



KUNA PLANNING AND ZONING COMMISSION

Agenda for March 10, 2015

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

REGULAR MEETING

6:00 pm

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young
Vice Chairman Stephanie Wierschem
Commissioner Dana Hennis
Commissioner Cathy Gealy
Commissioner Joan Gay

2. CONSENT AGENDA

- a. Meeting Minutes for February 10, 2015
- b. Meeting Minutes for February 24, 2015
- c. **13-05-SUP** (Special Use Permit) Amendment for Boise Tactical: Justin Moore dba **Triple M Machine** –
Findings of Fact and Conclusions of Law: The applicant is proposing a light machining business as described in Kuna City Code 5-3-2 and 5-1-6-2 (Manufacturing, Light; Definitions). KCC requires obtaining an amendment to a Special Use Permit (SUP) if previously obtained/approved special uses are altered or expanded.
- d. **14-05-Sub** (Subdivision), **14-12-DR** (Design Review) and **05-05-SUP** (Amended- Special Use Permit) for **Crimson Point Villas Subdivision No. 2** -
Findings of Fact and Conclusions of Law: The applicant proposes to place a seven (7) lot multi-family subdivision on 1.24 acres creating five (5) buildable lots. The applicant proposes two (2) lots for common space to be owned and maintained by an HOA. This project will be a part of Crimson Point Villas No.1 to the west and is a smaller part of the greater Crimson Point PUD project.

3. PUBLIC HEARING

- a. **15-01-CPA** (Comprehensive Plan Amendment) for **the City of Kuna**; A request to amend the text and maps within the Comprehensive Plan. The Plan includes updated data to reflect current information within the Plan; applying Ada County's requested changes; and to adopt the updated maps that are throughout the Comprehensive Plan. **(CANCELLED)**
- b. **14-01-CPM** (Comprehensive Plan Map) for **the City of Kuna**; A request to amend the most easterly planning area boundary from South Cole Road to South Pleasant Valley Road. The expansion of the Planning Area is to accommodate a proposed development. **(CANCELLED)**

4. DEPARTMENT REPORTS

5. CHAIRMAN / COMMISSIONER DISCUSSION

6. ADJOURNMENT

Kuna City Codes, Comprehensive Plan, and Maps are available on the City web site:

<http://www.kunacity.id.gov>

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

**MEETING MINUTES
Tuesday, February 10, 2015**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	Absent	Wendy Howell, Planning Director	Present
Vice-Chairman Stephanie Wierschem	Absent	Troy Behunin, Senior Planner	Present
Commissioner Dana Hennis	Present	Trevor Kesner, Planner I	Present
Commissioner Cathy Gealy	Present		
Commissioner Joan Gay	Present		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Commissioner Hennis called the meeting to order at **6:01pm**.

1. CONSENT AGENDA

- a. Approval of Planning and Zoning meeting minutes for January 13, 2015.
- b. **14-07-AN** (Annexation), **14-03-LS** (Lot Split); Daniel and Gina Safford.
-Findings of Fact and Conclusions of Law: The applicant requests approval for Annexation of two existing parcels into the City of Kuna with an Agriculture (A) zoning designation, and splitting one of the parcels located at 1200 S. Ten Mile Road.

*Commissioner Gealy motioned to approve consent agenda;
Commissioner Gay seconds, all aye and motion carried 3-0.*

2. NEW BUSINESS:

- a. Commission member elections for Chairman and Vice Chairman of the Planning and Zoning and Design Review Board.

C/Hennis: Do we have any nominations?

C/Gealy: Do we have any nominations we should know about?

No new nominations were indicated by the Planning Director.

*Commissioner Gealy motions to nominate Chairman Lee Young and Vice Chairman Stephanie Wierschem to continue.
Commissioner Hennis seconds, all aye and motion carried 3-0.*

3. PUBLIC HEARING:

- a. **14-05-SUB** (Subdivision), **14-12-DR** (Design Review) and **05-05-SUP** (Amended- Special Use Permit)-
Laren Bailey – LEI Engineers and Planners: Applicant requests amending the Special Use Permit and

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approval for a proposed preliminary plat, creating a multi-family subdivision (Crimson Point Villas No. 2) over approximately 1.24 acres. Applicant requests to amend the SUP, including permission to develop the site for multi-family housing. Applicant proposes five (5) lots for multi-family units and two (2) common lots which will be under the responsibility and maintenance of a Homeowners Association (HOA).

Troy Behunin: Good evening Commissioners, for the record, my name is Troy Behunin, Senior Planner for the City of Kuna, 763 W. Avalon, Kuna, Idaho. The application before you this evening is for Crimson Point Villas Subdivision number two (2), a pre-plat application, there is also a design review component, and an amendment proposed to the 05-05-SUP that was approved in 2006, but the case number is 05-05. There is complicated history on this and I will touch on that in a minute. All of the notification procedures and requirements have been fulfilled and the neighborhood held. The property owners within 300 feet have been notified, the site was posted and it was published in the newspaper for tonight's meeting. Actually, it was posted January's second meeting, but was postponed due to lack of quorum, it was tabled until this evening. Laren Bailey is the representative for the applicant who is here tonight and I am sure he will touch base on this after my remarks.

Earlier I said that this was a complicated matter. Hopefully you have had a chance to review the material. The packet was deemed complete by staff and I haven't had any questions about the packet so I can only assume that you've all been able to understand it. I'm just going to touch on some of the complications. This project was denied by the Planning and Zoning Commission back in 2005. That decision was appealed to the city Council, which approved the preliminary plat, but did not approve the special use permit. The applicant went back to the drawing board and made changes to the site plan and in the mean time appealed by asking for reconsideration of decision by the city Council. They had removed some of the overall units of multi-family that were supposed to be on the project. Because of that decision and a few other things, the Council then rescinded their decision and approved both the special use permit and the preliminary plat.

