

OFFICIALS

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

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



Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday, February 13, 2024, at 6:00 PM

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

1. CALL TO ORDER & ROLL CALL:

2. NOMINATION & ELECTION OF COMMISSION CHAIRMAN & VICE CHAIRMAN

Commissioners shall make a nomination for each seat; nominations require a Second. The Commissioner nominated will then be confirmed via Motion. Separate Motion required for each position.

Potential Motions:

- *Motion to nominate (insert name) for Commission Chairman.*
- *Motion to nominate (insert name) for Commission Vice Chairman.*

3. CONSENT AGENDA:

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

- A.** Regular Commission Meeting Minutes Dated January 23, 2024
- B.** Findings of Fact & Conclusions of Law
 - 1.** Case Nos. 23-06-AN, 23-05-S & 23-14-DR for Bristle Creek Subdivision
 - 2.** Case No. 23-08-AN for Lot 3, Block 3 Avalon Orchard Tracts Amended

Potential Motion:

- *Motion to Approve Consent agenda.*
- *Motion to Approve Consent agenda with amendments (i.e., correction to previous meeting minutes, etc.)*

4. PUBLIC HEARINGS:

Public Hearing Process: Items begin with staff presentation of project for up to 15 minutes. The Applicant or their Representative is then allowed 10 minutes to make their presentation. Members of the public are then allowed 3 minutes each to address the Commission with testimony restricted to the matter at hand. After all public testimony, the Applicant/Representative is allowed 5 minutes for rebuttal.

- A.** *Tabled from January 23, 2024, Case Nos. 23-05-ZC (Rezone), 23-06-S (Preliminary Plat) & 23-13-DR (Design Review) for Falcon Crest East Subdivision – Troy Behunin, Senior Planner*

Applicant requests rezone of approximately 47.20 acres from R-12 (High Density Residential) to the R-6 (Medium Density Residential) zone. Applicant also requests Preliminary Plat approval to subdivide subject site (APNs: S1422131510, S1422244700, S1422314975 & a portion of S1422417365, S1422110300, S1422427800, & S1422346600) into 655 lots (606 single-family, 36 common, 7 shared driveway, 3 private roads, 3 golf course). The site is located North of the W Kuna Road and S Conchos Avenue intersection; Section 22, Township 2 North, Range 1 East.

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial to City Council of Case Nos. 23-05-ZC & 23-06-S with Conditions as outlined in the staff report (and additional Conditions imposed by the Commission, if applicable).*

- *Motion to Approve/Conditionally Approve/Deny Case No. 23-13-DR with Conditions as outlined in staff report (and additional Conditions imposed by the Commission, if applicable).*
- B.** Case Nos. 23-07-SUP (Special Use Permit) & 23-07-DR (Design Review) for Maverik – Jessica Hall, Associate Planner

Applicant requests Design Review approval to construct a 4,425 SF c-store with associated fuel island, parking lot & landscaping, as well as Special Use Permit approval for fuel sales (6 double-sided pumps). The site is located at 80 N Sailer Avenue (APN: R5672431240); Section 24, Township 2 North, Range 1 West.

Potential Motions:

- *Motion to Approve/Conditionally Approve/Deny Case Nos. 23-07-SUP & 23-07-DR with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

5. BUSINESS ITEMS:

- A.** Case No. 23-10-DR (Design Review) for Linrock 4-plex Apartments – Jessica Hall, Associate Planner

Applicant requests Design Review approval for a 104 unit apartment complex (26 structures @ 4 units each); associated parking lot with covered/uncovered parking stalls and four (4) EV charging stations; and associated landscaping. The subject site is located on the East side of S Linder Road approx. a quarter mile North of the S Linder Road & W Lake Hazel intersection (S1236315400, S1236335800); Section 36, Township 3 North, Range 1 West.

Potential Motions:

- *Motion to Approve/Conditionally Approve/Deny Case No. 23-10-DR with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

- B.** Case No. 23-15-DR (Design Review) for Kuna Apartments – Jessica Hall, Associate Planner

Applicant Design Review approval to construct a 192 unit multi-family apartment complex, associated open spaces, and parking areas at the West terminus of E Profile Lane (APN: S1324110095); Section 24, Township 2 North, Range 1 West.

Potential Motions:

- *Motion to Approve/Conditionally Approve/Deny Case No. 23-15-DR with Conditions as outlined in the staff report (and additional Conditions imposed by Commission, if applicable).*

6. UPDATES & REPORTS: Non-Action Items

None

7. ADJOURNMENT:

OFFICIALS

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

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



Planning & Zoning Commission
REGULAR MEETING MINUTES
Tuesday January 23, 2024, at 6:00 PM

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

1. CALL TO ORDER & ROLL CALL:

(Timestamp 00:00:12)

Vice Chairman Dana Hennis Thank you. So, we'll go ahead and bring to order the regular Planning and Zoning meeting or Commission meeting for Tuesday, January 23rd, 2024. First up on the agenda is roll call.

Associate Planner Jessica Hall Vice Chairman Deana Hennis

Vice Chairman Deana Hennis Present.

Associate Planner Jessica Hall Commissioner Brian Clark

Commissioner Brian Clark Present.

Associate Planner Jessica Hall Commission, excuse me, Commissioner Jenny Gregor... Commissioner Jim Main.

Commissioner Jim Main Hold on. Oh, thank you.

COMMISSIONERS PRESENT

Vice Chairman Dana Hennis - Present
Commissioner Bryan Clark - Present
Commissioner Ginny Greger - Absent
Commissioner Jim Main -Present

CITY STAFF PRESENT

Doug Hanson, Director of Planning and Zoning
Troy Behunin, Senior Planner
Jessica Hall, Associate Planner
Kelsey Briggs, City Attorney

2. CONSENT AGENDA:

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

(Timestamp 00:00:41)

A. Regular Commission Meeting Minutes Dated January 9, 2024

B. Findings of Fact & Conclusions of Law

I. Case No. 23-02-CPM 5700 W Kuna Mora Road

Potential Motion:

- *Motion to Approve Consent agenda.*
- *Motion to Approve Consent agenda with amendments (i.e., correction to previous meeting minutes, etc.)*

Vice Chairman Dana Hennis Okay, first up on the agenda tonight is the consent agenda.

Commissioner Jim Main Mr. Vice Chairman, I move that we approve the consent agenda.

Commissioner Bryan Clark Seconded.

Vice Chairman Dana Hennis All in favor?

All Commissioners Aye.

Vice Chairman Dana Hennis Thank you.

(Timestamp 00:00:46)

Motion To: Approve Consent Agenda

Motion By: Commissioner Jim Main

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Main

Voting Nay: None

Absent: Commissioner Greger

3-0-1

3. PUBLIC HEARINGS:

Public Hearing Process: Items begin with staff presentation of project for up to 15 minutes. The Applicant or their Representative is then allowed 10 minutes to make their presentation. Members of the public are then allowed 3 minutes each to address the Commission with testimony restricted to the matter at hand. After all public testimony, the Applicant/Representative is allowed 5 minutes for rebuttal.

(Timestamp 00:00:55)

- A.** *Tabled from January 9, 2024, Case No. 23-06-AN (Annexation), 23-05-S (Preliminary Plat, & 23-14-DR (Design Review) for Bristle Creek Subdivision – Troy Behunin, Senior Planner*

Applicant requests to annex approximately 12.49 acres into Kuna City Limits with R-6 (Medium Density Residential) & R-12 (High Density Residential) zones, as well as Preliminary Plat approval to subdivide the site into 21 single-family lots, one (1) multi-family (13 four-plex buildings), and 12 common lots. The site is located near the Northeast corner of the N Ten Mile Road and W Hubbard Road intersection (APN: S131133670); Section 11, Township 2 North, Range 1 West.

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial to City Council of Case Nos. 23-06-AN & 23-05-S with Conditions as listed in staff report (and additional Conditions imposed by Commission, if applicable).*
- *Motion to Approve/Conditionally Approve/Deny Case No. 23-14-DR with Conditions as listed in staff report (and additional Conditions imposed by Commission if applicable).*

Vice Chairman Dana Hennis Next up is item number three in the public hearing. So, item ‘A’ on that is been tabled from January 9th, 2024. It's case #23-O6-AN, 23-O5-S and 23-14-DR design review for Bristle Creek Subdivision, Troy.

Senior Planner Troy Behunin Good evening, members of the Commission. For the record, Troy Behunin, Senior Planner. Kuna Planning and Zoning staff. The applications before you this evening request annexation of approximately 12.49 acres and they would like to use the R-6 and the R-12 zones. The applicant is also requesting preliminary plat approval in order to divide the 12.49 acres into a total of 73 residential lots, 23 single family lots, 1 multifamily lot, and 4 common lots. The applicant also seeks design review approval for the common area landscaping. Public Works in exhibit 2.20 states that Public Works can support Bristle Creek Subdivision development, with the conditions that are listed in the Engineer's memo. Planning and Zoning Department staff agrees with the conditions listed in the Engineer's memo, and staff has reviewed the proposed zone, rezone, the annexation, the pre plat and the design review for compliance with Kuna City Code and also with Idaho State Statutes and the Kuna Comprehensive Plan. And should the Commission recommend approval of the applications and approve the design review tonight, staff recommends that the applicant be subject to the proposed recommended conditions of approval listed in staff's report. The applicant is present this evening. You do have a full record this time and the applicant does have a presentation and it's on the big screen and I'm here for any questions you might have.

Vice Chairman Dana Hennis Thank you. Any questions for Troy at this time?

Commissioner Bryan Clark Not at this time. Not at this time, no.

Vice Chairman Dana Hennis Okay, the applicant. And as you approach the podium, if you'd state your name and address for the record and if you push the bottom of the microphone to green.

Associate Planner Jessica Hall And you can also drive your presentation with the mouse.

Katie Miller Perfect. Thank you. Katie Miller, 1119 E. State Street, Eagle, Idaho 83616. Troy, Thank you very much for your help on this and presentation of the application. As Troy mentioned, this project is located on the northeast corner of Ten Mile and Hubbard Rd. Property is about 12 1/2 acres. Oh, this is a fast driver. Future Land Use Map, per Kuna, shows the site as a mixed-use site north of us is medium density residential, east is future low density, south more mixed-use, but is in the county and then to the west we have mixed-use which is I believe already annexed into the city. Our proposed application is for two zones. It would be for an R-6 around the perimeter and an R-12 interior to the site. This project that we're bringing before you does meet the comprehensive plan. Meets all of your or meets your different objectives, which I've listed here, and we're excited about it. As Troy said, preliminary plat around the perimeter is the R-6 single family residential units, for a total of 21 lots and then centrally located and on our west boundary is 1 lot with 13 fourplex units consisting of 52 units there, for a gross density of. 5.8 units per acre.

Pathways, here's a good picture of the pathways. On the north side you have the state lateral which separates the properties to the north of us and then our site. That easement is a 100-foot easement. We've got the 10-foot pathway. We've got connected sidewalks throughout the community going down to Hubbard Rd. In the northwest corner is a dog park for an amenity. And then centrally located kind of on the east side, there is a playground and a sheltered picnic area for the residents to use. Open space for this site is 15.7% that's usable open space, not counting any buffers or anything like that. Access for the site, our primary access will be off of Hubbard Rd. We will make the connection to Braeburn, to the north. There's an existing street there. It will require that we cross the state lateral utilities for the site are all available. We've got sewer in Ten Mile and then water and pressurized irrigation in Hubbard Rd. currently.

Initially, we weren't intending on phasing this plan. We will phase the plan due to sewer capacities and the city's choice to only allow 40 EDUs per phase at a time. So, we're going to start with phase one being on the east side, making our secondary connection. There would be 38 units total of the 48 available to us. And then we'd come in with phase two at a later date for an additional 45...35 units there. As far as timing for construction, assuming everything looked perfect, went perfect, we're looking at probably not doing construction or starting construction until the end of '25, '26 and then building permits towards the end of '26, with occupancy being at the beginning of '27. So, this truly at full build out is probably a four-to-five-year project easily.

Here's just some different elevations for the single-family portion of the site. We've got single-story three car garage; two-story, two and three car garages; and there's some other elevations. At this time, we chose not to come through with the fourplex units because they are kind of being designed. The city does require us to come back after a City Council approval with the design review process, and so at that point it would be a much more fresh and realistic. I don't necessarily want anything in the record if we got to change it in the future and then we're held to an older standard. So, with that, I will stand for any questions, and we appreciate your support for approval.

Vice Chairman Dana Hennis Sorry, my computer all of a sudden has died, has frozen, any questions?

Commissioner Jim Main Not at this time.

Commissioner Bryan Clark Not currently.

Katie Miller Thank you.

Vice Chairman Dana Hennis Thank you. Yeah, magic touch over here. Okay, with that, I will open the public hearing at 6:10. And we have a couple of names on the sheet here. Is there anybody present that has not got a chance to sign up to testify on this application that would like to? Okay, and seeing no hands, I will call the first one was Judy Schmidt. Would you like to test...? Oh, you got 'not testify.' I got to read. Thank you. So, next one up would be Robbie Reno.

Robbie Reno Robbie Reno, Kuna School District, 711 E. Porter St. Kuna, Idaho 83634. I just want to thank Miss Bailey. She's been working with us. One thing she did show you is a path down to Hubbard Rd. kind of help with the flow of kids to the, I think it's an arterial road, that will allow bus pick up there instead of the main way. That's kind of our hope there. As we all know, the hard part with us and we have to represent to you is that we don't, we haven't passed a bond, and this is this site feeds in Silver Trail which is over capacity. Kuna Middle School which is in 90% capacity in Kuna High and Swan Falls which is at capacity. So, we just got to explain that to you. But we continue to work with them with that. But it's actually say, with the reality where we're at with the with the bond and not having capacity in our elementary. Thank you.

Commissioner Bryan Clark Thank you.

Vice Chairman Dana Hennis That being the last name on the list, I'll go ahead and close the, well... is there any rebuttal that you would like to make?

Katie Miller Katie Miller, 1119 E. 8th St. Eagle, ID 83616, as Robbie said, we've been working together on multiple projects. We understand that the schools and their capacity is a serious concern. My client has donated 2 parcels of land for future school sites. So, I think it's really important it's not that we're overlooking. We're at a point, we understand the concerns, we want to help the concerns, but the bonds are critically important. And so, Robbie and I have been talking. I know there's been a handful of

developers working recently with the BCA to say how do we make this happen. So, you know, my question, what I'd like to see accomplished is first of all, keeping this in perspective, the entire site with a five year build out would bring 28 kids total with the student generation rate with your recent report that was done. Phase one, again looking at occupancy later in 2000 or 2026 would be 14 students. So, I'd like to think we can work together to figure out how the bond is going to pass. We helped with the Valley View. As you guys know, maybe may or not, Valley View's bonds had passed or failed two years in row and we got together with the BCA and community members, fundraised, and helped market this this cause and it did recently pass which was great because. I mean, you guys need to grow. People want to be here. You have a beautiful community. The kids need adequate schools. We don't underestimate that. But I think the biggest thing is, for me is looking at the impact of the school, looking at my client has done to support the school districts to date in the recent and then what we can do moving forward to find solutions. I mean that really is the thing is you know Robbie had mentioned looking at like looking at school district boundaries and maybe redoing those to take impacts off of schools that are at capacity and maybe running them to other schools. I don't know how it works. It's been great to talk to him to get a better understanding of his reality, right? So yes, we understand there's an impact. We're willing to work with the school districts to get the solution and that is getting that bond passed. That is, that's the long-term goal and what needs to happen so.

