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 [Idaho Code §50-1](#).
- 7.2** The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §67-65](#) and [KCC 1-14-3](#).
- 7.3** The Commission has decision-making authority over all Special Use Permit and Design Review applications as provided in [KCC 1-14-3](#).

**VIII
CONCLUSIONS OF LAW
RE: APPLICATION FOR SPECIAL USE PERMIT**

8.1 Kuna City Code 5-6 provides that:

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered daily.

The Commission shall hold a public hearing on each Special Use Permit application as specified in the Official Schedule of District Regulations. The Commission may approve, conditionally approve, or deny a Special Use Permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this Title.

**IX
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW**

9.1 Kuna City Code 5-4-2 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, Multi-family 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, sign or sites, requires the submittal of a Design Review application pursuant to this Chapter and fee as prescribed from time to time by the City Council.

X
**ORDER OF APPROVAL FOR SPECIAL USE PERMIT
AND DESIGN REVIEW APPLICATIONS**

The Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the public 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:

10.1 The Special Use Permit application (Case No. 21-06-SUP) is Approved.

10.2 The Design Review application (Case No. 21-20-DR) is Approved.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on May 23, 2023.

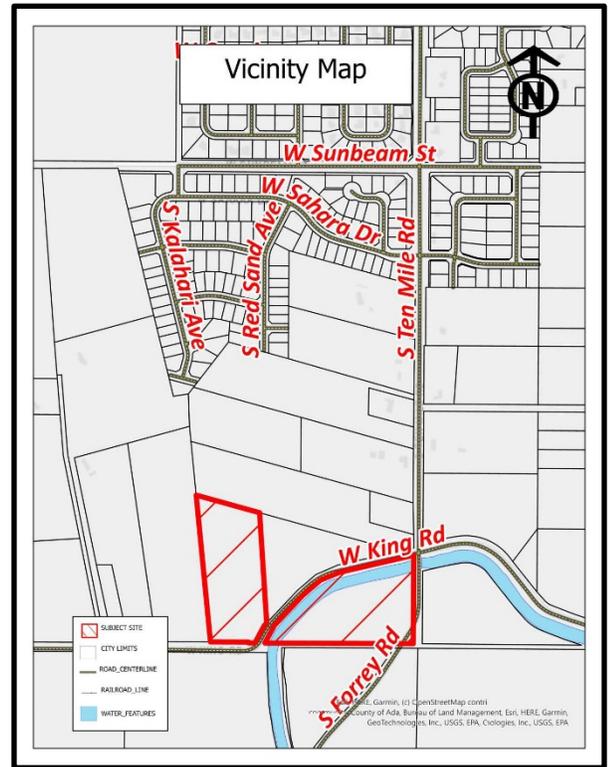
Lee Young, Chairman

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 22-11-AN**
)
GREG MCPHERSON)
)
 For 1597 S Forrey Road & 1920 W King) **STAFF REPORT FOR ANNEXATION.**
 Road.)

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1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact and Conclusions of Law
8. Proposed Commission’s Recommendation



**I
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 Staff s Report			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 ANNEXATION APPLICATION.pdf			X
2.3 LOT SPLIT APPLICATION.pdf			X

2.4 NARRATIVE.pdf			X
2.5 VICINTIY MAP.pdf			X
2.6 LEGAL DESCRIPTION OVERALL.pdf			X
2.7 LEGAL DESCRIPTION LOT SPLITS.pdf			X
2.8 AFFIDAVITS OF LEGAL INTEREST.pdf			X
2.9 DEED - SWANSON.pdf			X
2.10 DEED - WEEKES.pdf			X
2.11 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.12 COMMITMENT TO PROPERTY POSTING.pdf			X
2.13 PROPOSED LOT SPLITS.pdf			X
2.14 AGENCY REQUEST FOR COMMENTS.pdf			X
2.15 PUBLIC WORKS.pdf			X
2.16 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.17 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.18 CENTRAL DISTRICT HEALTH.pdf			X
2.19 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.20 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.21 P&Z KMN PROOF OF PUBLISHING.pdf			X
2.22 P&Z 300 FOOT LEGAL MAILER NOTICE.pdf			X
2.23 PROOF OF PROPERTY POSTING.pdf			X
2.24 P&Z WEBSITE NOTICE 4.25.23.pdf			X

II PROJECT SUMMARY

2.1

Description	Details
Acreage – Swanson Land	7.62
Acreage – Weekes Land	6.30
Existing Land Use(s)	Both are Residential & Agriculture
Future Land Use Designation	Low Density Residential
Proposed Land Use(s)	R-2
Lots (No. and Type)	2
Number of Residential Units	2 Residential
Number of Other Lots	None
Number of Phases	0
Net Density (Dwelling Units per Acre)	> 1 DUA

III APPLICANTS REQUEST

- 3.1** Applicant requests Annexation approval with the R-2 zone near the SWC of Ten Mile Road and King Road in Section 27, Township 2 North, Range 1 West; addresses are, 1597 S Forrey Road and 1920 W King Road.

