KUNA PLANNING AND ZONING COMMISSION
Agenda for October 24, 2017

Kuna City Hall ▪ Council Chambers ▪ 751 W. 4th St. ▪ Kuna, Idaho

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young
Vice Chairman Dana Hennis
Commissioner Cathy Gealy
Commissioner Stephen Damron
Commissioner John Laraway

2. CONSENT AGENDA

a. Meeting Minutes for October 10, 2017**.**

b. ***Findings of Fact and Conclusions of Law*** for **17-07-AN** and **17-09-S:** Recommended approval for annexation with an R-6 zone, and subdivision with 18 single family, and four (4) common lots known as Saranda Subdivision located at 1105 W. Hubbard Road, Kuna ID 83634.

c. ***Findings of Fact and Conclusions of Law*** for **17-05-AN** and **17-01-CPF**: Pierson Subdivision Annexation - a request for approval for annexation with an R-2 (Low Density Res.) zone, and combination preliminary and final plat approval to create a 2-lot residential subdivision, to be a re-plat of a portion of *Dreamcatcher Subdivision*. The site is located near the south-east corner of Black Cat and Amity Roads addressed as 4400 W. Legacy Lane, Meridian, ID 83634.

3. NEW BUSINESS

a. **14-04-DR (Design Review)** Crimson Point Villas: Applicant requests approval from the Design Review Committee (DRC) to MODIFY the original 2014, DRC approvals concerning the trash enclosures and the building materials used for their screening.

4. PUBLIC HEARING

a. **17-06-AN (Annex), 17-08-S (Pre-Plat),** and **17-18-DR (Design Review)*;*** A request from Steve Arnold (A-Team Land Consultants) representing Yuji Matsuyama (Owner) to annex approximately 15.82 acres into Kuna City with an R-4, residential zone, and to subdivide the property into 42 single family residential lots and 4 common lots and have reserved the name Wapiti Creek Subdivision. A Design Review application for the common areas and buffer landscaping accompanies this application. The site is located at the north-east corner of Ten Mile and Ardell Roads, the site address is 2480 S. Ten Mile Rd., Kuna, Idaho, In Section 14, T 2N, R 1W, APN #: S1314244345.

-Staff requests this item be tabled to the regular Planning & Zoning Commission meeting on November 14, 2017.

5. COMMISSION REPORTS

6. ADJOURNMENT

CITY OF KUNA
PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, October 10, 2017

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	Absent	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	X	Trevor Kesner, Planner II	X
Commissioner Stephen Damron	X	Jace Hellman, Planner I	Absent
Commissioner John Laraway	X		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Chairman Young called the meeting to order at **6:00 pm**.

Call to Order and Roll Call

1. **CONSENT AGENDA**

a) Meeting Minutes for September 26, 2017.

b) **17-07-ZC** (Rezone) – A request from Scott Noriyuki, to rezone a parcel's current R-4 (medium-density) residential zoning designation to a C-1 (neighborhood-commercial) zoning designation. The site is located at the southeast corner of West Hubbard Road and North Linder Road, Kuna ID. ***Findings of Fact and Conclusions of Law.***

Commissioner Gealy motions to approve the consent agenda; Commissioner Laraway Seconds, all aye and motion carried 4-0.

2. **NEW BUSINESS**

Ada County Highway District (ACHD) '101': Commission presentation and discussion with ACHD Development Services Planning Supervisor, Christy Little:

Ms. Little introduced herself to the Commission and thanked them for the opportunity to come and present to them. The ACHD Development Services Department Structure is a mix of people; there are 30 employees in the department which includes Planners, Engineering Technicians, Subdivision Inspectors, Zone Inspectors and Administrative staff. They focus on plan intake, impact fee collections; they receive all development applications from Ada County and the other cities.

Prior to receiving applications, ACHD is invited to attend pre-application meetings with the land use agencies and the developers; and often meets with developers before the joint pre-application meetings. It's at this stage when we discuss the requirements for traffic impact studies.

Traffic studies are required for developments that generate approximately 1000 daily trips. This is equivalent to 100 single family dwellings, or 150 apartment units. ACHD has policy that outlines how the study is to be conducted, and what information is required. The base information for the traffic study comes from COMPASS and the 2040 plan. Traffic studies look at access locations – for need, and safety of location. They analyze vehicle level of services on roadway segments and at intersections, using existing and projected volumes. ACHD does not have a level of service for bicycles and pedestrians, and typically those modes are

not evaluated. ACHD does require sidewalk construction with development, and right-of-way preservation for bike lanes. Aside from ACHD policy, State Statute requires all schools to provide a school specific traffic impact study. Statute indicates that this review is required prior to the Planning and Zoning hearing by the land use agency. The school study examines bus routes, pedestrian routes, sidewalk gaps, school crossings, and associated school signage and safety measures.

The ACHD policy suggests that traffic studies be submitted to ACHD ahead of the development application submittal to the land use If a traffic study is required, ACHD reports the Findings of the study within the ACHD staff report for the development application. We have one traffic engineer that is loaned to Development Services to review traffic impact studies. The review time for a study is based on how far back it is in line, and the complexity of the study, might be size, or location, or both. Sometimes we send studies back to the applicant because there was an error or an omission. Two weeks is a standard turnaround time for the first review, if there are no other studies in the queue. Traffic studies identify improvements such as turn lanes, intersection treatments (signal vs. all-way stop intersections for example). As far as roundabouts, for all intersection projects, either in the Capitol program, or identified through traffic impact studies, roundabout feasibility must to be studied.

Every land use agency is different in how and when they accept a development application and schedule a public hearing. The City of Meridian requires written confirmation from ACHD that a traffic impact study is or isn't required; and if it is required, they won't schedule a hearing until we have reviewed and accepted the study as complete and accurate. The City of Boise schedules public hearings regardless. Our goal is to have reports to the developer and land use agency within 20 to 30 days of receiving the application, depending on the type of application. However, if there are neighborhood concerns, or the developer doesn't agree with conditions, then a hearing is scheduled which pushes out a final determination. Work load can also get in the way. At the beginning of September, ACHD had a couple of back-to-back weeks of 40 or more applications. When there are that many, ACHD has difficulty meeting goals for response time. We do communicate with land use agencies if we have concerns with the application that need to be resolved, or if it's just a matter of getting it done.

For certain types of applications, such as Annexations and Rezones, ACHD tries to include future recommendations for development. These are not requirements that need to be met to annex or rezone, but they try to communicate what will be required at the time of development. For other applications like Conditional Use Permits, Design Reviews and Plats, there are specific conditions to development, such as frontage improvements like sidewalks, gutters or right-of-way preservation and storm-drainage infrastructure.

Idaho Transportation Department (ITD) only requires a traffic study if the developing site directly accesses the state highway. For example, a development at the corner of Hubbard and SH-69 that accesses Hubbard, but not Meridian Road/SH-69, is not required to provide ITD with a traffic study. ITD has different policies and requirements for traffic studies so the information reported to the City may be different. Typically, the ACHD/ITD interaction occurs at pre-application meetings, and at the scoping meetings for traffic impact studies. ITD has very different processes than ACHD and for development applications most of the ITD interaction is with the land use agencies.

Access management policies generally depends on the classification of the road, whether it is a local road, a collector or an arterial. For access points on an arterial or collector near a signalized intersection with an

existing or planned left turn lane; the driveway shall be located a minimum of 330 feet from the intersection for a right-in/right-out driveway, and 660 feet away from the intersection for a full-movement access.

ACHD traffic engineers follow national standards and specifications for improvements to intersections. There are certain warrants that would need to be met to require a 'Stop-sign' controlled intersections or signalized intersections. Additionally, there are certain criteria which would warrant the installation of a roundabout versus a fully signalized intersection. ITD has different standards for the state highway system. For example, they don't require right-of-way preservation for future road widening. They also don't require any improvements, like sidewalks. They rely on traffic studies to determine the need for turn lanes at access points and intersections.

ACHD does the timing for traffic lights and crosswalks along the highway. ITD really does not want to promote bicycles and pedestrians on the highways. Pedestrian signals, regardless on the type of roadway, have minimum time requirements that have been established for crossing so if you find that there is something wrong, you should tell us. Once the pedestrian button is activated, there is a certain amount of time allotted to the pedestrian, based on the width of the road. **C/Hennis:** I think our question was when does it [crosswalk] get put in? If there is an existing signal, for example, Deer Flat and Meridian; there is no pedestrian crossing already allotted. Is that something that gets reviewed down the road and then is added? **C/Little:** So if it's crossing SH69 (Meridian Road), that would be an ITD review; and like I said, they are not really excited about pedestrians crossing the highway.
For cyclists and pedestrians; ACHD cannot require improvements that are not part of the roadway. A bike path through a common area or along a waterway, for example, would not be under ACHD purview. Those are acquired by and maintained by others. For pedestrians, our policy is specific to the frontage of a developing parcel. Often, there is not enough right-of-way to construct such off-site improvements, but we do look for opportunities to fill in gaps. Sometimes we will do temporary asphalt if a connection seems to make sense before a property develops. If you notice something in a development application that we can address, we would love to have the opportunity to hear about those and try to get it on the list. So, I think that covers everything. We always try to provide you with a list of the projects that are in our Capital Improvements Plan (CIP) and general estimates on a developments trip generation in our staff reports. We try not to give you traffic counts that are more than two years old, but the County is growing fast so you might see some older ones. What other questions do you have for me?
C/Gealy: Regarding the Traffic Impact Studies, because there is a lot of development and it is happening really quickly. Do you take into account the cumulative effects of some of these developments, even though we don't know which ones are coming first? **C/Little:** We do and it's becoming very challenging so in addition to the requirements that we have for using the Compass model which takes into account our growth rate, any approved development or development that has been approved by us, -maybe it is in process with you or maybe it's going to Council, if we've approved it, we require that those trips be rooted in the traffic impact study. We are noticing that as some of these subdivisions are really close together and really large, that there are triggers; so, if you plat a hundred lots then you have to put in a signal, or maybe at 150 lots, you'll have to do this improvement three miles down the road, and as we start adding those other subdivisions, we're going to have a lot of tracking ahead of us but we're trying to make sure that each of those reports are conditioned individually and independent of each other. So, if subdivision 'A' stalls over here, then subdivision 'B' is going to have to make those improvements even though that isn't how they thought those would move forward.
C/Laraway: So some of the questions in my mind because we are dealing with it now; we have a large subdivision going in at Linder and Lake Hazel, and there is also going to be a high school at the corner of Columbia and Linder intersection; does it get priority knowing that it's coming? Or do we wait until it's there,

and then you say, 'well now we need to build it'? It makes sense to ask. **C/Little:** That is a tough one. I think that traffic study might have been scoped before we knew that the school was coming along, so we can't make them go back and do the study because once we got into it, there was more information. If we knew that ahead of them preparing the traffic study, we would have included that even if it wasn't an application because schools are a pretty sensitive area. But we try to take as much information from that as we can to make sure we are not setting anyone up for something and making sure we have enough right-of-way to get the improvements that are going to be needed there. **C/Damron:** When you are doing upgrade improvements, you have them set out to like 2020 or 2025; with the growth that is happening in Kuna, do they look at that and say 'well, we need to do that before 2025, or even sooner so we can alleviate some of those issues that we are seeing? **C/Little:** We do have two processes in place; we have the twenty-year plan, which is the CIP and then we have the Integrated Five Year Work Plan (IFYWP). So the IFYWP is done or updated every year, and the CIP is updated every four years -so it coincides with the Compass model. But the integrated plan takes projects from the CIP and their priority within the CIP; but at that time, every spring, we ask the land use agencies for their priorities. So, we try to keep those in place knowing that the land use agencies are the ones that really know… you know where sewer is expanding to…. you know where growth is occurring, and so we do rely on the cities' priority lists as well. And that can have an impact on whether to move a project up or down in priority. We also have what we call 'Developer Cooperative' projects mostly in the Meridian area. We see the potential for probably Kuna, but we have had some areas develop near an intersection project that is seven to ten years out, but really needed for an area that is developing now; so, if the right-of-way is available, or if the property owners are amenable, we will have the developer design and construct the project and then we reimburse them over a couple of years and maybe give impact fee credits. And that is another way that projects can get moved up in some of these areas with rapid growth. We know that Bob has been working on sewer plans for the City, so we are going to try and take that information to identify projects or intersections that may need to get moved up in our system, or we could work with the development community on. **C/Gealy:** If you see those opportunities for development cooperatives, is that something that you would reference in a staff report, or is that something that you would mention to a planning agency? **C/Little:** We do include it in a staff report. We can't necessarily require a developer to do that. But sometimes we get into a situation where a development can't move forward past a certain phase if those improvements aren't made, so developers can see the benefit in having their intersection or their frontage improved. So we always include that information in the report and we look to the land use agencies to see if that's an option, because sometimes those improvements can get built really fast**. C/Gealy:** Thanked Christy Little for coming to speak and to say that the staff reports are appreciated. Commissioners look for them and read them for information that makes her better prepared because of the work that ACHD staff do. **C/Laraway:** Also thanked Ms. Little for coming to speak and stated that it was very educational.

3. ***PUBLIC HEARING***

a) **17-07-AN** (Annexation), **17-09-S** (Subdivision), and **17-20-DR** (Design Review); Jane Suggs with WH Pacific representing Challenger Development, Inc., requests to annex an approximately 5-acre parcel into Kuna City limits with an R-6 zone, and subdivide the parcel into 18 single family, and four (4) common lots to create Saranda Subdivision. The site is located on W. Hubbard Road approximately 700 feet west of Kay Avenue, and currently addressed as 1105 W. Hubbard Road, Kuna, ID 83634.

Jane Suggs: Thank you Commissioners, Jane Suggs with WH Pacific, 2141 W Airport Way in Boise, representing Challenger Development. We are requesting annexation into the city, and in fact we are almost an infill development. Even though we are up on Hubbard Road, you will see Timbermist to the north and Kelleher to west and Greyhawk to the east. You can see the sit, we are a small five-acre site surrounded by

the City of Kuna, almost, there are a few unplatted areas around us. I am pretty excited to be here with an 18-lot subdivision, and I could go on and on with the stuff that Christy had because we had a really nice staff report with ACHD, where you will that the cross street and the location of our street cross across the Timbermist cross street. We are dedicating the necessary right of way, and putting in the side walk. As noted in the staff report we are meeting the Kuna Comprehensive Plan. We are requesting to be annexed as a medium density residential and that is an R-6 Zone. We are also meeting all of the zoning and subdivision requirements of your code. Our lot sizes range from 5,000 square feet to 10,000 square feet, we have some corner lots that are pretty large. The average lot size is 6,500 square feet which is right there in that R-6 requirement. We have provided in your staff report some renderings of the homes to be constructed. All urban services are being provided to the property. We are also providing some ample landscaping and open space, there are also buffers along Hubbard Road per your code. As noted in our landscape plan and you also have a condition, number 13, which requires consultation with the cities arborist. There are a few large trees along the Kuna Canal on our west boundary. They are not in great shape right now, but we will be talking to the arborist to determine how we might mitigate for those if we need to. There are a couple trees in the front yard of the existing home. You might know this, it is a boarded-up house, it has been for some time. If you go down Hubbard and look right across from Timbermist you might have seen it. I will tell you this, and this is probably the most interesting part our presentation, we made a big push in our letter that we didn't want to put the regional pathway on our property because it is on the west side of the canal in Timbermist and we thought it should continue on the west side. However, we did meet with staff since we made our application and we both agree that the pathway that runs along the Kuna Canal will be on this particular property. So, we have come to an agreement and you will see that in condition number 11 that has been added in your staff report. Condition number 11 says we will build a nine-foot paved pathway, it will be a multi-use pathway and it will be located in a fifteen-foot common lot on the west boundary. The extra six feet in there will be used for landscaping and then a wrought iron fence behind the buildable lots so there will be some separation there. We did talk about this a little bit, one of the issues we had with putting the pathway on the side of the property that we are developing was if you go up to Hubbard road there are some water works up there for the Kuna Canal. We have agreed that we think it would be best to take that Canal and as you see in that landscape plan, that large open space that is on the west side of our entry side, to kind of meander that and tie it into the side walk we have on our street, that would give people an access across the street to another sidewalk on Timbermist, then it would head west and then they would hit the pathway on Timbermist. So, instead of stopping it where these waterworks are and having people dodge traffic we would be moving them to the intersection there. We think that is the best way to handle that right now. We did have some conversation with the property opener to the south, he wants to make sure that we put the privacy fence all the way around the property and we will do that. He is concerned about people using his property, so will be putting up signs telling people that once you leave this pathway you are on his property. That becomes something that he is dealing with, but if he ever develops that property that pathway would be extended. We do plan at least for now to block the pathway with the vinyl fence so that people don't trespass on to his property, since we are dealing with private property. I think that is it. I just want to ask for your recommendation of approval for our annexation and preliminary plat to City Council and approved our design review for our landscaping. We agree with all of the conditions of approval and I will stand for questions. **C/Gealy:** This is just a clarification, where is the wrought iron fence and where is the vinyl fence? **Jane Suggs:** the vinyl fence will run along the south boundary, the east boundary and run along the right of way. But, because we have a pathway, the lots with their back to the west, that will be the wrought iron fence right there. **C/Gealy:** Along that boundary, but the rest of it… **Jane Suggs:** the rest of it will be the six-foot vinyl. So, privacy for the rest of it, but you don't want to put the fence up there, you want to be able to see. Boise Project doesn't require a fence between their maintenance road and the pathway. They are pretty