Vice Chairman Dana Hennis Appreciate that. Thank you.

Katie Miller Yeah.

Vice Chairman Dana Hennis With that, I'll close the public testimony for this application at 6:14 and that leaves us up with our deliberation.

Vice Chairman Dana Hennis I think overall this is a good use of a little area. It's got good transition between the neighboring subdivision going into the corner at that probably commercial in the future. I don't have real big concerns other than just the school district and I think this brings a good point. I know they work with the school district well, so that's just something I like the idea of the fundraising. That they did with the Valley View School District, I think you know, that could be something that would really help the schools out.

Commissioner Bryan Clark Honestly, I mean, looking at the site plan, I really like the fact that the fourplexes are tucked in, creates a good boundary. I think that does create a strong community because you have a good mix of good mix of product. I was a little concerned at first when I saw R-12 because, I'll admit I cringed a little bit, but now this is a very good use.

Vice Chairman Dana Hennis Yeah, I like the layout it's...and plenty of parking. That was my big concern, 52 units.

Commissioner Bryan Clark Yeah. And that... and there's a lot of open space for travel, for traffic for, you know, additional guests and such. I like the layout. It's... I think it's done well. It's very creative and yeah.

Commissioner Jim Main A question for maybe for Katie, are the lots on along Hubbard are those R-6 as well? They just look a little bit narrow and skinny.

Katie Miller Yes, they are. *[Unintelligible Background]* Thank you. You're correct. They are R-6 on Hubbard. The minimum lot requirements for an R-6 zone is 4500 square feet. So, we do meet those. I know our... Max wrote it down. Excuse me. I don't know what they are along Hubbard other than they do not, they are not less than that. Our minimum lot size in here is 5750 and our max is 10,600.

Commissioner Jim Main So, on those lots along Hubbard, the product that you're showing for the R-6 lots, they all look too wide to fit on those lots. So, do you have a different design for the narrower lots?

Katie Miller Well, it wouldn't be a three-car garage on those lots. It would be a two car, probably two story...

Commissioner Jim Main Okay.

Katie Miller And yes, there are products that are available for that.

Commissioner Bryan Clark Do you know what the minimum lot width is?

Katie Miller 35 is your minimum rate. Troy, could you step in and help me on your frontage there?

Senior Planner Troy Behunin I believe the, sorry, Troy Behunin for the record. For the R-6 is 40. It's... but it's a recommended Street frontage.

Commissioner Jim Main Okay, and then one other question, Katie. On the west property line against the neighbor there. Is there any kind of buffer between this development and their property?

Katie Miller There is not, currently.

Commissioner Jim Main Okay. Would it be possible to have some kind of buffer there?

Katie Miller Possibly, and oh, thank you. I just wanted to, I'm visual. Possibly. So, with you asking that question, what kind of buffer in your head would be adequate?

Commissioner Jim Main Well, you know, I would think that if I had an acreage there and somebody came and built an R12 development right behind my house. I might like not to see it. And I realized that the property along Ten Mile is probably going to end up being commercial...

Katie Miller Correct.

Commissioner Jim Main One of these days. But, you know, a small berm and a fence, possibly.

Katie Miller That is something we can look at. We've got some room there. I don't know about the berm. I think landscape might be a good option, more heavily landscaped to create that buffer. Would that be something that would be?

Commissioner Jim Main Yeah, I think that would work for me.

Vice Chairman Dana Hennis And they do call out a six-foot solid vinyl fence along there too.

Katie Miller Correct.

Commissioner Jim Main Yeah. I noticed the fence samples you had here had razor wire on top.

Katie Miller Constantine wire? It's dangerous out there.

[Laughter]

Vice Chairman Dana Hennis I missed that.

Commissioner Jim Main Thank you.

Katie Miller Thank you.

Commissioner Bryan Clark What was I looking at? Oh, let's just look like that... Yeah. That's to get up over the lateral.

Vice Chairman Dana Hennis Oh, gotcha.

Commissioner Bryan Clark Yeah. Okay.

Vice Chairman Dana Hennis Okay, any concerns now our application here is both a set of recommendations for City Council and design review, so we have to. We have to re-review the design review portion of it, I guess, as well. So, to me, I think their landscape being has been laid out well with the addition of something possibly to the transition between the west side, otherwise, they've got a good layout of the trees, the grass throughout the whole property, and I think it's covers more than what's adequate.

Commissioner Jim Main Yeah, I agree. I don't see any issues with the, excuse me, with the landscaping other than the west boundary.

Commissioner Bryan Clark The only thing I'm looking at is we do have landscape keys in the parking. Looks like the idea is to have trees in most of those. Yeah, I don't think. Okay. No, that looks good.

Vice Chairman Dana Hennis Well, with that. I would stand for a motion or motions.

Commissioner Jim Main Sure, Mr. Vice chairman, I move that we recommend approval of case numbers 23-06-AN and 23-05-S with conditions as listed in the staff report and additionally additional landscape buffer along the west end of the boundaries.

Commissioner Bryan Clark Seconded.

Vice Chairman Dana Hennis All in favor?

All Commissioners Aye.

Vice Chairman Dana Hennis Thank you.

(Timestamp 00:20:21)

Motion To: Recommend Approval of Case # 23-06-AN and 23-05-S with conditions as listed in the staff report as well as an additional landscape buffer along the west end of the boundaries

Motion By: Commissioner Jim Main

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Main

Voting Nay: None

Absent: Commissioner Greger

3-0-1

Commissioner Jim Main Okay, Mr. Vice Chairman. I move that we approve case #23-14-DR with conditions as listed in the staff report as well as additional landscape buffer along the west boundary.

Commissioner Bryan Clark Seconded.

Vice Chairman Dana Hennis All in favor?

All Commissioners Aye.

Vice Chairman Dana Hennis Thank you.

(Timestamp 00:20:55)

Motion To: Approve Case # 23-14-DR with conditions as listed in the staff report as well as additional landscape buffer along the west boundary.

Motion By: Commissioner Jim Main

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Main

Voting Nay: None

Absent: Commissioner Greger

3-0-1

B. Case No. 23-08-AN (Annexation) for Lot 3, Block 3 of Avalon Orchard Tracts Amended – Jessica Hall, Associate Planner

Applicant requests to annex approximately 4.89 acres (APN: R0615250430) into Kuna City Limits with an R-4 (Medium Density Residential) zone; Section 30, Township 2 North, Range 1 East.

(Timestamp 00:21:19)

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial to City Council of Case No. 23-08-AN with Conditions as listed in the staff report (and additional Conditions imposed by Commission, if applicable).*

Vice Chairman Dana Hennis Next item up on the agenda is Case #23-08-AN; the annexation for Lot 3, Block 3 of Avalon Orchard Tracts amended, Jessica.

Associate Planner Jessica Hall Good evening, Vice Chairman and Commissioners for the record Associate Planner Jessica Hall, 751 W 4th St. Kuna. The applicant before tonight requests to annex 4.89 acres. Located at the terminus of East Rock Falls Lane into Kuna city limits with an R-4 medium density resident...excuse me, medium density residential zone. My mouth couldn't keep up. The subject has... The subject site has a continuous touch to the current city limits on the north and is considered a category 'A' annexation per Idaho code 50-222. Upon review, staff finds this request to be compliant with Kuna City Code Title 5, our comprehensive plan, and Idaho Code 50-222. With that I can answer any questions you have.

Vice Chairman Dana Hennis Any questions so far?

Commissioner Bryan Clark No, not so far.

Vice Chairman Dana Hennis Okay, and do we have any presentation from the applicant at all?

Associate Planner Jessica Hall If you'd like to, Sid.

Vice Chairman Dana Hennis Okay.

Sid Anderson Mr. Chairman, Planning and Zoning Commission Sid Anderson 2500 E. Rock Falls Lane, Kuna, Idaho. I am the applicant here on behalf of the owner, Boyd Anderson. The owner wishes to annex 4.89 acres of his land into the city of Kuna to take advantage of a lost place process that's available to him

within the city limits. He actually plans to create two 1 acre lots and a three-acre lot from this or approximately three-acre lot. This would bring diversity of community, as well as diversity of housing stock within the City of Kuna limits. I realize that the application before you is just the annexation. But I just wanted to give a little background on that. The annexation, as noted by the planner, does meet all of the requirements for the city code and I am just here to answer any questions and ask that you approve this annexation.

Vice Chairman Dana Hennis Thank you, any other questions?

Commissioner Bryan Clark No, this one looks pretty straightforward.

Vice Chairman Dana Hennis I appreciate you, kind of offering up what you was the intent of it. That was one of my questions. So, thank you.

Sid Anderson You bet.

Vice Chairman Dana Hennis With that, I will open the public testimony for this application at 6:25. And seeing no sign up on the sheet. Is there anybody in the audience that would like to testify on this application? Seeing none, I will close the public testimony at 6:26. That brings up our discussion.

Commissioner Jim Main Well, personally, I think seeing an R-4 zone is attractive. I think we do need some diversity in in lot sizes in Kuna. So, I have no issues with this project.

Vice Chairman Dana Hennis I agree. You know, I like the idea that they're just kind of splitting this out into larger parcels, so I don't foresee any issues. With that, then I'd stand for a motion.

Commissioner Bryan Clark Mr. Vice Chairman, I move that we motion to recommend approval for Case #23-08-AN with conditions as listed in the staff report.

Commissioner Jim Main Second.

Vice Chairman Dana Hennis Thank you, all in favor?

All Commissioners Aye.

Vice Chairman Dana Hennis Thank you.

Commissioner Bryan Clark Good, I got the right one. All right, cool.

(Timestamp 00:25:08)

Motion To: Recommend approval for Case #23-08-AN with conditions as listed in the staff report

Motion By: Commissioner Bryan Clark

Motion Seconded By: Commissioner Jim Main

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Main

Voting Nay: None

Absent: Commissioner Greger

3-0-1

- C. Case Nos. 23-05-ZC (Rezone), 23-06-S (Preliminary Plat), & 23-13-DR (Design Review) for Falcon Crest East Subdivision – Troy Behunin, Senior Planner

Applicant requests rezone of approximately 47.20 acres from R-12 (High Density Residential) to the R-6 (Medium Density Residential) zone. Applicant also requests Preliminary Plat approval to subdivide subject site (APNs: S1422131510, S1422244700, S1422314975 & a portion of S1422417365, S1422110300, S1422427800, & S1422346600) into 655 lots (606 single-family, 36 common, 7 shared driveway, 3 private roads, 3 golf course). The site is located North of the W Kuna Road and S Conchos Avenue intersection; Section 22, Township 2 North, Range 1 East.
(Timestamp 00:25:34)

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial to City Council of Case Nos. 23-05-ZC & 23-06-S with Conditions as listed in the staff report (and additional Conditions imposed by the Commission, if applicable).*
- *Motion to Approve/Conditionally Approve/Deny Case No. 23-13-DR with Conditions as listed in staff report (and additional Conditions imposed by the Commission, if applicable).*

Vice Chairman Dana Hennis Okay, next up on the agenda is case #23-05-ZC, 23-06-S and 23-13-DR Design review for Falcon Crest East Subdivision, Troy.

Senior Planner Troy Behunin Good evening, Commissioners. For the record, Troy Behunin, Kuna Planning and Zoning staff, Senior Planner. So, the applications that are before you this evening for Falcon Crest East, staff would actually request that this be tabled to the next available meeting, possibly to the February 13th, 2024, meeting at 6:00 P.M. because of an outside agency's update to their staff report. We, staff believes it's necessary for the Commission to have a full record in front of them in order to make a decision, especially as it is a public hearing matter and staff has spoken with the applicant. They are not here tonight. They were in agreement with that staff recommendation.

Vice Chairman Dana Hennis Okay, thank you.

Commissioner Bryan Clark Will that be to a date certain?

Yeah, February 13th they suggested.

Commissioner Jim Main Mr. Vice Chairman, I move that we table case #23-05-ZC and 23-06-S to a date certain of February 13th, 2024.

Vice Chairman Dana Hennis There is also...

Commissioner Jim Main Additionally I move that we table case #23-13-DR to a date certain of February 13th, 2024.

Commissioner Bryan Clark Seconded.

Vice Chairman Dana Hennis Thank you, all in favor?

All Commissioners Aye.

Vice Chairman Dana Hennis Thank you.

(Timestamp 00:26:59)

Motion To: Table Case # case #23-05-ZC, 23-06-S, and 23-13-DR to a date certain of February 13th, 2024

Motion By: Commissioner Jim Main

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Main

Voting Nay: None

Absent: Commissioner Greger

3-0-1

5. BUSINESS ITEMS:

None

6. UPDATES & REPORTS: Non-Action Items

(Timestamp 00:27:37)

Vice Chairman Dana Hennis And that concludes our agenda items. Is there any reports or additional items from the City staff?... Thank you.

7. ADJOURNMENT:

(Timestamp 00:27:46)

Commissioner Jim Main Mr. Vice Chairman, I move that we adjourn tonight's meeting.

Commissioner Bryan Clark Seconded.

Vice Chairman Dana Hennis All in favor?

All Commissioners Aye

Vice Chairman Dana Hennis Thank you.

(Timestamp 00:27:46)

Motion To: Adjourn

Motion By: Commissioner Jim Main

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Main

Voting Nay: None

Absent: Commissioner Greger

3-0-1

Dana Hennis, Vice Chairman

ATTEST:

Doug Hanson, Director

Minutes prepared by Garrett Michaelson, Deputy City Clerk.



CITY OF KUNA

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Fax: (208) 922-5989 • www.Kunacity.Id.gov

SIGN-UP SHEET

January 23, 2024 – P & Z Commission, Public Hearing
Continued from January 9, 2024

Case Name: **Bristle Creek Subdivision Request:**

Case Type: Annexation, Pre-Plat & Design Review Request.

Case Nos.: 23-06-AN (Annexation), 23-05-S (Pre Plat), and 23-14-DR (Design Review).