The original preliminary plat for Crimson Point Villas included some office buildings or limited office. The complicated fact was at the time, the city had a zone called limited office, but they (Council) were not approving that zone, they were approving limited office as a use for a very small section of land; Crimson Point Villas Number two (2). With that re-approval from Council of the preliminary plat for this small acre of land, and it was designed to be an office complex for professional offices. Well that was back in 2006. Things have changed, and the applicant has now asked that they be allowed to put multi-family units, which is completely complimentary to the adjacent Crimson Point Villa's number one (1) –So it would be a two-phased project with all of it being multi-family rather than multi-family on a portion of it and office use on this small one acre site.

In a nut-shell, the reason why they (applicant) have come back for an amendment to the special use permit is because originally, the Council had approved the limited office as a use for this Crimson Point Villas Number 2 outline; 'the footprint'. They would like to re-plat it and put multi-family housing on it rather than the offices. Staff consulted with the city attorney and he agreed that the only way to do this is to amend the special use permit which was eventually approved by the city Council and also to run through a revised preliminary plat.

That is the complicated issue before this board tonight.

C/Hennis: Thank you. One question that I had was when the original SUP was denied by Council, did it originally

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have this portion as a limited office in it? Or was that part of the reduction of the housing units?

Troy Behunin: No. Actually, what happened was Crimson Point Subdivision; the entire thing, and I believe there were eight (8) phases not including the Crimson Point Villas which would be nine (9), it was originally a PUD (Planned Unit Development). When they were denied by Planning and Zoning and then went to city Council for an appeal at that time, it was still limited office as a use. They wanted professional offices in this area. The record does not indicate that there was a concession to reduce the overall lot count because of a recommendation, or if it was just something that the applicant thought would get it going. I can't find it anywhere in the record or in the notes that said "hey, you need to reduce this count in order to get approval". I could not find that. It might be there or that may be what happened but I didn't see any evidence of that.

C/Hennis: Ok. I don't have any other questions, does anyone else.

C/Gealy: I don't have any questions.

Troy Behunin: There was a late exhibit that I had mailed to you last week. The applicant has also submitted a letter dated February 3rd. The letter describes their basis in fact for requesting a number of conditions from that special use permit from 2005 to be removed. And if you don't have any more questions for me, I will stand down.

C/Hennis: Thank you. Applicant?

Laren Bailey: Good evening Commissioners, my name is Laren Bailey with LEI Engineers-Surveyors. Our address is 3023 E. Copperpoint Drive, Ste. 201, Meridian, Idaho 83642. We agree with staff's analysis of the project and Troy's comments. I just want to fill you in on a couple of items of discussion maybe to help you understand why we're making the changes we are. I've been involved with this project since 2002 when the Crimson Point Subdivision first came about and it was envisioned that there would be some multi-family with some commercial uses within the residential project along Ten Mile. In that time since 2002 up to today, it has been available for commercial office or whatever else we could find to go there. The fact of the matter is the owners; the developers haven't been able to find anybody to utilize that property. And with the changes in market conditions and the downturn and the amount of office space available in Boise and Meridian today, there is a lot of unfilled office space still today, so the developer feels the likelihood of being able to sell or rent that office space is pretty low. So with Crimson Point being mostly a residential development anyway and with the Villas being constructed now, it made sense to try and add four (4) more buildings, so 20 total units to this site.

So that is why we are asking to change from office to residential with the multi-family. We feel it will fit in with the existing development and everything will flow together. They'll still have use of the clubhouse and the pool and the other amenities that are part of Crimson Point Villas and Crimson Point Subdivision as a whole.

To touch on Troy's comments about the items that we would like to remove from the site specific conditions of the original special use permit; these items were part of the overall development, and now we're getting into the final phases and some of the items have been constructed and some of them haven't. A couple of those are

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a basketball court, a volleyball court and a couple of picnic areas and the discussion is not trying to get out of something, the issue is what we're finding in 'the new world' as I call it or the world after the downturn is that HOA's (homeowners associations) and developers; you know it used to be that we would put all of these amenities in the development like open space, basketball and volleyball courts and those types of things, what we're finding is that those, over time are becoming a burden on some of those homeowners associations and developers as a whole. Especially where the city is working on their own district for recreation and their own things, we feel like we're adding things that are going to cost a lot more money to maintain over time, so we're just asking to remove those from the requirements at this time.

As I mentioned, Crimson Point Villas does have a clubhouse and a pool that will be available to those who live in this development as well. So that is why we wanted to try and remove those at this time. With that, I will stand for any questions that you might have.

C/Young: Thank you. Does anyone have any questions?

C/Gay: I don't have any questions.

C/Hennis: A couple of questions in regards to the request to remove like the basketball court and the volleyball court and such; is that just going to be turned into open space? Just lawn basically?

Laren Bailey: That's correct.

C/Hennis: In the first phase of this or the other portion of this, are they privately owned, or is this a rental situation for the multi-family housing?

Laren Bailey: This would be a rental situation; the buildings themselves are not condos to be individual ownership of each unit. Is that your question?

C/Hennis: Yeah, mainly what we have run into in the past in the beginning phases of things, those items which were guaranteed to owners, and then they were taken out in later phases, we have had a lot of upset owners and so I wanted to make sure that this wasn't an agreement upon something that someone was purchasing.

Laren Bailey: No. No, that's not the case.

C/Hennis: Ok. I don't have anything further.

C/Gealy: So then, going forward the continued landscaping maintenance and improvements that are required would still be the responsibility of the owners of the property in common?

Laren Bailey: Correct. Yes. And that's how the CC&R's are written, that it will be maintained as one facility as far as Crimson Point Villa's number one (1) and number two (2).

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C/Gealy: So number two (2) just becomes a part of that?

Laren Bailey: Correct.

C/Hennis: So if you have been with this since the beginning was this limited office space part of the original plan or was it added as a component of the SUP agreement?

