

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 October 10, 2023, at 6:00 PM

For questions, please call Planning and Zoning at (208) 922-5274.
ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.

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 September 12, 2023
(September 26, 2023, meeting was cancelled, no minutes)
- 2. Findings of Fact & Conclusions of Law
 - A. Case Nos. 22-07-ZC, 22-05-PUD, 22-15-S, 22-08-SUP & 22-34-DR Gallica Heights Subdivision
 - B. Case Nos. 23-02-CPF & 23-04-ZC Serving Subdivision
 - C. Case Nos. 23-01-CPM, 23-01-ZC & 23-02-S Arrow Pointe Plaza

3. PUBLIC HEARINGS:

- A. Case Nos. 23-07-AN (Annexation) for Cottonwood Crossing – Doug Hanson, Director

Applicant requests to Annex approximately 82.20 acres with an A (Agriculture) and C-2 (Area Commercial) zones at the northwest corner of Ten Mile and Columbia Roads (APNs: R4313530211, R4313530231); Section 3, Township 2 North, Range 1 West.

5. BUSINESS ITEMS:

- A. Case No. 23-12-DR (Design Review) for NAPA Auto Parts – Jessica Hall, Associate Planner

Applicant requests Design Review approval to construct an approximately 6,144 SF auto parts store, associated parking lot, and landscaping, Located on future Lot 4, Block 1 of the Ashville Acres Subdivision (APN: R0539771365); Section 19, Township 2 North, Range 1 East.

6. UPDATES & REPORTS: Non-Action Items

None

7. 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 September 12, 2023, at 6:00 PM

For questions, please call Planning and Zoning at (208) 922-5274.
ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.

1. CALL TO ORDER & ROLL CALL:

Timestamp 00:00:18

The Chairman called the meeting to order and requested roll call be taken.

Timestamp 00:00:33

COMMISSION MEMBERS PRESENT:

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

CITY STAFF PRESENT:

Kelsey Briggs, City Attorney
Troy Behunin, Senior Planner
Jessica Reid, Associate Planner

2. CONSENT AGENDA:

Timestamp 00:00:46

- I. Regular Commission Meeting Minutes Dated August 22, 2023
- 2. Findings of Fact & Conclusions of Law
 - A. Case No. 23-10-SUP 2929 N New Morning Avenue In-home Daycare
 - B. Case Nos. 23-01-CPF & 23-03-ZC Hagler Subdivision

Timestamp 00:00:51

Motion To: Approve the Consent Agenda.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Main

Further Discussion: None

Aye: 5

Nay: 0

Absent: 0

Motion Carried: 5-0-0

3. PUBLIC HEARINGS:

Timestamp 00:01:16

- A. Tabled from August 22, 2023, Case Nos. 22-07-ZC (Rezone), 22-05-PUD (Planned Unit Development), 22-15-S (Preliminary Plat), 22-08-SUP (Special Use Permit) & 22-34-DR (Design Review) for Gallica Heights Subdivision – Troy Behunin, Senior Planner

Timestamp 00:01:53

Chairman Young reviewed that the public hearing for the Case had been closed at the previous meeting and additional information would not be heard at that time; the Commission would deliberate and make their Motion accordingly.

Timestamp 00:02:26

Commissioner Main commented an R-12 zoning was too dense for the area and was okay with Phase 1 being along Columbia Road; he again stated R-12 was too dense.

Timestamp 00:03:06

Commissioner Clark understood the properties were designated Mixed Use on the Future Land Use Map (FLUM) and that residential was appropriate, just not R-12. He also commented that the development would increase traffic in the area by 23% on Columbia and an additional 14.5% on Black Cat; he didn't believe the area supported that many homes. Commissioner Clark believed an average density of R-6 overall.

Timestamp 00:04:20

Vice Chairman Hennis shared concerns with the fact the schools couldn't support additional students; even with a Bond or Levy, it could still take three (3) or more years for it to be built. The

Timestamp 00:05:04

Chairman Young echoed the concerns of his fellow Commissioners, adding he would have preferred to see a lower density along Black Cat as there was a Low Density designation across the street; the Chairman believed an R-4 was a more appropriate transition.

Timestamp 00:05:54

Commissioner Greger agreed that R-12 was not appropriate for that location and was not sure about R-8 either.

Timestamp 00:06:26

The Vice Chairman was not against the commercial's location, he would have preferred more but understood the limitations. He felt some services were needed to support the neighborhood and surrounding areas; he then reiterated there was a lack of school serviceability. The Commission then discussed the accurate way to Motion as there were multiple Cases with them being the decision-making body on two (2) of them.

Timestamp 00:08:59

Senior Planner Troy Behunin asked if it was the intent of the Commission to provide that Applicant with direction on how to amend the project; the Commission answered they were not positive yet. There was additional conversation regarding proposed Motions and Associate Planner Jessica Reid asked an additional clarifying question. City Attorney Kelsy Briggs asked that when the Commission made their Motion, they were very detailed.

Timestamp 00:15:32

Motion To: Recommend Denial to Council of Case Nos. 22-07-ZC & 22-05-PUD for Gallica Heights Subdivision due to incompatibility with surrounding uses.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 5

Nay: 0

Absent: 0

Motion Carried: 5-0-0

Timestamp 00:16:52

Motion To: Deny of Case Nos. 22-08-SUP & 22-34-DR (Design Review) for Gallica Heights Subdivision due to incompatibility with surrounding uses.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 5

Nay: 0

Absent: 0

Motion Carried: 5-0-0

Timestamp 00:17:41

B. Case Nos. 23-02-CPF (Combo Plat) & 23-04-ZC (Rezone) for Serving Subdivision – Jessica Reid, Associate Planner

Timestamp 00:18:11

Associate Planner Jessica Reid provided an overview of the proposed project then stood for questions.

Timestamp 00:19:05

Commissioner Clark asked Ms. Reid if the existing parking lot serving Kuna United Methodist would remain as is. Ms. Reid answered they would in fact remain.

Timestamp 00:19:31

Commissioner Greger recused herself from voting on the Case as she was a member of United Methodist Church. Chairman Young thanked her and called the Applicant forward.

Timestamp 00:20:00

Dennis Durrant thanked the Commission for their time then discussed how wonderful it was to live in and serve the community. Mr. Durrant discussed growth within the city and how a larger city meant a larger need; it was their mission to assist the underserved in the community who were struggling to make ends meet. He also explained the application was the first step in the goal of a new building for the Kuna Food Bank by cleaning up some of the lot lines from the past and Rezone the property to streamline that future process. Mr. Durrant also discussed Ted Weimer who had donated the property and how instrumental he had been. He summarized with noting one of the Kuna Food Bank mottos, neighbors serving neighbors, and how they looked forward to making Kuna an even better place to live. Mr. Durrant then stood for questions.

Timestamp 00:22:48

Chairman Young opened the public hearing.

In Favor

Dennis Durrant, Applicant Representative, 8352 S Old Farm Lane, Meridian, ID, 83642 – Testified

Joe Fodor, 2600 W Kuna Mora Road, Kuna, ID, 83634

Bonnie Heinrich, 1672 N Calaveras, Kuna, ID, 83634

Terri Reno, 232 S Titan Place, Kuna, ID, 83634

Brenda Blitman, 8460 S Locust Grove, Meridian, ID, 83642 – Testified

Tamara Hough, 8397 S Old Farm Place, Meridian, ID, 83642 – Testified

Neutral

None

In Opposition

None

Timestamp 00:22:55

Chairman Young asked if there were any present who wished to sign in; there were but two (2) did not wish to testify.

Timestamp 00:24:26

Brenda Blitman testified she was in strong support of the proposed project as she had been working with Alliance Serving Kuna for a long time and the Kuna Food Bank was an amazing resource located in the heart of Kuna. Mrs. Blitman was very excited to see the Kuna Food Bank expand.

Timestamp 00:25:10

Tamara Hough testified she was a volunteer at the Kuna Food Bank and could attest to the need for a new building due to the increase in people needing the service.

Timestamp 00:25:53

Chairman Young asked if the Applicant wished to rebut; Mr. Durrant did not so the Chairman closed the public hearing and the Commission proceeded into deliberation.

Timestamp 00:26:12

Vice Chairman Hennis commented the Kuna Food Bank was a much needed resource and they had been serving the community for a long time; location and requested zoning was also appropriate.