good about letting us abut to the road. There is a little space between the canal maintenance road, the pathway, the landscaping and then the wrought iron fence. And again, we are going to take that pathway up a little bit through that open space. **C/Gealy:** And then there would be, on the northern boundary, that would be vinyl fencing, is that a berm there? **Jane Suggs:** I don't think it has to be bermed, I don't think there is any need for that. I think it will just be the fence that will provide the privacy for those. We have nice landscaping when you drive in for a little more extend period than you typically see so that will be a nice amenity to the neighborhood. **C/Gealy:** Thank you. **Jane Suggs:** Thanks. **C/Hennis:** Any other questions? Thank you. Staff? **Trevor Kesner:** Good Evening Commissioners, for the record, Trevor Kesner, Planner II, 751 W. 4th Street, Kuna. The applications before you for case No's 17-07-AN, 17-09-S and 17-20-DR (Annex, Pre -Plat and Design Review) is requesting a recommendation for approval or denial to Council for the Annexation & PP, and your decision for the Design Review portion for the Saranda residential subdivision. The applicant, Jane Suggs with WH Pacific representing Challenger Development, seeks annexation approval for approximately 5 acres (to be sure 4.7 acres), into Kuna City limits with a proposed R-6 zoning designation and gross density proposed at 3.59 Dwelling Units per Acre; which aligns with the Comp Plan future land use map. The Subject site is located on the south side of Hubbard Road, about mid-way between Linder and the Kay Avenue alignment. The project proposes one access on Hubbard Road, directly across from the entrance to the Timbermist Subdivision, which also provides the contiguous touch to existing City limits on the northern property line as a requirement for annexation. The applicant proposes a preliminary plat for 18 single family buildable lots and 4 common lots. The applicant has also submitted application for subdivision common area landscape design review -which comprises approximately 14.6 percent of the subject site. The Recreation and Pathways Master Plan Map indicates a future trail along the canal in this area. Because the Chaparossa and Hawk's Nest Subdivisions on the west side of the canal did not install a trail or pathway when they were developed, staff is recommending the potential addition of a public pathway to this project -running along the western boundary of the site. The addition of a pathway to this project would provide a vital link to the City's overall pathway network, and provides connectivity to the Timbermist community to the north, and the approved future developments to the south. Those future developments will extend Kay Avenue to the Ardell Road alignment and Kay Avenue is slowly making its way southward to the Ardell Road alignment as the Greyhawk development to the east of this project builds out. The applicant is amenable to adding a public pathway, as long as it does not result in a reduction of lot sizes to the extent that the lots could not effectively accommodate their housing product. Otherwise, the only other issue with the proposed landscaping is mitigation of the existing vegetation on site. There are few rather substantially large trees on site, so staff is asking that the applicant work with the City Forester to either retain or fully mitigate the removal of those trees. So, with the addition of the public pathway condition, staff finds these applications substantially complies with the comp plan goals and objectives, and the future land use map. I stand for questions. **C/Hennis:** Anybody have any more questions? **C/Gealy:** I have no questions at this time. **C/Hennis:** Thank you Trevor. Okay, with that I will open up the public hearing at 6:46, and seeing nobody signed up to testify in favor, neutral or opposition, I will ask the audience is there anybody that has not signed up on this list that would like to speak on the subject. Okay. Seeing none I will close the public testimony for this subject at 6:46 and that brings up our discussion. Commissioners? **C/Gealy:** I appreciate the open space, I appreciate that you worked with staff on extending the pathway. I think that is an important amenity, and I appreciate the variety of lot sizes, it presents an opportunity for some variation in home sizes, which we seem to be hearing about, but the first step is lot sizes. **C/Hennis:** I do like the entry and how you brought that across and taking that open space into account. We really appreciate it. Otherwise, I don't really see any issues that I have. It seems like everything has been really well addressed. I would stand for a motion.

Commissioner Gealy motions to recommend approval to City Council Case No. 17-07-AN (Annexation) & 17-09-S (preliminary plat) with the conditions as outlined in the staff report; Commissioner Laraway Seconds, all aye and motion carried 4-0.

Commissioner Gealy Motions to approve 17-20-DR (Design Review) with the conditions as outlined in the staff report; Commissioner Laraway Seconds, all aye and motion carried 4-0.

b) **17-05-AN (Annex)** and **17-01-CPF** (Combination Preliminary Plat and Final Plat); Pierson Subdivision Annexation - a request from Clair Bowman, seeking approval for annexation of approximately 4.28 acres into Kuna City with an R-2 (Low Density Residential) zone, and combination preliminary and final plat approval to create a 2-lot residential subdivision, to be a re-plat of a portion of *Dreamcatcher Subdivision*. The site is located near the south-east corner of Black Cat and Amity Roads addressed as 4400 W. Legacy Lane, Meridian, ID 83634

Joe Canning: Mr. Chairman, members of the commission I am with B&A Engineers in Boise and our address is 5505 W Franklin Road. I am here tonight with the applicant Mr. Bowman, and we are here requesting a recommendation of approval for an annexation and a combined preliminary and final plat. The property is a little over 4 acres and it adjoins the recently annexed Gran Prado subdivision that is to the North, North East, and the proposed zone requesting is R-2. These are going to be large lots. They are little over 2 acres each. They will be half a unit per acre if you calculate it that way. They are large lots, approximately 90,000 SF each. Mason Creek is adjoining the property on the North, that is the boundary between the Grand Prada Subdivision and this particular project. This project was originally developed as a nonfarm development in Ada County. Since then, Mr. Bowman has gone through a property line adjustment process with Ada County, and created the entire 4.2-acre parcel as a legal parcel in Ada County. Of course, now we are requesting this parcel to be annexed into the City. We certainly agree with the staff report but there are a couple little corrections we think we need to be made with it. One of the first ones is that the site actually falls away from legacy lane which is the private road that access property, Mason Creek is the little part of the property so the staff report says it grades the other way, it goes towards Mason Creek. Then as far as conditions of approval goes, Item 1B notes the city engineer will approve the grading and drainage plans of the project. Really the subdivision itself will have no grading, Mr. Bowman's house already exists and we are creating one additional lot. The streets are already there. There will be no grading done for the subdivision. So, that condition is not appropriate for this project. When homes are built there will probably be some grading, but that will be on the building permit that goes through the city, if the city decides to annex us, which I hope they do. Then, item 1C mentions Kuna Fire District, actually this project is in the Meridian Rural Fire District. So, just annexing product does not change the boundary of fire district. That would be a process through Meridian Rural Fire District instead of the Kuna Fire District. I think that was it as far as the comments. You might have noticed a letter in your packet from Meridian that they are not opposing this annexation, I think that is important to figure out. I don't want to spend a lot of time up here telling about the project, I guess I would be more interesting in the questions that the commission might have. Thank you. **C/Hennis:** Thank you, any questions. **C/Gealy:** I have no questions at this time. **C/Hennis:** Thank you. Staff? **Troy Behunin:** Good evening commissioners. For the record, Troy Behunin, Kuna Planning and Zoning department, 751 W 4th Street. The applications before you tonight are 17-05-AN (Annexation) and 17-01-CPF (Combination Preliminary Plat and Final Plat), more affectionately called the combo plat. Staff would stand before you tonight and let you know that all of the noticing procedure for tonight have been met. The site has been posted, the Kuna Melba News ran an ad, and staff did send out letters to land owners within 350 feet which exceeds the 300-foot minimum. So, we did exceed that limit. The annexation in which you have before tonight, the property, does touch city limits. This would be a category "A" Annexation, which is owner willing,

and the owner is willing and he does touch city limits at this point. As you know Joe Canning referenced Gran Prado, which is actually a preliminary plat that will come forward in front of this body in the next month or so. You will know the name Renaissance Farms, that was the project that annexed into the city earlier this years, that is where the touch is. Just for clarification in case there are any questions, Canals and railroad right of way and airport right of way do not block annexation. So, because there is a canal between the Renaissance Farm project and Clair Bowman property, it still counts as a touch. Staff would agree with the changes that Joe Canning pointed out in the report, and staff has no problem removing those or adding them or revising them or moving them as needed. The one thing that staff did talk to the applicant a little bit more about was the pooling of water rights on the property when it becomes a subdivision. The pattern for new subdivisions has been that they annex the water rights into the Kuna Municipal Irrigation District, or KMID. This is a replat and there is one home that is already existing, and there is one other lot and I will cover how that one will connect in the system in a little bit, but there was a condition listed, condition number 4, and it states if necessary and confirmed with the City Engineer, there will be a consenting to the pooling of irrigation water rights for delivery purposes. This would not be a case where this is actually necessary because they are not putting in a KMID future system. So, we could either add some language to that and say it is not necessary or we could just remove that condition. The second application before you is for the combination preliminary and final plat. Staff would just like to point out that clearly this is a replat of all of lot number 2 which is describe completely on the Dream Catcher Subdivision it also includes parts of the former lot number 3 in the Dream Catcher Subdivision. So, it is not the entire subdivision that is being annexed, it is just the adjusted lot number three and lot number two, so basically it is just the property that Clair Bowman owns. Staff would like to point out that the Comprehensive Plan Map designates this as medium density and where the applicant has requested an R-2, it is significantly under the threshold for medium density, so staff would view it be consistent with the Comprehensive Plan in every way. You will also notice that in the staff report we did talk about a master recreation map, the project to the north of this, Gran Prado, which will be coming, the developer is putting in a trail on the north side of his property through that development and so it will not be necessary for this development. Additionally, it would be useless to have this lot put it in when the other lots are not in the City. There wouldn't be a way to connect it without having pathways jump across the canal and that would be unreasonable. The combination preliminary and final plat really only has a few conditions. Among those conditions are, you have to have less than ten splits, or ten divisions of land or re-subdivisions of the land. They are only asking for one split so one lot becomes two so that qualifies. There is also no street widening requirements from ACHD, nor the City which is another important qualifying distinction for a combination preliminary and final plat. You will notice that in your packets ACHD did respond and they did make the declaration that legacy lane that connects to Black Cat Road is sufficient to handle, what they estimate, an additional ten trips per day. It is a private lane, it is a lot within a subdivision and you will also notice that access is a big deal to Staff and the City of Kuna, so Staff is recommending that there be some type of perpetual type of maintenance or repair obligation responsibility for both lots as they move forward in time, that they take their responsibilities and their fair share for their care and maintenance for the Legacy Lane. One other thing that was in the staff analysis was that the purpose of this was for Clair Bowman to sell this 2-acre lot and hopefully somebody will build a house on it at some point. The City policy is pretty clear where it talks about additional septic tanks. This land is in what they call the nitrate priority area, and this land meets other criteria qualify for a septic tank, but it still needs to be determined that it is more than 300 feet from existing services and there are other obstacles that are in the way that make it unreasonable to require connection to Sewer and Water, so you will find that hopefully it is clear in the staff analysis and also in the conditions of approval that when the large parcel directly south of these parcels develops or when the utilities comes closer than 300 feet, that they would be required to connect to Sewer and Water, and furthermore the new lot would be required to connect to the pressurized irrigation system

and that upon development for that new lot, just the new lot, that they would be required to run dry lots to the north part of Legacy Lane so that when the property south of it does develop that those drylines would be in place and they would be required at that point to connect to Sewer, Water and Pressurized Irrigation. The existing home they would either have the option of connecting at time of failure of domestic water and/or sewer, or they could do it at their choice so there would be an option there for the existing home only, the new home would have to run the dry lines. With that I would stand for any questions you might have. **C/Damron:** There is no city water there right now? **Troy Behunin:** There is not, it is substantially far away. **C/Hennis:** That was my question. **Troy Behunin:** In addition to that the closest City property is the Renaissance Farm or the Gran Prado and that is across the Mason Creek Canal. **C/Gealy:** I just wanted to clarify with you the changes in the conditions of approval. Would you agree to eliminate condition 1B. **Troy Behunin:** Yes, some of this language is borrowed and unfortunately, I did not remove that. **C/Gealy:** and would you agree to eliminate condition number 4. **Troy Behunin:** I would, and I would also agree that condition 1C should state Meridian Fire, I missed this one. **C/Damron:** If we do approve this and they choose to develop that, and later on connect to the City services is there a way we can put in the stipulations that they put in a community septic system? That way it would ease the connection points, or see all of the houses that are there. **Troy Behunin:** That would be unreasonable, and moreover there are only two lots within the 8-lot subdivision that are actually annexing in and that kind of requirement couldn't exceed city limits. **C/Gealy:** I have no other questions at this time. **C/Hennis:** Thank you. Okay, so with that I will open up the public hearing at 7:05 and I have got a few people here on the list. The first that is marked to testify is Brendi Collins, and just to remind everybody that when you approach the podium that you state your name and address for the record and you have 3 minutes to share so everybody gets their chance. **Brendi Collins:** I am with the law firm Vial Fotheringham, and I have been retained by Carla and Steve Glover who own a subdivision within the Dream Catchers Home Owners Association. Really quick, I recognize that there are two applications within here, and a lot of comments will be comprehensive to both of them and I will try to keep them separate as much as I can. I don't have any smoking gun reason why you shouldn't annex this property, I don't have a citation to a specific piece of code that says it doesn't qualify for annexation, but as I am looking through this I can't see that there is a reason that this should be annexed. It is a single lot within a large subdivision that is bound by its own set of CC&Rs and Subject to its own plat. It doesn't make sense to me, I am not a planning and zoning expert, but it makes no sense to me why one lot of a larger subdivision would be annexed in when the rest of the subdivision is not. Legally yes, the properties are contiguous to City property, functionally they are divided by canals, so any delivery of services through that way through the contiguous City parcel would be difficult if not impossible. It just doesn't seem to jive to me that in the comprehensive plan this would be an eligible candidate for annexation. Now when you look at the subdivision application however, I do have some specific public sections that I can site that are problematic, and frankly I don't understand how this is even a subdivision application when city code says that a subdivision is three or more lots, the proposed split for this Pierson Subdivision is only two lots. To me it should be a lot split, which is the appropriate avenue for dividing anything into three or fewer lots. That has a whole list of other, frankly higher standards for application, that the combination preliminary and final plat does not have. One of the biggest problems that is coming up under either the lots split or subdivision application is the issue of the private streets. Legacy Lane is a separate feasible lot that is owned by the Dream Catchers Home Owners Association. It is not an easement road, it is a whole parcel that is owned by the HOA. So, I think there is a serious access problem here that isn't being address. I am obviously running out of time here, but the lots split statue requires public streets for driveways for each of the lots created, and it also requires dedication of public right of way. The subdivision statute explicitly says that no private streets shall be allowed in subdivision within city limits, so I can't see any justification legally for the subdivision application going through, and I don't think it is appropriate that it even got this far because it is

not being brought under with the right mechanism, So, with that I am pretty much out of time. **C/Hennis:** Thank you, next up on the list is Jeff Keysar. **Jeff Keysar:** I am going to hold off on this. **C/Hennis:** Thank you, the other names I have on this list have all marked not testify, is there anybody here that has changed their mind that would like to testify or is there anybody here that would like to sign up and testify? **Jeff Keysar:** I reside at 4260 W Legacy Lane. The reason that I didn't really want to, is that I am not really prepared. I think that the process, by which a homeowner doing his daily duties during his daily life is sort of stacked against him or her and this process has made that brought to the forefront, I didn't know until ten days ago that there was a new subdivision being proposed in a current subdivision. So, I started doing a little bit of digging and Clair has been my neighbor for 17 years and I hate to get sideways with him after 17 years. I knew he was wanting to annex in, I didn't know it was a new subdivision that would exclude him from the current one, in which he president of that homeowners' association. How he can simultaneously look out for the best interest of the current subdivision, while for profit and gain be developing another is a separate question we will take up another time, but that is a legitimate and fair question. In digging into this I found that there would be a packet available on Friday, and there was and that was just last Friday that the packet that you all have was made publicly available, so I got it and looked at it over the weekend, and then yesterday was Monday, the first day that I can start making calls finding out what about this, what about that. I found that Caleb Hood, the Planner at meridian, was out, out until tomorrow. I didn't know there was a Caleb Hood until I got this packet and I couldn't make calls on Monday. So, we are at such a disadvantage to even come here and prepare to address you in any sort of educated way. There was a notice given initially for the neighborhood meeting, our son was married that week, so I told Clair there was anything that I didn't know please let me know, and I haven't heard a word from him about there being a new subdivision called Pearson Subdivision. The one call that I did get through today was with ACHD, there is a letter in there, I don't have the name in front of me, but you can look at it. It didn't make a lot of sense, because it seems to be avoiding what Clair just went through, this is a six-lot subdivision, he wanted to do some lot line adjustment and create this lot that chuck ended up buying as a seventh lot. To do that, one of the biggest hurdles was the road, the road did not meet in fact, the 1999 requirement of being 20 feet wide at the time, it was nonetheless approved, it was 18 feet. To get this seventh lot for chuck, they wanted it to go to 24 feet, but they did a variance, so where it was possible they wanted him to extend it to twenty so they did that. That was the very incident that go the seventh lot. It is a small world that Christy Little who spoke tonight at this very hearing is the one that I did speak with today. She said ACHD has zero authority, and zero jurisdiction and nothing to say about access via Legacy Lane. The letter in your packet has to do with Black Cat, the public street. Am I out of time? **C/Hennis:** Yeah, unfortunately. **Jeff Keysar:** If there was a way to better the process, you know I would love to come prepared. I had two days to do it. **C/Hennis:** Unfortunately, the neighborhood meeting is usually the one that gives everyone that information. Anyone else that would care to speak? Okay, come on up and state your name and address. **David Ferguson:** 3430 West Lake Hazel Road. In 1998, Clair Bowman had gotten ahold of me, I was teaching at Boise State still at the time, and he asked me if I would help him out. So, we worked something out and I just assumed that whatever he said would be okay, I didn't really want to see real small lots going in there at all. I don't know why, but I got no invitation here, even though it says I have that land that goes beyond. So, I am little bit confused about how things are happening here. So, my next-door neighbor seems really interested in making something out of this, and I kind of back him, just to let you know that I back him. **C/Hennis:** Thank you sir, with that I will close the public hearing at 7:16 and we will have the applicant come up for final rebuttal. **Joe Canning:** Joe Canning again, with the applicant Clair Bowman, and I would just like to touch on a few things, regarding the lot split option in the Code, the City suggested that we did the combined preliminary and final plat, I think part of the reason was because it wasn't in the city yet, and we are trying to get this all done at once. It does have a private road that provides access to this. You probably have run into this before, nonfarm developments as Kuna grows