Laren Bailey: Again, this was some twelve odd years ago, so ... But my recollection is that the idea with the PUD was to try and incorporate some different uses. Often times in planning we have some ideas about what might work, and then we find out down the road that either it's great or it didn't really work like we had planned. I think this is just one of those cases where development and different things didn't happen on Ten Mile as much as we thought as far as commercial development. And so where there is a lot of residential around, it doesn't mean ...I'm not saying that it can't possibly work, but what I'm saying is that it's been available for this long and we've just had not takers so at this point...

C/Gealy: No takers?

Laren Bailey: yeah... so it's sits vacant for ten more years or we can find use for it today.

C/Hennis: But I mean, in the original plat or PUD, it was going to be utilized as office space, so it was there from the beginning. Or rather it was commercial.

Laren Bailey: Well, I mean it was commercial but the whole area where these apartments are were commercial. And the original thought was that maybe a grocery store or something would go in there; that was what we originally talked about but things have developed on the other side of town and probably aren't going to end up in this area of Ten Mile.

C/Hennis: Ok. That's all I've got. Thank you.

Laren Bailey: Ok. Thank you.

C/Gealy: Thank you.

C/Hennis: Do we have the sign-up sheets? Thank you. Ok at this point we're going to go ahead and open the public hearing portion of this at 6:22 p.m. As the only one signed up currently has already spoken, is there anyone else that would like to speak on this topic? Would you like to come up? Please approach if you would state your name and address for the record.

Jean Sini: My name is Jean Sini, I live at 1537 W. McHenry across the street from Ten Mile. And I received a

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notice in the mail regarding this meeting so that's why I've attended. The gentlemen did mention how many units there would be in Crimson Villas, but I didn't hear him. How many units will there be and are they considered luxury or is the homeowners association separate from the original Crimson Point? Or will it be a homeowners association within the Crimson Point Villas. Is the pool and clubhouse for the Crimson Villas?

C/Hennis: I think it would be easiest if we had the applicant go ahead and answer that directly if you don't mind? I think those are good questions, thank you.

Laren Bailey: So if I remember those in the right order; how many units? This phase will add 20 living units. The pool and clubhouse would be for the Crimson Villas and would be part of that H.O.A. (homeowners association). It won't necessarily be part of the bigger Crimson Point itself. They are separate.

Jean Sini: How many units was the first phase?

Laren Bailey: The phase that we're speaking of tonight, so 20 units. There is 134 units that were previously approved and are under construction.

Jean Sini: So will there be traffic lights installed on Ten Mile and Deer Flat? I mean the access to this...*Inaudible*... Sorry. I'm concerned with the traffic; I mean that sounds like an awful lot of units.

C/Hennis: Right now, currently as I understand it, and the applicant can help with this too; it doesn't enter directly off of Ten Mile, it will enter off of Crenshaw, towards the northern end of that development and comes in off of a couple of other roads.

Jean Sini: But Ten Mile itself; we're off the crossroads of Ten Mile and Deer Flat, there is just currently a stop sign there. Will there be a traffic light installed considering this is going to generate an awful lot of traffic with all these people that are going to be moving in and Ten Mile right now is a little bit of a race track? It is!

C/Hennis: That's very true. I know that there is a bunch of ACHD future plans for that which I don't have in front of me.

Jean Sini: When you say future plans, is it something that would be added after these Villas are completed?

C/Hennis: Yes, what they usually do with that is they will look at the traffic flow and study it. As traffic is added and the area becomes more developed and more traffic is added on that road, they have these in ten (10) and five (5) year intervals as they foresee the need for speed control and traffic control of that nature. So as the traffic increases, they'll take that need and they'll bump that up in priority as we go. So that is something that basically ACHD will review down the road as well.

C/Gealy: ACHD also reviewed this application. They review every application that comes before us that involves

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an increase in housing units.

Jean Sini: So, regarding this first phase of 20 units, when is the projected completion date?

C/Hennis: Laren, do you have that?

Laren Bailey: As far as completion goes, it's all market-driven. The first phase, I believe ...*Inaudible*. So in the first phase of Crimson Point Villas about half of the site work has been completed so they could build about 50 to 60 units. But it's going to be market-driven. They're going to build a couple of buildings and as those fill up, then they'll build a couple more. In all likelihood, depending on market conditions, my client believes probably in the next three (3) to four (4) years, Crimson Point Villas #2 would get constructed. So the first phase of Crimson Point Villas will come forward and then the second phase would need to be constructed down the road, and this phase would be done.

Jean Sini: Are they one-story? Two-story, three-story?

Laren Bailey: They're four-plexes, so they're two stories. One unit up and two down.

C/Hennis: We've got a little bit of a plan.

Jean Sini: Do you have anything that will show what these will look like?

Troy Behunin: We had those available during the design review. We would be happy to share that information with you.

Jean Sini: Ok. So, as far as a completion date, you're saying three to four years? To begin renting, or will there be some completed prior to that time? You don't know or?

C/Hennis: Could you state your name and address please?

Tim Eck: My name is Tim Eck, I live at 6152 Half Moon Lane in Eagle. I also work with the applicant. To answer the questions, phase one will be ...about half of the pads are improved now. So there will be a process of constructing buildings and occupying buildings for that but that will probably commence this year. Strictly market driven will be the pad improvement of the second half of phase one, then we will move to the pad improvement of what we're calling phase two. It could be a few years before we even see any buildings erected out there; however, Crimson Point number five was platted and is being finished off in three separate stages. Five-A (5-A) is complete, Five-B (5-B) is complete, Five-C (5-C) is platted and improvements are bonded, we'll finish Crenshaw out to Ten Mile. At the time that we do that, these lots will not be needed. We'll probably put in the street improvements to finish this up because it's just such a small section of the improvement, so it doesn't make sense to leave it incomplete, so when we come in and finish up phase five-C (5-C), we'll likely finish the

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road that will improve Crimson Villas No. 2. But then to drop back and do the actual pad improvements; the sewer into the parking lots and stuff, that will probably take place maybe a year or two after. Just as market demands so you know, unless something really changes then it's probably two or three years before you would see any vertical improvement there.

Jean Sini: Thank you.