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

IN FAVOR	NEUTRAL	IN OPPOSITION
<input type="checkbox"/> <u>Testify</u> <input checked="" type="checkbox"/> <u>Not Testify</u> <u>Judy Schmidt</u> Print Name <u>14004 N. Quail Covey</u> Print Address <u>Boise ID 83714</u> City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name <u>Robbie Ren</u> Print Address <u>111 E. Pardo</u> City State, Zip <u>Kuna ID 83620</u>
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input checked="" type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zip	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u> _____ Print Name _____ Print Address _____ City State, Zi



City Council Public Hearing Sign-in Sheet

January 23, 2024

Case No.: **23-08-AN (Annexation)**

Case Name: **Lot 3, Block 3 Avalon Orchard Tracts Amended**

IN FAVOR	NEUTRAL	OPPOSITION
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip
<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip	<input type="checkbox"/> Testify <input type="checkbox"/> NOT Testify _____ Name _____ Address _____ City, State, Zip



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SIGN-UP SHEET

~~January 23, 2024~~ – P & Z Commission, Public Hearing
Tabled to date certain of Feb. 13, 2023

Case Name: **Falcon Crest EAST SUB Request:**
Case Type: Rezone, Pre-Plat & Design Review Request.

Case Nos.: 23-05-ZC (Rezone), 23-06-S (Pre Plat), and 23-13-DR (Design Review).

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

IN FAVOR	NEUTRAL	IN OPPOSITION
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>
_____ Print Name	_____ Print Name	_____ Print Name
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City State, Zip	City State, Zip	City State, Zip
<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>
_____ Print Name	_____ Print Name	_____ Print Name
_____ Print Address	_____ Print Address	_____ Print Address
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<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>	<input type="checkbox"/> <u>Testify</u> <input type="checkbox"/> <u>Not Testify</u>
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_____ Print Name	_____ Print Name	_____ Print Name
_____ Print Address	_____ Print Address	_____ Print Address
City State, Zip	City State, Zip	City State, Zi

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

IN THE MATTER OF THE APPLICATION OF) [Case Nos. 23-06-AN \(Annexation\), 23-05-S](#)
) [\(Preliminary Plat\) & 23-14-DR \(Design](#)
) [Review\).](#)
ENDURANCE HOLDINGS, LLC)
) **FINDINGS OF FACT, CONCLUSIONS**
) **OF LAW AND ORDER OF DECISION**
) **FOR ANNEXATION, PRELIMINARY**
For Property Near the NEC Corner of Ten) **PLAT AND DESIGN REVIEW**
Mile and Hubbard Roads.) **APPLICATIONS.**

THESE MATTERS came before the Commission for public hearing on January 9, 2024, and was tabled until January 23, 2024, for the receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Commission does now hereby make and set forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decisions.

**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT.pdf			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 ANNEXATION & ZONING APPLICATION.pdf			X
2.3 SUBDIVISION LANDSCAPING DESIGN REVIEW.pdf			X
2.4 NARRATIVE.pdf			X
2.5 VICINITY MAP.pdf			X
2.6 QUITE CLAIM DEED - HILL.PDF			X
2.7 WARRANTY DEED - ENDURANCE HOLDINGS.pdf			X
2.8 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.9 R-6 LEGAL DESCRIPTION.pdf			X
2.10 R-12 LEGAL DESCRIPTION.pdf			X
2.11 OVERALL LEGAL DESCRIPTION.pdf			X
2.12 PRELIMINARY PLAT.pdf			X
2.13 LANDSCAPE PLAN & RENDERING.pdf			X
2.14 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.15 COMMITMENT TO PROPERTY POSTING.pdf			X
2.16 PRELIMINARY ENGINEERING REPORT.pdf			X

2.17 LIGHTING CUTSHEETS.pdf			X
2.18 SUBDIVISION NAME RESERVATION.pdf			X
2.19 AGENCY REQUEST FOR COMMENTS.pdf			X
2.20 CITY ENGINEER.pdf			X
2.21 ADA COUNTY HIGHWAY DIST.pdf			X
2.22 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.23 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.24 KUNA POLICE DEPARTMENT.pdf			X
2.25 IDAHO TRANSPORTATION DEPT.pdf			X
2.26 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.27 CENTRAL DISTRICT HEALTH DEPT.pdf			X
2.28 BOISE KUNA IRRIGATION DIST.pdf			X
2.29 PROOF OF LEGAL NOTICE MAILER.pdf			X
2.30 PROOF OF PUBLISH MKP.pdf			X
2.31 PROOF OF PROPERTY POSTING.pdf			X
2.32 WEBSITE POSTING.pdf			X
2.33 APPLICANT PRESENTATION AT P&Z.pdf			X

1.2 Hearings: The Commission heard this on January 23, 2024. The FCO’s have been requested to go before the Commission on February 13, 2024.

1.3 Witness Testimony: Those who testified at the Commissions’ January 23, 2024, hearing are as follows, to-wit:

- A. City Staff:**
Troy Behunin, Senior Planner
- B. Appearing for the Applicant:**
Katie Miller, 1119 E State St., Eagle, ID 83616 – Testified
- C. Appearing in Favor:**
Judy Schmidt, 14004 N Quail Covey, Boise, ID 83714 – Did Not Testify
- D. Appearing Neutral:**
None
- E. Appearing in Opposition:**
Robbie Reno, Kuna School District, 711 E Porter St., Kuna, ID 83634 - Testified

II DECISION

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

III FINDINGS OF FACT

3.1 Findings Regarding Notice

- A. Notice was published for the January 9, 2024, hearing for the Annexation, Preliminary Plat and Design Review near the NEC of Ten Mile and Hubbard Road, in the Meridian Kuna Press, the official City of Kuna newspaper, which has general circulation within the boundaries of the city, Ada and Canyon County, on December 22, 2023. Notice was also published on the City of Kuna website December 15, 2023.
- B. Notice for the January 9, 2024, hearing containing the legal description of the property proposed to be Annexed and Subdivided was mailed to all know and affected property owners within 300-ft of the boundaries of the area described in the application on December 15, 2023.
- C. Notice for the January 9, 2024, hearing was posted on a sign in accordance with [Kuna City Code \(KCC\) 5-1A-8](#) on December 21, 2023. A Proof of Property Posting form was provided to staff on December 21, 2023.

3.2 Findings Regarding Annexation, Preliminary Plat and Design Review.

- A. The subject site is located in unincorporated Ada County and touches Kuna City limits on the north and east sides and is currently zoned Rural Residential and has historically been used for Agriculture purposes.
- B. The land proposed for Annexation, Preliminary Plat and Design Review is comprised of one (1) parcel totaling approximately 12.49 acres. The parcel is as follows:

Owner	Parcel No.	Size	Current Zone
Endurance Holdings, LLC	S1311336700	12.49 ac.	RR (Rural Residential)

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

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

- D. Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
 - 1. The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements AND public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed.
- E. Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
 - 1. The Comprehensive Plan designates the property as Mixed-Uses, and the proposed zoning districts of R-6 (MDR) and R-12 (HDR).

2. The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods.
 3. Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents.
- F.** Can the availability of existing and proposed public services accommodate the proposed development?
1. ACHD can support the development with all Site-Specific Conditions of approval being satisfied.
 2. ITD requires no mitigation improvements to serve the development.
 3. Sewer has become available with the completion of the Danskin Sewer Force Main.
 4. Potable water connection is available for the subject site.
 5. Pressurized irrigation connection is available for the subject site.
 6. Kuna School District testified at the public hearing in opposition to the project.
- G.** Does the public have the financial capability to provide supporting services to the proposed development?
1. Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected.
- H.** Does the proposed project consider the health and safety of the public and the surrounding area's environment?
1. Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project.
 2. No major wildlife habitats will be impacted by the proposed development.
There are no designated wildlife habitats within or adjacent to the proposed project.
- I.** Does the site landscaping meet the intent of the landscape Ordinance?
1. A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted.
(+)
 2. Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#).
 3. A Landscape buffer comprised of sod, trees and other plantings will be provided along N Linder and W Ardell Roads.
 4. Applicant proposes 1.97 acres (15.77%) qualified open space exceeding the 7.50% minimum.
 5. Internal sidewalks and stub streets are provided for connectivity within the development.

- J.** Does the proposed application constitute orderly development?
1. The proposed subject site is located adjacent to the Kuna City Limits and touches the city limits on the north and east sides.
 2. Subdivisions are under active construction to the south, west and southeast of the subject site.
 3. Streets are proposed to connect to stubs provided by previous development.
- K.** The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

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

IV CONDITIONS

Based upon the record contained in Case Nos. 23-06-AN, 23-05-S and 23-14-DR including the Comprehensive Plan, Kuna City Code, Staff’s analysis, including the exhibits, and the testimony during the Public Hearing the Commission hereby recommends *Approval* for the Annexation and Preliminary Plat, and hereby *Approves* the Design Review, subject to the following Conditions of Approval:

4.1 Transportation

- A.** Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B.** Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
- C.** Developer/Owner/Applicant shall install a sign at the terminus of the proposed stub street stating; “this road will continue in the future”. Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

4.2 Site Layout, Dimensional Standards and Parking

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

4.3 Landscape, Open Space and Fencing

- A.** Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B.** All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C.** Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D.** The Landscape Plan and Preliminary Plat [(LSP) dated 8.1.2023 and (PP) 6.25.23] will be considered binding site plans as amended and/or approved.
- E.** All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).
- F.** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the Plat are subject to Administrative Determination to rule if the revision is substantial.
- G.** Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

4.4 Public Works

- A.** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).
- B.** Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C.** When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- D.** Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E.** The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or a Water Booster Station as necessary.
- F.** The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance

has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.

- G.** In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to [KCC 6-2-3-J](#), a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
- H.** Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- I.** In accordance with R90-2022, once the Danskin Sewer Force Main is completed, 40 Equivalent Dwelling Units (EDU's) may be issued on a Phase-by-Phase basis.

4.5 General

- A.** The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - 1.** The City Engineer shall approve all sewer connections.
 - 2.** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received an approved drainage plan.
 - 3.** Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
 - 4.** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
 - 5.** The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - 6.** Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
 - 7.** All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B.** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- C.** Developer/Owner/Applicant/Contractors are hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within hours specified in [KCC 10-6-3](#).

Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.

- D. Developer/Owner/Applicant is hereby notified of Kuna’s weed control policies and requirements [KCC 8-1-3](#). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- E. Applicant is conditioned to work with the City Engineer for proper easement widths for the project as a whole.
- F. Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

V

CONCLUSIONS OF LAW

RE: POWERS AND DUTIES OF THE PLANNING & ZONING COMMISSION

- 5.1 City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to [Idaho Code §50-1](#).
- 5.2 The power of the City of Kuna lies in the Commission to hear this matter as provided in [Idaho Code §67-65](#), and [Kuna City Code 1-14-3](#).

VI

CONCLUSIONS OF LAW

RE: APPLICATION FOR ANNEXATION

- 6.1 The City of Kuna has authority to Annex lands into its boundaries pursuant to [Idaho Code §50-222](#).
- 6.2 [Idaho Code §50-222\(1\)](#) provides that:

[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho’s cities in order to allow efficient and economically viable provisions of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocated the costs of public services in management of development on the urban fringe.

(emphasis added).
- 6.3 The proposed Annexation is a Category A Annexation as described in [Idaho Code §50-222\(3\)\(a\)](#), because the private landowner of the parcel at issue has consented to the proposed Annexation.
- 6.4 Annexation decisions by a City Council are a legislative decision, not quasi-judicial decisions. *Black Labrador Investing, LLC. v. Kuna City Council*, 147 Idaho 92, 96 (2009), citing, see *Crane Creek Country Club v. City of Boise*, 121 Idaho 485, 487, 826 P.2d 446, 448 (1990).

VII
CONCLUSIONS OF LAW
RE: APPLICATION FOR PRELIMINARY PLAT

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

VIII
CONCLUSIONS OF LAW
RE: APPLICATION FOR DESIGN REVIEW

- 8.1 The Commission has the decision-making authority over all Legislative Design Review applications as provided in [KCC 1-14-3](#).
- 8.2 [Kuna City Code 5-4-2](#) provides that:

“This chapter applies to all proposed development located within the Design Review Overlay District which shall include the entire City Limits, and any land annexed into the city after the date of adoption hereof. Such development includes, but is not limited to, new commercial, industrial, institutional, office, multi-family residential projects, common areas, subdivision signage, proposed conversions, proposed changes in land use and/or building use, or exterior remodeling, exterior restoration, and enlargement or expansion of existing buildings, signs or sites, and requires the submittal of a Design Review application pursuant to this Chapter and fee as prescribed from time to time by the City Council.”

IX
ORDER OF RECOMMENDED APPROVAL FOR APPLICATIONS FOR
ANNEXATION AND PRELIMINARY PLAT

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

- 9.1 That the Annexation Application (Case No. 23-06-AN) is recommended *Approval*.
- 9.2 That the Preliminary Plat Application (Case No. 23-05-S) is recommended *Approval*.

X

ORDER OF APPROVAL FOR APPLICATION FOR DESIGN REVIEW

10.1 That the Design Review Application (23-14-DR) is hereby *Approved*.

BY ACTION OF THE PLANNING & ZONING COMMISSION of the City of Kuna at its regular meeting held on the 13th of February 2024.

Planning & Zoning Chairman

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-08-AN**
)
Sid Anderson)
)
For Lot 3, Block 3 of Avalon Orchard Tracts) **FINDINGS OF FACT, CONCLUSIONS OF LAW,**
Amended.) **& ORDER OF RECOMMENDATION FOR**
ANNEXATION APPLICATION.

THIS MATTER came before the Commission for public hearing on January 23, 2024, for receipt and consideration by the Commission of these Findings of Fact, Conclusions of Law, and Order of Recommended Decision for the above referenced application. The Commission does now hereby make and sets forth the Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Recommended Order of Decision.

**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
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2.2 ANNEXATION & ZONING APPLICATION.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 NARRATIVE.pdf			X
2.6 WARRANTY DEED.pdf			X
2.7 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.8 ANNEXATION AREA LEGAL DESCRIPTION.pdf			X
2.10 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.11 COMMITMENT TO PROPERTY POSTING.pdf			X
2.12 AGENCY TRANSMITTAL.pdf			X
2.13 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.14 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.15 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.16 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.17 CENTRAL DISTRICT HEALTH DEPARTMENT.pdf			X
2.22 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.23 PUBLIC WORKS.pdf			X
2.18 WEBSITE NOTICE COMMISSION.pdf			X
2.19 300 FT PROPERTY OWNERS NOTICE COMMISSION.pdf			X
2.20 IDAHO PRESS PUBLICATION PROOF COMMISSION.pdf			X
2.21 PROOF OF PROPERTY POSTING.pdf			X

1.2 Hearings: The Commission heard this on January 23, 2024. The FCO’s have been requested to go before the Commission February 13, 2024.

1.3 Witness Testimony: Those who testified at the Commission’s January 23, 2024, hearing are as follows, to-wit:

- A.** City Staff:
Jessica Hall, Associate Planner
- B.** Appearing for the Applicant:
Sid Anderson, 2500 E Rock Falls Lane, Kuna, ID, 83634 – Testified
- C.** Appearing in Favor:
None
- D.** Appearing Neutral:
None
- E.** Appearing in Opposition:
None

II DECISION

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

III FINDINGS OF FACT

3.1 Findings Regarding Notice

- A. Notice Required:** In accordance with Kuna City Code (KCC), Annexations are designated as public hearings, with the Commission as a recommending body and Council as the decision-making body. This land use application was given proper public notice and followed the requirements set forth in [KCC 1-14-3](#), [Idaho Code §67-65](#) Local Planning Act.
 - 1.** The Applicant held a Neighborhood Meeting October 30, 2023; there were four (4) attendees.
 - 2.** Notice was published on the city website December 20, 2023.
 - 3.** Notices containing a description and location of the project were mailed to all known and affected property owners within 300 FT on December 28, 2023.
 - 4.** Notice was published in the Idaho Press January 3, 2024.
 - 5.** The Applicant posted a sign on site January 11, 2024, and a Proof of Property Posting was provided to staff January 12, 2024.