Timestamp 00:26:39

Motion To: Recommend Approval to Council of Case Nos. 23-02-CPF & 23-04-ZC for Serving Subdivision, with the Applicant subject to the Conditions as outlined in the staff report.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Main

Further Discussion: None

Aye: 4 (*Commissioner Greger recused herself*)

Nay: 0

Absent: 0

Motion Carried: 4-0-0

Timestamp 00:27:30

C. Case Nos. 23-01-CPM (Comp Plan Map Amendment), 23-01-ZC (Rezone) & 23-02-S (Preliminary Plat) for Arrow Pointe Plaza – Troy Behunin, Senior Planner

Timestamp 00:27:39

Senior Planner Troy Behunin provided a history of the subject site and the proposed project then stood for questions.

Timestamp 00:31:12

Michael Wright thanked staff for their presentation and that he had nothing to add, then asked if the Commission had any questions.

Timestamp 00:31:38

As there were no questions, Chairman Young opened the public hearing.

In Favor

Jeff Evans, 684 W Wolf Willow, Kuna, ID, 83634 – Testified

Neutral

None

In Opposition

None

Timestamp 00:31:51

Jeff Evans testified he had no specific request or petition, he just wanted to touch on his concerns with traffic being contributed to Hubbard Road, the lights from parking lots and their height, and that he felt building was too dense.

Timestamp 00:34:48

Chairman Young asked if there were any others present who wished to testify that did not sign in; as there were none, he closed the public hearing and the Commission proceeded into deliberation.

Timestamp 00:35:21

Chairman Young asked staff if PiSTEM school was part of the public school system; Mr. Behunin confirmed it was not. The Chairman saw the project like the development located on the southwest corner of Deer Flat and School roads in that he believed similar users would be interested; he believed the location was appropriate for the proposed project.

Timestamp 00:36:57

Vice Chairman Hennis agreed with the Chairman then commented further on PiSTEM. He then commented that lighting was required to comply with Dark Sky policy but that they would have a better idea of the lighting, building, and parking design when a Design Review application came forward. The Vice Chairman also believed the site was appropriate and would attract smaller neighborhood type tenants.

Timestamp 00:38:07

Commissioner Main agreed with the location and potential uses also, then commented he did not think traffic from the proposed project would be any worse as when the school was present. He noted that lighting and other design would be looked at more closely in the future as well.

Timestamp 00:38:52

Mr. Behunin let the Commission know there were already multiple lights on site; three (3) on Hubbard Road, five (5) in the parking lot, and two (2) near School Street.

Timestamp 00:39:14

Vice Chairman Hennis noted the lighting most likely wouldn't change much.

Timestamp 00:39:24

Commissioner Clark liked the layout then asked the Commission their thoughts on the project's proximity to the neighboring Arbor Ridge Park; there were other parks within the city with neighboring Commercial uses and appeared to be operating without issue.

Timestamp 00:40:13

The Chairman felt like the separation was adequate.

Timestamp 00:40:39

Motion To: Recommend Approval to Council of Case Nos. 23-01-CPM, 23-01-Zc, & 23-02-S for Arrow Pointe Plaza, with the Conditions as outlined in staffs report.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Clark

Further Discussion: None

Aye: 5

Nay: 0

Absent: 0

Motion Carried: 5-0-0

5. BUSINESS ITEMS:

None

6. UPDATES & REPORTS: Non-Action Items

None

7. ADJOURNMENT:

Timestamp 00:41:19

Motion To: Adjourn.

Motion By: Vice Chairman Hennis

Motion Seconded: Commissioner Greger

Further Discussion: None

Aye: 5

Nay: 0

Absent: 0

Motion Carried: 5-0-0

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

September 12, 2023 – Commission, Public Hearing

Case Name: 2275 W Hubbard Road – Arrow Pointe Plaza

Case Type: Comprehensive Plan Map Amendment, Rezone & Preliminary Plat Request.

Case Nos.: 23-01- CPMA, 23-01-ZC and 23-02-S.

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

IN FAVOR NEUTRAL IN OPPOSITION

[X] Testify [] Not Testify

Jeff Evans

Print Name

684 W. Wolf Willow

Print Address

Kuna ID 83634

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip

[] Testify [] Not Testify

Print Name

Print Address

City State, Zip



CITY OF KUNA

751 W 4th Street • Kuna, ID 83634
 (208) 922-5274 • www.kunacity.id.gov

Planning & Zoning Commission Public Hearing Sign-In Sheet
 September 12, 2023

Case No.: 23-02-CPF (Combo Plat) & 23-04-ZC (Rezone)

Case Name: Serving Subdivision

Please print your name below & indicate if you would like to Testify or NOT Testify regarding this item.

IN FAVOR	NEUTRAL	IN OPPOSITION
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify <i>DENNIS DURRANT</i>	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name <i>8352 S. OLD FARM</i>	Name	Name
Address <i>MERIDIAN, ID 83642</i>	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input checked="" type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name <i>JOE FORD</i>	Name	Name
Address <i>2600 W KUNA MON</i>	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input checked="" type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name <i>Bonnie Heinrich</i>	Name	Name
Address <i>1672 W. Calaveras</i>	Address	Address
City, State, ZIP <i>Kuna ID 83634</i>	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input checked="" type="checkbox"/> NOT Testify <i>Shirley</i>	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name <i>232 S. TIA</i>	Name	Name
Address <i>Kuna 83634</i>	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP

IN FAVOR	NEUTRAL	IN OPPOSITION
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
<i>Brenda Britman</i>		
Name <i>2460 J. Louis Green</i>	Name	Name
Address <i>Meridian ID 83642</i>	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
<i>TAMARA HOUGH</i>		
Name <i>8397 S Old Farm Pl</i>	Name	Name
Address <i>Meridian</i>	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input checked="" type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify
Name	Name	Name
Address	Address	Address
City, State, ZIP	City, State, ZIP	City, State, ZIP

2.18 PRELIMINARY PLAT.pdf			X
2.19 PHASING PLAN.PDF			X
2.20 LANDSCAPE PLAN COLORED.pdf			X
2.22 COMMITMENT TO POSTING PROPERTY .PDF			X
2.23 COMMON AREA MAINTENANCE.pdf			X
2.24 TRAFFIC IMPACT STUDY EXECUTIVE SUMMARY.pdf			X
2.25 NATURAL FEATURES MAP.pdf			X
2.27 REQUEST FOR AGENCY COMMENTS.pdf			X
2.28 PUBLIC WORKS.pdf			X
2.29 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.30 BOISE KUNA IRRIGATION DISTRICT.pdf			X
2.31 CENTRAL DISTRICT.pdf			X
2.32 COMPASS.pdf			X
2.33 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.34 KUNA RURAL FIFR DISTRICT.pdf			X
2.35 NAMPA MERIDIAN IRRIGATION DISTRICT.pdf			X
2.36 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.41 PROOF OF PUBLISHING KMN P&Z.pdf			X
2.42 PROOF OF LEGAL MAILER PZ.pdf			X
2.43 PROOF OF PROPERTY POSTING.pdf			X
2.44 WEBSITE PUBLISH.pdf			X
2.37 FREDERICK, JERRY 11.29.22.pdf			X
2.38 ANDERSON, BRUCE, SHARON LETTER.pdf			X
2.39 STEWART, TERRY & RENEE LETTER.pdf			X
2.40 RUWE, MONIQUE EMAIL.pdf			X
2.46 GROW-WILHITE, DAYNA EMAIL.pdf			X
2.47 HOUGH, TAMMIE.pdf			X
2.48 PZ APPLICANT PRESENTATION.pdf			X

1.2 Hearings: The Commission heard this on August 22, 2023, and it was continued to September 12, 2023. The FCO's have been requested to go before the Commission on September 26, 2023.