C/Hennis: No problem, thank you. Does anyone else have any questions or ...? Ok, I will go ahead and close the public hearing at 6:30 pm. Do you have ...

C/Gealy: I think it's a good use. I think the location backing up on Ten Mile; it fits where they have put it. I really don't have any questions and I don't have any concerns.

C/Hennis: Myself, I think it looks like the continuation of the first set and really it's just kind of taking that little spot out and making it look like the rest of it. Now, do we have any issues or questions regarding the removals of the basketball court and the volleyball court?

C/Gay: That is just going to be open space and not more units?

C/Hennis: Yes.

C/Gay: Then no, I don't have anything.

C/Hennis: And then landscaping and design review; it matches everything around the others so...if there are no other questions, I will stand for a motion.

C/Gealy: Do you have any other questions?

C/Gay: I don't have any.

Commissioner Gealy motions to approve 14-05-SUB (Subdivision), 14-12-DR (Design Review) and 05-05-SUP (Amended- Special Use Permit) for Crimson Point Villas Subdivision No. 2 with the conditions of approval as stated in the staff report.

C/Hennis: And the additional amendment letter? The one that was sent out?

C/Gay: The one removing the basketball and volleyball court?

Troy Behunin: Is that adopting the letter?

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C/Gealy: Well, I should ask if staff had any additional concerns. No?

Commissioner Gealy motions to approve 14-05-SUB (Subdivision), 14-12-DR (Design Review) and 05-05-SUP (Amended- Special Use Permit) for Crimson Point Villas Subdivision No. 2 with the conditions of approval as stated in the staff report and adopting the letter dated February 2nd, 2015; Commissioner Gay seconds the motion, all aye and motion carried 3-0.

4. DEPARTMENT REPORTS:

a. None.

5. CHAIRMAN / COMMISSIONER DISCUSSION:

a. C/Gealy stated that she attended a fair house seminar at the City of Boise recently and found it very informative.

C/Gay asked if there were any changes.

C/Gealy stated that there may some changes coming with H.U.D. program policy and H.U.D. will be issuing new guidelines within the next few weeks. Fair housing is different that affordable housing and these updates are something that all should be aware of. Special Use Permits will require careful consideration with regard to hearings and what information is entered into the record. Especially with group housing situations and protected classes.

Trevor Kesner, Kuna city planner also attended the same seminar and will provide the follow-up information and power point to Commissioners.

6. ADJOURNMENT:

Commissioner Gealy motions to adjourn at 6:34pm; Commissioner Gay Seconds, all aye and motion carried 3-0.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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

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Chairman Lee Young	Present	Wendy Howell, Planning Director	Present
Vice-Chairman Stephanie Wierschem	Absent	Troy Behunin, Senior Planner	Absent
Commissioner Dana Hennis	Present	Trevor Kesner, Planner I	Present
Commissioner Cathy Gealy	Present (late)		
Commissioner Joan Gay	Present		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:01pm**.

1. CONSENT AGENDA:

- a. None

2. NEW BUSINESS:

- a. **13-05-SUP (Special Use Permit) amendment;** Boise Tactical- Justin Moore, d.b.a. Triple M Machine: The applicant is seeking SUP amendment approval for a light machining business use at 757 East Stagecoach Way in Kuna. The building is currently shared by “Calvary Chapel Church” and “Boise Tactical”. Boise Tactical has previously procured a Special Use Permit (13-05-SUP) for machining operations of the same nature which the applicant is proposing. This application is to amend the existing SUP in order to expand the use.

C/Young: If the applicant could come forward and please state your name and address for the record.

Justin Moore: Justin Moore, 1070 W Recess Way, Kuna. I plan to open my machine shop at 757 E. Stagecoach Way which is why I am applying for the special use permit amendment. I run CNC machines and I am trying to start a business over there so...

C/Young: Ok. And I see the amendment is for up to four (4) additional CNC machines?

Justin Moore: Yeah.

C/Young: Ok, so with the materials that you’ll be cutting through, there is no great amount of exhaust or are any of those materials flammable?

Justin Moore: No. It’s all water-based cutting of synthetics. You could probably put fires out with it if you wanted to.

C/Young: Ok.

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C/Hennis: Are you going into the Boise Tactical space, or is it going to be separated.

Justin Moore: It's in the space, but it's separate. It's in the space where...

C/Hennis: The old pizza place?

Justin Moore: Yes, that is the spot.

C/Hennis: Are you open for business hours or is it all just purely machine use?

Justin Moore: It's pretty much just machine use, but I try to keep, you know I hopefully don't want to work too many more hours than 40. We're not open to the public. I don't plan on doing that type of work so...

C/Young: Ok. Now I'll just ask; have you read the staff report and understand everything that is in that; all of the recommended conditions and that sort of thing?

Justin Moore: Yes I have. I was looking over that and yes.

C/Young: And you understand everything that's in that?

Justin Moore: Yup.

C/Young: Alright.

C/Hennis: Do you have to open up the public hearing?

C/Gay: And I didn't have anything. No questions.

C/Young: Ok. Thank you. Go ahead and have a seat and we'll have staff come up.

Trevor Kesner: Commissioners, for the record, my name is Trevor Kesner, Planner for the city of Kuna, 763 W. Avalon. I just wanted to follow up say that the applicant has followed all of the application procedures for noticing, he has posted the property, the application was deemed complete by staff. Staff views this use in this space as completely appropriate because next door there is an existing special use permit and this is just an expansion of that existing special use permit to do CNC machining in this zone. As the applicant has stated, he may have up to four (4) CNC machines. Boise tactical is obviously doing business of a nature for arms, gun powder, munitions and so forth. The applicant has stated that he might make some components for some tactical supplies, but that certainly is not his specialty; he is going to be making components for other things; a wide range of other components and other prototyping in this space. He is anxious to get up and going with his business and staff believes he would provide a fine addition to the Kuna business community. Staff supports everything in the report and I will stand for any questions you have.

C/Hennis: I should probably ask the applicant, during the public meeting, I mean the neighborhood meeting, were there any questions or concerns about this?