3.2 Findings Regarding Annexation

- A.** The subject site is zoned RR (Rural Residential) within unincorporated Ada County and has historically served as an agriculture field.
- B.** The Comprehensive Plan Future Land Use Map (FLUM) serves as a guide and is not the actual zone; the subject site is designated as Medium Density Residential.

- C. The subject site has an estimated slope of 0 – 2%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches.
- D. Staff is not aware of any environmental, health or safety issues beyond the subject site being within the Nitrate Priority Area. The Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.
- E. Does the Annexation and Zoning application contain the necessary requirements listed in [Title 5](#) of Kuna City Code and [Idaho Code §50-222](#)?
1. The Applicant has submitted a complete application and following staff review of technical compliance, the request is compliant with KCC [Title 5](#), as well as [Idaho Code §50-222](#) as it is a Category A Annexation. (+)
- F. Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM), and is the site selection appropriate for the proposed project?
1. The FLUM is intended to serve as a guide for future development and designates the subject site as Medium Density Residential; based on the Applicants request for an R-4 (Medium Density Residential) zone, the request is compliant with the city’s FLUM. (+)
 2. Based on the surrounding R-2 (Low Density Residential) and R-4 (Medium Density Residential) zones, the requested R-4 zone is appropriate for the subject site. (+)
- G. Was the Neighborhood Meeting conducted in and were the public noticing requirements met in accordance with city Ordinances and Idaho Code?
1. The Applicant held a Neighborhood Meeting October 30, 2023; there were four (4) attendees.
 2. Staff published public notice on the city website December 20, 2023, as well as notice being published in the Idaho Press on January 3, 2024.
 3. Notices were mailed to all known and affected property owners within 300 FT on December 28, 2023.
 4. The Applicant posted a sign on the subject site January 11, 2024, and a Proof of Property Posting form was provided to staff January 12, 2024.
- H. Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
1. The subject site is outside of the 300 FT distance in which to gain city services, as such, there will be no changes to existing infrastructure and any future development will be served by private septic and well. (+)
 2. After ACHD, it was determined no roadway improvements were required and the existing roadway can serve the future lots. (+)
- I. Does the proposed Annexation have a contiguous touch to Kuna City Limits, and does it constitute orderly development?
1. The subject site has a contiguous touch to Kuna City Limits on the North, and constitutes orderly development based on the city’s FLUM, other surrounding development and/or zoning. (+)

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

IV CONDITIONS

4.1 Staff Recommended Conditions: None

4.2 Site Layout & Dimensional Standards: None

4.3 Pathways & Trails Master Plan: None

4.4 Open Space & Pathways Master Plan: None

4.5 Landscaping: N/A

4.6 Fencing: N/A

4.7 Ada County Highway District: None

4.8 Boise Project Board of Control

A. Future development of the subject site shall not obstruct any ditches which may serve neighboring properties per [Idaho Code §42](#).

4.9 Public Works

A. Compliance with [Idaho Code §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.

4.10 General

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

1. The City Engineer shall approve the sewer connections.
2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties."
4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.

5. The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 6. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
 7. All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.
 - C. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
 - D. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
 - E. It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development
 - F. The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
 - G. Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
 - H. Developer/Owner/Applicant shall comply with all local, state, and federal laws.

V

CONCLUSIONS OF LAW RE: POWERS AND DUTIES OF THE COMMISSION

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

VI

CONCLUSIONS OF LAW RE: APPLICATION FOR ANNEXATION

- 6.1 The City of Kuna has authority to annex lands into its boundaries pursuant to [Idaho Code §50-222](#).
- 6.2 [Idaho Code §50-222\(1\)](#) provides that:

[C]ities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private

lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

- 6.3** [Kuna City Code 1-14-3](#) states that Annexations are designated as public hearings with the Commission as a recommending body and Council as the decision-making body.
- 6.4** The proposed Annexation is a Category A Annexation as described in [Idaho Code §50-222\(3\)\(a\)](#), as the private landowners of the parcel at issue have consented to the proposed Annexation.

VII

ORDER OF RECOMMENDED APPROVAL OF ANNEXATION APPLICATION

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

- 7.1** The Annexation of Lot 3, Block 3 Avalon Orchard Tracts Amended (Case No. 23-08-AN) is recommended Approval.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held on the 13th day of February 2024.

Dana Hennis, Vice Chairman

Falcon Crest East

Valor: A Master-Planned Community
Kuna, ID

(Rezone, Preliminary Plat and Design Review)

Kuna Planning and Zoning Commission

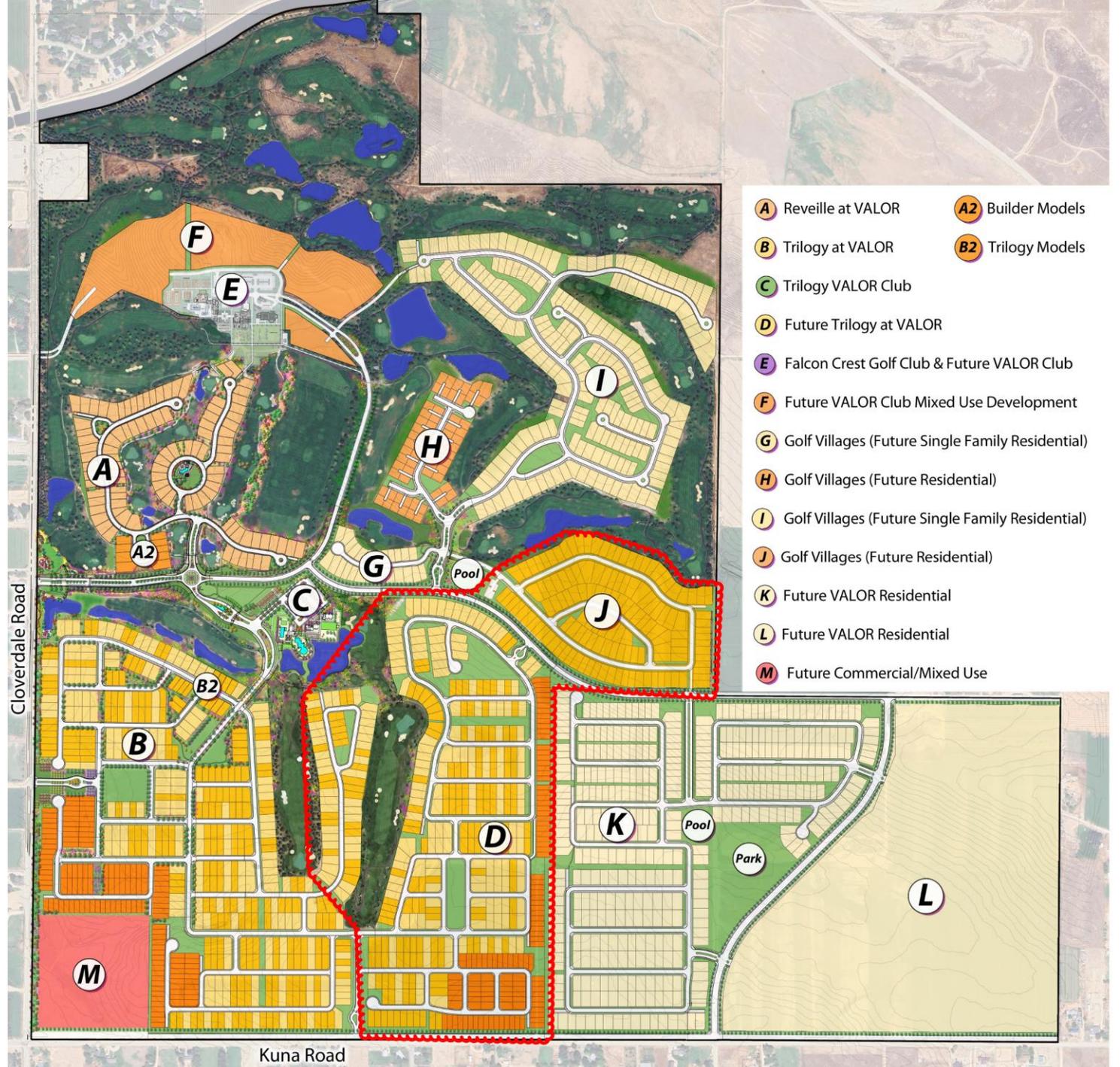
January 23, 2024



Falcon Crest Entitlement Summary

-Development Agreement / PUD
 – Effective 11/2019

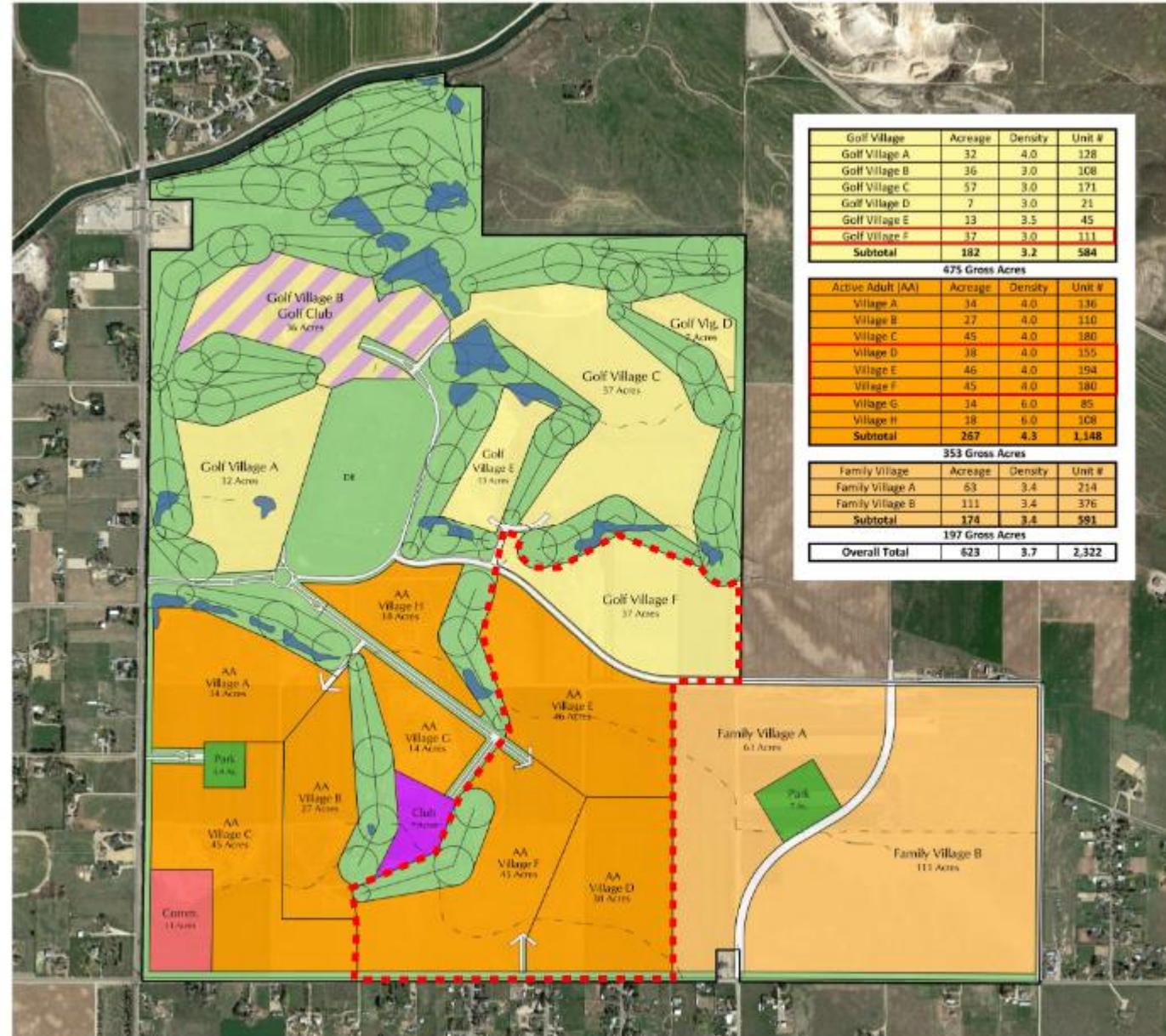
-4 Approved Preliminary Plats



Falcon Crest Entitlement Summary

Approved Master Plan
& Density

Golf Village F and AA
Villages E, F and D
(DA Master Plan Total = of 640 Lots
This Preliminary Plat is for 605 SF
Lots)



PRELIMINARY DEVELOPMENT PLAN

March 5, 2018



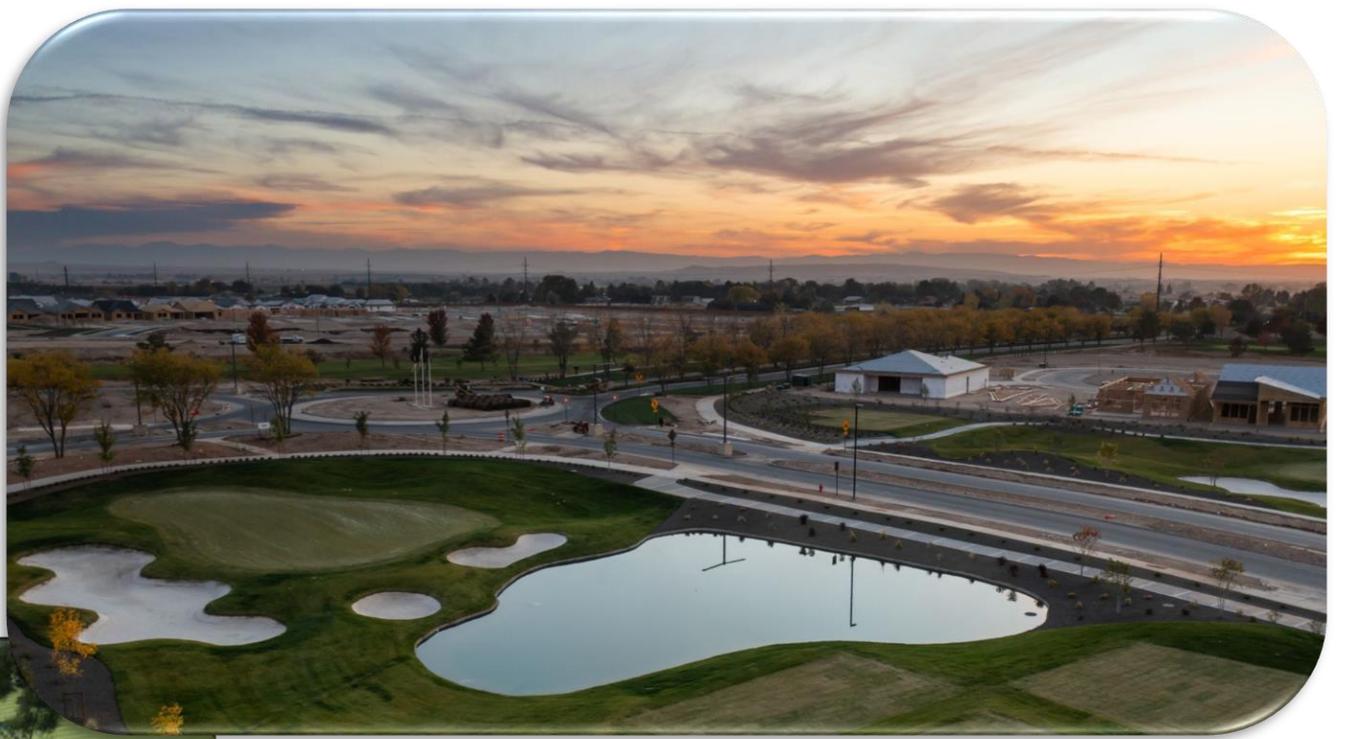


Valor Project Update

Reveille
Neighborhood
& Cadet Golf
Course



Entry RAB & Model Homes





Trilogy Valor Social Club Progress



Trilogy Valor Social Club Progress



Falcon Crest East Landscape & Site Plan – Design Review

- Community Resort-style Park/Pool/Playground

- Community Parks and Trails
(16.5 Acres of Open Space outside of Golf)