1.3 Witness Testimony: Those who testified at the Commissions' August 22, 2023, hearing are as follows, to-wit:

A. City Staff:
Troy Behunin, Senior Planner

B. Appearing for the Applicant:
Elizabeth Koeckeritz, Givens Pursley 601 W Bannock St., Boise, ID 83702 – Testified

C. Appearing in Favor:
Joe Guido, 7744 Bella Terra Lane, Meridian, ID, 83642
Kathy Guido, 7744 Bella Terra Lane, Meridian, ID, 83642
Jim Grow, 7946 S Saddle Bag Way, Nampa, ID, 83687 – Testified

D. Appearing Neutral:
None

- E.** Appearing in Opposition:
 - Renee Stewart, 8475 S Black Cat Road, Nampa, ID, 83687 – Testified
 - Terry Stewart, 8475 S Black Cat Road, Nampa, ID, 83687
 - Andrew Bills, 4277 W Balivi Lane, Nampa, Id, 83687 – Testified
 - Tamara Hough, 8397 S Old Farm Place, Meridian, ID, 83642 – Testified
 - Veronica Peterson, 1534 W Heartland Drive, #D100, Kuna, ID, 83634
 - Ken Hough, 8397 S Old Farm Place, Meridian, ID, 83642
 - Jeff Turner, 4401 W Balivi Lane, Nampa, ID, 83687
 - Robbie Reno, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID, 83642 –Testified
 - Karin Navarro, 925 N Black Cat Road, Kuna, ID, 83634
 - Antonio Navarro, 925 N Black Cat Road, Kuna, ID, 83634
 - Brandon Brazee, 985 N Black Cat Road, Kuna, ID, 83634
 - Beverly Wolf, 3420 W Commemoration, Meridian, ID, 83642 – Testified
 - Kim Williams, 4460 W Columbia Road, Meridian, ID, 83642
 - Bryan Snider, 4460 W Colombia Road, Meridian, ID, 83642
 - Sandy Whitehead, 1227 N Black Cat Road, Kuna, ID, 83634
 - Scott Burh, 4747 W Deer Flat Road, Kuna, ID, 83634
 - Austin Faulk, 8847 N McDermott Road, Kuna, ID, 83634
 - Ashlynn Faulk, 8847 N McDermott Road, Kuna, ID, 83634
 - Tammi Lewis, 1162 W Penelope Street, Kuna, ID, 83634
 - Taunya Bos, TBD S Black Cat Road (APN: S1309142152), Nampa, ID, 83687
 - Jerry Frederick, 8968 S Black Cat Road, Nampa, ID, 83687 – Testified

- 1.4 Witness Testimony:** At the Commissions’ September 12, 2023, the Public Hearing was not re-opened and no public testimony was received.

**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 RECOMMENDED 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 and Idaho Statutes.
- B.** Notice was published for the August 22, 2023, hearing on the request for Rezone, Planned Unit Development (PUD), Preliminary Plat and Special Use Permit in the Kuna Melba News, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County, on June 21, 2023. Notice was also published on the City of Kuna website July 6, 2023.
- C.** Notice for the August 22, 2023, hearing containing the legal description of the property proposed in the applications was mailed to all known and affected property owners within 300-ft of the boundaries of the area described in the application on June 28, 2023.

D. Notice for the August 22,, 2023, hearing was posted on a sign in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on June 2, 2023. The Proof of Property Posting was provided to staff on June 8, 2023.

3.2 Findings Regarding Rezone, PUD, Preliminary Plat, Special Use Permit and Design Review

A. The subject site (APN’s S1310223100, S1310233700, and S1310233610) is located in City Limits, and is currently zoned Agriculture and has historically been used for agricultural purposes with a single residence and several outbuildings.

B. The land proposed for Gallica Heights Subdivision is comprised of three (3) parcels totaling approximately 132.26 acres. The parcels are as follows:

Owner	Parcel No.	Size	Current Zone
Thistle Farm, LLC	S1310233700	47.08 acres	Agriculture
Thistle Farm, LLC	S1310233610	59.51 acres	Agriculture
Thistle Farm, LLC	S1310223100	25.68 acres	Agriculture

C. The existing land uses and zoning districts for lands surrounding the subject site are as follows:

North	RR	Rural Residential – Ada County
	R1	Low Density Residential – Ada County
South	RR	Rural Residential – Ada County
	R-6	Medium Density Residential – Kuna City
East	RR	Rural Residential – Ada County
	Ag.	Agriculture – Kuna City
West	RR	Rural Residential – Ada County
	Ag.	Agriculture – Kuna City

D. Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?

1. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed.

E. Based on the evidence presented, does the application generally comply with the Comprehensive Plan?

1. The Comp Plan designates the property as Mixed-Use, the proposed zoning districts are R-6, R-12 and C-1.

2. The Commission believed the proposed amount of high density housing in this part of Kuna was not suitable.

3. The Commission believed high density housing across the street from the Rural Preservation designation did not follow the FLUM.

4. The Commission believed the additional housing types and sizes did promote the correct variety of housing or a desirable and well-designed neighborhood.

- G.** Can the availability of existing and proposed public services accommodate the proposed development?
1. ACHD can support the development with all Site-Specific Conditions of approval being satisfied.
 2. ITD requires no mitigation improvements to serve the development.
 3. Sewer will become available when a new regional lift station is built and operable and there is sufficient room with force main capacity.
 4. Potable water connection is available for the subject site.
 5. Pressurized irrigation connection is available for the subject site.
 6. Kuna Rural Fire District can support this project with their required conditions being satisfied.
- H.** Does the public have the financial capability to provide supporting services to the proposed development?
1. 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.
- I.** Does the proposed project consider health and safety of the public and the surrounding area's environment?
1. Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project.
 2. No major wildlife habitats will be impacted by the proposed development.
- J.** Does the site landscaping meet the intent of the landscape Ordinance?
1. A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted.
 2. It would be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#).
 3. A Landscape buffer comprised of sod, trees and other plantings will be provided along Classified Roads.
 4. The Proposed 12.72% qualified open space exceeds the 12.50% minimum.
 5. Internal pathways are provided for pedestrian connectivity within the development.
- K.** Does the proposed application constitute orderly development?
1. The proposed subject site is located within Kuna City Limits and is adjacent to city limits on two (2) sides.
 2. The Commission believed the transition between existing and proposed uses was not substantially complimentary.

3. The Commission believed the area of, and the number of high density housing units was too great for this part of Kuna.
 4. Subdivisions are under active construction to the northeast, south, and southeast of the subject site.
 5. Stub streets would be provided for connection of future development.
- L. 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.

IV

CONCLUSIONS OF LAW

RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

- 4.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to [Idaho Code §50-1](#).
- 4.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §50-222](#) and [Kuna City Code 1-14-3](#).

V

CONCLUSIONS OF LAW

RE: APPLICATION FOR REZONE

- 5.1 The City of Kuna has authority to Rezone lands within its boundaries pursuant to [I.C. §67-6511](#).
- 5.2 Kuna City Code, Title 1, Chapter 14, Section 3, states that Rezones are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.
- 5.3 The Rezone, proposed by the Application in Case No. 22-07-ZC, would comply with the Comprehensive Plan.

VI

CONCLUSIONS OF LAW

RE: APPLICATION FOR PLANNED UNIT DEVELOPMENT

- 6.1 The City of Kuna has authority to allow Planned Unit Developments pursuant to [I.C. § 67-6515](#).
- 6.2 The City of Kuna has authority per Kuna City Code 5-7, to allow a Planned Unit Development to be used as a tool in the land use process to provide relief from certain land constraints that would otherwise impede development opportunity.

- 6.3 Kuna City Code 1-14-3 states that Planned Unit Developments are designated as Public Hearings, with the Planning and Zoning Commission as the recommending-body and Council as the decision-making body.

**VII
CONCLUSIONS OF LAW
RE: APPLICATION FOR PRELIMINARY PLAT**

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

**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 individually.

The Planning and Zoning 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 The Kuna Planning and Zoning Commission has the decision-making authority over all Legislative Design Review applications as provided in [Kuna City Code 1-14-3](#)
- 9.2 [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, signs or sites, and requires the submittal of a Design Review application pursuant to this Chapter and fee as prescribed from time to time by the City Council.”

X
**ORDER OF RECOMMENDED DENIAL OF APPLICATIONS FOR
REZONE, PLANNED UNIT DEVELOPMENT,
AND PRELIMINARY PLAT**

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

- 10.1 The Rezone Application (22-07-ZCN) is recommended for *Denial*.
- 10.2 The Planned Unit Development Application (Case No. 22-05-PUD) is recommended for *Denial*.
- 10.3 The Preliminary Plat Application (Case No. 22-15-S) is recommended for *Denial*.

XI
**ORDER OF DENIAL OF APPLICATION FOR
SPECIAL USE PERMIT AND DESIGN REVIEW**

- 11.1 That the Special Use Permit Application (22-08-SUP) is hereby *Denied*.
- 11.2 That the Design Review Application (22-34-DR) is hereby *Denied*.