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Trevor Kesner: I will defer to the applicant on that.

C/Young: I don't think anybody showed up, did they?

C/Hennis: Yeah, there are people on the signup sheet that are listed. A whole bunch of people are listed.

Trevor Kesner: I believe this may have been more of an informative cocktail party after the meeting.

Justin Moore: All of those people were signed up after 8:00 p.m. and that was after the meeting was over.

laughter

C/Hennis: Ok, gotcha. I just noticed all the people on the sign-in sheet and wanted to see if there were any concerns raised.

Trevor Kesner: Yes, they were signed up as being in attendance but there were no minutes from the meeting so I again would defer to the applicant, I don't think that there were any oppositions raised or any concerns brought.

C/Hennis: Ok. That's all the questions I had.

C/Young: Ok. Any other questions?

C/Gay: None.

C/Young: Ok. Thank you.

3. PUBLIC HEARING:

- a. Chairman Young opened the public hearing at 6:07 pm. Noting that no one was signed up to give testimony other than the applicant, the public hearing was closed 6:08 pm.

C/Young: I don't have anything that would give me pause.

Commissioner Gealy arrived at 6:08 pm.

C/Gealy: Good evening. Sorry to be late.

C/Young: I would stand for a motion.

C/Hennis: Commissioner, did you have any questions?

C/Gealy: I have no questions.

Commissioner Hennis motions to approve the amendment to 13-05-SUP with the conditions stated in the staff report; Commissioner Gay Seconds, all aye and motion carried 4-0.

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Tuesday, February 24, 2015**

4. DEPARTMENT REPORTS:

Planning Director, Wendy Howell briefed the Commission on upcoming planning area extension proposals and comprehensive plan amendments. Also a lot-split ordinance amendment will be forthcoming.

Director Howell also stated that the Commission will be getting I-Pads to upload Commission packets for more efficient delivery of Commission information.

Director Howell also informed the Commission about recent legislative updates and proposed state bills which could potentially affect the city of Kuna.

5. CHAIRMAN / COMMISSIONER DISCUSSION:

a. None

6. ADJOURNMENT:

Commissioner Gealy motions to adjourn at 6:17 pm; Commissioner Gay Seconds, all aye and motion carried 4-0.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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



City of Kuna

P.O. Box 13
Kuna, ID 83634
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Web: www.cityofkuna.com

Findings of Fact and Conclusions of Law

To: Planning and Zoning Commission

Case Number(s): 13-05-SUP (Special Use Permit Amendment) Boise Tactical for Triple M Machine

Location: 757 E. Stagecoach Way
Kuna, Idaho 83634

Planner: Trevor Kesner

Hearing Date: February 24, 2015
Findings of Fact: March 10th, 2015

Applicants: Triple M Machine (Justin Moore)
1070 Recess Way
Kuna, ID 83634
(208) 870.9749
Triplemmachine@cablone.net

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- B. General Facts, Staff Analysis
- C. Exhibits
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A. Course of Proceedings

1. Applicant is proposing a light machining business as described in Kuna City Code 5-3-2 and 5-1-6-2 (Manufacturing, Light; Definitions). KCC requires obtaining an amendment to a Special Use Permit (SUP) if previously obtained/approved special uses are altered or expanded. Light Manufacturing is defined as: *Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.*

a. Notifications

- | | |
|---------------------------|---------------------------------|
| i. Agencies | January 23, 2015 |
| ii. 300' Property Owners | January 23, 2015 |
| iii. Kuna-Melba Newspaper | January 28 and February 4, 2015 |
| iv. Site Posted | February 8, 2015 |

2. In accordance with KCC Title 5, Chapters 1 and 3, this application seeks SUP amendment approval for Triple M Machine (Justin Moore).

B. General Project Facts, Staff Analysis:

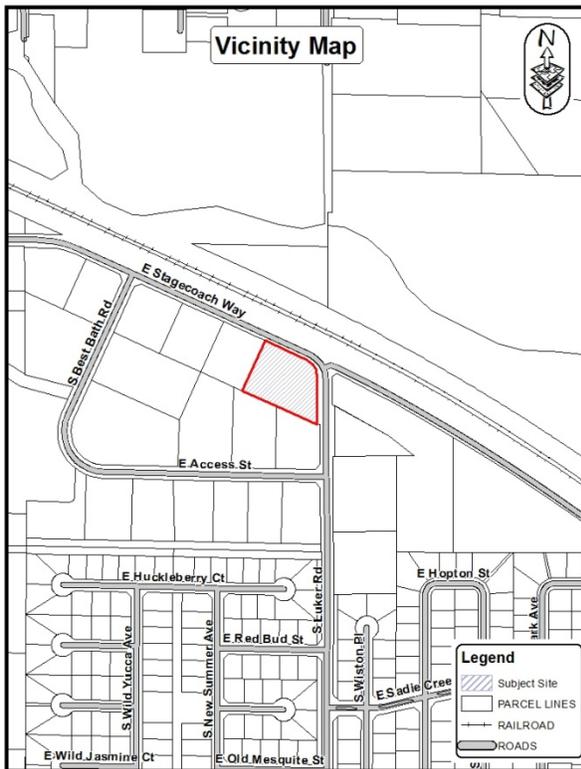
1. **Request:** The applicant is seeking SUP amendment approval for a light machining business use at 757 East Stagecoach Way in Kuna.