- 3 new holes of Golf Open now! (~34 Acres of Golf Open Space)



Falcon Crest
East – Trilogy
Valor
Northern
Entry



Villages Community Amenity





Villages Community Amenity

Staff Report Condition & Comment Clarification

- **Condition 8.5.E** – “The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or Water Booster Station as required by the City Engineer.”
- Condition was not included in the Engineer’s Memo dated 1/16/24 and is inconsistent with the approved DA.
- We’re requesting removal of this condition as our DA is clear on our responsibilities and we've constructed a lift station, water reservoir and booster station to serve the development and all studies show there is sufficient capacity in those facilities for this portion of the project.
- **Condition 8.2.F** – “Developer/Owner/Applicant shall work with ACHD and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the ACHD staff
- City Staff Report did not put ACHD conditions in the Kuna Staff Report. We did receive an update from ACHD that cleared up a minor technical error and that will be included in this approval.
- ACHD changed the threshold and will not require the turn lane as part of this development. ACHD will likely require the turn lane analysis with any future development.



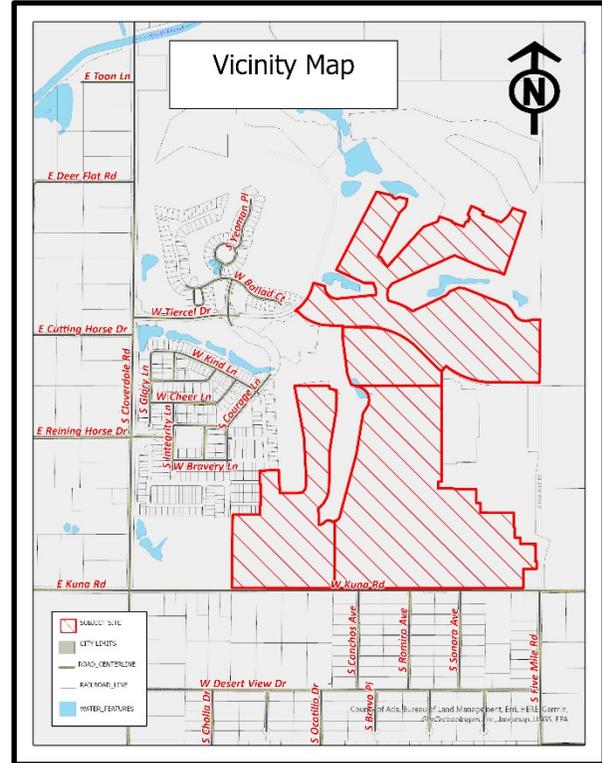
Thank You

BEFORE THE COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) [FALCON CREST EAST 23-06-S, 23-05-](#)
) [ZC, 23-13-DR](#)
FALCON CREST, LLC AND)
M3 COMPANIES, LLC)
)
For a Subdivision request at 10600 W Kuna) **STAFF REPORT FOR FALCON**
Road.) **CREST EAST SUBDIVISION.**

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Proposed Commission Order of Decision



**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.5 Staff's Report			X
<u>2.1 P&Z APPLICATION COVERSHEET.pdf</u>			X
<u>2.2 REZONE APPLICATION.pdf</u>			X

2.3 DESIGN REVIEW APPLICATION.pdf			X
2.4 PRELIMINARY PLAT APPLICATION.pdf			X
2.5 NARRATIVE.pdf			X
2.6 VICINITY MAP.pdf			X
2.7 AFFIDAVIT OF LEGAL INTEREST - FALCON CREST CLUB PARTNERS.pdf			X
2.8 AFFIDAVIT OF LEGAL INTEREST - M3 ID FALCON CREST LLC.pdf			X
2.9 AFFIDAVIT OF LEGAL INTEREST - M3 ID FALCON CREST WEST.pdf			X
2.10 AFFIDAVIT OF LEGAL INTEREST - M3 ID VALLOR GOLF VILLAS.pdf			X
2.11 DEED - M3 ID VALOR GOLF VILLAS, LLC.pdf			X
2.12 DEED - M3 ID VALOR GOLF VILLAS, LLC.pdf			X
2.13 DEED - M3 ID VALOR GOLF VILLAS LLC.pdf			X
2.14 DEED - M3 ID VALOR GOLF VILLAS, LLC.pdf			X
2.15 ILLUSTRATED SITE PLAN.pdf			X
2.16 PRELIMINARY PLAT.pdf			X
2.17 LANDSCAPE PLAN reduced.pdf			X
2.18 SUBDIVISION NAME RESERVATION.pdf			X
2.19 CC&R'S.pdf			X
2.20 M3 ID VALOR GOLF VILLAS PROOF OF ENTITY.pdf			X
2.21 LEGAL DESCRIPTION - REZONE AREA.pdf			X
2.22 LEGAL DESCRIPTION - SUBDIVISION BOUNDARY.pdf			X
2.23 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.24 REQUEST FOR AGENCY COMMENTS.pdf			X
2.25 CITY ENGINEERS MEMO.pdf			X
2.26 ADA COUNTY HIGHWAY DIST..pdf			X
2.40 ADA COUNTY HIGHWAY DIST. UPDATED.pdf			X
2.27 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.28 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.29 BOISE KUNA IRRIGATION DIST..pdf			X
2.30 IDAHO TRANSPORTATION DEPT..pdf			X
2.31 CENTRAL DISTRICT HEALTH DEPT..pdf			X
2.32 COMPASS.pdf			X
2.35 PROOF OF LEGAL NOTICE MAILER.pdf			X
2.36 MKP PROOF OF PUBLISHING.pdf			X
2.37 PROOF OF SIGN POSTING.pdf			X
2.38 PROOF OF WEBSITE POSTING.pdf			X
2.39 APPLICANT PRESENTATION AT P&Z.pdf			X

**II
PROJECT SUMMARY**

2.1

Description	Details
Acreage	179.82 Ac. (Approx.)
Existing Land Use(s)	Golf Course, and Ag. fields
Future Land Use Designation	Medium and High Density Residential
Proposed Land Use(s)	R-6
Lots (No. and Type)	606 Residential, 36 Common & 7 Common Driveways, 3 Private Roads, 3 golf Course Lots
Number of Residential Units	606
Number of Other Lots	36
Number of Phases	11
Net Density (Dwelling Units per Acre)	6.27 DUA

**III
APPLICANTS REQUEST**

3.1 Applicant requests Rezone, Preliminary Plat and Design Review approval near the NEC of Kuna and Cloverdale Roads in Section 22, Township 2 North, Range 1 East.

**IV
PROCESS AND NOTICING**

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

- A. Neighborhood Meeting: July 6, 2023 (7 Attendees)
- B. Agency Comments Request: November 26, 2023
- C. 300 FT Legal Mailer Notice: December 22, 2023
- D. Kuna Melba News Newspaper: December 29, 2023
- E. Site Posted: January 12, 2024
- F. Website Posting: January 16, 2024

**V
GENERAL PROJECT FACTS**

5.1 Site Features

A. The subject site (APN’S: S1422131510, S1422244700, S1422314975, S1422417365, S1422427800 & S1422346660) is located within City Limits and within an approved Master Planned Community and is currently zoned R-6 (Medium Density Residential) and R-12 (High Density Residential) and has historically been used for Golf Course and Agriculture purposes.

- B. The proposed project site currently has vegetation consistent with that of a Golf Course and Agriculture fields. The site has an estimated average slope of 1.5 – 5.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20” to greater than 60”.
- C. Staff is not aware of any environmental issues, health or safety conflicts and the subject site is outside the boundary of the Nitrate Priority Area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

5.2 Surrounding Land Uses

North	R-6	Medium Density Residential – Kuna City
South	RR	Rural Residential – Ada County
East	R-6	Medium Density Residential – Kuna City
West	R-6 R-12	Medium Density Residential – Kuna City High Density Residential – Kuna City

**VI
STAFF ANALYSIS**

6.1 Ada County Highway District

- A. See the Ada County Highway District Reports by [clicking here](#).
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along arterials roadways shall be eight (8) foot wide detached.
- C. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along *Collector* roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter.
- D. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along *Arterials* shall be eight (8) foot wide detached.
- E. All stub streets shall be installed in accordance with [KCC 6-3-3-C](#). Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. The terminus of all stub streets shall have a sign that reads “Road to be extended in future”.

6.2 Idaho Transportation Department

[Click Here](#), for ITD comments about this project.

6.3 COMPASS:

[Click Here](#), for COMPASS comments about this project.

6.4 Pathways and Trails Master Plan

- A. The Pathways Master Plan Map does not indicate a future trail or pathway within the site. However, it does indicate a future Bike route through a portion of the Site. Internal pathways throughout the proposed subdivision provide pedestrian and biking connectivity and lead to golf courses, greenspaces / parks.

6.5 Site Layout and Dimensional Standards

- A. The Applicant requests to Rezone part of the site from R-12 (High Density Residential) to R-6 (Medium Density Residential), which is a down zoning request.
- B. The Applicant requests Preliminary Plat approval to subdivide the approximate 179.82 acres into 655 total lots; 606 single family lots, 36 common lots, and seven (7) common driveway lots, three (3) private road lots, and three (3) golf course lots. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).
- C. All dimensional standards appear to be in compliance with [KCC 5-3-3](#) and the Recorded Development Agreement (Inst. 2019-111089).

6.6 Parking

- A. The Applicant shall provide at least two (2) off-street parking spots for each single-family residential unit in accordance with [KCC 5-9-3](#).

6.7 Open Space

- A. The Applicant proposes 51.05 acres, or 28.40% of the total project as qualified open space with 16.65 ac. for Residential Common Lots; this area does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 12.50% of the developments gross land area shall be used for open space purposes and mutually exclusive of required residential buffers. Staff views the proposal to be compliant with KCC.
- B. Staff notes the Applicant, and their engineer shall insure there is a sufficient Right-Of-Way (ROW) and a minimum 20 foot landscape buffer between the ROW and buildable lots with an eight (8) foot detached sidewalk along E Kuna Road and E Tiercel Drive. Portions of E Kuna Road appear to have undersized landscape buffers, and all of E Tiercel Dr. appears to have undersized landscape buffers. Kuna Road is classified as an Arterial Road while E Tiercel Drive will serve as an east/west Collector. Staff recommends the Pre-Plat and street sections be corrected and resubmitted reflecting these changes prior to Final Plat submittal reflecting [KCC 6-3-4](#), and [5-17-13](#).
- C. The installation of streetlights is a required public improvement listed under KCC 6-4-2. The Applicant shall be required to work with staff to comply with KCC and install streetlights a maximum spacing of 250-ft.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED streetlights.

- D. The Applicant proposes seven (7) private driveways for a cluster of three (3) lots within the project, Staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project, and in particular the clustered homes near the private driveways. Staff highlights if this project is approved, it is the responsibility of the Developer to ensure any anticipated buildings fit all buildable lots.
- E. All proposed landscaping, buffers and common space shall comply with [KCC 5-17](#).

6.8 Fencing

- A. The Applicant shall comply with “see-through” fencing as described in [KCC 5-5-5](#), for all residential lots, pathways, greenbelts and common areas. Fences and Hedges for the project as a whole shall comply with [KCC 5-5-5](#), unless otherwise specifically approved through alternate compliance.

6.9 Public Works

- A. According to [Exhibit 2.25](#), Public Works can support approval of this application contingent that the approximately 990 acres of the Greater Falcon Crest Subdivision will not exceed 2,322 residential lots per the development agreement.
- B. Comments may be expanded or refined in connection with any future land-use actions.
- C. The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-foot.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

6.10 Comprehensive Plan

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
 - 1. Goal 1.A.: Ensure Land Use in Kuna will support economic development.
 - 2. Goal 1.C.: Attract and Encourage new and existing businesses.
 - o Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.
 - Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel-ready.
- B. Goal Area 3: Kuna’s land uses will support a desirable, distinctive and well-designed community.
 - 1. Goal 3.D.: Encourage development of housing options and strong neighborhoods.
 - o Objective 3.D.1.: Encourage development of housing options for all citizens.
 - Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - o Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.
 - Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.
 - 2. Goal 3.G.: Respect and protect private property rights.

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

Analysis: The development includes additional housing types and sizes promotes variety for all income levels and with Staff recommended changes, will promote desirable and well-designed neighborhoods.

- C. Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.
1. Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.
 - Objective 4.B.2.: Maintain/expand sidewalks/pedestrian facilities within the community.
 - Policy 4.B.2.b: Install detached sidewalks and/or protected pedestrian routes/facilities along high trafficked roads as development occurs.
 - Policy 4.B.2.c: Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.
 - Policy 4.B.2.g: Coordinate with developers to connect and/or enhance pedestrian facilities, including on and off-system pathways, footbridges (across canals, etc.), road bridges, sidewalks, pedestrian crossings and wayfinding signage.
 2. Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.
 - Objective 4.C.1.: Maintain/enhance existing pathways/trails/on-street bicycle facilities.
 - Policy 4.C.1.a: Expand the bicycle network as identified in the Kuna Pathways Master Plan and ACHD Roadways to Bikeways Plans through land use developments and capital improvement projects.
 - Policy 4.C.1.e: Coordinate with developers to connect to and/or enhance bicycle facility connections, including pathways, non-motorized canal crossings, road bridges and wayfinding signage.
 - Objective 4.C.2.: Ensure expansion of pathways, trails and on-street bicycle routes.
 - Policy 4.C.2.b: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.
 3. Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.
 - Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
 - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
 - Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

Analysis: Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents.