BY ACTION OF THE PLANNING AND ZONING COMMISSION of the City of Kuna at its regular meeting held on the 10th day of October 2023.

Chairman, Lee Young

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF)	Case Nos. 23-02-CPF & 23-04-ZC
)	
Alliance Serving Kuna, Inc.)	FINDINGS OF FACT, CONCLUSIONS OF
)	LAW & ORDER OF RECOMMENDATION
<i>For Subdivision and Rezone of Northeast</i>)	FOR SERVING SUBDIVISION
<i>corner of the W 4th Street & N Franklin</i>)	COMBINATION PLAT & REZONE
<i>Avenue.</i>)	APPLICATION.

THESE MATTERS came before the Commission for public hearing on September 12, 2023, for the receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Council does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Recommended 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 Memo			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 COMBO PLAT APPLICATION.pdf			X
2.3 REZONE APPLICATION.pdf			X
2.4 NARRATIVE.pdf			X
2.5 SPECIAL REQUESTS.pdf			X
2.6 VICINITY MAP.pdf			X
2.7 QUITCLAIM DEEDS.pdf			X
2.8 AFFIDAVIT OF LEGAL INTEREST - ALLIANCE SERVING KUNA.pdf			X
2.9 AFFIDAVIT OF LEGAL INTEREST - KUNA UNITED METHODIST CHURCH.pdf			X
2.10 SUBDIVISION NAME RESERVATION.pdf			X
2.11 SUBDIVISION LEGAL DESCRIPTION.pdf			X
2.12 PRELIMINARY PLAT.pdf			X
2.13 FINAL PLAT.pdf			X
2.14 C-1 LEGAL DESCRIPTION.pdf			X
2.15 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.16 COMMITMENT TO PROPERTY POSTING.pdf			X
2.17 AGENCY TRANSMITTAL.pdf			X
2.18 KMN PUBLICATION REQUEST P&Z.pdf			X
2.19 WEBSITE NOTICE PZ.pdf			X

2.23 300 FT PROPERTY OWNERS NOTICE.pdf			X
2.24 PROOF OF PROPERTY POSTING.pdf			X
2.20 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.21 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.22 CITY ENGINEERS MEMO.pdf			X
2.25 BOISE PROJECT BOARD OF CONTROL.pdf			X

1.2 Hearings: The Commission heard this September 12, 2023. The FCO's have been requested to go before the Commission October 10, 2023.

1.3 Witness Testimony: Those who testified at the Commission's September 12, 2023, hearing area as follows, to-wit:

- A.** City Staff:
Jessica Hall, Associate Planner
- B.** Appearing for the Applicant:
Dennis Durrant, 8352 S Old Farm Place, Meridian, ID, 83642 – Testified
- C.** Appearing in Favor:
Joe Fodor, 2600 W Kuna Mora Road, Kuna, ID, 83634 – Testified
Bonnie Heinrich, 1672 N Calaveras, Kuna, ID, 83634
Terri Reno, 232 S Titan Place, Kuna, ID, 83634
Brenda Blitman, 8460 S Locust Grove Road, Meridian, ID, 83642 – Testified
Tamara Hough, 8397 S Old Farm Place, Meridian, ID, 83642 – Testified
- 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 RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER OF DECISION, to-wit:

III FINDINGS OF FACT

3.1 Findings Regarding Notice

- A. Notice Required:** Notice was provided in accordance with Kuna City Code [\(KCC\) 1-14-3](#) and [Idaho Code §67-65](#).
 1. The Applicant held a Neighborhood Meeting May 19, 2023; there were four (4) attendees.
 2. Notice for the September 12, 2023, hearing was published on the city website August 21, 2023, and published in the Kuna Melba News on August 23, 2023.
 3. Notices containing a description and location of the project were mailed to all know and affected property owners within 300 FT of the subject sites on August 23, 2023.

4. The Applicant posted a sign on the property September 1, 2023, and a Proof of Property Posting was provided to staff September 5, 2023.

3.2 Findings Regarding Combination Plat & Rezone

- A. Do the Combo Plat and Rezone applications contain the necessary requirements listed in [Title 5](#) and [Title 6](#) of Kuna City Code?
 1. The Applicants have submitted a complete application and following staff review of technical compliance, the applications are compliant with KCC Title 5 and Title 6. (+)
- B. Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM), and is the site selection appropriate for the proposed project?
 1. The FLUM is intended to serve as a guide for future development and designates the subject site as Medium Density Residential and surrounding areas as High Density Residential and Commercial. Though the Applicant has requested a C-1 (Neighborhood Commercial) zone, upon review, staff finds the zone appropriate based on the subject site's location, its proximity to W 4th Street and the Downtown corridor, and because the Food Bank has been operating from the Kuna United Methodist Church since 1994. (+)
 2. Even though the intended use is commercial in nature due to the Official Schedule of District Regulations in [KCC 5-3-2](#), it is a low impact commercial use. (+)
- C. Was the Neighborhood Meeting conducted in and were the public noticing requirements met in accordance with city Ordinances and Idaho Code?
 1. The Applicant held a Neighborhood Meeting May 19, 2023, with 4 in attendance. An agency transmittal was sent to affected agencies August 1, 2023, a public notice was posted to the city website August 21, 2023, and a legal notice was published in the Kuna Melba News on August 23, 2023. Finally, a notice was mailed to all known and affected property owners within 300 foot radius of the subject site on August 23, 2023. The Applicant posted a sign on the property September 1, 2023. (+)
- D. Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
 1. The closest water, sewer, and pressurized irrigation points are within N Franklin Road and Public Works has provided their approval of this project. (+)
 2. ACHD has determined no roadway improvements are required as part of this project and has provided their approval. (+)
- E. The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
 1. 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 than 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 CONDITIONS

Based upon the record contained in Case Nos. 23-02-CPF & 23-04-ZC, including the Comprehensive Plan, staff's report, the exhibits and testimony during the public hearing, the Commission recommends Approval to Council, subject to the following Conditions:

4.1 Staff Recommended Conditions: None

4.2 Site Layout & Dimensional Standards: None

4.3 Pathways & Trails Master Plan: None

4.4 Open Space: N/A

4.5 Landscaping: None

4.6 Fencing

A. Fencing within and around the subject site shall comply with [KCC 5-5-5](#).

4.7 Ada County Highway District: None

4.8 Boise Project Board of Control: None

4.9 Public Works: None

4.10 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 the 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 (KMIS) 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.** 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.
- C.** Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- D.** 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).
- E.** It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development
- F.** The Developer/Owner/Applicant, and/or 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.
- G.** Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- H.** Developer/Owner/Applicant shall comply with all local, state, and federal laws.

V

CONCLUSIONS OF LAW

RE: POWERS AND DUTIES OF THE COMMISSION

- 5.1** 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](#).
- 5.2** The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §50-13](#) and [§67-65](#) and [KCC 1-14-3](#).
- 5.3** The Commission has the exclusive supervisory authority over recommendation of all plat approvals and certification under their jurisdiction as provided in [Idaho Code §50-1308](#).

VI

CONCLUSIONS OF LAW

RE: APPLICATION FOR PRELIMINARY PLAT AND REZONE

- 6.1** The City of Kuna has authority to approve Preliminary Plats and Rezones within its boundaries pursuant to [Idaho Code §50-13](#) and [§67-65](#).
- 6.2** [KCC 1-14-3](#) states that Preliminary Plats and Rezones are designated as Public Hearings, with the Commission as a recommending body and the Council as the decision-making body.
- 6.3** Subdivision regulations as defined in [KCC 6](#) are authorized by [Idaho Code §50-13](#) and [§67-6512](#).
- 6.4** The proposed Rezone proposed in Case No. 23-04-ZC complies with the Comprehensive Plan.

VII
**ORDER OF RECOMMENDING APPROVAL OF APPLICATION FOR
COMBINATION PLAT AND REZONE**

7.1 The Combination Plat (Case No. 23-02-CPF) is *recommended Approval*.

7.2 The Rezone (Case No. 23-04-ZC) is *recommended Approval*.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held October 10th, 2023.

Lee Young, Chairman

**BEFORE THE COMMISSION
OF THE CITY OF KUNA**

IN THE MATTER OF THE APPLICATIONS OF) Case Nos. 23-01-CPMA (Comprehensive
) Plan Map Amendment), 23-01-ZC
) (Rezone) and 23-02-S (Preliminary Plat)
)
PISA LAND HOLDINGS, LLC.) FINDINGS OF FACT, CONCLUSIONS
) OF LAW AND ORDER OF
) RECCOMENDED APPROVAL FOR
) COMPREHENSIVE PLAN MAP
) AMENDMENT, REZONE, AND
For 2275 W Hubbard Road) PRELIMINARY PLAT.