and annexes nonfarm developments, this is typically what happens. I know you have a recent history of annexing nonfarm development, it is a change for folks, it is different and it is troublesome for them. I would like to point out a couple other things, Legacy Lane is partially a separate lot in the Dream Catcher Subdivision, the leg that comes from Black Cat Road to Mr. Bowman's home is on a separate lot, and the reason for that was that it is a long lane it goes all the way back to Black Cat Road. But once it gets to Mr. Bowman's home the lots are basically the centerline of Legacy Lane, so there is an easement reserved on the plat of Dream Catcher that creates that Legacy Lane and that is of course addressing the current CC&Rs for the project. I point that out because I think it is important for your annexation process, because I don't think anyone doubts that this land will be in Kuna, I think it is a just a question of when. The reason this annexation is somewhat important is that it does provide continuity and adjacency to some of that land to the south. So, questions of dryline connections, water connections and pressurized irrigation questions, that will be common boundary between the City now when this is annexed and for the future when that land to the south is annexed. I think that is an important thing to point out. Just because we are doing a Pearson subdivision, it a re-subdivision of Dream Catcher, all of the requirements under the CC&Rs of Dream Catcher still apply for this Pearson Subdivision. The CC&Rs that were created do run with the land, they are with the individual lots. So, it is a process of working through the annexation of the new parcel into that and then working with the new homeowner to share the responsibilities of road maintenance, etc. the question of the road width came up, I do not know the exact history of the road, but I do know in the conditions of approval in the staff report, he is going to have to get consent from the Meridian Rural Fire District. Usually the road width issue is a fire access issue, and we are comfortable with that requirement in the conditions of approval. I think the big question is why annex, and is this the right time to do this. I just have a couple thoughts and remember this a nonfarm development, so you have currently, an active applicant interested in annexing in to the City of Kuna, and could provide access for land further to south to annex. So, I think we all agree at some point in time we will all be in Kuna, so why not now, we have an applicant that is very interested in annexing, it is a lot better than going in afterwards and annexing folks that don't want to be annexed. Mr. Bowman is only proposing one more home and I personally believe it is better if that homeowner knows he is in Kuna from day one rather trying to do something in Ada County and annex later. It just makes sense that this is the time to do that, I think that is part of the reason. I would be happy to answer any of the questions the commission might have. **C/Hennis:** I have a couple of clarifications. So, the CC&Rs that are in effect for the original subdivision, Dream Catcher, is there a minimum lot size specified in that? **Joe Canning:** I am not sure, I have not read them in a while. I don't believe so because the minimum lot size would have been required by the County at that time when the plat was record, it was a nonfarm process, that was where the lot size is determined. **C/Hennis:** if the applicant is only looking for one more home placement but he is asking for an R-2 zone, is he only looking for one home to go in there, or is he looking to go four. **Joe Canning:** No, he is only looking for one home, part of the reason for the R-2 seems to be for the configuration of the lots that are there. But, if anyone wanted to redevelop in the future all of the services have to be there. This is one of the issues we run into with an onsite septic system in the priority area, and it is a little bit difficult to go under 2 acres in the nitrate priority area and it works fairly well at about two acres, when you start getting under that it is an issue. We have already been in touch with Central District Health Department and are proceeding with that process. I suppose ultimately yes, it could be further subdivided into smaller lots but I think the septic requirements would be limited until City services are there. **C/Hennis:** Okay, thank you, any other questions? **C/Damron:** Is there a roadway access easement to that property from Legacy Lane, is there a services easement. **Joe Canning:** Yes, there is. **C/Damron:** With that lane? **Joe Canning:** Yes. **C/Hennis:** Any other questions? **C/Laraway:** I guess I have one silly one, just wanted to ask if you already have an existing home on these two acres, is this a two-acre lot or a four-acre lot? **Joe Canning:** Each lot will be a little over two acres. **C/Laraway:** Okay so, the home that is on there now is obviously on a septic system, where does its

drain field go? **Joe Canning:** It is actually contained on its own lot. **C/Laraway:** Okay, thank you. **C/Hennis:** I think that is all we have for you right now. That brings up our discussion. A couple of items were brought up that I kind of questioned, whether you can subdivide in a present subdivision, and do what they are trying to do and then the road, is technically a part of the subdivision, it is not a public road and how does that figure with the current CC&Rs and owners. **C/Damron:** Then making that portion of the road a city road, coming off of the private. **C/Gealy:** I think it would remain a private lane, it will not be a city road. **C/Damron:** Then when it is annexed it becomes a City Road. **Richard Roats:** it would remain a private lane through the City. **C/Hennis:** And that is acceptable then? **Richard Roats:** Yes. **C/Hennis:** Okay. I guess I will ask another question to staff too, what was brought up with the subdivision not having more three or more lots, is it not allowed in the code. **Troy Behunin:** So, I am going to try and answer two questions with the same answer. So, there is a definition that says a subdivision is three or more lots, it is a definition. The reason why a combined preliminary and final plat, or why a re-subdivision of this lot is required is because it clearly states of the original plat that any further subdivision of this, or any other lot in this subdivision requires a final plat subdivision, so we are following exactly what was approved by Ada County, it talks about any further subdivision requires a subdivision process. **C/Hennis:** Okay. **Richard Roats:** Commissioner Hennis, also the request by the opponent's attorney was for the lot split, a lot split requires an original parcel and this is not an original parcel so you would have to then by default go to the subdivision process. **C/Hennis:** Okay, thank you. **C/Damron:** I have a question for you Troy. If the subdivision that is adjacent to it decides to not be annexed into the City of Kuna, these lots build up to point where the septic systems and they need the water system in there we have to provide that service to them, looking at the distance is that going to be cost feasible for the City? **Troy Behunin:** Are you talking about the existing Dream Catcher Subdivision? **C/Damron:** Yes. **Troy Behunin:** If they are not in the City they cannot have domestic water supply. **C/Damron:** Okay, so what I am saying is if these lots got to the point, since they annexed, and they have the ability to put four more homes in, so if you fill the lots up you can't have septic systems. **Troy Behunin:** So, you are talking about what if they decided to re-subdivide these two lots into four new lots. **C/Damron:** The cost feasibility for the City to bring those services to them. **Troy Behunin:** It doesn't cost the City anything, because it is developer driven. If someone wants to further subdivide a parcel and just want to go onto record to let you that any lot within any subdivision has the opportunity to subdivide, it is not just because they are joining the City. Anybody with any lot in any subdivision has that opportunity. You just have follow that process, but the city does not bring those services to those lots, it is developer or owner responsibility which the Staff clearly articulates that when they connect into city services whether it is domestic water or sewer or domestic water and sewer and PI, it is at the lot owners expense. The only reason why they would come close to those properties is if a development comes close and brings them, and a developer pays for those lines. **C/Hennis:** Right, because otherwise it wouldn't comply with the septic requirements in the Nitrate. It would be nearly impossible to get that many houses on the septic system. Thank you. **C/Gealy:** Troy before you leave. **Troy Behunin:** I just want to clarify that that is a future question mark, it is not a part of tonight's application. **C/Hennis:** Right, yes, we are talking about the annexation and the plat only tonight. **C/Gealy:** Is the R-2 the lowest density residential? **Troy Behunin:** Yes, Commissioner Gealy is it. That is the lowest we have. **C/Gealy:** So, there is not an opportunity for a lower residential? **Troy Behunin:** That is as low as it gets. **C/Gealy:** We could condition, correct me if I am wrong, we could include a condition that this new subdivision will need to comply with the CC&Rs in the previous subdivision. **Richard Roats:** We cannot condition that Commissioner Gealy, we do not enforce CC&Rs, so we would essentially be enforcing that through that condition and we don't do that through the City, that would be a manner that the homeowners would have to take up themselves. **C/Gealy:** But at the same time, correct me if I am wrong, the landowner has the option to choose to annex into the City. That doesn't matter if it is a part of a subdivision or not? **Richard Roats:** That is correct. **C/Gealy:** So, could we include a condition that there would be no further

subdivision of the subdivision. **Troy Behunin:** That is typically a note on final plats now, the City would require that note to be in place. **C/Gealy:** that there would be no further subdivision? **Troy Behunin:** Any further subdivision would require the proper process. **C/Gealy:** But we couldn't prohibit it? **Troy Behunin:** No, you can't prohibit it. **C/Gealy:** But, in fact that is why we are discussing this tonight is because the existing subdivision has a requirement that… **Troy Behunin:** Pretty much any plat after 1985 or 87 has that requirement, it became pretty standard and the City would require that that also be on here as well. **C/Hennis:** Okay, yeah because this primarily just for basically splitting this lot and annexing into the city. We have no idea what the future plans are going to be, but they will be subject to, like the applicant said, the septic requirements in the nitrate priority area, so there is only so much that can be put on that lot anyways until City is there. I am not sure exactly, I don't know if I am in favor of it. **C/Laraway:** Can I recommend that we table it then. **C/Gealy:** I am not sure if we are going to have any more information on it. **C/Hennis:** Yeah, unfortunately it is not going to make a difference, and this a recommendation to the City Council, which ever we feel so I don't know if tabling it would give us any further information other than just time to think about it. **C/Laraway:** I was only thinking because I am not sure the reason we are uncomfortable with it, I don't know, I don't see it. I understand the annexation part of it, it is a footprint to get somewhere else, and that is their choice as landowners. The lot split again, is something that the landowner chooses to do. We can't or Ada County can't not require it, it is his choice. I think what our dilemma is we are disrupting a neighborhood. We have a split in popularity if you will we have six lots in this little subdivision and we have one owner that wants to step away from that, can he do it legally, yes. **C/Hennis:** But then again, when you have 4.82-acre lot and everyone else is at two is it really going to disrupt the neighborhood that much. It is going to equal it out a little bit more. The Legacy Lane issue feeding all of that is kind of my quandary. It really takes a double lot down to the same size as the rest of them. **C/Damron:** I mean essentially what we are looking at this is the landowner being annexed, which he legally able to do**,** and the lot split which he is legally able to do. And, the issue in which he said they do have an easement off of Legacy Lane, so the easement issue is not there. I think the concern that I am having is he is annexed into the City now, it is City as opposed to everybody else being County, and it shouldn't be a dilemma but it is creating one in my head for how this is laid out and what is going to happen later on down the road there. **C/Hennis:** Yeah exactly and I don't know. If somebody has a motion I would be willing to hear it.

Commissioner Gealy motions to recommend approval to City Council Case No. 17-05-AN (Annexation) & 17-01-CPF (Combination Preliminary and Final Plat), with the conditions as outlined in the staff report, with the change to condition No. 1C to include the Meridian Rural Fire District and remove the Kuna Rural Fire District, and with the elimination of Condition No. 1B and Condition No. 4; Commissioner Laraway Seconds, all aye and motion carried 4-0.

4. COMMISSION DISCUSSION AND REPORTS

C/Gealy: I would just point out to the people here that we are a recommending body, and there will be a hearing in front of City Council.

5. ADJOURNMENT

Commissioner Laraway motions to adjourn; Commissioner Damron Seconds, all aye and motion carried 4-0.

CITY OF KUNA
PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, October 10, 2017

_____
Dana Hennis, Vice Chairman
Kuna Planning and Zoning Commission

ATTEST:

_____
Wendy I. Howell, Planning and Zoning Director
Kuna Planning and Zoning Department

City of Kuna

Findings of Fact and Conclusions of Law

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

To: **Planning and Zoning Commission**

Case Number(s): **17-07-AN** (Annexation), **17-09-S** Subdivision, and **17-20-DR** (Design Review) for *Saranda Subdivision.*

Site Location: 1105 W. Hubbard Road
Kuna, ID 83634

Planner: Trevor Kesner, Planner II

Hearing Date: October 10, 2017
Findings: October 24, 2017

Applicant: WH Pacific, *Jane Suggs*
2141 W. Airport Way, Ste. 104
Boise, ID 83705
jsuggs@whpacific.com

Owner: Challenger Development, Inc.
1977 E. Overland Rd.
Meridian, ID 83642

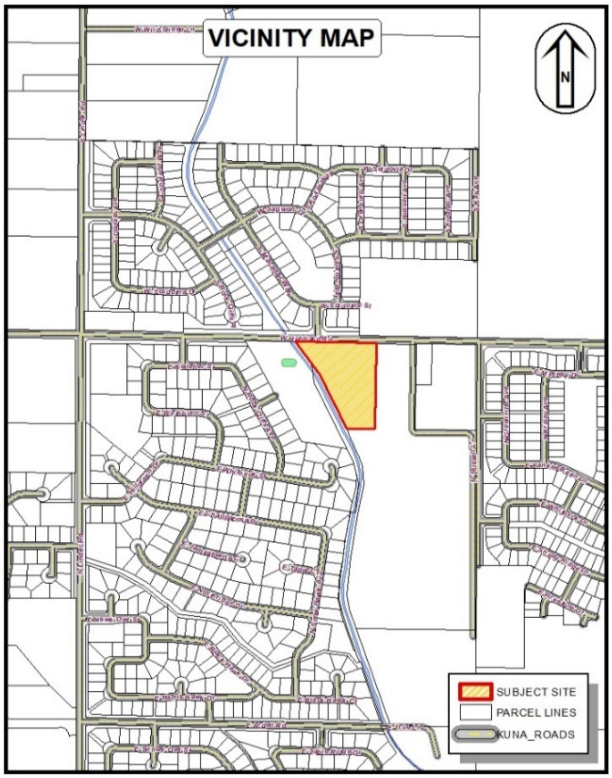


Table of Contents:

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

A. Course of Proceedings

1. Annexation and Preliminary Plat for a residential subdivision are designated in Kuna City Code (KCC), 1-14-3 as public hearing matters, with the Planning and Zoning Commission as the recommending body, and City Council as the decision-making body. A Design Review request is designated in KCC 1-14-3 as a public meeting matter, with the Planning and Zoning Commission acting as the Design Review Board, as the decision-making body. No public noticing procedures are required for the Design Review request.

a. **<u>Agency Notifications</u>**

i.	Agencies	August 28, 2017
ii.	300' Property Owners	September 12, 2017
iii.	Kuna, Melba Newspaper	September 13, 2017
iv.	Site Posted	September 29, 2017

2. In accordance with KCC Title 6 in Kuna City Code (KCC) this application seeks Design Review approval and recommendation for approval for Annexation and a Preliminary Plat (residential subdivision) known as Saranda Subdivision.

B. General Project Facts and Staff Analysis

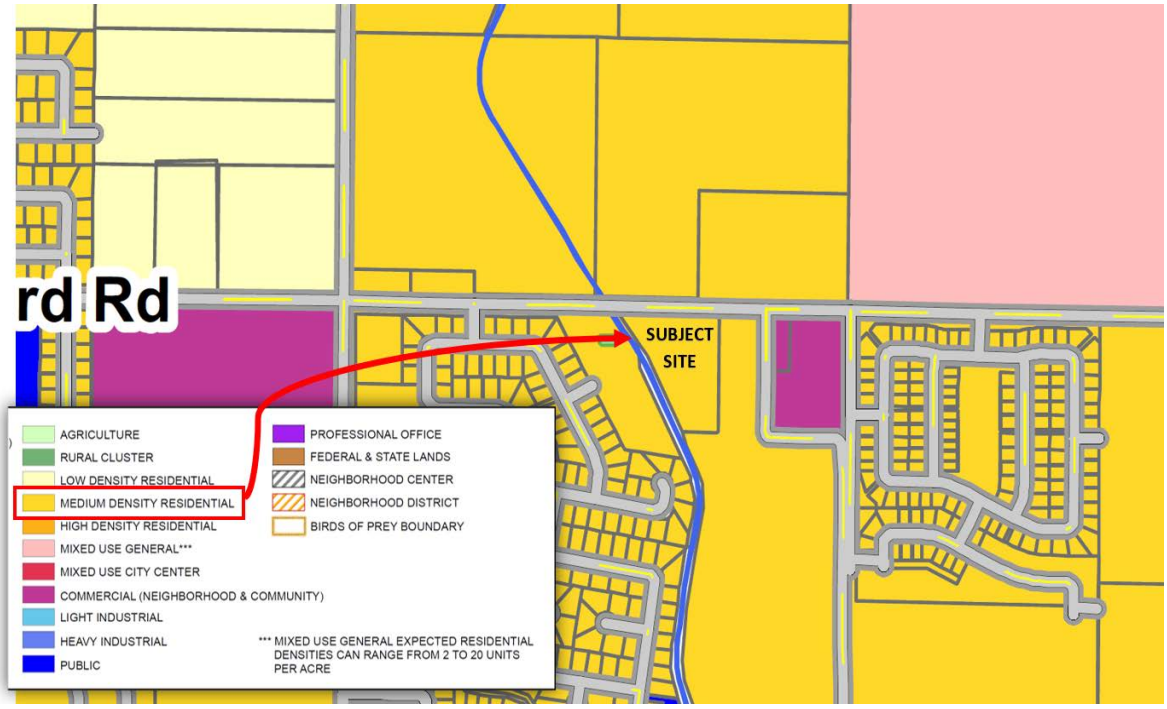
1. **Request:** A request from Jane Suggs with WH Pacific representing Challenger Development, Inc., to annex an approximately 5-acre parcel into Kuna City limits with an R-6 zone, and subdivide the parcel into 18 single family, and four (4) common lots to create Saranda Subdivision. The site is located on W. Hubbard Road approximately 700 feet west of Kay Avenue, and currently addressed as 1105 W. Hubbard Road, Kuna, ID 83634. in Section 13, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho. (APN #S1313212480)

2. The applicant has submitted all the required documents and materials for review, held the neighborhood meeting, and posted the site in accordance with KCC posting requirements and the requirements set forth in Idaho State Code, Title 67, Chapter 65 of the Local Land Use Planning Act.

3. **History:** The subject parcel is situated in unincorporated Ada County with an RR residential zoning designation. The site has historically been farmed and the existing vegetation is commonly associated with a crop field.

4. **Legal Description:** A legal description was included with the application.

5. **Comprehensive Plan Designation:** The Comprehensive Plan Future Land Use map indicates the site has a future designation of *Medium Density Residential*.