**IV
PROCESS AND NOTICING**

4.1 Kuna City Code (KCC), [1-14-3](#) states that Annexations are designated as Public Hearings with the Commission as a recommending body and Council as the decision-making body. These land use applications were given public notice following Idaho Code [\(I.C.\) § 67-65](#).

4.1.1 Notifications

- A. Neighborhood Meeting: August 7, 2022 (0 Attendees)
- B. Agency Comments Request: January 20, 2023
- C. 300 FT Legal Mailer Notice: April 7, 2023
- D. Kuna Melba News Newspaper: April 5, 2023
- E. Site Posted: May 8, 2023
- F. Website3 Posting April 25, 2023

**V
GENERAL PROJECT FACTS**

5.1 Site Features

- A. The subject sites (APN: R7321000501 and R8372000050) is located in unincorporated Ada County and is currently zoned Rural Residential (RR) and Rural Urban Transition (RUT) and has historically been used for two separate single-family residences and small agriculture purposes.
- B. The proposed project site currently has vegetation consistent with that of residential parcels and agriculture fields. The site has an estimated average slope of 02% to 2.90%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 inches and 60 Plus inches.
- C. Staff is not aware of any environmental issues, health or safety conflicts, beyond being within the Nitrate Priority Area Boundary. Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

5.2 Surrounding Land Uses

North	RUT	Rural Urban Transition – Ada County
South	RR	Rural Residential – Ada County
East	A	Agriculture – Kuna City
	RUT	Rural Urban Transition – Ada County
West	RR	Rural Residential – Ada County
	RUT	Rural Urban Transition – Ada County

**VI
STAFF ANALYSIS**

6.1 Ada County Highway District

Did not provide comment.

6.2 Idaho Transportation

Did not provide comment.

6.3 COMPASS

Did not provide comment.

6.4 Pathways and Trails Master Plan

The Pathways Master Plan Map indicates a future trail and bike route which runs between the two sites to be located along the Mora Canal and parallels W King Road.

6.5 Site Layout and Dimensional Standards

The Applicant proposes Annexation only at this time. With future proposed development the applicant(s) will be required to follow applicable Kuna City Code.

All dimensional standards shall be in compliance with [KCC 5-3-3](#).

6.6 Parking

Each proposed lot, if approved, shall provide at least two (2) off street parking spaces for each single-family residential unit in accordance with [KCC 5-9-3](#).

6.7 Open Space

This proposal is not required to provide landscape buffers and common lots.

6.8 Fencing

All proposed fencing shall comply with [KCC 5-5-5](#).

6.9 Public Works

According to [Exhibit 2.15, Public Works](#) staff can support approval of this application.

6.10 Comprehensive Plan

- A.** Goal Area 3: Kuna's land uses will support a desirable, distinctive and well-designed community.
 - 1.** Goal 3.D.: Encourage development of housing options and strong neighborhoods.
 - Objective 3.D.1.: Encourage development of housing options for all citizens.
 - Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.
 - Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.
 - 2.** Goal 3.G.: Respect and protect private property rights.

- Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
 - Policy 3.G.1.b: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

Analysis: The proposal is for large lots thus providing additional housing types and sizes for needed housing variety.

6.11 Conclusion:

Upon review, staff finds the request for Annexation to be in compliance with Kuna City Code, [\(I.C.\) § 50-222](#) and the Kuna Comprehensive Plan; and staff recommends the Commission recommend Approval of Case No. 22-11-AN, with the Applicant being subject to the Conditions of Approval listed in Section “VIII” (8) of this report.

VII PROPOSED FINDINGS OF FACT

If the Commission wishes to approve, deny or modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.

- 7.1** Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
- A.** The Applicant held a Neighborhood Meeting August 7, 2022 (0 Attendees) attended the meeting in accordance with I.C. and KCC. (+)
 - B.** Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on April 7, 2023, and a legal notice was published in the Kuna Melba Newspaper on April 5, 2023, in accordance with I.C. and KCC. (+)
 - C.** The Applicant posted a sign on the property on May 8, 2023. (+)
- 7.2** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
- A.** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the objectives and considerations listed in Kuna City Code Title 5 and Title 6, and is supported by the Public Works Department. (+)
- 7.3** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?