THESE MATTERS came before the Commission for Public Hearing on September 12, 2023, for receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law and Order of Decision for the above referenced applications. The Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
RECORD OF PROCEEDINGS**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.5 Staff's Report			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 REZONE APPLICATION.pdf			X
2.20 COMPREHENSIVE PLAN MAP AMENDMENT APPLICATION.pdf			X
2.3 PRELIMINARY PLAT APPLICATION.pdf			X
2.4 NARRATIVE.pdf			X
2.21 NARRATIVE - CPMA.pdf			X
2.5 VICINITY MAP.pdf			X
2.6 DEED OF TRUST.pdf			X
2.7 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.8 LEGAL DESCRIPTION.pdf			X
2.9 PRELIMINARY PLAT.pdf			X
2.10 COMMITMENT TO PROPERTY POSTING.pdf			X
2.11 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.12 SUBDIVISION NAME RESERVATION.pdf			X
2.13 REQUEST FOR AGENCY COMMENTS.pdf			X

2.14 PUBLIC WORKS.pdf			X
2.15 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.16 BOISE KUNA IRRIGATION DISTRICT.pdf			X
2.17 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.18 CENTRAL DISTRICT HEALTH.pdf			X
2.19 IDAHO TRANSPORTATION DEPT..pdf			X
2.22 PROOF OF KMN PUBLISH.pdf			X
2.23 PROOF OF LEGAL MAILER NOTICE 300'.pdf			X
2.24 PROOF OF SITE POSTING PZ.pdf			X
2.25 WEBSITE PUBLISH PZ.pdf			X
2.26 PUBLIC WORKS UPDATED.pdf			X

1.2 Hearings: The Commission heard this application September 12, 2023, at their regularly scheduled meeting. The FCO's have been requested to go to the Commission September 26, 2023.

1.3 Witness Testimony: Those who testified at the Commissions' September 12, 2023, hearing are as follows, to-wit:

- A.** City Staff:
Troy Behunin, Senior Planner
- B.** Appearing for the Applicant:
Michael Wright, 460 N Redwood Road, No. Salt Lake City, UT 84054 – Testified
- C.** Appearing in Favor:
None
- D.** Appearing Neutral:
None
- E.** Appearing in Opposition:
Jeff Evans, 684 W Wolf Willow St. Kuna, ID 83634 - Testified

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 OF DECISION, to-wit:

**III
FINDINGS OF FACT**

3.1 Findings Regarding Comprehensive Plan Map Amendment, Rezone and Preliminary Plat:

- A.** The land proposed for Comprehensive Plan Map Amendment, Rezone and Subdivision is one parcel approximately (approx.) 8.60 acres. The parcel information is listed below:

APN	Owner	Size	Current Zone
S1314120891	PISA Land Holdings, LLC.	8.60 ac.	R-6 (Medium Density Residential)

- B.** The existing land uses and zoning district classifications for lands surrounding the subject parcels are as follows:

North	R-6	Medium Density Residential – Kuna City
South	R-4	Medium Density Residential – Kuna Cit
East	R-4	Medium Density Residential - Kuna City (City Park)
West	RR	Rural Residential – Ada County

- C.** Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
- 1.** The Applicant held a Neighborhood Meeting January 26, 2022 (11 Attendees) attended the meeting in accordance with I.C. and KCC.
 - 2.** Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on August 21, 2023, and a legal notice was published in the Kuna Melba Newspaper on August 23, 2023, in accordance with I.C. and KCC.
 - 3.** The Applicant posted a sign on the property on August 29, 2023.
- D.** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
- 1.** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed.
- E.** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- 1.** The Comp Plan designates the property as Public, and is currently zoned R-6, while the proposed zoning district is C-1 and is proposed for the north half of the site. The Former School was in place at the time of the previous FLUM update. It was not known at that time the School would find another site and leave the site without a user. As a site on two classified roads, it is good Planning Practice for Commercial uses on the hard corner.

2. The development includes additional commercial and promotes variety and a desirable and well-designed neighborhood.
 3. Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents.
- F.** Can the availability of existing and proposed public services accommodate the proposed development?
1. ACHD can support the development with all Site-Specific Conditions of approval being satisfied.
 2. ITD requires no mitigation improvements to serve the development.
 3. The Danskin Lift Station is now operational with limited capacity to provide sewer service to this site, The site currently has 13 EDU's associated with the property.
 4. Potable water connection is already stubbed to the subject site.
 5. Pressurized irrigation connection is already stubbed to the subject site.
- G.** Does the public have the financial capability to provide supporting services to the proposed development?
1. 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.
- H.** Does the proposed project consider health and safety of the public and the surrounding area's environment?
1. Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. have already been installed for the site as a part of a previous School project.
 2. No major wildlife habitats will be impacted by the proposed development.
- I.** Does the site landscaping meet the intent of the landscape Ordinance?
1. A six- foot (6') vinyl fence is required around the perimeter of the subdivision as appropriate.
 2. An existing Landscape buffer comprised of sod, trees and plants is provided along W Hubbard Road.
- J.** Does the proposed application constitute orderly development?
1. The proposed subject site is located within Kuna City Limits and is adjacent to two city subdivisions and a City Park.
 2. Existing subdivisions are on the north, south and east of the subject site.

3. School Avenue currently provides a stub street for connection with future development.

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 than 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

CONCLUSIONS OF LAW

RE: POWERS AND DUTIES OF THE PLANNING AND ZONING COMMISSION

- 4.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to [Idaho Code §50-1](#).
- 4.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §50-222](#) and [Kuna City Code 1-14-3](#).

V

CONCLUSIONS OF LAW

RE: APPLICATION FOR COMPREHENSIVE PLAN MAP AMENDMENT

- 5.1 The City of Kuna has authority to approve Comprehensive Plan Map Amendments within its boundaries pursuant to [I.C. §67-65](#).
- 5.2 [Kuna City Code 1-14-3](#), states that Comprehensive Plan Map Amendments are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.

VI

CONCLUSIONS OF LAW

RE: APPLICATION FOR REZONE

- 6.1 The City of Kuna has authority to Rezone lands within its boundaries pursuant to [I.C. §67-6511](#).
- 6.2 [Kuna City Code 1-14-3](#), states that Rezones are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and City Council as the decision-making body.
- 6.3 The Rezone, proposed with this Application in Case No. 23-01-ZC, would comply with the Comprehensive Plan.

VII

CONCLUSIONS OF LAW

RE: APPLICATION FOR PRELIMINARY PLAT

- 7.1 The City of Kuna has authority to approve Preliminary Plats within its boundaries pursuant to [I.C. §50-13](#) & [67-65](#)

- 7.2 In Kuna City Code, Title 1, Chapter 14, Section 3, states that Preliminary Plats are designated as Public Hearings, with the Planning and Zoning Commission as a recommending body and the City Council as the decision-making body.
- 7.3 Subdivision regulations as defined in Kuna City Code Title 6 are authorized by [I.C. § 50-13 & 67-65](#) and [Article 12, section 2](#).

VIII
ORDER OF RECOMMENDED APPROVAL OF APPLICATIONS FOR
COMPREHENSIVE PLAN MAP AMENDMENT,
REZONE AND PRELIMINARY PLAT

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

- 8.1 That the Comprehensive Plan Map Amendment Application (Case No. 23-01-CPM) is Recommended *Approval*.
- 8.2 That the Rezone Application (Case No. 23-01-ZC) is Recommended *Approval*.
- 8.3 That the Preliminary Plat Application (Case No. 23-02-S) is Recommended *Approval*.

BY ACTION OF THE CITY COUNCIL of the City of Kuna at its regular meeting held on the 10th day of October 2023.