6. **Surrounding Land Uses:**

Direction	Current Zoning and Jurisdiction	
North	RR / R-4	Rural Residential – *Ada County* / Med. Density Res. – Kuna City
South	R-4 / RR	Med. Density Res. – Kuna City / Rural Res. – *Ada County*
East	PUD / RR	Planned Unit Development – Kuna City / Rural Res. – *Ada County*
West	RR	Rural Residential – *Ada County*

6.1 Aerial Map:

**Copyrighted*

6.2 Parcel Number: S1313212480

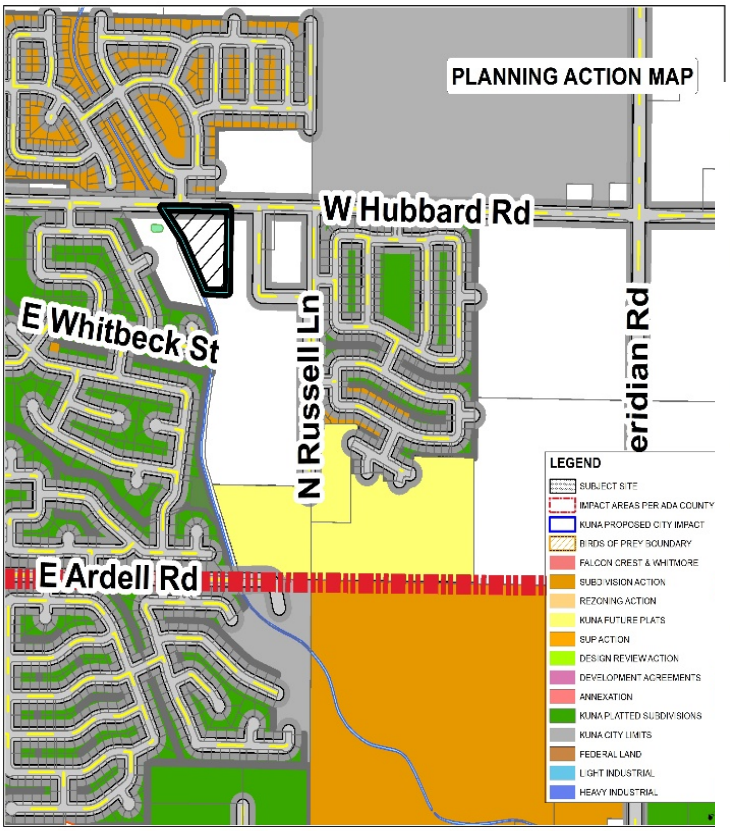
6.3 Parcel Size and Current Zoning:
Approximate acres: 4.7
Zoning: RR (Ada County)

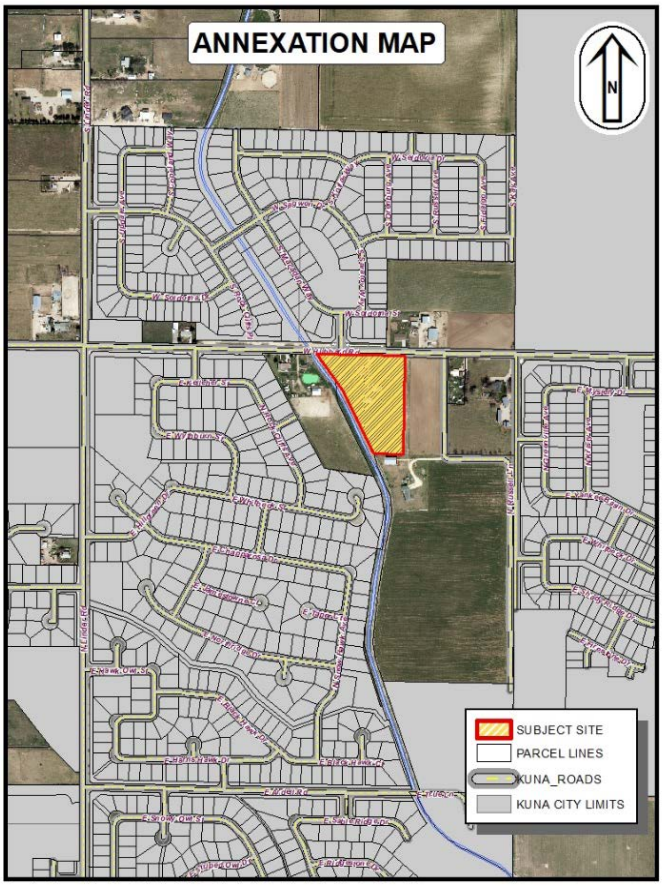
6.4 Public Services, Utilities and Facilities:

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

6.5 Existing Structures, Vegetation and Natural Features: There is currently a residence and two (2) ancillary structures on the subject parcel that have been vacant for several months. The site is relatively flat with an average slope of 0% to 2%. Bedrock depth is estimated to be greater than sixty (60) inches according to the USDA Soil Survey for Ada County. There are several existing trees on site that the applicant intends to remove as they are unhealthy, dead, dying or are of undesirable species.

6.6 Annexation and Planning Action Maps:





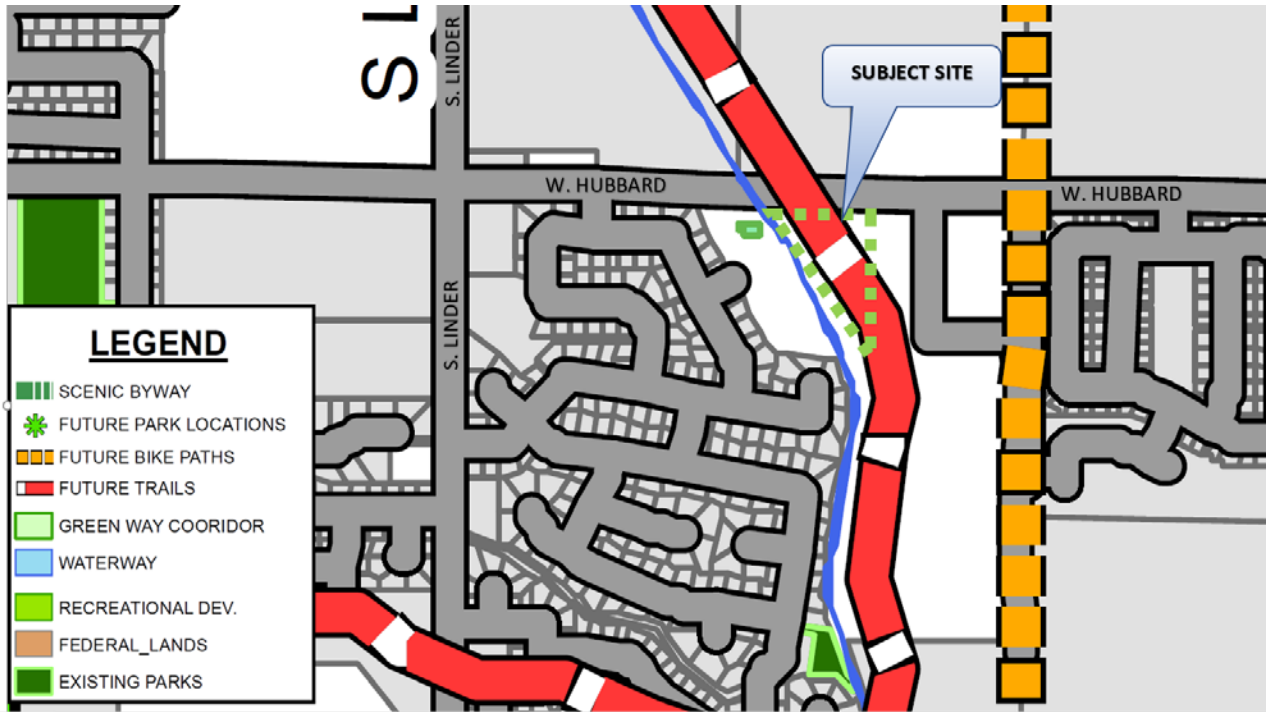
6.7 Transportation / Connectivity: The subject site's road frontage and existing access is located on Hubbard Road. Hubbard Road is designated as a future 3-lane residential arterial roadway; therefore, it is recommended that the applicant dedicate additional right-of-way to accommodate 37 feet from centerline. The existing pavement should be widened to a minimum of 17-feet from centerline with an additional 3-foot wide gravel shoulder, and a minimum 5-foot wide detached sidewalk on Hubbard Road. ACHD has provided site specific recommendations for roadway improvements internal and abutting the subject site.

6.8 Agency Recommendations:

The following agencies returned comments which are included as exhibits in this case file:

- **i.** Kuna School District …….Exhibit B1
- **ii.** Idaho Department of Environmental Quality (DEQ) ……..Exhibit B2
- **iii.** Idaho Transportation Department (ITD) ……..Exhibit B3
- **iv.** Central District Health Department (CDHD) ……Exhibit B4
- **v.** Boise Project Board of Control ……..Exhibit B5
- **vi.** COMPASS Idaho ……..Exhibit B6
- **vii.** Kuna City Public Works Department ……..Exhibit B7
- **viii.** Ada County Highway District (ACHD) ……Exhibit B8

6.9 **Recreation and Pathways Master Plan Map:** Kuna's Master Recreation and Pathways map indicates the need for a future trail along Kuna Canal as it abuts the subject site to the west. Staff recommends the applicant construct a trail/pathway along the western border of the site, abutting the Kuna Canal in accordance with the Recreation and Pathways Master Plan Map. The proposed pathway provides a critical connection to Timbermist Subdivision to the north, and the future Winfield Springs Subdivision to the south.



C. **Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230
2. City of Kuna Design Review Ordinance, 2011-08
3. City of Kuna Subdivision Ordinance No. 2010-15, Title 6 Subdivision Regulations
4. City of Kuna Landscape Ordinance No. 2006-100
5. City of Kuna Comprehensive Plan
6. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act

D. **Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission determines that the annexation and subdivision of the subject site is consistent with the following Comprehensive Plan components:

Housing: Residents envisioned higher densities in the City's core to include opportunities for mixed residential and light commercial activity. They expressed interest in a mix of residential type dwellings applications; including **single- family,** multi-family, apartments and condominiums. They were receptive to a greater mix of lot sizes and house price to appeal to a variety of people. A goal expressed was the preservation of large lots and rural cluster development in appropriate balance with a complement of other types of residential development (Page 21 Comprehensive Plan [CP]).

***Comment**: The Comprehensive Plan and the corresponding Future Land Use Map (with land use designations) provides for a medium density residential (R-6) zone. This project has proposed a density of less than six units per acre, therefore it conforms to the Comprehensive Plan and the Future Land Use Map.*

Private Property Rights Goals and Objectives - Section 2 – Summary:
Ensure City land use policies, restrictions, conditions and fees do not violate private property rights and ensure that *land use actions, decisions, and regulations do not effectively eliminate all economic value of the subject property.* Ensure that City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right and staff shall evaluate with guidance from the City attorney; the Idaho Attorney General's six criterion established to determine the potential for property taking.

> ***Comment:*** *Utilizing the Idaho Attorney General's criteria, and a review by the City Attorney, this project does not constitute a "takings" and the Economic value is fully intact.*

Economic Development Goals and Objectives - Section 5 - Summary*:*
Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement (Pg. 42 – 1.5 and Pg. 43 – 3.1 [CP]).

> ***Comment:*** *The Comprehensive Plan encourages adequate housing for all income levels and calls for increasing pedestrian connections. This project supplies additional housing types to Kuna's inventory and provides opportunities for a quality housing mix. This development will enhance the City's network for pedestrian and non-motorized transportation choices by establishing new sidewalks, and by adding a public pathway along the western border of the development; abutting the canal.*

Land Use Goals and Objectives - Section 6 - Summary:
Adopt a future land use plan and map that includes natural and developed open spaces, while providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups. Protect existing neighborhoods and ensure new development is sustainable and keeps Kuna desirable. Develop cohesive neighborhoods with character and quality while incorporating a variety of densities and styles (Pg. 64 – 3.1 & Goal 3 and Pg. 65 – 4.3 [CP]).

> **Comment**: *This project adds quality housing varieties to the City's inventory for all types of lifestyles, ages and economic groups. This project also proposes more than 14% open space which adds to greenspace within Kuna city limits, keeping it a desirable City to live and recreate in, while enhancing the City's overall pathway network which also increases active transportation choices, provides greater connectivity and provides for more cohesive neighborhoods.*

Housing Goals and Objectives - Section 12 - Summary*:*
Encourage developers to provide high-quality development with a variety of lot sizes, dwelling types, densities and price points to meet the needs of current and future populations while creating safe and aesthetically-pleasing neighborhoods. Ensure housing is available throughout the community for all income levels and those with special needs. Encourage logical and orderly residential development while discouraging developers from developing land divisions greater than one half acre because large lot subdivisions increase municipal costs, require public subsidy and create sprawl (Pg. 155 – Obj. 1.1, Pg. 163 12.4 and Pg. 165 – 2.1 [CP]).

Encourage mixed-use development that includes town centers, **single-family**, multi-family, accessory units, and other types of residential development. – Policy 1.1.2, Section 12, Housing (Page 155 [CP]).

> ***Comment:*** *Applicant proposes a development with a variety of dwelling types, lot sizes, and price points for different income levels as encouraged by the Comprehensive Plan. This project adds to the City's overall network of public utilities, sidewalks, roadways, and pathways; therefore, it complies with the logical, orderly development goal. The proposed land divisions are smaller than one half acre and will connect to available public services abutting the site; thus, the development avoids increased municipal services costs and the potential for urban sprawl.*

Community Design Goals and Objectives - Section 13 - Summary*:*
Strengthen Kuna's Image through good community and urban design principles that create self-sufficient neighborhoods. Foster good community design concepts that incorporate landscape features to serve as buffers between incompatible uses while reducing scale and creating a sense of place (Pg.167 – Goal 1 and Pg. 168 – 1.2[CP]).

> ***Comment:*** *Applicant proposes good community and urban design principles by designing under the allowed densities of the R-6 zone (3.59 Gross Density). This development also incorporates landscape buffers, and creates a sense of place for current and future citizens with the creation of additional greenspace while adding to the City's sidewalk and its pathway networks for adjoining property owners and future developments. In this sense, the project fosters sound community design concepts and complies with the Comprehensive Plan goals and strengthens Kuna's image. This development will add a critical pathway connection.*

Neighborhoods:
Kuna's Comprehensive Plan advocates for development of self-sufficient neighborhoods. These neighborhoods are intended to be connected by transit and other non-motorized methods of transportation. Each neighborhood will have a center, a core and an edge (Page 179 [CP]).

> ***Comment:*** *Kuna is not currently served with transit services; however, the applicant proposes an extension of the roadway system in compliance with the Street Circulation Plan adopted by Kuna. Applicant also proposes sidewalks for pedestrians and other non-motorized transportation, and add a pathway network connection to comply with the Recreation and Pathways Master Plan Map. Applicant proposes less than R-6 housing densities, thereby complying with the Medium Density land use designation as outlined within the Comprehensive Plan and Comprehensive Plan Future Land Use Map.*

E. Findings of Fact:

1. All required procedural items have been completed as detailed in these findings.
2. The residential development complies with Section 6.0 of Kuna's Comprehensive Plan.
3. The residential development complies with the Kuna City Code.
4. Public services are available and are adequate to accommodate this site's development.
5. The preliminary plat will not be detrimental to the public's health, safety and general welfare.
6. The applicant's annexation and requested zoning designation of R-6 is in general conformance with the Kuna Comprehensive Plan Future Land Use map.
7. The site is suitable for use as a residential subdivision, after acquiring the proper approvals.
8. The project description, staff analysis and findings of fact are correct.

F. Conclusions of Law:

1. The annexation and subdivision preliminary plat is consistent with Kuna City Code.
2. The annexation and preliminary plat use meets the general objectives of Kuna's Comprehensive Plan.
3. The site is physically suitable for annexation and preliminary plat use.
4. The annexation and preliminary plat use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The annexation and preliminary plat is not likely to cause adverse public health problems.
6. The annexation and preliminary plat is generally in compliance with all ordinances and laws of the City.
7. The annexation and preliminary plat is not detrimental to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
8. The existing and street and utility services in proximity to the site are suitable and adequate for residential purposes.
9. Based on evidence contained in Case Nos. 17-07-AN, 17-09-S, and 17-20-DR, this proposal complies with KCC Title 6.

10. Based on the evidence contained in Case Nos. 17-07-AN, 17-09-S, and 17-20-DR, this proposal complies with Section 6.0 of Kuna Comprehensive Plan and Future Land Use Map.
11. The Planning and Zoning Commission of Kuna, Idaho, has the authority to recommend approval or denial for the annexation and preliminary plat application.
12. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve or deny the design review application.
13. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

G. **Decisions by the Commission:**

17-20-DR (Design Review)

Note*: The motion is to approve or deny the design review request. However, if the Planning and Zoning Commission wishes to approve or deny specific parts of the request, those changes must be specified.*

Based on the facts outlined in staff's report and public testimony as presented to the Planning and Zoning Commission of Kuna, Idaho, hereby approves Case No. 17-20-DR, a design review for the Saranda Subdivision.

17-07-AN (Annexation) and 17-09-S (Subdivision)

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

Based on the facts outlined in staff's report and public testimony as presented (*if any*), the Planning and Zoning Commission of Kuna, Idaho, hereby recommends approval for Case Nos. 17-07-AN (Annexation) and 17-09-S, an annexation and subdivision request by Challenger Development, Inc. to City Council, with the following conditions of approval:

1. The applicant shall obtain written approval of the construction plans from the agencies noted below. The approval may be either on agency letterhead referring to the approval use or may be written or stamped upon a copy of the approved plan. A copy of the agencies approvals shall be provided to Kuna's Planning and Zoning Department. All site improvements are prohibited prior to approval of these agencies.
   a) The City's Engineer shall approve the sewer, water and pressure irrigation utility extensions and hook-ups.
   b) The City's Engineer shall approve a grading and surface drainage run-off plan (if required). Per Central District Health Department, the plan shall be designed and facilities constructed in conformance with standards contained in "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of a site drainage design plan from Kuna's City Engineer. The drainage design plan shall include all site grading.
   c) Kuna Fire District shall approve all fire flow requirements and/or building plans.
   d) The New York Irrigation District shall approve all modifications to the existing irrigation system.
   e) Approval from Ada County Highway District and assessment of impact fees shall be paid prior to issuance of any building permits.

2. All public right-of-way shall be dedicated and constructed to standards of Kuna City and Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District right-of-way requires a permit. For information regarding the requirements to obtain a permit, contact Ada County Highway District Development Services at 387-6100.

3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground.

4. Compliance with Idaho Code Section §31-3805 pertaining to irrigation waters is required. The flow of any irrigation/drainage waters shall not be impeded by any construction on site.

5. Lighting within the site shall comply with Kuna City Code.

6. Fencing within and around the sites shall comply with Kuna City Code (Except as specifically approved otherwise). A permit from Kuna Building Department shall be obtained prior to construction of fencing.

7. Subdivision signage within the subject site shall comply with Kuna City Code. The applicant shall apply for a sign design review and secure a permit prior to sign construction.

9. The applicant shall adhere to all requirements for sanitary sewer, potable water, pressure irrigation system connections, and all other requirements of the Public Works Director, as outlined in the memorandum dated September 7, 2017.