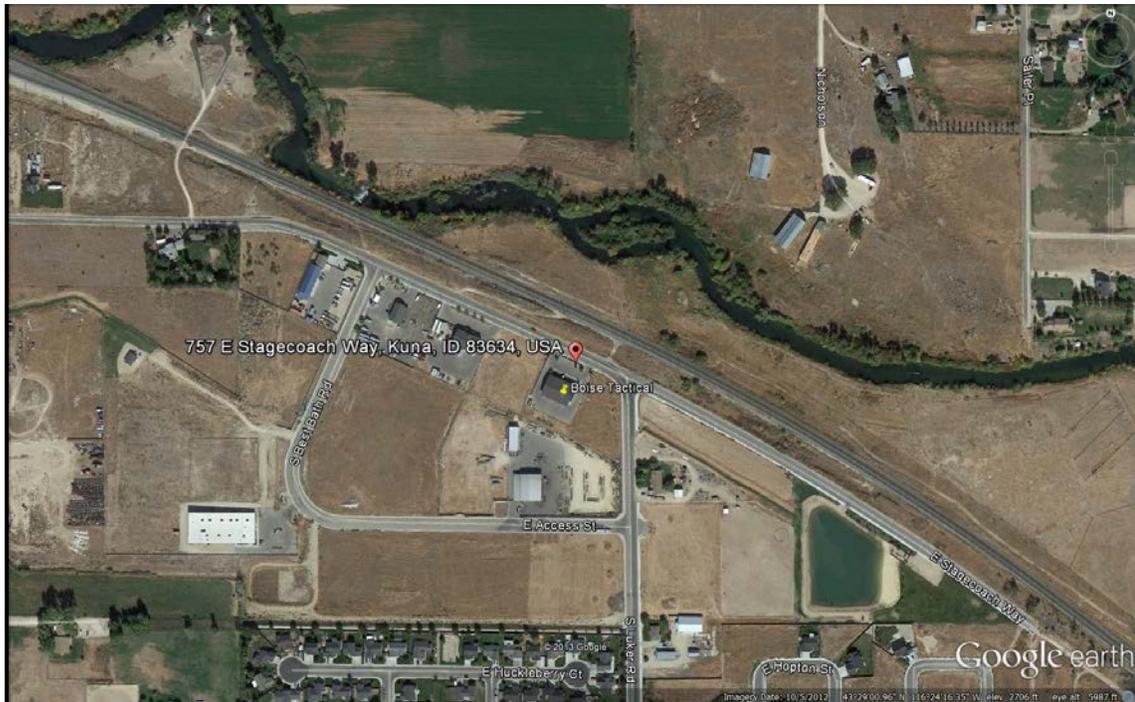
2. The applicant has submitted all necessary documents and materials for review and has held the appropriate neighborhood meeting and posted the site in accordance with KCC posting requirements. The applicant is proposing to open a machining business specializing in research, design and modification of automated equipment components. The operations will include up to 4 CNC machines.
3. **History:** The building is currently shared by “Calvary Chapel Church” and “Boise Tactical”. Boise Tactical has previously procured a Special Use Permit (13-05-SUP) for machining operations of the same nature which the the applicant is proposing. This application is to amend the existing SUP in order to expand the use.
4. **Legal Description:** See (Exhibit A2d) Affidavit of Legal Interest and California Jurat with affiant statement.
5. **Comprehensive Plan Designation:** The Future Land Use map (FLU) approved by City Council, indicates the site as Service Commercial District (C-3). In accordance with KCC 5-3-2, staff views this machining business use request to be consistent with the FLU map as the applicant has applied for an SUP amendment.

6. **Land Use:**

Direction	Current Zoning	
North	RUT	Rural Urban Transition – Ada County
South	M-1	Light Manufacturing/Industrial – Kuna City
East	M-1	Light Manufacturing/Industrial – Kuna City
West	M-1	Light Manufacturing/Industrial – Kuna City

6.1 **Vicinity and Aerial Maps:**





6.2 Parcel Number: APN: R7880430010

6.3 Parcel Sizes and Current Zoning: 1.634 acre parcel (approximately 71,177.04 square feet). C-3: Service Business District.

6.4 Services:

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

6.5 Existing Structures, Vegetation and Natural Features: An existing commercial building is on the subject site. The site has sidewalks along East Stagecoach Way and South Luker Road. The site has Street frontage to the north, and to the east.

6.6 Transportation / Connectivity: Access to the site is on East Stagecoach Way.

6.7 Public Services, Utilities and Facilities: The City Engineer has reviewed the SUP application and provided comments in (Exhibit B2). Central District Health Department has no objections to this proposal as noted in (Exhibit B3). Notifications to government agencies were sent out for this land use action and the public is invited to attend.

C. Applicable Standards:

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

D. Comprehensive Plan Analysis:

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

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

GOALS AND POLICIES – *Property Rights*

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

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

GOALS AND POLICIES – *Economic Development*

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

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

GOALS AND POLICIES – *Land Use*

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

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

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

E. Findings of Fact:

1. All required procedural items have been completed as shown in the staff report.
2. The proposed commercial use complies with Section 6.0 of Kuna’s Comprehensive Plan.
3. Public services are existing and are adequate to accommodate the proposed use.
4. The proposed commercial use will not be detrimental to the public’s health, safety and general welfare.
5. The site is zoned C-3 and intended for use as a light manufacturing business upon obtaining a Special Use Permit.
6. The project description, staff analysis and findings of fact are correct.

F. Conclusions of Law:

1. The proposed use is consistent with Kuna City Code.
2. The proposed use meets the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for manufacturing.
4. The proposed use is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The proposed use is not likely to cause adverse public health problems.
6. The proposed use is in compliance with all other ordinances and laws of the City.