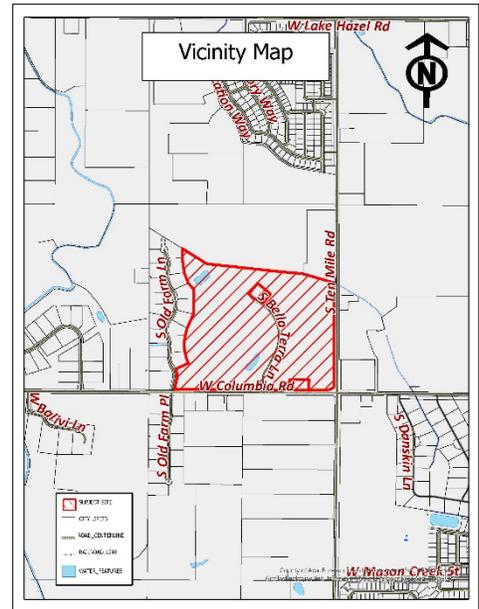
Lee Young, Chairman

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case Nos. 23-07-AN**
)
Cottonwood Crossing Farms, LLC.)
)
)
 For the Northwest corner of Ten Mile and) **STAFF REPORT FOR COTTONWOOD**
 Columbia Roads.) **CROSSING ANNEXATION APPLICATION.**

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process & Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Commission’s Proposed 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 Memo			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 ANNEXATION APPLICATION.pdf			X
2.3 LOT LINE ADJUSTMENT APPLICATION.pdf			X
2.4 DEVELOPMENT AGREEMENT APPLICATION.pdf			X
2.5 NARRATIVE.pdf			X
2.6 AG ZONE LEGAL DESCRIPTION.pdf			X
2.7 C-2 LEGAL DESCRIPTION.pdf			X
2.8 VICINITY MAP.pdf			X

2.9 QUITCLAIM DEED.PDF			X
2.10 WARRANTY DEED.PDF			X
2.11 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.13 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.14 COMMITMENT TO PROPERTY POSTING.pdf			X
2.15 PROPOSED LOT LINE ADJUSTMENT SKETCH.pdf			X
2.16 CONCEPT PLAN.pdf			X
2.17 AGENCY TRANSMITTAL.pdf			X
2.18 ITD.pdf			X
2.19 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.20 DEQ.pdf			X
2.21 ACHD.pdf			X
2.28 PUBLIC WORKS.pdf			X
2.24 CDHD.pdf			X
2.25 COMPASS.pdf			X
2.22 KUNA MELBA NEWS P&Z.pdf			X
2.23 P&Z MAILER.pdf			X
2.26 WEBSITE POSTING P&Z.pdf			X
2.27 PROOF OF POSTING P&Z.pdf			X

Exhibit 2.12 not assigned

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	82.20
Existing Land Use	RR (Rural Residential)
Future Land Use Designation	Mixed Use
Proposed Land Use	A (Agriculture), C-2 (Area Commercial)
Lots (No. & Type)	2 (1 Agriculture, 1 Commercial)
Number of Residential Units	None
Number of Phases	N/A
Gross Density (Dwelling Units per Acre)	N/A

2.2 Surrounding Land Uses

Direction	Current Zone	Jurisdiction	Future Land Use Map Designation	Development
North	RR (Rural Residential)	Ada County	Mixed Use	Single-family Residence, Fields
South	A (Agriculture)	Kuna	Mixed Use, Low Density Residential	Homestead Subdivision; Wildfire Subdivision
	RR (Rural Residential)	Ada County		
East	C-1 (Neighborhood Commercial)	Kuna		Single-family residence, Agriculture fields and facilities

	RR (Rural Residential)	Ada County	Commercial, Mixed Use	
West	RR (Rural Residential)	Ada County	Low Density Residential	Iron Horse Subdivision: Single-family residences
	R-2 (Low Density Residential)	Kuna		

**III
APPLICANTS REQUEST**

- 3.1** The Applicant requests to annex approximately 82.20 acres with A (Agriculture) and C-2 (Area Commercial) zones at the NWC of Ten Mile and Columbia Roads (APNs: R4313530211, R4313530231).

**IV
PROCESS AND NOTICING**

- 4.1** In accordance with Kuna City Code ([KCC](#)) 1-14-3, Annexations are designated as Public Hearings, with the Commission as a recommending body and Council as the decision-making body. This land use application was given proper public notice and followed the requirements set forth in [Idaho Code §67-65](#) Local Planning Act.
- A. Neighborhood Meeting: August 24, 2023 (5 Attendees)
 - B. Agency Transmittal: August 30, 2023
 - C. City Website: September 29, 2023
 - D. Kuna Melba News: September 20, 2023
 - E. 300 FT Property Owners Notice: September 20, 2023
 - F. Site Posted: September 29, 2023

**V
GENERAL PROJECT FACTS**

5.1 Site History & Features

- A. The sites are zoned RR (Rural Residential) and have historically been used for agriculture purposes and a single-family residence.
- B. The Comprehensive Plan Future Land Use Map (FLUM) serves as a guide and is not the actual zone; the subject sites are designated as Mixed Use.
- C. The subject site has an estimated slope of 0 – 4%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 inches to greater than 60 inches.
- D. Staff are not aware of any environmental, health or safety issues beyond the subject site being within the Nitrate Priority Area. The Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

VI STAFF ANALYSIS

6.1 Transportation and Connectivity

- A. The Idaho Transportation Department (ITD) has commented they have no concerns at this time. ITD will review the potential impacts to State Highway 69 at time of Preliminary Plat submittal at a future date. ITD's response can be viewed [here](#).
- B. ACHD has provided findings for consideration that may be identified when it reviews a future development application. ACHD comments can be reviewed [here](#).
- C. The COMPASS development review checklist can be reviewed [here](#).
- D. A future trail is identified on the subject parcel on the Pathways and Trails Master Plan. The Developer/Owner/Applicant will be required to install a trail when the property develops in the future.

6.2 Dimensional Standards & Site Layout

- A. The Applicant proposes two parcels utilizing the lot line adjustment process. The east parcel, fronting Ten Mile Road is proposed to be approximately 27.52 acres with a C-2 zone. The west parcel will total approximately 54.19 acres with an Agriculture zone.
- B. The proposed Agriculture zoned lands will be donated for a University of Idaho Endowment. The University of Idaho would take possession of the property upon the settlement of the Guido Estate, and they must maintain ownership of the property for at least 100 years.
- C. There is no development associated with this application. Should the developer/owner/applicant desire to develop the property in the future, they will be required to return to the City of Kuna for the appropriate land use approvals.

6.3 Open Space: N/A

6.4 Landscaping: N/A

6.5 Fencing: N/A

6.6 Boise Project Board of Control (BPBC)

- A. The United States' Kuna Canal lies within the boundary of the subject site. BPBC is contracted to operate and maintain this lateral and asserts a federal easement of 35 feet northeasterly and 35 feet southeasterly of the lateral's centerline.

6.7 Department of Environmental Quality (DEQ)

- A. DEQ has provided general guidelines for development of the subject sites.

6.8 Public Works

- A. Per Exhibit [2.28](#) Public Works can support the approval of this annexation contingent that future development applications shall not be submitted until adequate sewer infrastructure and sewer capacity are available.

6.9 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.
 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: *The proposal includes large areas for commercial development providing future opportunities for existing business relocation and expansion; and attraction of new businesses.*

- B. Goal Area 5: Kuna will invest appropriately in education, community facilities and cultural heritage.
1. Goal 5.B.: Attract opportunities for higher education and training in Kuna.
 - Objective 5.B.1. Develop resources to foster higher education and training opportunities in Kuna.
 - Objective 5.B.1.b: Consider appropriate resources, such as the promotion of a satellite campus, to encourage and provide for higher education or any type of vocational training.
 - Objective 5.B.1.d: Seek or establish joint venture possibilities between the City, KSD, Charter Schools and area colleges/universities that could allow for varying educational and technical opportunities.

Analysis: *The proposal includes approximately 53.02 acres of land that will be donated for a University of Idaho Endowment. The University of Idaho would take possession of the property upon the settlement of the Guido Estate, and they must maintain ownership of the property for at least 100 years.*

6.10 Conclusion: Upon review, staff finds this Annexation request to be in compliance with [Title 5](#) and [Title 6](#) of Kuna City Code, the Comprehensive Plan, and Idaho Code [§50-222](#) and [§67-65](#).

VII

PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-07-AN, including the Comprehensive Plan, Kuna City Code, Staff's Memorandum, the exhibits, and testimony during the Public Hearing, the Commission hereby recommends *Approval/Conditional Approval/Denial* of to the City Council, a request for Annexation for Cottonwood Crossing.