10. Prior to submitting the final plat mylars for signature, submit a petition to the City, consenting to the pooling of irrigation surface water rights for delivery purpose and request to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation District (KMID).

11. The applicant shall modify the preliminary plat to include a minimum nine (9) foot wide paved public pathway within a common lot along the western boundary of the subject site, directly abutting the Canal easement to conform with the Recreation and Pathways Master Plan Map. The applicant shall provide a minimum six (6) foot wide landscape buffer between the pathway and the rear lot lines of Lots 3-10, Block 1.

12. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace any unhealthy or dead plant material immediately (within 3 days as weather permits or as the planting season permits), as required to meet the standards of this requirement. Maintenance and planting within public right-of-way shall be with approval from the public and/or private entities owning the property.

13. The applicant's submitted landscape plan calls for the removal of eight (8) existing trees on site. Applicant shall consult with, and receive written approval from the City Forester/Arborist to mitigate the removal of the existing trees on site with the addition of trees greater in size or equal to the size of the trees to be removed, beyond what is proposed in the submitted landscape plan. Retention of any existing trees on site may be used to satisfy the minimum required landscaping.

14. The applicant shall comply with all conditions of approval listed in the Kuna staff report and as approved by the Commission, and any other applicable agency comments.

16. Applicant shall comply with all local, state and federal laws.

DATED: this day _____ of _____, 2017.

_____
Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

_____
Trevor Kesner, Planner II
Kuna Planning and Zoning Department

City of Kuna

P.O. Box 13
Phone: (208) 922-5274
Fax: (208) 922-5989
Kunacity.id.gov

P & Z Comm. Findings of Fact & Conclusions of Law

To: Planning and Zoning Commission

Case Number(s): 17-05-AN (Annex), 17-01-CPF (Combination PP & FP)
Pierson Subdivision Annex

Location: South East Corner (SEC) of Black Cat Rd. & Amity Rd. Meridian, Idaho 83642

Planner: Troy Behunin, Planner III

Hearing Date: October 10, 2017
Findings of Fact: October 24, 2017

Owner: **Clair Bowman**
4400 W. Legacy Lane
Meridian, ID 83642
208.484.4414
cq@safelink.net
cmbavalon@safelink.net

Representative: **B & A Engineers**
Joe Canning
5505 W. Franklin Rd.
Boise, ID 83705
208.343.3381
jdcanning@baengineers.com

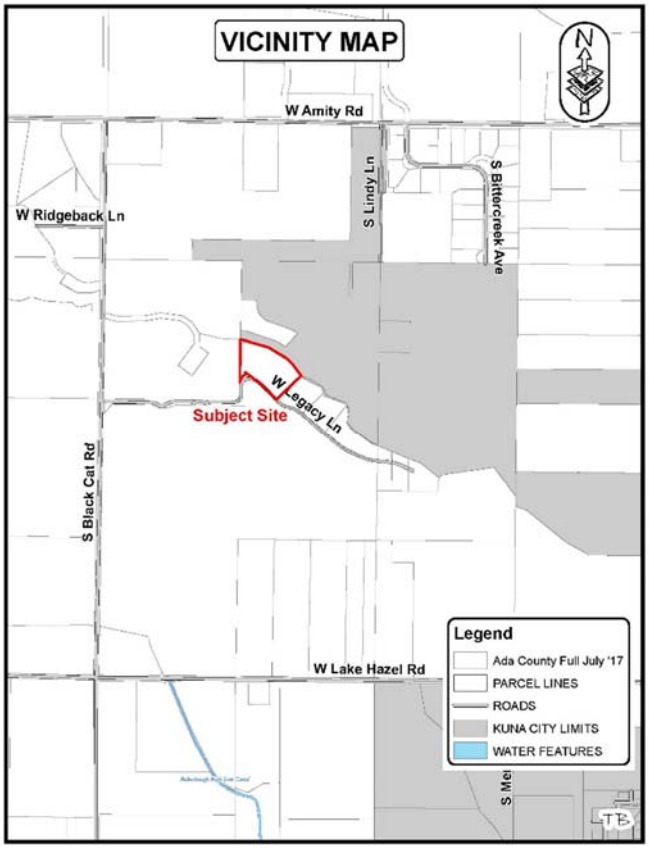


Table of Contents:

A. Course Proceedings
B. Applicant Request
C. Site History
D. General Project Facts
E. Staff Analysis
F. Applicable Standards
G. Procedural Background
H. Factual Summary
I. Comprehensive Plan Analysis
J. Conclusions of Law by the Commission
K. Findings of Fact
L. Decision by the Commission

A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states that annexation and combination preliminary and final plat applications are each designated as *public hearings*, with the Planning and Zoning Commission as the recommending body, and City Council as the decision-making body.
   These land use applications were given proper public notice and have followed the requirements set forth in Idaho Code, Chapter 65, Local Land Use Planning Act (LLUPA).

   a. Notifications

   i. Neighborhood Meeting — July 19, 2017 (two persons attended)
   ii. Agencies — August 15, 2017

iii.	350' Property Owners	September 29, 2017
iv.	Kuna, Melba Newspaper	September 20, 2017
v.	Site Posted	September 28, 2017

B. Applicant Request:

1. Applicant requests to annex approximately 4.28 acres into Kuna City with an R-2 (Low Density Residential), residential zone, and to subdivide the property into two single family residential lots through a combined preliminary and final plat process, and have reserved the name Pierson Subdivision with the County. This is a request for re-subdivision of Lot 2 and part of Lot 3, Block 1, of Dreamcatcher Subdivision. The site is located at the south east corner (SEC) of Black Cat & Amity Roads, site address is 4400 W Legacy Lane, Meridian, Idaho, In Section 34, T 3 N, R 1 W, APN #: R1928150010.

2. **Site Location Map**

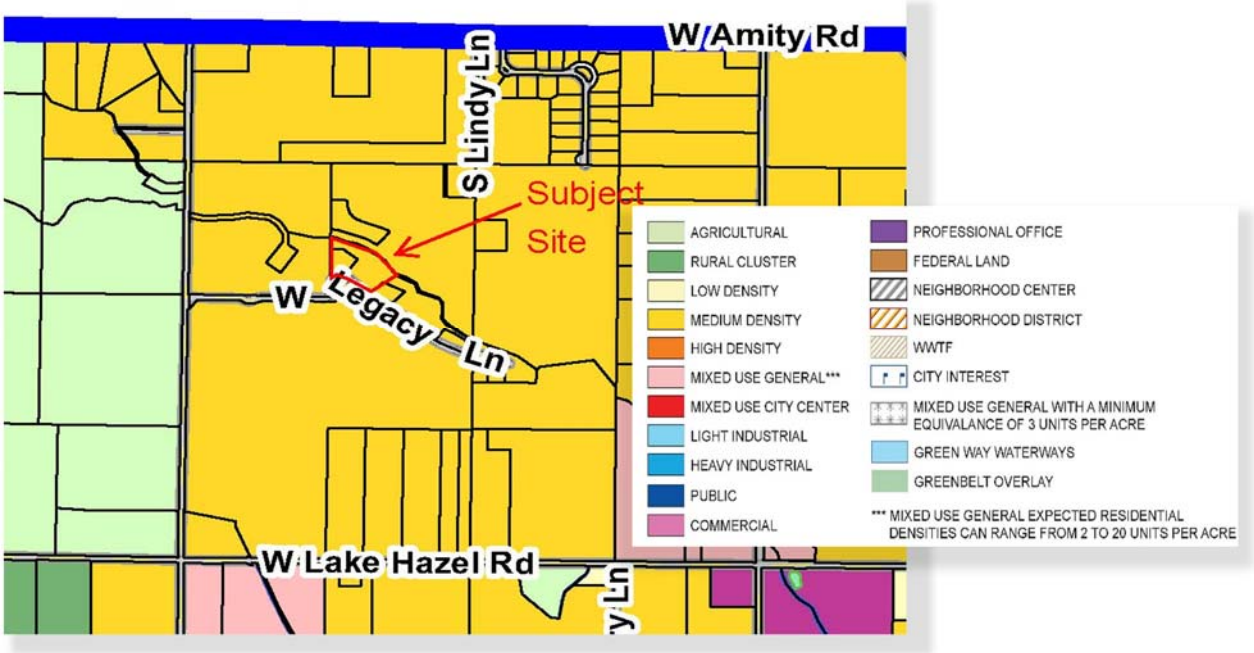
©COPYRIGHTED

C. History: The approximately 4.28 acre subject site is currently in the Dreamcatcher Subdivision, within Ada County, however, it is contiguous to Kuna City limits on the north line of the lots and has been a residential subdivision since 2000.

D. General Projects Facts:

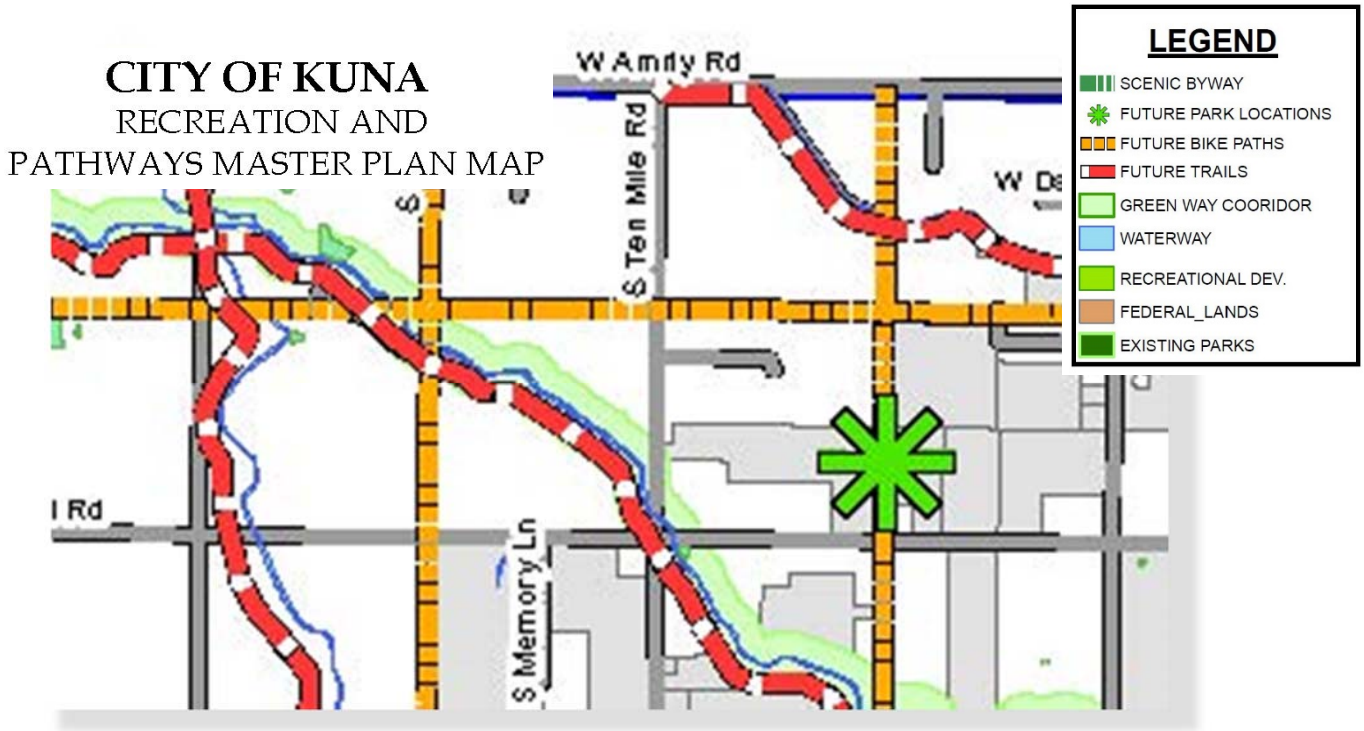
1. **Comprehensive Plan Designation:** The City of Kuna's Future Land Use Map identifies the subject site as Low Density Residential (2 – 4 Units per acre). Staff views this land use request to be consistent with the approved Future Land Use Map.

2. **Kuna Comprehensive Plan Future Land Use Map:** See Map Below.



The Kuna Comprehensive Plan Future Land Use Map shown below in conjunction with the map legend indicates that the subject site is designated as Medium Density Residential. The applicant's request is under the suggested density, therefore, staff views this request to be consistent with the Future Land Use Map designation.

3. **<u>Kuna Recreation and Pathways Master Plan Map:</u>**



The Kuna Recreation and Master Pathways Plan map identifies a future trail adjacent to the Kuna Canal waterway as it flows on the north side the subject site. The adjacent developer (north) has proposed and submitted plans to accommodate this trail designation along the Kuna Canal.

4. **Surrounding Existing Land Uses and Zoning Designations:**

North	R-4	Medium Density Residential – City of Kuna
South	RUT	Rural Urban Transitional – Ada County
East	RUT	Rural Residential – Ada County, & R-4 Med Den Res. – City of Kuna
West	RUT	Rural Urban Transitional – Ada County

5. **Parcel Sizes, Current Zoning, Parcel Numbers:**
   - Approx. 4.28 acres total
   - RUT (Rural Urban Transition) – Ada County
   - Parcel # R1928150022

6. **Services:**
   Sanitary Sewer– City of Kuna (*In the future*)
   Potable Water – City of Kuna (*In the future*)
   Irrigation District – Boise-Kuna Irrigation District (*In the future*)
   Pressurized Irrigation – City of Kuna (KMID) (*In the future*)
   Fire Protection – Meridian Rural Fire District
   Police Protection – Kuna City Police (Ada County Sheriff's office)
   Sanitation Services – J & M Sanitation

7. **Existing Structures, Vegetation and Natural Features:** Currently there is a house on the subject site and no structures on the proposed lot. This site slopes slightly to the south, away from Mason Creek, but is otherwise generally flat. Mason Creek flows east to west on the north side of the subject parcel. On-site vegetation consists of vegetation typically associated with a residential lot.

8. **Transportation / Connectivity:** The applicant proposes access from the platted and recorded private lane access from Black Cat Road known as Legacy Lane and will be included with the HOA maintenance program for its upkeep and repairs.

9. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

10. **Agency Responses:** The following responding agency comments are included as exhibits with this case file
    - Ada County Highway District (ACHD) – Exhibit B-1
    - Boise Project Board of Control – Exhibit B-2
    - Central District Health Department (CDHD) – Exhibit B-3
    - Department of Environmental Quality – Exhibit B-4
    - Idaho Transportation Department (ITD) – Exhibit B-5

E. Staff Analysis:

Applicant requests approval to annex approximately 4.28 total acres (currently zoned Rural Urban Transition (RUT) in Ada County), into Kuna City limits with an R-2 (Low Density Residential) zone; and to subdivide the subject property, creating a two lot, single family subdivision, known as Pierson Subdivision. This request includes a re-subdivision of Lot 2, and part of Lot 3, Block 1 in the Dreamcatcher Subdivision. Applicant also proposes to provide

access to these newly created lots by way of Legacy Lane which is a private lane that touches Black Cat Road, a public road.

The site is eligible for annexation, as it touches current City limits on the north side of the project. The applicant seeks an R-2 (Low Density Residential) zone for the subdivision in connection with this annexation request. Applicant is also proposing the creation of two single family lots and will be known as the Pierson Subdivision.

Applicant shall provide a perpetual plan/agreement to be recorded with the County (HOA agreement), for the maintenance, upkeep and continuous care for the private Legacy Lane. If applicant can demonstrate permanent and continuous maintenance and care, staff has no concerns with the private lane.

This site is in the Nitrate Priority Area and should only be granted the ability to install a new septic system based on the criteria established in Kuna Code. It has been determined that this property does have extraordinary constraints (distance to existing facilities and Mason Creek feeder on the north), preventing connection to public services immediately. Therefore, staff recommends that in the future if/when the lands south of this site develop, bringing public services nearer, that each of these proposed lots connect to public services from Kuna City. Staff recommends that in the event a subdivision to the south is developed, or services become available that the existing home on proposed lot 1 be conditioned to connect to Kuna City services at time of failure, or at the property owners choice, ahead of a failure of sewer or domestic water, at lot owners expense, in accordance with Kuna City Code. It is anticipated that proposed lot 2 of Pierson Sub will build a home before the lands south develop. Therefore, staff recommends that the newly created vacant lot be conditioned to run dry lines for water, sewer and pressure irrigation (PI), from house to the northern edge of Legacy Lane, in anticipation of a future connection so that if/when a critical system fails and there is a developed subdivision south of this site or services become available, it will connect at lot owners expense, in accordance with Kuna City Code.

Staff has determined these applications comply with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards Case No.'s 17-05-AN and 17-01-CPF, to the Commission with the recommended conditions of approval.

F. <u>Applicable Standards:</u>

1. Kuna City Code Chapter 6 – Chapter 1-6; Subdivision Regulations,
2. Kuna City Code Title 5 – Chapter 1-17; Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

G. <u>Procedural Background:</u>

The Commission held a Public Hearing on October 10, 2017, to consider Cases No.'s 17-05-AN and 17-01-CPF, including the submitted application documents, agency comments, staffs report, application exhibits and public testimony presented at the hearing.

H. <u>Factual Summary:</u>

This site is located at the south east corner (SEC) of Black Cat and Amity Roads. Applicant proposes to annex approximately 4.28 acres into the City of Kuna with an R-2 (Low Density Residential) zone. Applicant has submitted a combination preliminary and final plat to re-subdivide lot 2 and part of lot 3, block 1, within the Dreamcatcher Subdivision.

I. <u>Comprehensive Plan Analysis:</u>

The comprehensive plan is a living document, intended for use as a guide to governmental bodies. The plan is not law that must be strictly adhered to in the most stringent sense; it is to be used by public officials to assist their decision making for the City. The Kuna Planning and Zoning Commission accepts the Comprehensive Plan components as described:

Goals, Policies and Objectives from the Kuna Comprehensive Plan:
See Below.
Private Property Rights Goals and Objectives - Section 2 - Summary:
Ensure the City land use policies, restrictions, conditions and fees do not violate private property rights and ensure that land use actions, decisions, and regulations do not effectively eliminate all economic value of the subject property. Ensure that City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right and evaluate with guidance from the City attorney and the Idaho Attorney General's six criterion established to determine the potential for property takings.