7. The proposed use is not detrimental to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
8. The existing and proposed street and utility services in proximity to the site are suitable and adequate for the proposed use.
9. Based on the evidence contained in Case #13-05-SUP Amendment, this proposal complies with KCC Sections 5-3-2 and 5-1-6-2.
10. Based on the evidence contained in Case #13-05-SUP Amendment, this proposal complies with Section 6.0 of the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
11. The Planning and Zoning Commission of Kuna, Idaho, has the authority to approve or deny this SUP amendment application.
12. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

G. Decision by the Commission:

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

Based on the facts outlined in staff's report and public testimony presented, the Planning and Zoning Commission of Kuna, Idaho, hereby approves Case No. 13-05-SUP, a Special Use Permit Amendment request by Triple M Machine, (Justin Moore), with the following conditions of approval:

Conditions of approval:

1. Any site improvements are prohibited prior to approval of these agencies.
 - a.) The Kuna Fire District shall approve all fire flow requirements and/or building plans.
 - b.) Kuna Planning and Zoning Department and Kuna Building Official.
2. Parking within the site shall comply with Kuna City Code (except as specifically approved otherwise).
3. The applicant shall follow all of the requirements for sanitary sewer, potable water, pressure irrigation system connections, and all other requirements of the City engineer, as outlined in the Engineers memorandum dated February 2, 2015.
4. As requested by the applicant, the business is allowed to be open Monday thru Friday, 8:00-5:00pm weekly and allows walk-in customers on an appointment basis.
5. In the event the uses or the buildings on this parcel are enlarged, expanded or altered in anyway (even for a temporary purpose), the applicant shall seek amendment to the approvals stated herein.
6. This SUP is valid as long as the conditions of approval are adhered to continuously. In the event the conditions are not continuously followed, the SUP may be revoked by the Planning and Zoning Commission.
7. Business operations will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glares or odors.
8. The use will not be hazardous or disturbing to existing or future neighboring uses.



City of Kuna

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Findings of Fact & Conclusions of Law

To: Planning and Zoning Commission

Case Numbers: 14-05-Sub (Subdivision), 14-12-DR (Design Review) and 05-05-SUP (Amended- Special Use Permit) for Crimson Point Villas Subdivision No. 2

Location: Northwest corner of Ten Mile and Deer Flat Roads. Kuna, Idaho 83634

Planner: Troy Behunin, Senior Planner

Hearing Date: January 27, 2015 (Tabled)
Table Date: February 10, 2015
Findings of Fact: **March 10, 2015**

Applicant: **Corey Barton Homes**
1977 E Overland Road
Meridian, ID. 83642
208.286.0520

Engineer: **LEI Engineering and Planning - Laren Bailey**
3023 E. Copper Pt. Drive Ste. 201
Meridian, ID. 83642
208.846.9600
Lbailey@lei-eng.com

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- F. Staff Analysis
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- K. Conditions of Approval

A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states Special Use Permit amendments and subdivisions are designated as public hearings, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

a. Notifications

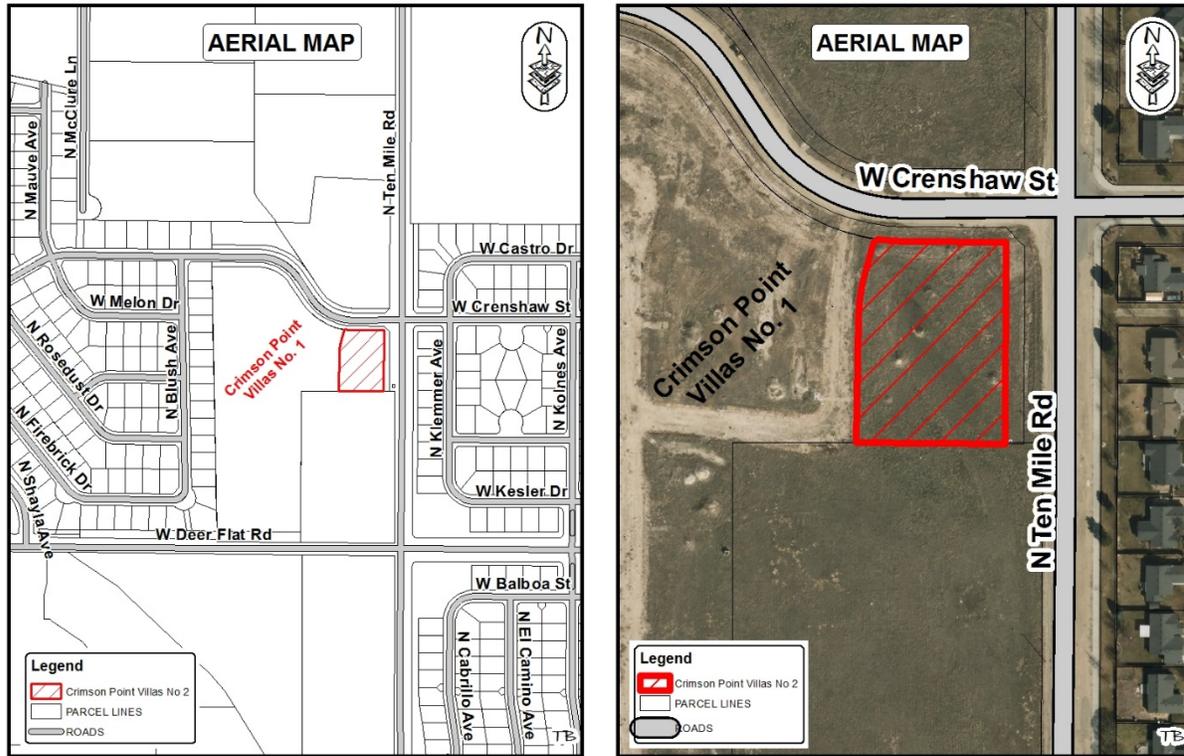
- | | |
|---------------------------|-------------------|
| i. Neighborhood Meeting | February 24, 2014 |
| ii. Agencies | December 4, 2014 |
| iii. 300' Property Owners | January 2, 2015 |
| iv. Kuna, Melba Newspaper | January 7, 2015 |
| v. Site Posted | January 17, 2015 |

B. Applicants Request:

1. Request:

Applicant requests amending the original Special Use Permit (SUP) and approval for a proposed preliminary plat, creating a multi-family subdivision (Crimson Point Villas No. 2) over approximately 1.24 acres. The applicant requests to amend the SUP, including permission to develop the site for multi-family housing. Applicant is proposing five (5) lots for multi-family units and two (2) common lots and will be under the responsibility and maintenance of a Homeowners Association (HOA).