6.11 Conclusion:

Upon review, coupled with Staff recommended changes, staff finds the request for Rezone and Preliminary Plat to be in compliance with [KCC Title 5](#) and [Title 6; \(I.C.\) § 67-65, §50-13](#) and the Kuna Comprehensive Plan; and staff recommends the Council Approve Case Nos. 23-05-ZC and 23-06-S, and approves Case No. 23-13-DR, with the Applicant being subject to the Staff recommended changes and the Conditions of Approval listed in Section “VIII” (8) of this report.

VII PROPOSED FINDINGS OF FACT

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

- 7.1** Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
- A.** The Applicant held a Neighborhood Meeting July 6, 2023 (7 Attendees) attended the meeting in accordance with I.C. and KCC. (+)
- B.** Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on December 22, 2023, and a legal notice was published in the Meridian Kuna Press on December 29, 2023, in accordance with I.C. and KCC. (+)
- C.** The Applicant posted a sign on the property on January 12, 2024. (+)
- 7.2** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
- A.** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed. (+)
- 7.3** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- A.** The Comp Plan designates the property as Medium Density and High Density Residential, the existing zoning districts are R-6 and R-12. (+)
- B.** The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods. (+)
- C.** Adding roads, sidewalks, pathways, and pedestrian corridors together with connections to existing stubs to adjacent project streets promotes connectivity and access for all residents. (+)

- 7.4** Can the availability of existing and proposed public services accommodate the proposed development?
- A.** ACHD can support the development with all Site-Specific Conditions of approval being satisfied. (+)
 - B.** ITD requires no mitigation improvements to serve the development. (+)
 - C.** Sewer is available to serve this application contingent that the approximately 990 acres of the Falcon Crest Subdivision will not exceed 2,322 residential lots per the development agreement (+)
 - D.** Potable water connection is available for the subject site. (+)
 - E.** Pressurized irrigation connection is available for the subject site. (+)
- 7.5** Does the public have the financial capability to provide supporting services to the proposed development?
- A.** Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected. (+)
- 7.6** Does the proposed project consider health and safety of the public and the surrounding area's environment?
- A.** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project. (+)
 - B.** No major wildlife habitats will be impacted by the proposed development. (+)
- 7.7** Does the site landscaping meet the intent of the landscape Ordinance?
- A.** A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted. (+)
 - B.** Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#). (+)
 - C.** A Landscape buffer comprised of sod, trees and other plantings will be provided along E Kuna Road and E Tiercel Drive. (+)
 - D.** 51.05% qualified open space is proposed exceeding the 12.50% minimum. (+)
 - E.** Internal pathways are provided for pedestrian connectivity within the development. (+)

- 7.8 Does the proposed application constitute orderly development?
- A. The proposed subject site is located within Kuna City Limits and touches city limits on the south side. (+)
 - B. Subdivisions are under active construction to the west and southwest of the subject site. (+)
 - C. Connection to existing stub streets are provided for connection and provided for future development. (+)
- 7.9 The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

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

VIII PROPOSED COMMISSIONS' RECOMMENDATION TO COUNCIL

*Note: These motions are for the recommendation of **Approval, Conditional Approval or Denial** of the Rezone and Preliminary Plat and for the **Approval, Conditional Approval or Denial** of the Design Review. However, if the Commission wishes to Approve or Deny specific parts of these requests as detailed in the report, those changes must be specified.*

Based upon the record contained in Case Nos. 23-06-S, 23-05-ZC & 23-13-DR, including the Comprehensive Plan, Kuna City Code, Staff's analysis, including the exhibits, and the testimony during the Public Hearing the Commission hereby recommends **Approval/Conditional Approval/Denial** of the Rezone and Pre-Plat, and **Approves or Denies** the Design Review subject to the following Conditions of Approval:

8.1 Staff Recommended Conditions:

- A. Applicant and their engineer shall insure there is a sufficient Right-Of-Way (ROW) and a minimum 20 foot landscape buffer between the ROW and buildable lots with an eight (8) foot detached sidewalk along E Kuna and E Tiercel Roads.
- B. Applicant shall resubmit the Pre-Plat to Staff reflecting any approved changes prior to Final Plat submittal.

8.2 Transportation

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

report.

- C. Developer/Owner/Applicant shall install a sign at the terminus of every proposed stub street stating; “these roads will continue in the future”. Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

8.3 Site Layout, Dimensional Standards and Parking

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

8.4 Landscape, Open Space and Fencing

- A. Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B. All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C. Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D. The Landscape Plan (After resubmittal) and Preliminary Plat (After resubmittal) will be considered binding site plans as amended and/or approved.
- E. All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).
- F. If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- G. Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

8.5 Public Works

- A. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).

- B. Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C. When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- D. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required as necessary. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E. The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or Water Booster Station as required by the City Engineer.
- F. The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
- G. In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to [KCC 6-2-3-J](#), a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
- H. Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- I. Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).

8.6 General

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 1. The City Engineer shall approve all sewer connections.
 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received an approved drainage plan.
 3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
 4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation

of fire protection facilities as required by the Fire District are required.

5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 6. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).
 7. All public Rights-Of-Way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B.** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- C.** Developer/Owner/Applicant/Contractors are hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within the hours specified in [KCC 10-6-3](#). Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- D.** Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements [KCC 8-1-3](#). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- E.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

DATED this 23rd day of January 2024.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATIONS OF) [Case Nos. 23-07-SUP & 23-07-DR](#)
)
MAVERIK, INC.)
) **STAFF REPORT FOR SPECIAL USE**
For Special Use Permit and Design Review of) **PERMIT AND DESIGN REVIEW**
convenience store with fuel sales.) **APPLICATIONS.**

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**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
<u>2.1 P&Z APPLICATION COVERSHEET.pdf</u>			X
<u>2.2 SPECIAL USE PERMIT APPLICATION.pdf</u>			X
<u>2.3 DESIGN REVIEW APPLICATION.pdf</u>			X
<u>2.4 VICINITY MAP.pdf</u>			X
<u>2.5 AERIAL MAP.pdf</u>			X
<u>2.6 NARRATIVE.pdf</u>			X
<u>2.7 WARRANTY DEED.pdf</u>			X

2.8 AFFIDAVITS OF LEGAL INTEREST.pdf			X
2.9 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.10 AERIAL SITE RENDERING.pdf			X
2.11 SITE PLAN.pdf			X
2.12 FLOOR PLAN, ROOF PLAN & ELEVATIONS.pdf			X
2.13 LIGHTING PLAN & CUTSHEETS.pdf			X
2.14 LANDSCAPE PLAN.pdf			X
2.15 GRADING, DRAINAGE & UTILITIES.pdf			X
2.16 COMMITMENT TO PROPERTY POSTING.pdf			X
2.17 AGENCY TRANSMITTAL.pdf			X
2.18 KUNA POLICE DEPARTMENT.pdf			X
2.19 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.20 KUNA RURAL FIRE DISTRICT.pdf			X
2.21 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.22 J&M SANITATION 1.pdf			X
2.23 J&M SANITATION 2.pdf			X
2.24 CENTRAL DISTRICT HEALTH DEPARTMENT.pdf			X
2.25 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.30 PUBLIC WORKS.pdf			X
2.26 WEBSITE NOTICE.pdf			X
2.27 300 FT PROPERTY OWNERS NOTICE.pdf			X
2.28 IDAHO PRESS PUBLICATION PROOF.pdf			X
2.29 PROOF OF PROPERTY POSTING.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	1.93
Existing Land Use(s)	C-1 (Neighborhood Commercial)
Future Land Use Designation	Commercial
Proposed Land Use(s)	C-1
Lots (No. & Type)	One (1) Commercial
Number of Residential Units	N/A
Number of Phases	N/A
Net Density (Dwelling Units per Acre)	N/A

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	C-1 (Neighborhood Commercial)	Commercial	Merlin Pointe Subdivision No. 1 & future Vineyards at Merlin Pointe senior housing	Kuna
South	RUT (Rural Urban Transition)	Commercial	Large lot single family homes	Ada
	R-4 (Medium Density Residential)	Mixed Use	Large lot single family home	Kuna
East	C-1 (Neighborhood Commercial)	Commercial	Merlin Pointe Subdivision No. 2	Kuna
West	C-1 (Neighborhood Commercial)	Commercial	Future Merlin Cottages townhomes & commercial	Kuna

III APPLICANTS REQUEST

- 3.1** Applicant requests Design Review and approval to construct a 4,425 SF c-store with associated fuel island, RV dump, parking lot, and landscaping, as well as Special Use Permit approval for fuel sales (6 double-sided pumps). The site is located at 80 N Sailer Avenue (APN: R5672431240); Section 24, Township 2 North, Range 1 West.

IV PROCESS AND NOTICING

- 4.1** Kuna City Code ([KCC](#)) 1-14-3 states that Special Use Permits are considered public hearings with the Commission as the decision-making body, and Design Reviews are considered a public meeting with the Commission as the decision-making body. The Special Use Permit was given proper public notice following [Idaho Code §67-65](#).
- A.** Neighborhood Meeting: September 26, 2023 (3 attendees)
 - B.** Agency Transmittals: December 1 2023
 - C.** Website: January 17, 2024
 - D.** 300-ft Property Owners Notice: January 17, 2024
 - E.** Idaho Press: January 24, 2024
 - F.** Site Posted: February 1, 2024

V GENERAL PROJECT FACTS

5.1 Site History and Features

- A.** The subject site is currently zoned C-1 (Neighborhood Commercial) within the Merlin Pointe Subdivision (Case Nos. 13-01-AN, 13-01-S, 13-01-ZC), approved by Council November 6, 2013, and has historically served as an undeveloped parcel.
- B.** The proposed subject site contain is undeveloped and is generally flat. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 – 40-inches.
- C.** The Comprehensive Plan Future Land Use Map ([FLUM](#)) designates the subject site as Commercial; the site is currently zoned accordingly and there are no proposed zone changes.
- D.** Staff are not aware of any environmental issues, health, or safety conflicts beyond the site being within the Nitrate Priority Area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

VI STAFF ANALYSIS

6.1 Ada County Highway District (ACHD)

- A. ACHD has determined Sailer Avenue to already be fully improved; no addition right-of-way dedication or street improvements are required.
- B. The Applicant proposes to utilize the existing 34 FT wide shared driveway onto Sailer Avenue at the north property line, as well as to construct a 36 FT driveway onto Sailer Avenue located approximately 252 FT North of Hwy 69; both driveways meet ACHD Policy and are approved as proposed.
- C. Should any ACHD facilities along Sailer Avenue be damaged during construction, Applicant shall be required to repair or replace said damaged areas.
- D. ACHD estimates this proposed use to generate 3,100 vehicle trips per day with 241 of said trips to be in the PM peak hour; no mitigations are required at this time.

6.2 Idaho Transportation Department (ITD)

- A. ITD notes that traffic generation numbers were not provided with the application, as such, if at full build-out the project generates 100+ new trips in the peak hour or 1,000 new trips per day, a Traffic Impact Study (TIS) will be required.
- B. Staff shared Chief Fratusco of the Kuna Police Departments concerns regarding increased crash potential at the Hwy 69 and N Sailer Avenue intersection; however, there are not right-in-right-out requirements from ITD for N Sailer at this time.
- C. Staff notes the city's proposed traffic signal at Kay and Avalon has been approved by ITD and ACHD, the funding has been procured and design is 95% complete; this future traffic signal may improve traffic flow in this section of roadway (curve at E Kuna Road West past Kay Avenue) and thus assuage Chief Fratusco's concerns.

6.3 Dimensional Standards & Site Layout

- A. Kuna City Code ([KCC](#)) 5-3-3 requires parcels within the C-1 zone to be a minimum of 2,000 SF, have a max allowable height of 35 FT, and a max lot coverage of 100%; based upon staff review, the proposed project appears to be compliant with these requirements.
- B. The overall site plan proposes to locate the c-store central to the North property line, the fuel island near the middle of the site, and the RV dump to the middle of the East property line. Three (3) overall ingress/egress points are also proposed; one (1) on the East onto Sailer Avenue, one (1) near the Northwest corner, and one (1) on the Northeast corner. An ACHD stormwater facility lies along nearly the entire length of the West property line.

6.4 Pathways & Trails Master Plan

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

6.5 Elevations

- A. The 4,425 SF c-store is proposed to follow the same design as a majority of the other Maverik locations within the Treasure Valley and provides earth tone & Brite Red accent paint colors, stone veneer, and vertical siding.

- B.** The South elevation or front of the c-store has dual aluminum storefront systems in Dark Bronze, with a pediment totaling 29 FT tall. This pediment offers architectural relief as well as coverage with its painted steel columns, gables, and space which to mount a wall sign. Metal canopies are proposed over the two (2) automatic doors and will be in matching Dark Bronze, while pre-finished metal gutters and downspouts accent in Brite Red. A cultured stone veneer wainscot runs the bottom portion of the façade and vertical siding in Light Gray and Dark Gray complete the top portion.
- C.** The East and West facades are primarily similar; both continue the stone veneer wainscot and vertical siding in the aforementioned colors. However, the West façade provides a mandoor with canopy, wall sign, roof ladder with security fencing, and a delivery mandoor.
- D.** The North elevation or rear of the c-store has “housekeeping” pad surrounded by chainlink fencing with privacy slats color-matched to the building. The stone veneer wainscot and vertical siding continues along the façade,
- E.** Picnic tables are proposed on the West of the c-store and a trash enclosure is proposed on the East. The trash enclosure is proposed to be constructed of splitface CMU and have a dual chainlink gate with privacy slats.
- F.** The proposed fuel island is to be approximately 20 FT tall and will house 12 total fueling spaces. The fuel canopy roof is proposed to be aluminum composite panels in Eastman Red and have various Maverik branding on each side and will be held aloft by metal columns painted to match the c-store’s Dark Bronze color. Applicable pump numbers and safety bollards are proposed and will be in matching Brite Red.
- G.** Lighting for the site is proposed to have strip, canopy, light poles (steel), downlights, and outdoor wall sconces; all lighting for the site is to be LED and dark sky compliant.

6.6 Parking

- A.** The 25 proposed standard parking stalls are placed around the c-store, with two (2) ADA accessible stalls out front between the two (2) c-store entrances; the proposed number of parking stalls well exceeds the requirements listed in [KCC 5-9](#).
- B.** As one (1) vehicle can access the fuel pump at a time, an additional 12 temporary parking spaces are available. Additionally, the wide drive aisles and ample open areas on the South of the site offers room for temporary large vehicle parking.

6.7 Landscaping

- A.** A substantial landscape buffer with sidewalk along Hwy 69 is already present as it was developed as part of the Merlin Pointe Subdivision.
- B.** An approximately 10 FT wide landscape buffer is proposed along a majority of the Southern property line and the entire East property line; 40 FT landscape buffers are proposed on the West property line; and a 10 FT buffer behind the c-store along the shared access road on the North. Additional landscape islands are proposed to separate parking stalls from drive aisles.
- C.** The proposed landscaping includes decorative three (3) IN stone, four (4) to eight (8) IN decorative cobblestone, sod, deciduous and evergreen trees and shrubs, and ornamental grasses.