- A. The Comp Plan designates the property as Low Density Residential, the proposed zoning districts is R-2. (+)
- B. The development includes additional housing types and sizes promotes large lot variety and desirable neighborhoods. (+)
- 7.4 Can the availability of existing and proposed public services accommodate the proposed development?
 - A. ACHD requires no mitigation improvements to serve the development. (+)
 - B. ITD requires no mitigation improvements to serve the development. (+)
 - C. Kuna School District requires no mitigation improvements to serve the development. (+)
 - D. Kuna Rural Fire District requires no mitigation improvements to serve the development. (+)
- 7.5 Does the public have the financial capability to provide supporting services to the proposed development?
 - A. Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected. (+)
- 7.6 Does the proposed project consider health and safety of the public and the surrounding area's environment?
 - A. Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of any future development. (+)
 - B. No major wildlife habitats will be impacted by the proposed development. (+)
- 7.7 Does the site landscaping meet the intent of the landscape Ordinance?
 - A. As this proposal is not a subdivision request, there is not required landscaping. (+)
- 7.8 Does the proposed application constitute orderly development?
 - A. The proposed subject site is located adjacent to Kuna City Limits. (+)
 - B. Subdivisions are under active construction to the northwest and southwest of the subject site. (+)
- 7.9 The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

Pursuant to [Idaho Code 67-8003](#), the Owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more that twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written taking analysis concerning the action if requested.

VIII PROPOSED COMMISSION'S RECCOMENDATION

*Note: These motions are for the recommendation of **Approval, Conditional Approval or Denial** of the Annexation to the City Council. However, if the Planning and Zoning Commission wishes to Approve or Deny specific parts of these requests as detailed in the report, those changes must be specified.*

Based upon the record contained in Case No. 22-11-AN, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, including the exhibits, and the testimony during the Public Hearing the Commission hereby (**recommends Approval/Conditional Approval/Denial**) of the Annexation, subject to the following Conditions of Approval:

8.1 Staff Recommended Conditions:

None.

8.2 Transportation

- A. With future development buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B. With future development Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.

8.3 Site Layout, Dimensional Standards and Parking

- A. Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- B. Applicant shall ensure the proper easement widths on all proposed future lots in accordance with [KCC 6-3-8](#).
- C. It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with [KCC 5-3-3](#).

8.4 Landscape, Open Space and Fencing

- A. With any future further development, fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B. With any future development 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 in public Rights-Of-Way shall be with approval from ACHD.
- C. With any future development, landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.

- D. Future Landscape Plan(s) and Preliminary Plat(s) will be considered binding site plans as amended and/or approved.
- E. With any future development, 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](#).

8.5 Public Works (*At time of future development*)

- A. 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](#).
- B. Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C. 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 Pressure Irrigation System of the City (KMIS).
- D. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E. Future Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).

8.6 General

- A. The Developer/Owner/Applicant 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:
 - 1. The City Engineer shall approve all sewer connections (*with any future connections*).
 - 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 an approved drainage plan.
 - 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".
 - 4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
 - 5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.

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).
 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.
- B. 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.
 - C. Developer/Owner/Applicant/Contractors are hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within the hours specified in [KCC 10-6-3](#). and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
 - D. 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.
 - E. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

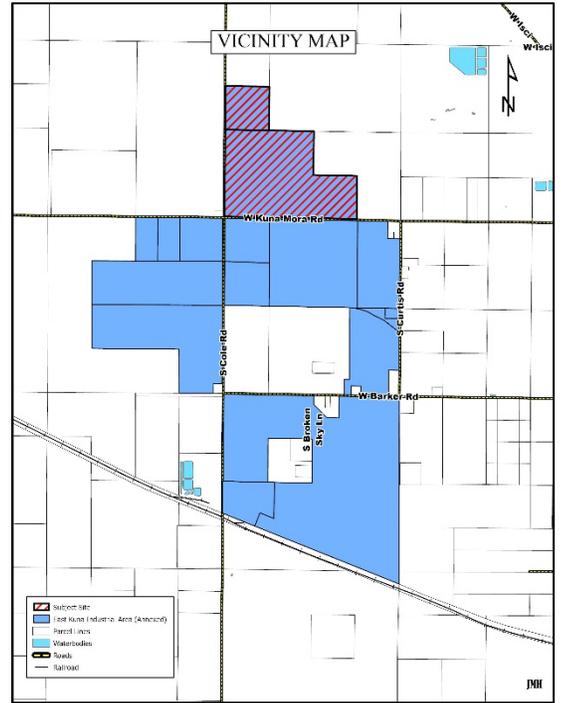
DATED this 23rd day of May 2023.