C. Vicinity and Aerial Maps:



D. History: The subject parcel is in City limits and currently zoned C-1 (Neighborhood Commercial District), and is adjacent to Crimson Point Villas No. 1. This parcel was originally farmed. Seven (7) years ago, many public utilities were installed for its development and it has been idle since that time.

E. General Projects Facts:

1. Comprehensive Plan Designation: The Future Land Use Map (FLU) identifies this site as Mixed-Use General, which allows for residential and commercial uses. Staff views this land use request to be consistent with the approved FLU map.

2. Surrounding Land Uses:

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

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

- Approx. 1.24 total acres
- C-1; Neighborhood Commercial District
- Parcel No. - S1315449455 and R1610610240

4. **Services:**

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

5. **Existing Structures, Vegetation and Natural Features:** Currently the land is vacant, except for the utility improvements previously installed. Vegetation on site is consistent with a vacant parcel. This site’s topography is generally flat.

6. **Transportation / Connectivity:** The applicant proposes two access points; one on Deer Flat Road and the second on the north side of the project, from Crenshaw Street.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts.

8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Ada County Highway District (ACHD), the Department of Environmental Quality (DEQ), the Idaho Transportation Department (ITD), and Ada County Engineer – Angela Gilman. The responding agency comments are included as exhibits with this case file. The following agencies did not send in comments; Kuna School District, Kuna Police Department, Central Dist. Health Dept., Ada County Planning and Zoning, Idaho Power, J&M Sanitation, or the US Post Office.

F. Staff Analysis:

This site is located near the northwest corner (NWC) of Ten Mile & Deer Flat Roads. The applicant proposes to place a seven (7) lot multi-family subdivision on 1.24 acres, creating five (5) buildable lots. The applicant proposes two (2) lots for common space and will be owned and maintained by an HOA. This project will be a part of Crimson Point Villas No.1 to the west and is a smaller part of the greater Crimson Point PUD project.

The applicant requests amending the SUP. This will include allowing for multi-family units where the Council had approved “Limited Office” uses in 2006.

In 2005 the Planning and Zoning Commission recommended denial of the SUP and preliminary plat for the Crimson Point Villas site. The 2005 site plan showed “multi-family over the north part of the site, “Area Business” over the southern part and “Limited Office” over the eastern tip of the site (1.034 acres). In early 2006, City Council approved the SUP (allowing for multi-family in a C-1 zone), but denied the preliminary plat. The applicant reduced the number of units and requested reconsideration by the Council, who then re-heard the application (with a new layout) and approved it with conditions. The March 2006 staff report is included as an exhibit with this request.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No.’s 14-05-Sub, 14-12-DR, 05-05-SUP, subject to the recommended conditions of approval.

G. Applicable Standards:

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. City of Kuna Landscape Regulations, Title 5, Chapter 17, Section 1 thru 26,
5. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

H. Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are 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 – *Land Use*

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

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

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

GOALS AND POLICY – *Housing*

Goal 1: *Provide a wide-range of housing to meet the needs of the current and future population. Ensure that housing is available throughout the community for people of all income levels and for those with special needs.*

Objective 1.3: Encourage mixed-use development that includes town centers, single-family, multi-family, accessory units, and other types of residential development.

Goal 2: *Encourage logical and orderly residential development.*

Objective 2.1: Ensure that development proceeds in a logical and orderly manner so that public services are provided in a cost efficient manner.

Policy 2.6: Encourage infill housing development to reduce urban sprawl.

Goal 3: *Encourage high-quality residential development.*

Objective 3.1: Encourage the development of safe and aesthetically-pleasing neighborhoods.

I. Findings of Fact:

1. This request appears to be consistent and in compliance with Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna's Comprehensive Plan.
3. The site is physically suitable for a multi-family subdivision.
4. The proposed uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. This application is not likely to cause adverse public health problems.
6. 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.
7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No.s 14-05-Sub, 14-12-DRC and 05-05-SUP, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.
11. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

J. Conclusions of Law:

1. Based on the evidence contained in Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, the Kuna Planning and Zoning Commission finds Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, comply with Kuna City Code.
2. Based on the evidence contained in Case No's 14-05-Sub, 14-12-DR and 05-05-SUP, the Kuna Planning and Zoning Commission finds Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

K. Decision by the Commission:

14-05-Sub and 05-05-SUP (Amended), *Note: This proposed motion is to recommend approval, conditional approval, or denial for this request 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.*

14-12-DR--Design Review *Note: The proposed motion is also to approve or deny the design review request. If the Planning and Zoning Commission wishes to approve or deny specific parts of the requests as detailed in the report, those changes must be specified.*

On February 10, 2015, the Commission voted 3-0 to recommend approval for Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, based on the facts outlined in staff's report and the public testimony at the public hearing. The Planning and Zoning Commission hereby recommends *approval* for Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, a request by CBH Homes for preliminary plat, Design Review and Special Use Permit (amended), *with* the following conditions of approval:

- *Follow conditions of approval as stated in the staff report,*
- *Adopt the letter dated February 2, 2015 (from applicant).*

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:

- a. The City Engineer shall approve the sewer hook-ups.
 - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
 - d. The *Boise 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.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District, and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
 - 2.1- Dedicate rights-of-way in sufficient amounts to follow Kuna City and ACHD standards and widths.
 3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2-W.
 4. 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.
 5. Street lighting shall be LED lights and meet the approval of the City.
 6. Parking within the site shall comply with Kuna City Code, unless specifically approved otherwise.
 7. Fencing within and around the site shall comply with Kuna City Code unless specifically approved otherwise.
 8. Signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).
 9. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within seven (7) days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
 10. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
 11. 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 Council, or seek amending them through public hearing processes.
 12. The applicant's proposed preliminary plat (dated 9.25.14) and landscape plan (dated 4.28.2014) shall be considered binding site plans, or as modified and approved.
 13. Applicant shall follow all Staff, city Engineer and other agency recommended requirements as applicable.
 14. Developer shall comply with all local, state and federal laws.

DATED: This 10th day of March, 2015.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Troy Behunin, Senior Planner
Kuna Planning and Zoning Department