If the Commission wishes to Approve, Conditionally 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** Does the Annexation application contain the necessary requirements listed in [Title 5](#) and [Title 6](#) of Kuna City Code?
- A. The Applicants have submitted a complete application and following staff review of technical compliance, the applications are compliant with KCC [Title 5](#) and [Title 6](#). (+)
- 7.2** Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM), and is the site selection appropriate for the proposed project?

- A. The FLUM is intended to serve as a guide for future development and designates the subject site as Mixed Use and surrounding areas as Commercial, Mixed Use and Low Density Residential. The Applicant has requested A (Agriculture) and C-2 (Area Commercial) zones. (+)
- 7.2 Was the Neighborhood Meeting conducted in and were the public noticing requirements met in accordance with city Ordinances and Idaho Code?
- A. The Applicant held a Neighborhood Meeting August 24, 2023, with 5 in attendance. An agency transmittal was sent to affected agencies August 30, 2023, a public notice was posted to the city website September 29, 2023, and a legal notice was published in the Kuna Melba News on September 20, 2023. Finally, a notice was mailed to all known and affected property owners within 300-foot radius of the subject site on September, 2023. The Applicant posted a sign on the property September 29, 2023. (+)
- 7.3 Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
- A. This project is not requesting to connect to city sewer, water, or irrigation services at this time. (+)
- B. ACHD has determined no roadway improvements are required as part of this application. (+)
- C. ITD has determined no roadway improvements are required as part of this application. (+)
- D. No new residential units are proposed with this application. (+)
- 7.4 Does the proposed application constitute orderly development?
- A. The subject site has a contiguous touch to Kuna City Limits on the south, east and west. (+)
- B. Commercial zoning is proposed along Ten Mile Road, classified as a principal arterial on the City of Street Circulation Map. (+)
- 7.5 The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
- A. 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 COMMISSIONS PROPOSED ORDER OF DECISION

Based on the facts outlined in staff's report, documentation contained in the case file, and the public testimony as presented at the hearing, the Commission hereby recommends *Approval/Conditional Approval/Denial* of Case No. 23-07-AN to City Council, subject to the following Conditions:

- 8.1 Staff Recommended Conditions:** None
- 8.2 Site Layout & Dimensional Standards:** None
- 8.3 Pathways & Trails Master Plan:** None
- 8.4 Open Space:** N/A

8.5 Landscaping: N/A

8.6 Fencing: N/A

8.7 Ada County Highway District: None

8.8 Boise Project Board of Control

A. No landscaping other than gravel is permitted within the BPBC's easements.

8.9 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).

8.10 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 the 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 (KMIS) 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.** 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.
 - C.** Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
 - D.** 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).
 - E.** It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development
 - F.** The Developer/Owner/Applicant, and/or 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.
 - G.** Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
 - H.** Developer/Owner/Applicant shall comply with all local, state, and federal laws.

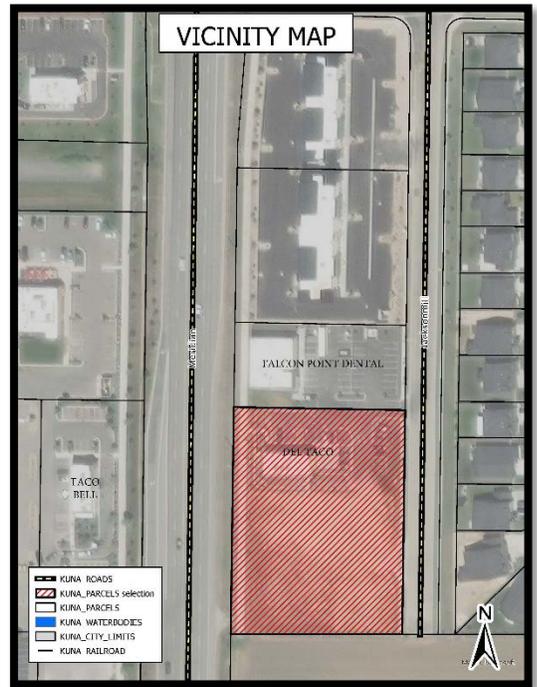
DATED this 10th day of October 2023.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-12-DR**
)
ROCKY MOUNTAIN COMPANIES)
)
For Design Review of Napa Auto Parts)
located on future Lot 4, Block 1 of Ashville) **STAFF REPORT FOR DESIGN REVIEW**
Acres Subdivision.) **APPLICATIONS.**

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process & Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Commission’s Proposed 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 NARRATIVE.pdf			X
2.4 AERIAL MAP.pdf			X
2.5 VICINITY MAP.pdf			X
2.6 WARRANTY DEED - PRE ASHVILLE ACRES.pdf			X
2.7 AFFIDAVIT OF LEGAL INTEREST.pdf			X

2.8 SITE PLAN.pdf			X
2.9 PRELIMINARY GRADING & DRAINAGE PLAN.pdf			X
2.10 FLOOR PLANS.pdf			X
2.11 ROOF PLAN.pdf			X
2.12 ELEVATIONS.pdf			X
2.13 PHOTOMETRIC PLAN & LIGHTING CUTSHEETS.pdf			X
2.14 LANDSCAPE PLAN.pdf			X
2.15 ASHVILLE ACRES FINAL PLAT - Approved 04.18.2023.pdf			X
2.16 AGENCY TRANSMITTAL.pdf			X
2.17 KUNA RURAL FIRE DISTRICT.pdf			X
2.18 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.19 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.20 CITY ENGINEER'S MEMO.pdf			X
2.21 APPLICANT PRESENTATION.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	Approx. 0.54
Existing Land Use(s)	C-1 (Neighborhood Commercial)
Future Land Use Designation	Commercial
Proposed Land Use(s)	Commercial Retail
Lots (No. & Type)	One (1) lot, C-1
Number of Residential Units	N/A
Number of Phases	N/A
Net Density (Dwelling Units per Acre)	N/A

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	C-1 (Neighborhood Commercial)	Commercial	Ashton Estates Subdivision: Del Taco, Falcon Point Dental, etc.	Kuna
South	A (Agriculture)	Commercial	Agriculture fields	Kuna
East	R-6 (Medium Density Residential)	Medium Density Residential	Ashton Estates Subdivision	Kuna
West	C-1 (Neighborhood Commercial)	Commercial, High Density Residential	Ensign Commercial Subdivision: Taco Bell, Tractor Supply, Dollar Tree, etc.	Kuna

III APPLICANTS REQUEST

- 3.1** Applicant requests Design Review approval to construct an approximately 6,144 SF auto parts store, associated parking lot and landscaping, located on future Lot 4, Block 1 of the Ashville Acres Subdivision (APN: R0539771365); Section 19, Township 2 North, Range 1 East.

**IV
PROCESS AND NOTICING**

- 4.1** Kuna City Code [\(KCC\) 1-14-3](#) states that Design Reviews are considered a public meeting with the Commission as the decision-making body; no formal noticing is required. An Agency Transmittal was emailed September 12, 2023.

**V
GENERAL PROJECT FACTS**

5.1 Site History and Features

- A.** The subject site is currently zoned C-1 (Neighborhood Commercial) within Kuna City Limits and has historically served as undeveloped land within the Ashton Estates Subdivision. On April 18, 2023, a Combo Plat for Ashville Acres Subdivision was approved to re-subdivide Lot 4, Block 12 into four (4) total lots.
- B.** The proposed subject site is generally flat and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches.
- C.** The Comprehensive Plan Future Land Use Map [\(FLUM\)](#) designates the subject site as Commercial; the site is currently zoned accordingly and there are no proposed zone changes.
- D.** Staff are not aware of any environmental issues, health, or safety conflicts beyond the site 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.

**VI
STAFF ANALYSIS**

6.1 Ada County Highway District (ACHD)

- A.** No improvements are required to the adjacent street(s).

6.2 Idaho Transportation Department (ITD)

- A.** ITD notes no access to the State Highway system has been requested, nor is any additional access approved.
- B.** Provided the site plan remains as is with no additional access request, ITD holds no objections to this project.

6.3 Dimensional Standards & Site Layout

- A.** As future Lot 4, Block 1 of the Ashville Acres Subdivision, the subject site meets the C-1 dimensional standards.
- B.** Per Kuna City Code [\(KCC\) 5-3-3](#), the max allowable height is 35 feet, required side setbacks are zero (0) feet, rear is 10 feet, and front setback on a local road is 15 feet; upon staff review of the site plan, the proposed project appears to be in substantial compliance with these requirements.
- C.** The structure is proposed to be located approximately 70 feet from the West property line, 95 feet from the East, 10 feet from the south, and 30 feet from the North; the storefront is proposed to face Northerly.