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

IN THE MATTER OF THE APPLICATION OF) **Case No. 22-04-DR (DESIGN REVIEW)**
BRISBIE LLC) **MODIFICATION**
))
)) **STAFF REPORT FOR THE**
) **PROJECT PEREGRINE DATA**
For 6990 W Kuna Mora Road.) **CENTER REDESIGN.**

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8. Staff Recommendation
9. Commission’s Proposed Decision



**I
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	<i>Withdrawn</i>	<i>Refused</i>	<i>Admitted</i>
1.1 STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X

2.2 DESIGN REVIEW APPLICATION.pdf			X
2.3 NARRATIVE.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.6 SITE PLAN.pdf			X
2.7 LANDSCAPE PLAN.pdf			X
2.8 ELEVATIONS.pdf			X
2.9 LIGHTING & PHOTOMETRIC PLAN.pdf			X
2.10 22-04-DR FINDINGS OF FACT.pdf			X

**II
PROJECT SUMMARY**

Description	Details
Acreage	242.7
Existing Land Use(s)	Industrial
Future Land Use Designation	Industrial
Proposed Land Use(s)	Industrial
Lots (No. and Type)	N/A
Number of Residential Units	N/A
Number of Phases	N/A
Net Density (Dwelling Units per Acre)	N/A

**III
APPLICANTS REQUEST**

- 3.1** Brisbie LLC, represented by Parametrix, requests a modification to their Design Review approval for buildout of a data center campus, including data halls, support buildings, parking, loading/unloading areas and landscaping. The subject site is zoned M-1 (Light Manufacturing/Industrial) and is located on the northeast corner of Kuna-Mora Road and Cole Road (Parcel Nos: S1531336020 & S1531233600).

**IV
PROCESS AND NOTICING**

- 4.1** Kuna City Code (KCC) [1-14-3](#) states that Design Reviews are designated as public meetings with the Commission as the decision-making body; no formal noticing is required.

**V
GENERAL PROJECT FACTS**

5.1 Site Features

- A.** The subject site was annexed as a part of the East Kuna Industrial Annexation, which was approved by the Council on October 19, 2021 (Findings signed November 3, 2021). These parcels are included within the M-1 Development Agreement, which was approved as part of the Annexation application, executed by the land owner and City on December 15, 2021. A Design Review for the subject site was approved by the Commission on March 22, 2022.

- B. The approximate bedrock depth of the site is estimated to be approximately 20” to 40” and an average slope range of 1 - 3%.
- C. Water and wastewater infrastructure is currently being constructed.

5.2 Surrounding Land Uses

North	RP M-1	Rural Preservation – Ada County Light Manufacturing/Industrial – Kuna City
South	M-1	Light Manufacturing/Industrial – Kuna City
East	RP	Rural Preservation – Ada County
West	RP	Rural Preservation – Ada County

**VI
STAFF ANALYSIS**

6.1 Ada County Highway District (ACHD)

- A. ACHD provided comments as a part of the original Design Review Application. The two (2) ingress/egress points to the site from W Kuna Mora Road and S Cole Road have remained unchanged.

6.2 Idaho Transportation (ITD): N/A

6.3 Pathways and Trails Master Plan: N/A

6.4 Dimensional Standards and Site Layout

- A. The original full site buildout was proposed to equal out to be approximately 2,692,706 buildable square feet for the data center and ancillary buildings. The modification proposes two (2) data center buildings, three (3) ancillary buildings, and two (2) guardhouse entrances totaling approximately 875,367 square feet.

6.5 Parking

- A. 910 parking stalls with 36 ADA accessible spaces were proposed with the original application.
- B. The modification requests 622 total parking stalls with 19 ADA accessible spaces.
- C. With the reduction of total buildable square feet, the proposal appears to be in conformance with [KCC 5-9-3](#).

6.6 Landscaping

- A. Landscaping on site is proposed to use native drought resistant plantings as approved as a part of the original design review application.

6.7 Open Space: N/A

6.8 Fencing

- A. The project provides 10-foot-tall no-climb security fence along its entire perimeter, the fence material will be steel mesh and posts with a black powder coated finish as originally approved.
- 6.9 **Conclusion:** Upon review, staff finds the Design Review Modification request to be compliant with [KCC Title 5](#), the Comprehensive Plan, and [Idaho Code §67-65](#).