Comment: *Utilizing the Idaho Attorney Generals criteria, and a review by the City Attorney, the proposed project does not constitute a "takings" and the economic value is intact.*

Economic Development Goals and Objectives - Section 5 - Summary:
Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement.

Comment: *The proposed application complies with the comprehensive plan by providing a mix of lot sizes to meet this goal.*

Land Use Goals and Objectives - Section 6 - Summary:
Adopt a future land use plan and map that includes natural and developed open spaces, while providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups. Protect existing neighborhoods and ensure new development is sustainable and keeps Kuna desirable. Develop cohesive neighborhoods with character and quality while incorporating a variety of densities and styles.

Comment: *The project complies with the land use plan as adopted by the City by incorporating the following; varied housing densities and types and promotes desirable, cohesive community character and a quality neighborhood.*

Public Services, Facilities and Utilities Goals and Objectives - Section 8 -Summary:
Provide adequate services, facilities, and utilities for all City residents and annex contiguous properties that request City services. Ensure that development within Kuna connects into the City's sanitary sewer and potable water systems and continue expansion of the City's sewer systems as resources allow.

Comment: *Kuna has adequate services for this development and the authority to annex the requested lands into the City. In the future when available, this application will expand the City's sanitary sewer system, potable water and add to the pressure irrigation service lines in an orderly fashion.*

Housing Goals and Objectives - Section 12 - Summary:
Encourage developers to provide high-quality development with a variety of lot sizes, dwelling types, densities and price points to meet the needs of current and future population while creating safe and aesthetically-pleasing neighborhoods. Ensure housing is available throughout the community for all income levels and those with special needs. Encourage logical and orderly residential development while discouraging developers from developing land divisions greater than one half acre because large lot subdivisions increase municipal costs, require public subsidy and create sprawl.

Comment: *Applicant has proposed two single family lots which will contribute to high-quality lots of varied sizes to be developed in a logical and orderly manner. The development will create a pleasant neighborhood environment.*

J. Commissions Conclusions of Law:

Based on the evidence contained in Case No's 17-05-AN and 17-01-CPF, the Kuna Planning and Zoning Commission finds Case No's 17-05-AN and 17-01-CPF comply with Kuna City Code, the goals of the Kuna Comprehensive Plan, as proposed or conditioned.

1. This request appears / doesn't appear to be consistent and / or in compliance with Kuna City Code (KCC).
   Comment: *The proposed project meets the land use and area standards in Chapter 3, Title 5 of KCC. Staff also finds that the proposed project meets all applicable requirements of Title 6 of KCC.*

2. The site is / is not physically suitable for a subdivision.
   Comment: *The 4.28 acre subdivision is large enough to include a mix of lot sizes.*

3. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

   Comment: *The land to be annexed is not used as wildlife habitat. Staff is not aware of any environmental damage or loss of habitat associated with the proposed development.*

4. The annexation and subdivision application is / is not likely to cause adverse public health problems.

   Comment: *The annexation of the property requires a zoning designation per Kuna Code 5-13-9. The low density zone requires connection (at time of availability) to public sewer and water, therefore eliminating the occurrence of adverse public health problems. Through correspondence with public service providers and application evaluation, this project appears to avoid detriment to surrounding uses.*

5. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.

   Comment: *The annexation, and design of the subdivision did consider the location of the property adjacent to Mason Creek Feeder, classified roadways (Black Cat & Amity Road) and the system. The subject property cannot be connected to the City's public sewer, water and pressure irrigation facilities* at this time *due to unreasonable constraints. The adjacent uses are complimentary uses (Kuna) as proposed in the Kuna Comprehensive Plan Future Land Use Map.*

6. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.

   Comment: *Correspondence from ACHD and Kuna Public Works confirms that the proposed streets and utility services are suitable and adequate for this residential project. ACHD confirms that the existing streets within and adjacent to the re-subdivision are adequate for the proposed development.*

K. Commission's Findings of Fact:

Based upon the record in 17-05-AN and 17-01-CPF**,** including the Comprehensive Plan, Kuna City Code, Staff's report, including the exhibits, and the testimony elicited during the public hearing, the Commission hereby recommends *approval* for Case No's 17-05-AN and 17-01-CPF, a request for annexation and combination preliminary and final plat to Council as follows:

The Commission concludes that the Application does comply with the City of Kuna's Zoning regulations (Title 5) of KCC and/or the Subdivision regulations outlined in title 6 of KCC and/or the Landscape Code in title 5.

1. In making a decision regarding the Subdivision application, the Council is to consider Idaho Code §67-6535 (2), which states the following:

   The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

   In addition, Idaho Code §67-6535(2) (a), provides that:

   Failure to identify the nature of compliance or noncompliance with express approval standards or failure to explain compliance or noncompliance with relevant decision criteria shall be grounds for invalidation of an approved permit or site-specific authorization, or denial of same, on appeal.

2. The Commission has the authority to *recommend* approval for Case No's 17-05-AN and 17-01-CPF. The Commission voted to recommend approval for Case No's 17-05-AN and 17-01-CPF.

3. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances to hold a public hearing on October 10, 2017, with the Commission.

L. Proposed Decision by the Commission:

Note: 17-05-AN (Annexation) and 17-01-CPF (Combo Plat): *The proposed motion is to recommend approval for these requests to City Council. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.* Based on the facts outlined in staff's report and public testimony during the public hearing the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* for Case No's 17-05-AN and 17-01-CPF; annexation and a combo plat *with* the following conditions of approval:

- *With the conditions as outlined in the staff report,*
- *With the change to condition No. 1C to include the Meridian Rural Fire District and remove the Kuna Rural Fire District,*
- *With the elimination of Condition No. 1B, and Condition No. 4*

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
   a. The City Engineer shall approve the sewer hook-ups.
   b. 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".
   c. The Meridian Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
   d. The *Boise Project and Board of Control* shall approval any modifications to the existing irrigation system.
   e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.

All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District, and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and Idaho Transportation Department.

2. Installation of utility service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2-W.
3. 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.
4. The land owner/applicant/developer and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Commission and/or Council, or seek amending them through public hearing processes.
5. The applicant's proposed preliminary plat (dated 05/25/17) and final plat (dated 07/26/17) shall be considered binding site plans, or as modified and approved through the public hearing process.
6. In the event a subdivision to the south is developed, or services become available, the existing home on proposed lot 1 shall connect to Kuna City services at time of failure, or at the property owners' choice, ahead of a failure of sewer or domestic water, at lot owners' expense, in accordance with Kuna City Code.
7. Proposed Lot 2, at time of home construction, shall install dry lines for water, sewer and pressure irrigation (PI), from house to the northern edge of Legacy Lane, in anticipation of a future connection in the event that if/when a critical system fails and there is a developed subdivision south of this site, or services become available, proposed lot 2 will connect to Kuna's public services at lot owners expense, in accordance with Kuna City Code.
8. Applicant shall demonstrate permanent access, maintenance and care for Legacy Lane and the responsibilities of each proposed lot through language in a recorded HOA agreement (CC&R's).
9. Applicant shall follow staff, city engineer and other agency recommended requirements as applicable.
10. Compliance with all local, state and federal laws is required.

DATED: This 24th, day of October 2017.

_____

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

_____

Troy Behunin, Planner III
Kuna Planning and Zoning Department

City of Kuna

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

Design Review Findings of Fact

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

Case Numbers: 14-04-DR (Design Review)
MODIFICATION

Location: 1403 N. Meridian Road
Kuna, Idaho 83634

Planner: Troy Behunin, Planner III

Modification Request: *October 24, 2017*
(Original Meeting Date: June 24, 2014)

Applicant: **DB Development, LLC**
Justin Blackstock
2228 W. Plaza St.
Meridian, ID 83646
208. 871.0642
highmark.development@gmail.com

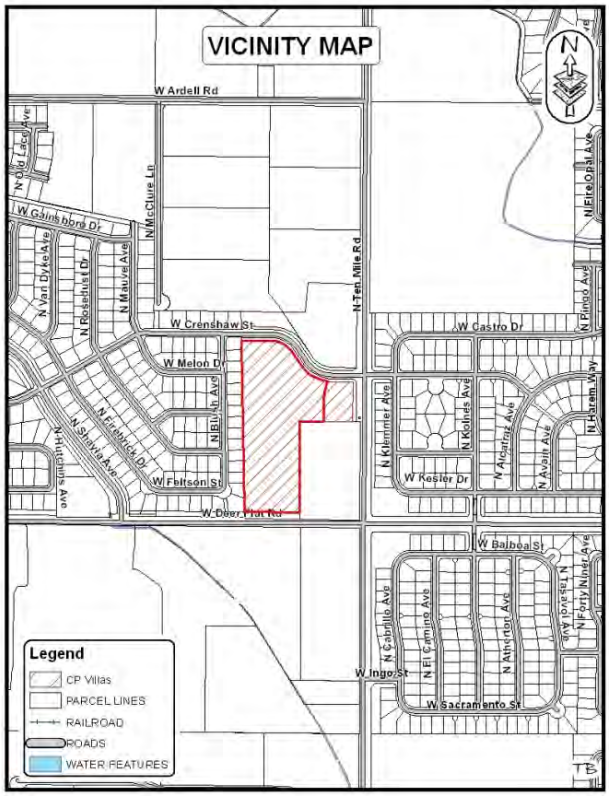


Table of Contents:

- **A.** Course Proceedings
- **B.** Applicant Request
- **C.** Vicinity Maps
- **D.** History
- **E.** General Project Facts
- **F.** Staff Analysis
- **G.** Applicable Standards
- **H.** Comprehensive Plan Analysis
- **I.** Decision by the Commission

A. Course of Proceedings:

1. Applicant proposes 39 (total) new multi-family (commercial) buildings and an accompanying club house (with Pool), parking lots, landscaping in an existing C-1 (Neighborhood Commercial) zone. According to Kuna City Code (KCC) Title 5, Chapter 4 (Design Review Overlay); all new multi-family (commercial) buildings, landscaping, parking lot, trash enclosures, and signage are required to submit applications for review by the Design Review Committee (DRC). As a public meeting item, this action requires no formal public noticing actions.

   a. **Notifications**
      i. Agenda October 24, 2017

B. Applicants Request:

1. Applicant requests approval from the Design Review Committee (DRC) to MODIFY the original 2014, DRC approvals concerning the trash enclosures and the building materials used for their screening.
2. The applicant has submitted the necessary documents and materials for DRC review and are included as exhibits.

C. Aerial Map:

D. History:

The two parcels zoned C-1 (March 2003) are intended for commercial uses (C-1). Four-plex units are an outright permitted land use within the C-1. The site has been under development for the last 2 years and the owner has constructed a total of 11 buildings to date.

E. General Project Facts: This is within the Crimson Point (PUD) subdivision at the NWC of Deer Flat & Ten Mile Roads – Kuna, Idaho.

1. **Comprehensive Plan Designation:** The Future Land Use map (FLU) approved by City Council, indicates the site is within a commercial designation. In accordance with KCC 5-3-2, staff views the request from DB Development, LLC to be consistent with the FLU map as the applicant has applied for a DRC MOD.

2. **Surrounding Land Use:**

Direction	Current Zoning	
North	C-1	Neighborhood Commercial – Kuna City
South	C-1	Neighborhood Commercial – Kuna City
East	RUT, R-6	Rural Urban Transition – *Ada County*, Med. Den. Res. – Kuna City
West	R-3	Low Density Residential – Kuna City

3. **Parcel Number:** Multiple Numbers; please see final plat.

4. **Parcel Size, Current Zoning:** Overall Project 1: Is approx. 9.64 Acres, C-1 (Neighborhood Comm.), Parcel 2 is approx. 1.03 Acres, C-1 (Neighborhood Comm.).

5. **Services:**

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

6. **Existing Structures, Vegetation and Natural Features:** There are approximately 11 buildings on site under various stages of progress. The remainder of the site is under development and has utilities in the ground, and the central public road is paved.

7. **Transportation / Connectivity:** Access to the site is from Deer Flat Road and from Ten Mile Road at the Crenshaw intersection.

8. **Environmental Issues:**
   Staff is not aware of any environmental issues, health or safety conflict. This site's topography is generally flat and the bulk of the infrastructure for the site is complete.

F. Staff Analysis:

In 2014, the DRC approved vinyl screening for the trash enclosures and it was noticed during a design review compliance check that there was a difference between the real world and what was approved in 2014. Staffs review of the site and application reveals there are about half of the enclosures (overall) on site that are already constructed as shown in the photos (with chain-link and slats). This proposal does not follow the guidelines in the Design Review Handbook for Kuna (Pg. 18). Kuna City Code for screening methods, do not currently recommend the materials used for trash enclosure screening specifically, rather it allows the DRC to approve what is, and what is not appropriate on a case by case basis.

Staff looks to the DRC for either approval or denial for case No. 14-04-DRC (MOD).

G. Applicable Standards:

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

H. Comprehensive Plan Analysis:

The Planning and Zoning Commission may / may not accept the Comprehensive Plan components as described below.

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

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

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

GOALS AND POLICY – *Economic Development*

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

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

GOALS AND POLICY – *Land Use*

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

Objective 2.1: Assist in retaining or expanding sales opportunities in entertainment, sit-down restaurants, and neighborhood/convenience shopping categories. Encourage neighborhood and community-scale retail.

Objective 2.2: Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

GOALS AND POLICY – *Transportation*

Policy 1.1.2: Pedestrian and bicycle activities should be separate from automobiles road system – where possible.

Policy 3.2.1: Encourage developers to create mixed use developments that will reduce travel demand through trip capture.

Policy 3.2.2: Increase Kuna's employment opportunities as a means of reducing commuter trips.

Policy 3.4.9: Assure that commercial ventures have a secondary means of roadway access.

Policy 3.4.10: Require shared driveway access where possible.

Policy 3.4.12: Promote ease of access to all portions of the City.

I. Decision by the Commission:

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

On October 24, 2017, the DRC voted to approve/conditionally approve/deny Case No. 14-04-DR (MOD) based on the facts outlined in staff's report, the case file and discussion at the public meeting of the Design Review Committee of Kuna, Idaho, and hereby approves / denies Case No. 14-04-DRC (MOD), a Design Review request by Justin Blackstock (with DB Development, LLC), with/without the following conditions of approval:

- Follow all plans as shown in the packet for the DRC, date stamped May 7, 2014 (site and landscape plans) and May 8, 2014 (Building elevations), and they shall be considered binding plans.
- Applicant shall arrange plants in the parking lot islands to be aesthetically pleasing, rather than all linear.
- Applicant shall install landscape around club house and pool similar with the rest of the project.
- Maintenance of the common area landscaping shall be cared for and remain in a healthy condition. The trash enclosures shall be cared for, kept clean, safe and in good condition or repaired in a timely manner.

Conditions of Approval:

1. In the event the uses, any of the buildings or any other DRC elements for this application are enlarged, expanded or altered in anyway (even temporarily), the applicant shall seek an amendment to the approvals of this DRC.
2. Signage for the site shall comply with current Kuna City Code, as well as, obtain a sign permit prior to construction.
3. The applicant shall follow all staff and appropriate agency recommendations.
4. The applicant shall comply with all Federal, State and Local Laws.

DATED: This 24th day of October, 2017.

_____

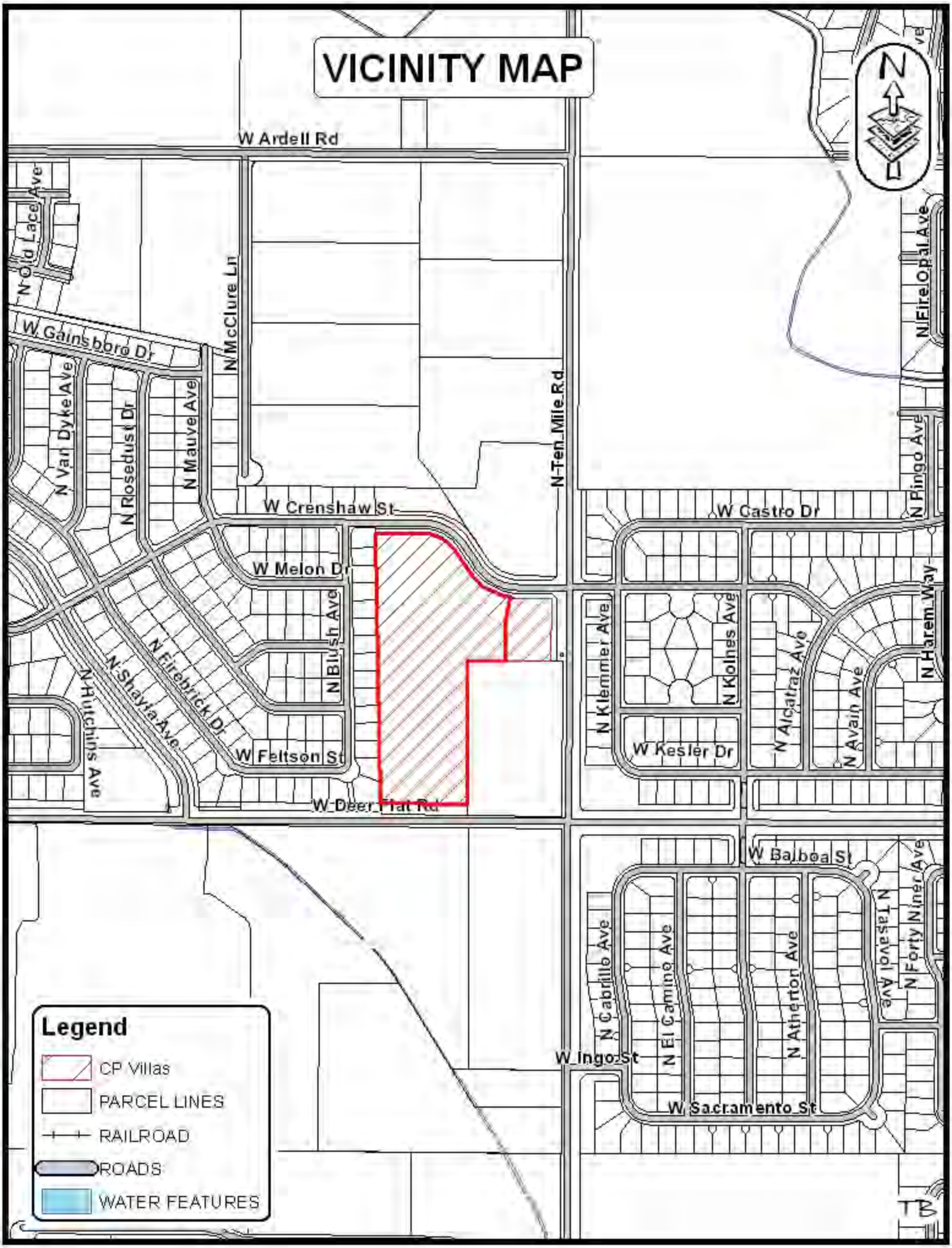
Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

_____

Troy Behunin, Planner III
Kuna Planning and Zoning Department

VICINITY MAP



Crimson Point Villas
Write a description for your map.
Legend
Feature 1
W Henna St
W Gainsboro Dr
Prince Ln
W Castro Dr
W Crenshaw St
W McHenry St
W Caliret St
W Quilceda St
W Felkson St
N Shayla Ave
N Rosedust Dr
N Ten Mile Rd
W Deer Flat Rd
W Balboa St
N Cabrillo Ave
N El Camino Ave
N Kolnes Ave
N Atherton Ave
N Tasavol Ave
N Forty Niner Ave
N Harem Way
N Buckler Way
Google Earth
1000 ft
N

From:
DB Development, LLC
2228 W. Piazza St.
Meridian, ID 83646

To:
City of Kuna
P.O. Box 13
Kuna, ID 83634

To Whom It May Concern:
DB Development, LLC is requesting a Design Review Approval modification regarding the Trash Enclosures on behalf of CBH Homes for the Crimson Point Villas apartment complex. The original approval detailed a Vinyl enclosure. After discussions with the garbage company they did not want Vinyl as it won't hold up due to the daily use of the facility. Not realizing that the Vinyl enclosure was reviewed and approved by the City as a part of the Architectural drawings we installed Chain-link with lath. (See Attached photo). We did not think it would be an issue considering that it is the same type of enclosure that the City of Kuna uses for there Pump STA: facilities. We respectfully request that you approve the Chain-Link Enclosure for Crimson Point Villas.