6.3 Pathways & Trails Master Plan

- A. There are no future pathways or trails indicated within the site.

6.4 Floor Plan & Elevations

- A. The 6,144 SF main floor is proposed to have retail space on the West 1/3 of the ground floor, with the remaining 2/3 providing for parts storage, an office, two (2) restrooms, utility room, and at grade loading dock. An approximately 2,816 SF upper mezzanine will provide additional parts storage, as well as the mechanical units.
- B. The upper portion of each elevation face is proposed to be covered in 22 gauge metal siding in NAPA blue.
- C. The North elevation proposes 2/3 to have 22 gauge lap seam metal siding, an 8x8 foot overhead door, and 4x7 foot metal mandoor, all in Gray. The remaining 1/3 is proposed to split face CMU and split score joint smooth CMU in Gray, and a 20 foot wide x 11 foot, 8 inch high anodized metal storefront which will be covered with an overhang.
- D. The South elevation proposes split score joint smooth CMU and 3x7 foot metal mandoor in Gray.
- E. The East elevation proposes 22 gauge metal lap seam siding in gray.
- F. The West elevation (Meridian Road/Hwy 69 side) proposes ½ to be 22 gauge metal lap seam siding and ½ to be split face CMU and split score joint smooth CMU, all in Gray; a 16 foot wide x 11 foot, 4 inch anodized window front is also proposed.
- G. Two (2) wall signs are proposed, one (1) above the North storefront and one (1) above the west window; small monument sign is also proposed near the Northwest parking spaces. All signage requires separate Sign Review applications be submitted for Planning and Zoning review, then building permit submission and receipt, prior to installation.

6.5 Parking

- A. Per [KCC 5-9-3\(C.9\)](#), one (1) parking stall is required for every 300 SF, or 21 total stalls with one (1) of said stalls being ADA accessible. This proposed project provides 24 standard stalls and one (1) ADA accessible stall, thus meeting the requirements.

6.6 Landscaping

- A. An approximately 40 FT landscape buffer, as measured from back of existing sidewalk along Meridian Road, is proposed on the West; a 10 FT landscape buffer is proposed on the South; and an approximately 10 FT landscape buffer is proposed on the East.
- B. A landscape island is also proposed on the Northeast corner of the building and has an approximately 15 x 15 FT trash enclosure set into it.
- C. Landscaping for the subject site is proposed to maintain existing Meridian Road frontage landscaping, as well as sod, deciduous and evergreen trees, shrubs, grasses, and perennials.
- D. A five (5) FT sidewalk is proposed to wrap around the building, then connect to the existing Meridian Road sidewalk; sidewalk along N Jacksonmill Avenue already exists.

6.7 Fencing: N/A

6.8 Kuna Rural Fire District (KRFD)

- A.** KRFD had no comments on this proposed project.

6.9 Public Works

- A.** Public Works staff has provided support for this project.
- B.** Connection fees have already been paid; however, additional costs may be incurred at the time of building permit dependent on a fixture count analysis.
- C.** The closest water and sewer connections are located within N Jacksonmill Avenue and the closest pressurized irrigation connection is located within the site's Western boundary.
- D.** A site utility layout plan shall be provided to Public Works for review and approval prior to submission of building permits.

6.10 Comprehensive Plan

- A.** Goal Area 1: Kuna will be economically diverse and vibrant.
 - 1.** 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.
 - 2.** Objective 1.A.4.: Administer land use standards and permitting processes in an equitable, cost-effective, and timely manner.
 - Policy 1.A.4.b.: Encourage pre-application meeting with developers and builders to clarify expectations and increase understanding of relevant plans, policies, codes, and development requirements.
 - Policy 1.A.4.c.: Continue to circulate land use applications and building permit applications (when applicable) to internal city departments.
 - 3.** Objective 1.C.2.: Create an environment that is friendly to business creation, expansion, and relocation.

Analysis: The Comprehensive Plan Future Land Use Map (FLUM) designates Meridian Road/Hwy 69 as the city's main commercial thoroughfare with all immediate frontage being dedicated to its development. By the decision-making body approving commercial plats or plats with a commercial aspect, it ensures there are shovel ready properties with proper zoning and infrastructure. The city strives to provide land use application fees justified by staff processing and the time dedicated to it while maintaining fees which are attainable by large developers and residents which are growing their businesses. The city's land use application process requires a pre-application meeting to address any changes which may be required resulting from staff and agency feedback. All of these aspects combine creates an environment ready for new and existing businesses.

- B.** Goal Area 3.A.: Ensure community design directs growth and implements sustainable land use patterns.
 - 1.** 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.

Analysis: Using the FLUM as the first building block in directing development is crucial, it is where we as a city have the chance to re-evaluate the growth and adjust where needed to encourage compatible

uses to remain together. Meridian Road/Hwy 69 serves as the city's main commercial thoroughfare with some shovel-ready properties available for development; by new, expanding, or relocating businesses utilizing these properties, it ensures uses are constructed in appropriate areas with adequate infrastructure and access.

6.11 Conclusion: Upon review, staff finds this Design Review request to be compliant with the requirements listed in [KCC 5-4](#), [5-5](#), [5-9](#), and [5-17](#), and [Idaho Code §67-65](#).

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-12-DR, including the Comprehensive Plan, Kuna City Code, Staff's Memorandum, the exhibits, and testimony during the meeting, the Commission hereby *Approves/Conditionally Approves/Denies* Case No. 23-12-DR, a request from Rocky Mountain Companies for the construction of a new NAPA Auto Parts store.

If the Commission wishes to Approve, Conditionally 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** Was a complete Design Review application submitted and does the application contain all necessary requirements listed in [KCC Title 5-10](#)?
- A.** The Applicant has submitted all required materials, and upon review, the application was considered complete by staff September 12, 2023. (+)
- 7.2** Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM)?
- A.** This proposed project is located within an almost entirely developed commercial area of the Ashton Estates/Ashville Acres plat, with frontage along Meridian Road/Hwy 69, thus meeting the FLUM's commercial designation. (+)
- 7.3** Does the proposed structure, design, mass, proportions, exterior materials, and relationship of openings comply with [KCC 5-4](#) and is the site appropriate for the proposed site selection?
- A.** Based on staff review, the proposed materials and finishes, the building's location and orientation on site, and overall design of the site is appropriate for the surrounding uses. (+)
- 7.4** Does the availability of existing and proposed public services and infrastructure accommodate the proposed development of the subject site?
- A.** Per the City Engineer's Memo, city services can accommodate development, and as the project is within a developed subdivision, roadway and sidewalks are existing; overall, public services and infrastructure can support proposed development of the site. (+)

VIII COMMISSION'S PROPOSED ORDER OF DECISION

Based on the facts outlined in staff's report, documentation contained in the case file, and testimony received at the public meeting, the Commission *Approves/Conditionally Approves/Denies* Case No. 23-12-DR, subject to the following Conditions of Approval:

8.1 Staff Recommended Conditions: None

8.2 Transportation

- A. No additional access to Meridian Road/Hwy 69 is permitted from the subject site.
- B. Developer/Owner/Applicant shall follow all standard ACHD Conditions of approval.

8.3 Site Layout, Dimensional Standards and Parking: None

8.4 Landscape and Fencing: None

8.5 Public Works

- A. Connection fees have already been paid; however, Developer/Owner/Applicant may incur additional costs at time of building permit dependent on fixture cost analysis.
- B. As-built (record drawings) shall be provided to Public Works at the conclusion of all public facility construction project and are the responsibility of the Developers Engineer.
- C. Verified as-built (record drawings) are required prior to the Certificate of Occupancy being granted.

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 the 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 (KMIS) 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. 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.

- C. Compliance with Idaho Code [§31-3805](#) pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- D. 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).
- E. It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development.
- F. The Developer/Owner/Applicant, and/or 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 Public Hearing processes.
- G. Developer/Owner/Applicant shall submit to Planning and Zoning staff a formal request for an alternative surface within the RV storage facility which complies with Kuna City Code 5-9-2(D), prior to progressing to a City Council hearing date, as gravel surfaces are not permitted.
- H. Owner/Developer/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- I. Owner/Developer/Applicant shall comply with all local, state, and federal laws.

DATED this 10th day of October 2023.