VII PROPOSED FINDINGS OF FACT

If the Commission wishes to Approve, Deny or modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.

- 7.1 Do the contents of the proposed Design Review Modification application contain all of the necessary requirements as listed in [KCC 5-4-9](#): Design Review Application Required.
- A. 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. (+)
- 7.2 Based on the evidence contained in Case No. 22-04-DR Modification, does this proposal generally comply with the Comprehensive Plan?
- A. The Comprehensive Plan contains several goals and policies pertaining to the utilization of industrial land use designations to encourage the development and expansion of industrial businesses in Kuna. The subject site is currently zoned M-1 (Light Manufacturing/Industrial) and is proposed to be developed following the zones permitted uses. (+)
- 7.3 Do the building designs, including building mass, proportion of the buildings, relationship of exterior materials, and relationship of openings in the building, comply with Kuna City Code?
- A. The proposed elevations are compliant with Kuna City Code and are characteristic of Light Industrial use. (+)
- 7.4 Is the overall proposed project appropriate for the proposed site selection?
- A. The proposed data center campus is an appropriate fit for the property's M-1 (Light Manufacturing/Industrial) zone and use. (+)
- 7.5 Does the orientation of the buildings and site design minimize the impact on adjacent properties?
- A. The project is located along the Kuna Mora Expressway corridor. ACHD policy requires that no building structures are within 150 feet of the centerline of Kuna Mora Road. (+)
- B. Landscaping buffers, in accordance with Kuna City Code, have been provided along the sites' frontages on Cole Road and Kuna Mora Road. (+)

- 7.6 Does the associated parking lot provide adequate parking for the proposed facility and its design provide safe access for pedestrians?
- A. Proposed parking is compliant with [KCC 5-9](#). (+)
- B. Onsite facilities for pedestrian and bicycle traffic are to be made available for employees and visitors to the campus. (+)

VIII STAFF'S RECCOMENDATION

Based upon the record contained in Case No. 22-04-DR Modification, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums, Exhibits and Findings provided above, staff would recommend approval of the application.

IX COMMISSIONS ORDER OF DECISION

Note: The motion is for the Approval, Conditional Approval, or Denial of the Design Review Modification application. However, if the Commission wishes to Approve/Deny specific parts of the requests as detailed in the report, those changes must be specified.

Based upon the record contained in Case Nos. 22-04-DR Modification, including the Comprehensive Plan, Kuna City Code, Staff's Memorandums and exhibits, the Commission hereby (***Approves/Conditionally Approves/Denies***) the Design Review Modification subject to the following Conditions of Approval:

- 9.1 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).
- 9.2 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:
- a. No construction of any kind, or grading, filling, clearing or excavation of any kind shown on the Civil Plan shall be initiated until the Applicant has received approval of the Civil Plan. Blasting and rough grading is permitted.
 - b. The Kuna Rural Fire District, or alternative fire district authority, shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Kuna Rural Fire District is required.
 - c. The City shall approve any modifications to the existing irrigation system.
 - d. Approval from Ada County Highway District (impact fees), if any, shall be paid *prior to issuance* of building permits.
- 9.3 Developer/Owner/Applicant shall provide engineering certification on all final engineering drawings, as applicable.

- 9.4 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.
- 9.5 If applicable, Fire Suppression shall be shown on all plans and approved by the Kuna Rural Fire District (KRFD), or alternative fire district authority.
- 9.6 The Kuna Rural Fire District, or alternative fire district authority, must approve fire access to the project before, during, and after construction.
- 9.7 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.
- 9.8 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.
- 9.9 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.
- 9.10 As-built drawings are required at the conclusion of any public facility construction project and are the responsibility of the Applicants Engineer.
- 8.11 Developer/Owner/Applicant shall work with City of Kuna Staff to enter into a deferred installation agreement for sidewalks required by Kuna City Code.
- 9.12 Developer/Owner/Applicant shall be subject to the Final Conditions of Approval provided by Ada County Highway District following their acceptance of the development's Traffic Impact Study.
- 9.13 Enclosures for onsite trash collection shall be in compliance with Kuna City Code 5-5-6.
- 9.14 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.
- 9.15 Developer/Owner/Applicant shall follow staff, City Engineer and other agency recommended requirements, as applicable.
- 9.16 Developer/Owner/Applicant shall comply with all local, state and federal laws.

DATED this 23rd day of May 2023.