Thank you,
Justin Blackstock
Manager

RECEIVED
9.26.2017

PHASING SCHEDULE

PHASE 1.1 ..... APARTMENT BUILDINGS A - P

PHASE 1.2 ..... APARTMENT BUILDINGS Q - JJ, CLUBHOUSE

PHASE 2.1 ..... APARTMENT BUILDINGS KK - OO

PHASE 1.1 & 1.2 PROJECT DATA

TOTAL PHASE 1.1 & 1.2 APARTMENT LAND AREA (LESS R.O.W.): ..... 356,034± S.F. / 8.17± ACRES

PROPOSED BUILDINGS: 35
- CLUBHOUSE: 1
- 2-UNIT ONE-STORY BUILDINGS: 1
- 4-UNIT TWO-STORY BUILDINGS: 33

APARTMENT BUILDING KEY:
- BUILDING TYPE 1-1A: (4) ONE BEDROOM UNITS, ELEVATION TYPE A: 4
- BUILDING TYPE 1-1B: (4) ONE BEDROOM UNITS, ELEVATION TYPE B: 3
- BUILDING TYPE 1-2A: (2) ONE BEDROOM UNITS, ELEVATION TYPE A: 1
- BUILDING TYPE 2-1A: (4) TWO BEDROOM UNITS, ELEVATION TYPE A: 2
- BUILDING TYPE 2-1B: (4) TWO BEDROOM UNITS, ELEVATION TYPE B: 3
- BUILDING TYPE 2-2A: (4) TWO BEDROOM UNITS, ELEVATION TYPE A: 2
- BUILDING TYPE 2-2B: (4) TWO BEDROOM UNITS, ELEVATION TYPE B: 4
- BUILDING TYPE 3-1A: (4) THREE BEDROOM UNITS, ELEVATION TYPE A: 9
- BUILDING TYPE 3-1B: (4) THREE BEDROOM UNITS, ELEVATION TYPE B: 6

PROPOSED UNITS: 134
16.40 UNITS PER ACRE

PROPOSED UNIT MIX:
- ONE BEDROOM - ONE BATHROOM (1x1): 30
- TWO BEDROOM - TWO BATHROOM (2x2): 44
  - 2x2-1: 20
  - 2x2-2: 24
- THREE BEDROOM - TWO BATHROOM (3x2): 60

PARKING REQUIRED: 267
- CLUBHOUSE: 1,562 S.F. / 300 S.F. = 6
- APARTMENTS: 1.5 STALLS PER UNIT: 134 x 1.5 = 201

PARKING PROPOSED: 241
- ACCESSIBLE PARKING STALLS: 36
- STANDARD PARKING STALLS: 205

APARTMENT LAND DEVELOPMENT:
- BUILDING FOOTPRINTS AND POOL AREA: ..... 81,687 S.F. / 24%
- SITE PAVING: ..... 108,366± S.F. / 30%
- LANDSCAPING: ..... 163,971± S.F. / 46%

PHASE 2.1 PROJECT DATA

TOTAL PHASE 2.1 APARTMENT LAND AREA (LESS R.O.W.): ..... 54,576± S.F. / 1.25± ACRES

PROPOSED BUILDINGS: 5
- 4-UNIT TWO-STORY BUILDINGS: 5

APARTMENT BUILDING KEY:
- BUILDING TYPE 2-1A: (4) TWO BEDROOM UNITS, ELEVATION TYPE A: 1
- BUILDING TYPE 2-1B: (4) TWO BEDROOM UNITS, ELEVATION TYPE B: 1
- BUILDING TYPE 2-2A: (4) TWO BEDROOM UNITS, ELEVATION TYPE A: 2
- BUILDING TYPE 2-2B: (4) TWO BEDROOM UNITS, ELEVATION TYPE B: 1

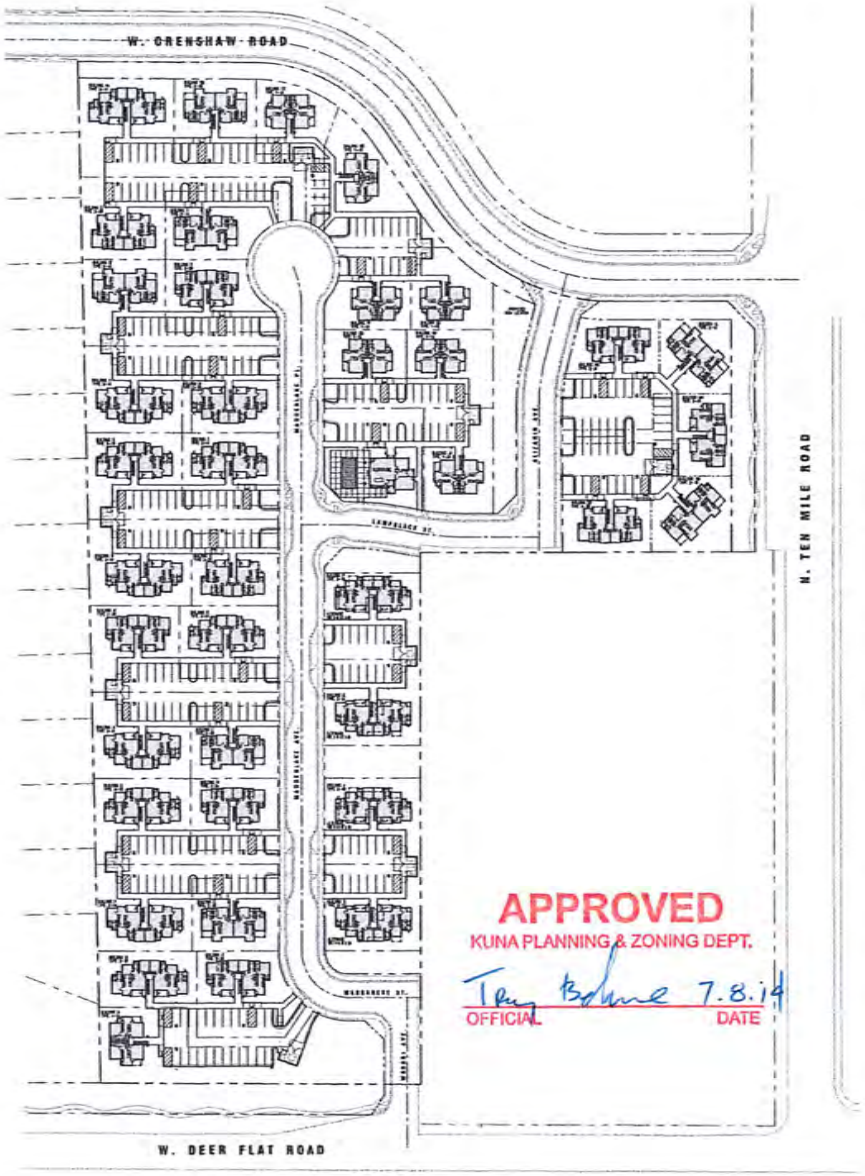
PROPOSED UNITS: 20
16.00 UNITS PER ACRE

PROPOSED UNIT MIX:
- TWO BEDROOM - TWO BATHROOM (2x2): 20
  - 2x2-1: 8
  - 2x2-2: 12

PARKING REQUIRED: 30
- APARTMENTS: 1.5 STALLS PER UNIT: 20 x 1.5 = 30

PARKING PROPOSED: 32
- ACCESSIBLE PARKING STALLS: 5
- STANDARD PARKING STALLS: 27

APARTMENT LAND DEVELOPMENT:
- BUILDING FOOTPRINTS: ..... 11,675± S.F. / 22%
- SITE PAVING: ..... 16,474± S.F. / 30%
- LANDSCAPING: ..... 26,007± S.F. / 48%



1 SITE KEY PLAN
SCALE 1" = 60'-0"

SITE DATA

LOT AREA: ..... 487,860± S.F. / 11.20± ACRES

TOTAL APARTMENT LAND AREA (LESS R.O.W.): ..... 410,210± S.F. / 9.42± ACRES

NOTE: AREA INCLUDES LANDSCAPE BUFFER FROM CRENSHAW RD. / TEN MILE RD.: 20,102 S.F.± / 0.46± ACRE

ZONING: C-1
- MAXIMUM BUILDING HEIGHT: ..... 35 FT.
- MINIMUM STREET FRONTAGE: ..... 15 FT.
- MINIMUM FRONT YARD SETBACK: ..... 15 FT.
- MINIMUM REAR YARD SETBACK: ..... 5 FT.
- MINIMUM INTERIOR SIDE YARD SETBACK: ..... 0 FT.
- MINIMUM STREET SIDE YARD SETBACK: ..... 10 FT.

TOTAL PROJECT DATA

TOTAL APARTMENT LAND AREA (LESS R.O.W.): ..... 410,210± S.F. / 9.42± ACRES

PROPOSED BUILDINGS: 43
- CLUBHOUSE: 1
- 2-UNIT ONE-STORY BUILDINGS: 1
- 4-UNIT TWO-STORY BUILDINGS: 38

APARTMENT BUILDING KEY:
- BUILDING TYPE 1-1A: (4) ONE BEDROOM UNITS, ELEVATION TYPE A: 4
- BUILDING TYPE 1-1B: (4) ONE BEDROOM UNITS, ELEVATION TYPE B: 3
- BUILDING TYPE 1-2A: (2) ONE BEDROOM UNITS, ELEVATION TYPE A: 1
- BUILDING TYPE 2-1A: (4) TWO BEDROOM UNITS, ELEVATION TYPE A: 3
- BUILDING TYPE 2-1B: (4) TWO BEDROOM UNITS, ELEVATION TYPE B: 4
- BUILDING TYPE 2-2A: (4) TWO BEDROOM UNITS, ELEVATION TYPE A: 4
- BUILDING TYPE 2-2B: (4) TWO BEDROOM UNITS, ELEVATION TYPE B: 5
- BUILDING TYPE 3-1A: (4) THREE BEDROOM UNITS, ELEVATION TYPE A: 9
- BUILDING TYPE 3-1B: (4) THREE BEDROOM UNITS, ELEVATION TYPE B: 6

PROPOSED UNITS: 154
16.35 UNITS PER ACRE

PROPOSED UNIT MIX:
- ONE BEDROOM - ONE BATHROOM (1x1): 30
- TWO BEDROOM - TWO BATHROOM (2x2): 64
  - 2x2-1: 28
  - 2x2-2: 36
- THREE BEDROOM - TWO BATHROOM (3x2): 60

PARKING REQUIRED: 237
- CLUBHOUSE: 1,562 S.F. / 300 S.F. = 6
- APARTMENTS: 1.5 STALLS PER UNIT: 154 x 1.5 = 231

PARKING PROPOSED: 273
- ACCESSIBLE PARKING STALLS: 41
- STANDARD PARKING STALLS: 232

APARTMENT LAND DEVELOPMENT:
- BUILDING FOOTPRINTS AND POOL AREA: ..... 95,372 S.F.± / 23%
- SITE PAVING: ..... 124,810 S.F.± / 31%
- LANDSCAPING: ..... 189,998 S.F.± / 46%

AERIAL MAP

NO SCALE

THE ARCHITECTS OFFICE
PLLC
SANDERS
COOVER
RHEES
400 N. 9TH STREET (208) 343-2931
BOISE, IDAHO 83702 TAO-BOISE.COM

CONTACT: MATT RHEES
V (208) 343-2931 EXT. 5
F (208) 343-1306
C (208) 331-1498
E matt@taoidaho.com
CONTACT: MARK SANDERS
V (208) 343-2931 EXT. 3
F (208) 343-1306
E mark@taoidaho.com

PROJECT

CRIMSON POINT VILLAS

W. CRENSHAW ROAD / W. DEER FLAT ROAD
KUNA, IDAHO 83634

SEAL

This document is the property of THE ARCHITECTS OFFICE, PLLC and is not to be reproduced without written authorization.
© THE ARCHITECTS OFFICE, PLLC

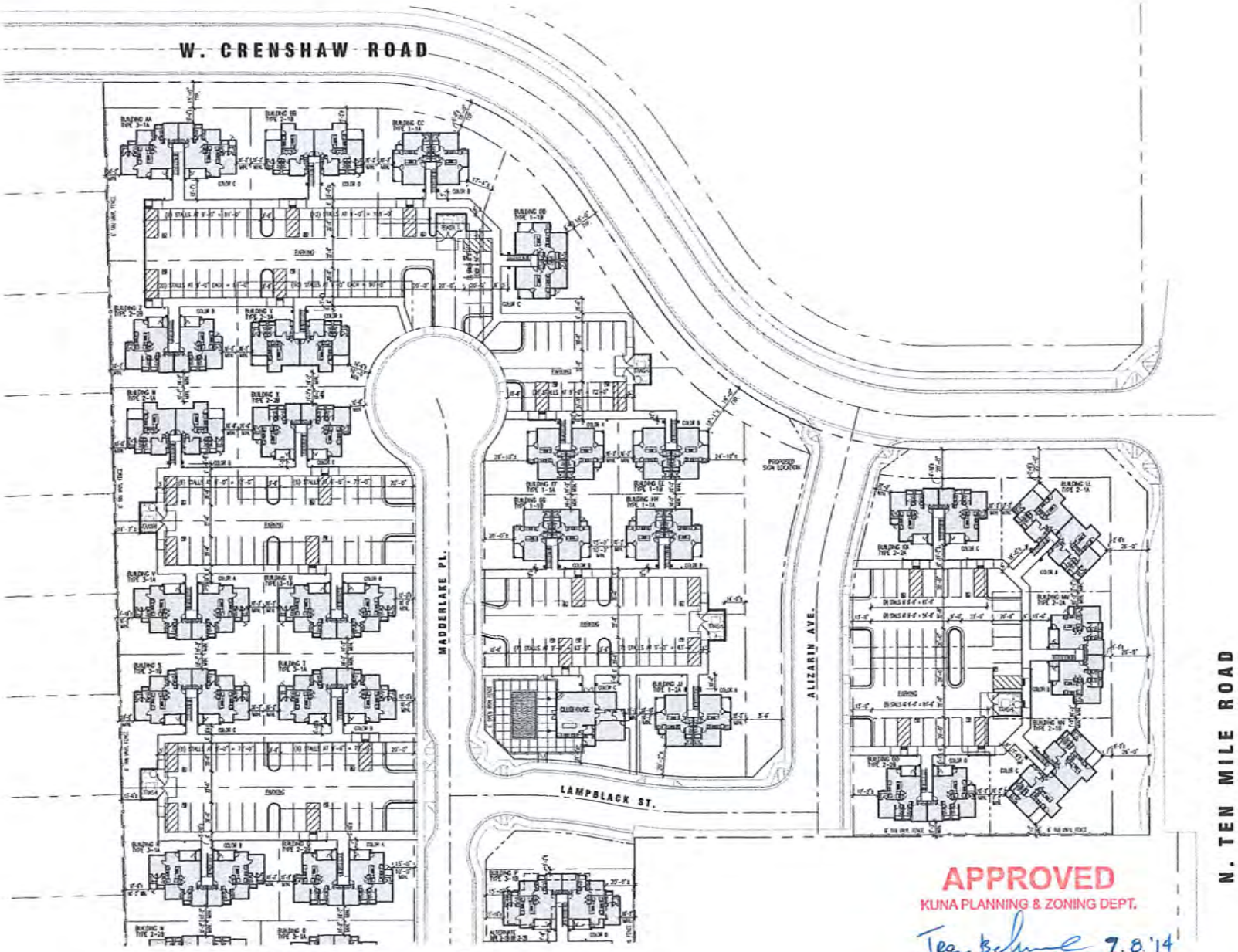
FILE
DATE MAY 7, 2014
REV. NO. 12-007 DR1.0
DRAWN MATT RHEES