6.8 Fencing

- A. The only proposed fencing is around the “housekeeping” pad at the back of the c-store, and around the roof access ladder; said fencing is proposed to be chainlink with privacy slats color-matched to building. Staff finds this proposed fencing material appropriate and necessary for safety and aesthetics.

6.9 Kuna Police Department (KPD)

- A. Chief Fratusco of KPD has expressed major concerns with cross traffic and the potential of left turns onto the Eastbound travel lanes due to excessive traffic speeds above posted limits, which could cause increased side-impact crashes.
- B. Chief Fratusco notes that motor deputies have been working the area in an effort to reduce crashes but is adamantly for the ingress/egress onto Hwy 69 to be limited to right-in-right- out only; staff has shared these concerns with Idaho Transportation Department.

6.10 Kuna Rural Fire District (KRFD)

- A. KRFD notes a thorough Fire Code Plan Review will be conducted under the future building permit application process.

6.11 J&M Sanitation

- A. Chad Gordon of J&M Sanitation originally expressed concerns with the proposed placement of the trash enclosure and requested alternative placement options and trash enclosure details. Based on this feedback, the Applicant proposed an updated location.
- B. J&M Sanitation notes the trash enclosure shall require cane bolts on the gates and the accompanying holes drilled into the concrete to pin the doors in the open positions.

6.12 Boise Project Board of Control (BPBC): None

6.13 Public Works

- A. Public Works can support approval of this application with review of civil site plans.

6.14 Comprehensive Plan

- A. Goal 1.A: Ensure land use in Kuna will support economic development.
 - 1. Objective 1.A.4.: Administer land use standards and permitting processes in an equitable, cost-effective, and timely manner.
 - Policy 1.A.4.a: Develop materials to educate developers and builders on land use, entitlement and building permit application processes.
 - Policy 1.A.4.b: Encourage pre-application meetings with developers and builders to clarify expectations and increase understanding of relevant plans, policies, codes, and development requirements.
 - Policy 1.A.4.c.: Continue to circulate land use applications and building permit applications (when applicable) to internal city departments.
 - Policy 1.A.4.e.: Provide up-to-date maps and permitting information to the public through web-based programs.

- B. Goal 1.C: Attract and encourage new and existing businesses.
 - 1. Objective 1.C.2: Create an environment that is friendly to business creation, expansion, and relocation.
 - Policy 1.C.2.d.: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial use are shovel ready.
- C. Goal 3.A.: Ensure community design directs growth and implements sustainable land use patterns.
 - 1. Objective 3.A.1.: Use the Future Land Use Map (FLUM) and land use regulations to direct development, encourage complementary and compatible land users, and achieve good community design.
 - 2. Objective 3.A.2.: Encourage development in priority areas.
 - Policy 3.A.2.b.: Encourage infill development to maximize the use of developable land, minimize4 infrastructure costs, and preserve agricultural open spaces.
 - Policy 3.A.2.d.: Regularly inventory developable and/or re-developable lands within non-agricultural/non-open space designated areas to assess infill opportunities.

Analysis: The Comprehensive Plan Future Land Use Map (FLUM) provides a guide for the development of the city and indicates where desired zones are to be located, which in turn encourages development of said uses. Using the FLUM as the first building block in directing development is crucial, it is where we as a city have the chance to re-evaluate the growth and adjust where needed to encourage compatible uses to remain together. The Merlin Pointe Subdivision has held appropriately zoned lots ready for commercial development for some time and having these shovel ready lots in the city's inventory speeds up the development process itself. By holding a Pre-application Meeting and providing an Agency Transmittal to affected agencies and city departments, it provided staff the ability to discuss development requirements and any potential upgrades and/or mitigations resulting from the proposal.

6.15 Conclusion: Upon review, staff finds this Special Use Permit and Design Review request to be compliant with the requirements listed in [Kuna City Code Title 5](#), and [Idaho Code §67-65](#).

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case Nos. 23-07-SUP and 23-07-DR, including the Comprehensive Plan, Kuna City Code, staff's report, the exhibits, and testimony during the Public Hearing, the Commission hereby *Approves/Conditionally Approves/Denies* Case Nos. 23-07-SUP and 23-07-DR, a request from Maverik to construct a c-store with fuel sales.

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

- 7.1 Do the Design Review and Special Use Permit applications contain all necessary requirements listed in [KCC 5-4](#) and [KCC 5-6](#)?
 - A. The Applicant has submitted all required materials, and upon review, the application was considered complete by staff December 1, 2023. (+)
- 7.2 Was a Neighborhood Meeting conducted and were public noticing requirements met in accordance with Idaho Code and city Ordinances?
 - A. The Applicant held a Neighborhood Meeting September 26, 2023; there were three (3) attendees. (+)

- B. Notice was posted on the city website and notice was sent to all known and affected property owners within 300 FT of the subject site on January 17, 2024. Notice was also published in the Meridian-Kuna Press on January 24, 2024. (+)
- C. The Applicant posted a sign onsite containing the public hearing information February 1, 2024. (+)
- 7.3 Does the proposal comply with the Comprehensive Plan Future Land Use Map (FLUM)?
 - A. The FLUM designates the subject site as Commercial, and the site is currently zoned C-1 (Neighborhood Commercial). (+)
 - B. The subject site lies within the Merlin Pointe Subdivision and is adjacent to multiple other commercially zoned parcels on the West, North, and East. (+)
- 7.4 Does the design, mass, proportion, and materials of the proposed structures comply with [KCC 5-4](#) and is the site appropriate for the proposed project?
 - A. Based on staff review, the proposed materials and finishes, building location and orientation on site, and overall design of the site is appropriate for the subject site and surrounding uses. (+)
- 7.5 Can the availability of existing and proposed public services and infrastructure accommodate the proposed development?
 - A. Per ACHD, no additional improvements are required on N Sailer Avenue; therefore, the existing road is able to serve the subject site. (+)
 - B. Per ITD review, no current improvements are required; however, if the project generates more than 100 vehicle trips per day, a Traffic Impact Study will be required. (+)
 - C. Per Public Works, they can support approval of the Applicants request. (+)
- 7.5 Does the Owner/Applicant of the property have the right to request a written regulatory taking analysis?
 - A. Pursuant to [Idaho Code §67-8003](#), the owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk. Not more that twenty-eight (28) days after the final decision concerning the matter at issue, the City shall prepare a written taking analysis concerning the action if requested. (+)

VIII COMMISSION'S PROPOSED ORDER OF DECISION

Based on the facts outlined in staff's report, documentation contained in the case file, and testimony received at the public hearing, the Commission *Approves/Conditionally Approves/Denies* Case Nos. 23-07-SUP and 23-07-DR, subject to the following Conditions of Approval:

8.1 Staff Recommended Conditions: None

8.2 Transportation

- A. Developer/Owner/Applicant shall submit a Traffic Impact Study to ITD once the project generates 100 or more vehicle trips per day and shall adhere to any and all mitigations and/or requirements as determined by ITD.

8.3 J&M Sanitation

- A.** Developer/Owner/Applicant shall install cane bolts on gates of trash enclosure and drill associated holes.

8.4 Public Works

- A.** Developer/Owner/Applicant shall receive approval of civil site plans and provide as-built drawings to staff prior to submission of building permits.

8.4 General

- A.** The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - 1.** The City Engineer shall approve the sewer connections.
 - 2.** The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - 3.** Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties."
 - 4.** The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
 - 5.** The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - 6.** Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
 - 7.** All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B.** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.
- C.** Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- D.** When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- E.** It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development.

- F.** The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Commission, or seek amending them through Public Hearing processes.
- G.** Developer/Owner/Applicant shall submit to Planning and Zoning staff a formal request for an alternative surface within the RV storage facility which complies with Kuna City Code 5-9-2(D), prior to progressing to a City Council hearing date, as gravel surfaces are not permitted.
- H.** Owner/Developer/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- I.** Owner/Developer/Applicant shall comply with all local, state, and federal laws.

DATED this 13th day of February 2024.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) [Case No. 23-10-DR](#)
)
TRILOGY DEVELOPMENT, INC.)
)
 For Design Review of the Linrock Subdivision) **STAFF REPORT FOR DESIGN REVIEW**
 4-plex apartments.) **APPLICATION.**

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



**I
EXHIBIT LIST**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 APARTMENT DESIGN REVIEW APPLICATION.pdf			X
2.3 NARRATIVE.pdf			X
2.4 AERIAL MAP.pdf			X
2.5 VICINITY MAP.pdf			X
2.6 WARRANTY DEED.pdf			X
2.7 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.8 SITE PLAN.pdf			X
2.9 PRELIMINARY PLAT ZONING LAYOUT.pdf			X

2.10 ELEVATIONS & RENDERINGS.pdf			X
2.11 FLOOR & ROOF PLANS.pdf			X
2.12 LIGHTING PLAN, PHOTOMETRICS & CUTSHEETS.pdf			X
2.13 LINROCK LANDSCAPE PLAN - APPROVED 02.16.2023.pdf			X
2.14 APPLICANT CONFIRMATION FINAL PLAT APPLICATION FORTHCOMING.pdf			X
2.15 LINROCK SUBDIVISION UPDATED PHASING PLAN.pdf			X
2.16 AGENCY TRANSMITTAL.pdf			X
2.18 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.19 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.20 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.20 CENTRAL DISTRICT HEALTH DEPARTMENT.pdf			X
2.21A IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.21B IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.22 J&M SANITATION.pdf			X
2.23 MERIDIAN FIRE DEPARTMENT.pdf			X
2.24 PUBLIC WORKS.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	Approx. 10.4
Existing Land Use(s)	R-12 (High Density Residential)
Future Land Use Designation	Mixed Use
Proposed Land Use(s)	Mixed Use
Lots (No. & Type)	30 (26 multifamily, 4 common)
Number of Residential Units	192
Number of Phases	1
Net Density (Dwelling Units per Acre)	10

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	C-1 (Neighborhood Commercial)	Mixed Use	Future portion of Linrock Subdivision	Kuna
South	R-12 (High Density Residential)	Mixed Use	Future portion of Linrock Subdivision	Kuna
East	RUT (Rural Urban Transition)	Meridian FLUM: Medium Density Residential	Agriculture with single family home	Ada County
West	R-2 (Low Density Residential)	Medium Density Residential	Patriot Ridge Estates: large lot single family homes	Kuna
	RUT (Rural Urban Transition)	Low Density Residential	Patriot Ridge Estates: large lot single family homes	Ada County

III APPLICANTS REQUEST

- 3.1** Applicant requests Design Review approval for a 104 unit apartment complex (26 structures with 4 units each), associated parking lot with covered and uncovered parking stalls, and four (4) EV charging stations. The subject site is located East of S Linder Road, approximately one quarter mile North of the S Linder Road and W Lake Hazel Road intersection (APNs: S1236315400, S1236335800); Section 36, Township 3 North, Range 1 West.

IV PROCESS AND NOTICING

- 4.1** Kuna City Code [\(KCC\) 1-14-3](#) states that Design Reviews are considered a public meeting with the Commission as the decision-making body; no formal noticing is required. An Agency Transmittal was emailed to all known and affected agencies on January 3, 2024.

V GENERAL PROJECT FACTS

5.1 Site History and Features

- A.** The subject site is future Phase No. 2 of the Linrock Subdivision (Case Nos. 20-04-AN, 20-05-ZC, 20-09-S, 20-19-DR) approved by Council April 6, 2021. A Final Plat application has not yet been received; however, construction plans for Phases 1 and 2 are currently under review and applications shall be forthcoming. The subject site had historically served as an agricultural fields with single family home.
- B.** The subject site is covered in general vegetation and is generally flat. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be 20 – 40 inches.
- C.** The Comprehensive Plan Future Land Use Map ([FLUM](#)) designates the subject site as Mixed Use; Linrock subdivision contains the R-6 (Medium Density Residential), R-12 (High Density Residential), and C-1 (Neighborhood Commercial) zones, thus meeting the intent of the Mixed Use designation.
- D.** Staff are not aware of any environmental issues, health, or safety conflicts. The Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

VI STAFF ANALYSIS

6.1 Ada County Highway District (ACHD)

- A.** In the letter provided by ACHD, they note this proposed project was reviewed with Linrock Subdivision as a whole and the site specific Conditions of Approval for the subdivision apply to this project.
- B.** Staff notes these site specific Conditions are or will be met as part of the overall subdivision application.

6.2 Idaho Transportation Department (ITD)

- A.** Though the project does not abut the State Highway system, increased development in the area urged ITD to request additional information regarding the subdivision to determine how the proposed development would impact said State Highway system. provided ITD with a copy of the Linrock Subdivision Traffic Impact Study (TIS) for review.
- B.** During ITD review of the original Linrock Subdivision application, ITD staff forwarded their comments from May 2020. In these comments it was determined that due to the increased trip count and resulting congestion the development would contribute to Meridian Road/Hwy 69, the Applicant is responsible for a substantial proportionate share for said impacts; this proportionate share shall be paid prior to ITD approval of the Linrock Subdivision No. 1 Final Plat.

6.3 Dimensional Standards & Site Layout

- A.** Kuna City Code ([KCC 5-3-3](#)) shows an R-12 zone shall have a minimum lot size of 2,200 SF, must stay outside of the standard setbacks, and have a max height of 40 FT. Upon review, staff finds the proposed 4-plex structures to be compliant with these requirements.
- B.** The proposed 4-plex structures are to be set around the perimeter of a central green space, along S Linder Road behind the required 30 FT landscape buffer, on the South along the large green space with playground, and on the East along S Baneberry Avenue.
- C.** Three (3) trash enclosures have been proposed to serve the complex and are located on the Northeast, Southeast, and West of the site.

6.3 Pathways & Trails Master Plan

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

6.4 Floor Plan & Elevations

- A.** There are three (3) floor plans proposed: Type 1 – 1 (1 bed/1 bath); Type 2 – 1 (2 bed/ 2 bath); and Type 3 – 1 (3 bed/2 bath).
- B.** Each of the 4-plex structure types proposes two (2) façade options which offer earth tone colors and terracotta accent color, while proposed materials are lap siding/trim, board and batten, and stone.
- C.** By alternating materials and their amounts on each façade, as well as the presence of patios/balconies and varied roof lines, it provides ample aesthetic relief while maintaining a cohesive look overall.

6.5 Parking

- A.** Per [KCC 5-9-3\(A.2\)](#), three (3) parking stalls are required per unit which totals 312 stalls, and eight (8) of those stalls being ADA accessible.
- B.** This project proposes 318 parking stalls, both covered and uncovered. For covered stalls, the Applicant proposes 133 standard stalls and seven (7) ADA accessible stalls, and for uncovered stalls the Applicant proposes 146 standard stalls and three (3) ADA accessible stalls.
- C.** An additional 25 parking stalls are proposed on street, and four (4) stalls are proposed to be EV (electric vehicle) charging stations.