REVISIONS

SHEET

DR1.0

SITE PLAN



1 NORTH SITE PLAN

APPROVED
KUNA PLANNING & ZONING DEPT.
OFFICIAL DATE 9.8.'14

THE ARCHITECTS OFFICE

PROJECT

CRIMSON POINT VILLAS

W. CRENSHAW ROAD / W. DEER FLAT ROAD
KUNA, IDAHO 83634

SEAL

© THE ARCHITECTS OFFICE, PLLC

FILE

DATE MAY 7, 2014

JOB NO. 12-307 DR1.0

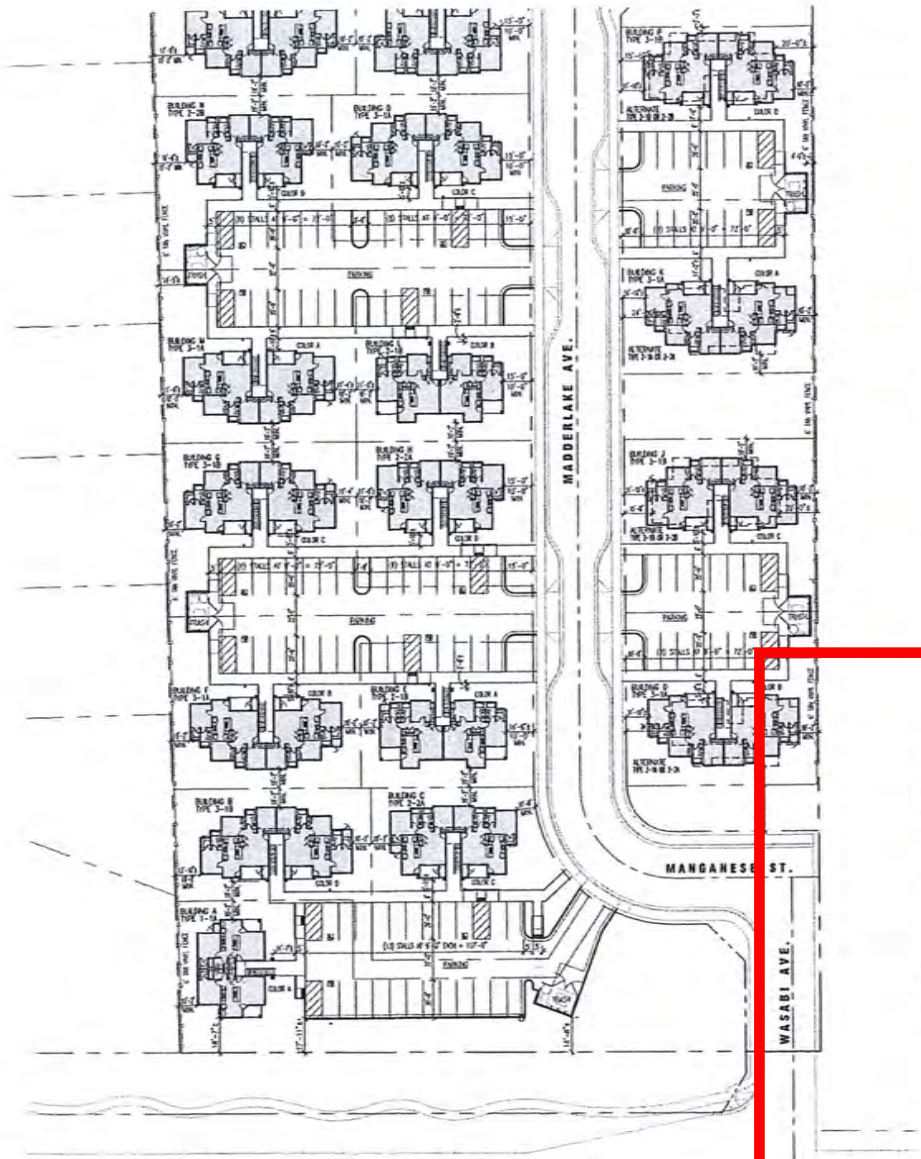
DRAWN MATT RHEES

REVISIONS

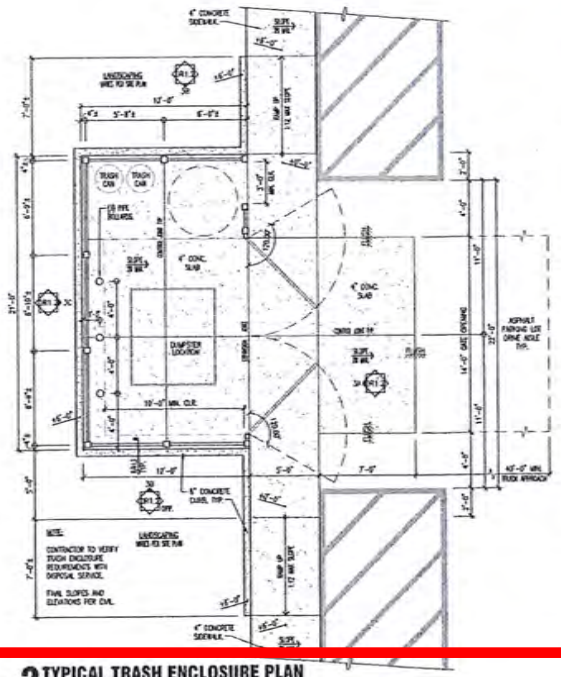
SHEET

DR1.1

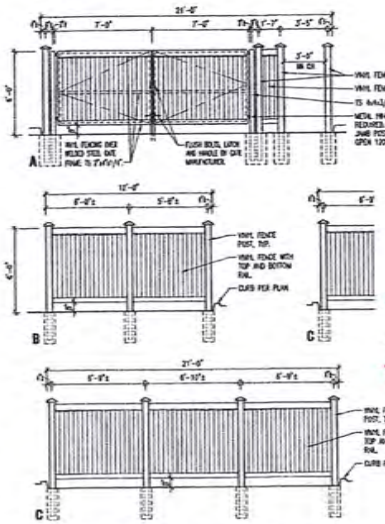
SITE PLAN



1 SOUTH SITE PLAN



2 TYPICAL TRASH ENCLOSURE PLAN



3 TRASH ENCLOSURE ELEVATIONS

APPROVED
KUNA PLANNING & ZONING
OFFICIAL
7.3.14
DATE

THE ARCHITECTS OFFICE

PROJECT

CRIMSON POINT VILLAS

W. CRENSHAW ROAD / W. DEER FLAT ROAD
KUNA, IDAHO 83634

SEAL

FILE

MAY 7, 2014

12-307 DR1.0

MATT RHEES

REVISIONS:

SHEET

DR1.2

SOUTH SITE PLAN

CRIMSON POINT VILLAS

COLOR PALLET A

TYPICAL ELEVATION

SCALE: 1/8" = 1'-0"

MATERIAL: ASPHALT SHINGLE ROOF
MANUFACTURER: GAF TIMBERLINE NATURAL SHADOW
COLOR: BARKWOOD

MATERIAL: HARDBOARD FASCIA, HARDBOARD SOFFIT, CORBELS, PREFINISHED METAL GUTTER & DOWNSPOUTS, PAINTED HARDBOARD DOOR & WINDOW TRIM, PAINTED HARDBOARD BELLY BANDS
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW6148 WOOL SKEIN

MATERIAL: PAINTED HARDBOARD BOARD & BATTEN SIDING
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW2845 BUNGLEHOUSE GRAY

MATERIAL: PAINTED HARDBOARD LAP SIDING
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW7680 LANYARD

MATERIAL: STONE VENEER
MANUFACTURER: BORAL CULTURED STONE
COLOR: COUNTRY LEDGESTONE ASPEN

APPROVED
KUNA PLANNING & ZONING DEPT.
Troy Behme 7.8.14
OFFICIAL DATE

TA ARCHITECTS

CRIMSON POINT VILLAS

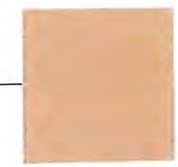
COLOR PALLET B

TYPICAL ELEVATION

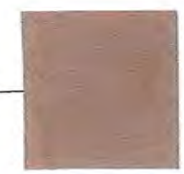
SCALE: 1/8" = 1'-0"

MATERIAL: ASPHALT SHINGLE ROOF
MANUFACTURER: GAF TIMBERLINE NATURAL SHADOW
COLOR: BARKWOOD

MATERIAL: HARDBOARD FASCIA, HARDBOARD SOFFIT, CORBELS, PREFINISHED METAL GUTTER & DOWNSPOUTS, PAINTED HARDBOARD DOOR & WINDOW TRIM, PAINTED HARDBOARD BELLY BANDS
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW6148 WOOL SKEIN



MATERIAL: PAINTED HARDBOARD BOARD & BATTEN SIDING
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW7718 OAK CREEK



MATERIAL: PAINTED HARDBOARD LAP SIDING
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW7509 TIKI HUT

MATERIAL: STONE VENEER
MANUFACTURER: BORAL CULTURED STONE
COLOR: COUNTRY LEDGESTONE ASPEN

APPROVED
KUNA PLANNING & ZONING DEPT.
Tracy Bodmer 7.8.'14
OFFICIAL DATE

TA ARCHITECTS

CRIMSON POINT VILLAS

COLOR PALLET C

TYPICAL ELEVATION

SCALE: 1/8" = 1'-0"

MATERIAL: ASPHALT SHINGLE ROOF
MANUFACTURER: GAF TIMBERLINE NATURAL SHADOW
COLOR: BARKWOOD

MATERIAL: HARDBOARD FASCIA, HARDBOARD SOFFIT, CORBELS, PREFINISHED METAL GUTTER & DOWNSPOUTS, PAINTED HARDBOARD DOOR & WINDOW TRIM, PAINTED HARDBOARD BELLY BANDS
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW6148 WOOL SKEIN

MATERIAL: PAINTED HARDBOARD BOARD & BATTEN SIDING
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW7540 ARTISAN TAN

MATERIAL: PAINTED HARDBOARD LAP SIDING
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW6151 QUIVER TAN

MATERIAL: STONE VENEER
MANUFACTURER: BORAL CULTURED STONE
COLOR: COUNTRY LEDGESTONE ASPEN

APPROVED
KUNA PLANNING & ZONING DEPT.
Tracy Bohnenkamp 7.8.14
OFFICIAL DATE

TAO ARCHITECTS

CRIMSON POINT VILLAS

COLOR PALLET D

TYPICAL ELEVATION

SCALE: 1/8" = 1'-0"

MATERIAL: ASPHALT SHINGLE ROOF
MANUFACTURER: GAF TIMBERLINE NATURAL SHADOW
COLOR: BARKWOOD

MATERIAL: HARDBOARD FASCIA, HARDBOARD SOFFIT, CORBELS, PREFINISHED METAL GUTTER & DOWNSPOUTS, PAINTED HARDBOARD DOOR & WINDOW TRIM, PAINTED HARDBOARD BELLY BANDS
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW6148 WOOL SKEIN

MATERIAL: PAINTED HARDBOARD BOARD & BATTEN SIDING
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW7737 MEADOW TRAIL

MATERIAL: PAINTED HARDBOARD LAP SIDING
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW7034 STATUS BRONZE

MATERIAL: STONE VENEER
MANUFACTURER: BORAL CULTURED STONE
COLOR: COUNTRY LEDGESTONE ASPEN

APPROVED
KUNA PLANNING & ZONING DEPT.
Tony Belmont 7.8.14
OFFICIAL DATE

ARCHITECTS

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

City of Kuna

Design Review Findings of Fact

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

Case Numbers: 14-04-DR (Design Review)

Location: 1403 N. Meridian Road
Kuna, Idaho 83634

Planner: Troy Behunin, Senior Planner

Meeting Date: June 24, 2014
Findings Date: **July 8, 2014**

Applicant: **The Architects Office, PLLC,**
Matthew Rhees
499 Main Street
Boise, ID, 83702
208.343.2931
matt@taoidaho.com

Table of Contents:

A. Course Proceedings
B. Applicant Request
C. Vicinity Maps
D. History
E. General Project Facts
F. Staff Analysis
G. Applicable Standards
H. Comprehensive Plan Analysis
I. Decision by the Commission

A. Course of Proceedings:

1. Applicant proposes 39 (total) new multi-family (commercial) buildings and an accompanying club house (with Pool), parking lots, landscaping in an existing C-1 (Neighborhood Commercial) zone. According to Kuna City Code (KCC) Title 5, Chapter 4 (Design Review Overlay); all new multi-family (commercial) buildings, landscaping, parking lot and signage are required to submit applications for review by the Design Review Committee (DRC). As a public meeting item, this action requires no formal public noticing actions.

a. Notifications

i. Agenda June 24, 2014

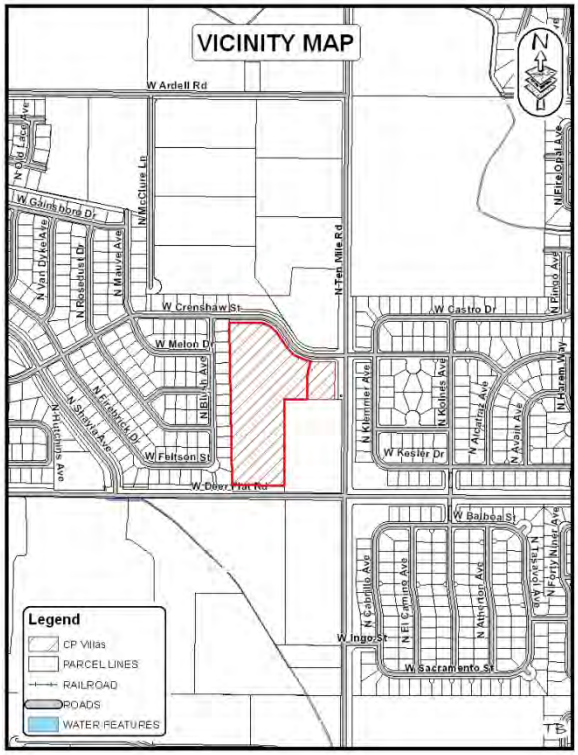
2. In accordance with KCC Title 5, Chapter 4, this application seeks DRC approval for 38 Two-story (four units in each building), and one Single-story (two units in the building) multi-family buildings and a club house (with Pool), parking lots, and common-lot landscaping.

B. Applicant Request:

1. Applicant requests approval from the DRC for all 39 multi-family buildings, the club house, parking lots and landscaping over 2 two parcels that are approx. 10.68 acres in size, within the Crimson Point subdivision. The applicant requests to phase the construction, according to market demands.

2. The applicant has submitted all necessary documents and materials for DRC review and are included as exhibits.

C. Vicinity Maps:



D. History:

The two parcels are another phase of the Crimson Point (PUD) subdivision and they were zoned for commercial uses (C-1) in March 2003. The site was previously farmed and has followed the natural progression of the general area in terms of development.

E. General Project Facts: This is within the Crimson Point (PUD) subdivision at the NWC of Deer Flat & Ten Mile Roads – Kuna, Idaho.

1. **Comprehensive Plan Designation:** The Future Land Use map (FLU) approved by City Council, indicates the site is within a commercial designation. In accordance with KCC 5-3-2, staff views the request from The Architects Office to be consistent with the FLU map as the applicant has applied for a DRC.

2. **Surrounding Land Use:**

Direction	Current Zoning	
North	C-1	Neighborhood Commercial – Kuna City
South	C-1	Neighborhood Commercial – Kuna City
East	RUT, R-6	Rural Urban Transition – *Ada County*, Med. Den. Res. – Kuna City
West	R-3	Low Density Residential – Kuna City

3. **Parcel Number:** APN: S1315449305, APN: S1315449455

4. **Parcel Size, Current Zoning** Parcel 1: Is approx. 9.64 Acres, C-1 (Neighborhood Comm.), Parcel 2 is approx. 1.03 Acres, C-1 (Neighborhood Comm.).

5. **Services:**

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

6. **Existing Structures, Vegetation and Natural Features:** There are no existing buildings on site, however, the site is under development and has utilities in the ground, and the central road paved.

7. **Transportation / Connectivity:** Access to the site will be from Deer Flat Road and will eventually include access from Ten Mile Road at the Crenshaw intersection.

8. **Environmental Issues:**
   Staff is not aware of any environmental issues, health or safety conflict. This site's topography is generally flat and the bulk of the infrastructure for the site is complete.

F. Staff Analysis:

Staffs review of the application revealed there is adequate parking assigned for this use and application. The architecture style, materials and colors appear to follow the guidelines in the Design Review Handbook for Kuna.

Staff views this application to be consistent with the approved uses and the approved FLU map designation. Staff forwards a recommendation of approval for case No. 14-04-DRC to the Design Review Committee.

G. Applicable Standards:

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

H. Comprehensive Plan Analysis:

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

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

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

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

   GOALS AND POLICY – *Economic Development*
   Goal 1: Promote and support a diverse and sustainable economy that will allow more Kuna residents to work in their community.

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

GOALS AND POLICY – *Land Use*

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

Objective 2.1: Assist in retaining or expanding sales opportunities in entertainment, sit-down restaurants, and neighborhood/convenience shopping categories. Encourage neighborhood and community-scale retail.

Objective 2.2: Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

GOALS AND POLICY – *Transportation*

Policy 1.1.2: Pedestrian and bicycle activities should be separate from automobiles road system – where possible.

Policy 3.2.1: Encourage developers to create mixed use developments that will reduce travel demand through trip capture.

Policy 3.2.2: Increase Kuna's employment opportunities as a means of reducing commuter trips.

Policy 3.4.9: Assure that commercial ventures have a secondary means of roadway access.

Policy 3.4.10: Require shared driveway access where possible.

Policy 3.4.12: Promote ease of access to all portions of the City.

I. Decision by the Commission:

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

On June 24, 2014 the DRC voted 4-0, to approve Case No. 14-04-DR based on the facts outlined in staff's report, the case file and discussion at the public meeting of the Design Review Committee of Kuna, Idaho, and hereby approves Case No. 14-04-DRC, a Design Review request by The Architects Office, PLLC, with the following conditions of approval:

- Follow all plans as shown in the packet for the DRC, date stamped May 7, 2014 (site and landscape plans) and May 8, 2014 (Building elevations), and they shall be considered binding plans.
- Applicant shall arrange plants in the parking lot islands to be aesthetically pleasing, rather than all linear.
- Applicant shall install landscape around club house and pool similar with the rest of the project.
- Maintenance of the common area landscaping shall be cared for and remain in a healthy condition. The trash enclosures shall be cared for, kept clean, safe and in good condition or repaired in a timely manner.

Conditions of Approval:

1. In the event the uses, any of the buildings or any other DRC elements for this application are enlarged, expanded or altered in anyway (even temporarily), the applicant shall seek an amendment to the approvals of this DRC.

2. Signage for the site shall comply with current Kuna City Code, as well as, obtain a sign permit prior to construction.
3. The applicant shall follow all staff and appropriate agency recommendations.
4. The applicant shall comply with all Federal, State and Local Laws.

DATED: This 8th day of July, 2014.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Troy Behunin, Senior Planner
Kuna Planning and Zoning Department