- D. Per the submitted site plan, 12 ADA stalls have been provided with 10 of those being covered, and 564 standard stalls have been provided with 183 of those being covered.
- E. Carport details have not been provided and Note 14 on the site plan explains they are to be design-build by the general contractor. As these structures are simple in construction and the plans will be reviewed by a building official, staff believes that a formal review is not necessary; construction materials shall be compliant with [KCC 5-4](#) and color shall be chosen from the color samples provided as part of this application.
- F. Landscaped parking islands with streetlights are dispersed throughout the subject site in compliance with [KCC 5-9](#).
- G. Upon review, staff finds the proposed parking plan and number of stalls to be compliant with [KCC 5-9](#).

6.6 Landscaping

- A. Landscaping was approved as part of the Linrock Subdivision application with additional review and approval provided by staff February 16, 2023.
- B. A central green space is proposed to be covered in sod and have eight (8) shade trees planted at equal spaces on the East and West boundaries.
- C. A second green space of substantial size is proposed to the South of the 4-plexes and provides various species of evergreen, shade, and ornamental trees, shrubs, ornamental grasses, perennials, and sod. A meandering five (5) FT walking path is proposed to encircle the mail green space, while picnic shelters and playground are located on the East.
- D. Another green space is located on the Northeast corner of the project and is proposed to be covered in sod and have various plantings.

6.7 Fencing

- A. Six (6) FT vinyl subdivision perimeter fencing and fencing between the open space on the South and neighboring home lots was reviewed and approved as part of the Linrock Subdivision application; there is no other fencing proposed as part of this project.

6.8 J&M Sanitation

- A. Upon review of the submitted site plan, J&M notes three (3) trash enclosures was not adequate to serve the proposed project. In staff's discussion with the Applicant, the project intends to have an increased pickup schedule.
- B. J&M notes even with an increased pickup schedule, the enclosures are not wide enough to accommodate two (2) dumpsters. As a result, the Applicant shall be required to widen the trash enclosures to 18 FT wide and have the updated enclosures reviewed and approved by J&M prior to their construction.
- C. Staff notes that three (3) parking stalls would be lost as a result of widening the trash enclosures but that even with this loss, the project is still within parking requirements.

6.9 Meridian Fire Department (MFD)

- A. MFD Deputy Chief and Fire Marshal Joe Bongiorno originally expressed concerns with the number of ingress/egress points based on the original Phasing Plan for the subdivision.

- B.** The Linrock Subdivision Phasing Plan has since been updated (see [Exhibit 2.15](#)) and the Applicant has confirmed that Phases 1 and 2 will be constructed together. Staff forwarded construction plans to Mr. Bongiorno and after his review, he confirmed there are three (3) ingress/egress points which assuaged his concerns.

6.10 Boise Project Board of Control (BPBC)

- A.** BPBC notes the Catherine Lateral lies within the Northwest corner of the projects boundaries and they assert the federal easement of 25 FT East and 20 FT West of the lateral's centerline.
- B.** Though the Catherine Lateral is within this Phase of the Linrock Subdivision, it is not part of the 4-plex portion and will not affect the project; the lateral will be addressed as part of the forthcoming Final Plat applications for Phases 1 and 2.

6.11 Public Works

- A.** Public Works supports approval of this application with review and approval of the civil site plan.
- B.** Civil site plans shall be approved, and as-built drawings received prior to submission of building permit(s).

6.12 Comprehensive Plan

- A.** Goal Area 3: Kuna's land uses will support a desirable, distinctive, and well-designed community.
- 1.** Objective 3.A.: Ensure community design directs growth and implement sustainable land use patterns.
 - Policy 3.A.1.b.: Concentrate commercial and Mixed Use areas along main entryway corridors, and reserve areas for...
 - Policy 3.A.1.d.: Use design standards such as facades, streetscaping, building orientation, setbacks, buffers, and parking requirements to encourage pedestrian-friendly environments and improve connectivity.
 - 2.** Objective 3.D.: Encourage development of housing options and strong neighborhoods.
 - Policy 3.D.1.a.: Encourage preservation and development of housing that meets demands for household sizes, lifestyles, and settings.
 - Policy 3.D.1.c.: Encourage preservation and development of housing that meets demand for all economic segments, including rental and owner-occupied options for households earning less than 120% area median income.
 - 3.** Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity, and programming.
 - Policy 3.D.2.b.: In urban and suburban residential areas, encourage development of neighborhood-serving Mixed Use and commercial activity centers that allow residents to play, shop, eat, and interact with neighbors without leaving their neighborhood....
 - 4.** Objective 3.G.: Respect and protect private property rights.
 - Policy 3.G.1.b.: Ensure city land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

Analysis: The Comprehensive Plan Future Land Use Map (FLUM) designates the subject site as Mixed Use and with the Medium Density Residential, High Density Residential, and Commercial zones, the site

meets the intent of Mixed Use. By establishing the Design Review Overlay District found in [KCC 5-4](#), it ensures new and re-development within the city maintains a cohesive appearance while providing an eye-pleasing aesthetic for residents. The development of apartments provides residents additional opportunity to find a home type which suits their family and needs; additionally, not all individuals are able to or wish to own and maintain a traditional single-family property. Kuna has maintained a 0% occupancy rate since 2017, which includes single-family and multi-family options alike; as such, work force or affordable housing continues to be in high demand thus making this project sorely needed. By an application process being consistently followed by staff, it provides individuals to obtain knowledge on development requirements before investing in said development which in turn provides the information needed to design the best project for the location.

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

VII

PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-10-DR, including the Comprehensive Plan, Kuna City Code, Staff's Memorandum, the exhibits, and testimony during the meeting, the Commission hereby Approves/Conditionally Approves/Denies Case No. 23-10-DR, a request to construct a 104 unit multi-family apartment complex.

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

7.1 Was a complete Design Review application submitted and does the application contain all necessary requirements listed in [KCC Title 5-10](#)?

A. The Applicant has submitted all required materials, and upon review, the application was considered complete by staff January 3, 2024. (+)

7.2 Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM)?

A. The subject site is designated as Mixed Use on the Comprehensive Plan Future Land Use Map and the approved Medium Density Residential, High Density Residential, and Commercial zones meets the intent of the Mixed Use designation. (+)

7.3 Does the proposed structures, design, mass, proportions, exterior materials, and relationship of openings comply with [KCC 5-4](#) and is the site appropriate for the proposed site selection?

A. Based on staff review, the proposed materials and finishes, the structure locations, orientations on site, and overall design of the site is appropriate for the surrounding uses. (+)

B. The proposed varied material textures and colors, the patio/balconies for each unit, the various changes in façade, and the variety in the roofline are compliant with the intent of [KCC 5-4](#). (+)

7.4 Does the availability of existing and proposed public services and infrastructure accommodate the proposed development of the subject site?

A. Public Works is in support of this application; with offsite improvements constructed by the Applicant and each Phase of the overall subdivision being reviewed at time of Final Plat, the existing infrastructure can support this project. (+)

B. With the dedication of additional right-of-way, pavement widening, and construction of a southbound dedicated left turn lane on Linder Road, construction/extension of Jarvis Drive as a

Collector road, construction of various internal local roads, and the proportionate share contribution to ITD for future Meridian Road/Hwy 69 improvements, existing and future roadways can support this project. (+)

- C. Based on ITD review, the Applicant shall be responsible for a substantial proportionate share contribution for future improvements of Meridian Road/Hwy 69 due to increased congestion contributed to Hwy 69. With funds from this project and others, ITD will be able to make improvements to Hwy 69 when, as the authority for the State Highway System, sees appropriate. (+)

VIII COMMISSION'S PROPOSED ORDER OF DECISION

Based on the facts outlined in staff's report, documentation contained in the case file, and testimony received at the public meeting, the Commission *Approves/Conditionally Approves/Denies* Case No. 23-10-DR, subject to the following Conditions of Approval:

8.1 Staff Recommended Conditions

- A. Final Plat applications for Linrock No. 1 and 2 shall be submitted to staff, approved by City Council, recorded with Ada County, and have addresses assigned prior to submission of building permits.
- B. Developer/Owner/Applicant shall increase trash enclosure width to 18 FT and have updated trash enclosure details reviewed and approved by J&M Sanitation prior to their construction.
- C. Per [KCC 5-4-13](#), approval of this Design Review application is valid for twelve (12) months, unless prior to the expiration date (12 months from signature of FCO's), construction/development is commenced and diligently pursued. Developer/Owner/Applicant may request Design Review approval extension from the Director.
- D. All signage within/for the project shall comply with [KCC 5-10](#), and shall be approved through Sign Review application.

8.2 Transportation

- A. Developer/Owner/Applicant shall comply with the ACHD site specific and standard Conditions of Approval as described in [Exhibit 2.19](#).
- B. Developer/Owner/Applicant shall pay the \$48,534.00 proportionate share contribution to ITD prior to approval of forthcoming Final Plat applications for Linrock Subdivision.

8.3 Site Layout, Dimensional Standards and Parking: None

8.4 Landscape and Fencing

- A. The approved Landscape Plan dated February 16, 2023, is a binding site plan.
- B. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits, as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.

- C. Landscaping shall not be placed within 10 FT of any and all meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.

8.5 Public Works

- A. Civil site plans shall be approved, and as-built drawings received, prior to submission of building permits.

8.6 General

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 1. The City Engineer shall approve the sewer connections.
 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties."
 4. The applicable fire authority shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the applicable fire authority are required.
 5. The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 6. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
 7. All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).
- C. Compliance with [Idaho Code §31-3805](#) pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- D. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- E. It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development.

- F.** The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Commission, or seek amending them through Public Hearing processes.
- G.** Developer/Owner/Applicant shall submit to Planning and Zoning staff a formal request for an alternative surface within the RV storage facility which complies with Kuna City Code 5-9-2(D), prior to progressing to a City Council hearing date, as gravel surfaces are not permitted.
- H.** Owner/Developer/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- I.** Owner/Developer/Applicant shall comply with all local, state, and federal laws.

DATED this 13^h day of February 2024.

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-15-DR**
)
CJM LIMITED LIABILITY LIMITED)
PARTNERSHIP)
) **STAFF REPORT FOR DESIGN REVIEW**
For Design Review of Kuna Apartments.) **APPLICATION.**

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

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 APARTMENT DESIGN REVIEW APPLICATION.pdf			X
2.3 NARRATIVE.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 DEEDS.pdf			X
2.6 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.7 SITE PLAN.pdf			X
2.8 FLOOR PLAN.pdf			X
2.9 APARTMENT BUILDING ELEVATIONS.pdf			X

2.10 CLUBHOUSE SITE PLAN & ELEVATIONS CONCEPT.pdf			X
2.11 PHOTOMETRIC PLAN.pdf			X
2.12 LANDSCAPE PLAN.pdf			X
2.13 CURB, GUTTER & SIDEWALK DETAILS.pdf			X
2.14 GRADING PLAN.pdf			X
2.15 UTILITY PLAN.pdf			X
2.17 TRAFFIC IMPACT STUDY.pdf			X
2.19 TRASH ENCLOSURE DETAILS.pdf			X
2.18 AGENCY TRANSMITTAL.pdf			X
2.16 ACHD SITE SPECIFIC CONDITIONS OF APPROVAL FOR PRELIMINARY PLAT.pdf			X
2.20 CENTRAL DISTRICT HEALTH DEPARTMENT.pdf			X
2.21 IDAHO TRANSPORTATION DEPARTMENT PRELIMINARY COMMENTS.pdf			X
2.29 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.22 KUNA RURAL FIRE DISTRICT.pdf			X
2.23 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.24 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.25 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.26 BOISE-KUNA IRRIGATION DISTRICT.pdf			X
2.27 J&M SANITATION.pdf			X
2.28 PUBLIC WORKS.pdf			X
1.2 APPLICANT PRESENTATION.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	10.52
Existing Land Use(s)	R-20 (High Density Residential)
Future Land Use Designation	High Density Residential
Proposed Land Use(s)	High Density Residential
Lots (No. & Type)	1 High Density Residential
Number of Residential Units	192
Number of Phases	1
Net Density (Dwelling Units per Acre)	19.73

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map	Development	Current Jurisdiction
North	C-1 (Neighborhood Commercial)	Commercial	BiMart, undeveloped commercial lots	Kuna
South	R-6 (Medium Density Residential)	High Density Residential	Undeveloped parcel	Kuna
East	C-1 (Neighborhood Commercial)	Commercial	Ridley's Family Center No. 1, undeveloped commercial lots	Kuna
West	RUT (Rural Urban Transition)	Mixed Use	Robinson Dairy – Disbanded	Ada County

III APPLICANTS REQUEST

- 3.1** Applicant requests Design Review approval to construct a 192 unit multi-family apartment complex, associated clubhouse, open spaces, and parking areas at the West terminus of E Profile Lane (APN: S1324110095); Section 24, Township 2 North, Range 1 West.

IV PROCESS AND NOTICING

- 4.1** Kuna City Code ([KCC](#)) 1-14-3 states that Design Reviews are considered a public meeting with the Commission as the decision-making body; no formal noticing is required. An Agency Transmittal was emailed October 31, 2023.

V GENERAL PROJECT FACTS

5.1 Site History and Features

- A.** The subject site is future Lot 1, Block 1 of the Kuna Apartments Subdivision (Case Nos. 22-02-S, 22-03-ZC, 22-01-CPM, 22-28-DR) approved by Council January 3, 2023; a Final Plat application has not yet been received. The subject site has historically served as undeveloped land.
- B.** The proposed subject site is covered in grass-like vegetation and is generally flat. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches.
- C.** The Comprehensive Plan Future Land Use Map ([FLUM](#)) designates the subject site as High Density; upon recordation of the Final Plat and Rezone Ordinances, the site will be zoned R-20 (High Density Residential).
- D.** Staff are not aware of any environmental issues, health, or safety conflicts beyond the site being within the Nitrate Priority Area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

VI STAFF ANALYSIS

6.1 Ada County Highway District (ACHD)

- A.** ACHD provided site specific conditions of approval as part of the Kuna Apartments Subdivision application (Exhibit 2.16) and noted these conditions apply to this Design Review application as well (Exhibit 2.24).
- B.** S Sailer Avenue is to be extended as ½ of a 40 FT street section plus an additional 12 FT of pavement widening beyond centerline, install vertical curb, gutter and 5 FT sidewalk, a 3 FT gravel shoulder and borrow ditch.
- C.** S Sailer Avenue on the West property line requires redesign to limit its length or provide traffic calming measures, as well as reduce the right-of-way (ROW) width for the ROW to fall 2 FT behind back of sidewalk.
- D.** A temporary culdesace turnaround at the terminus of S Sailer Avenue was required; however, Applicant proposes a hammerhead type turnaround.

- E. N Sailer Avenue and E Profile Lane are public right-of-way while the drive aisle connecting E Profile Lane to the drive aisle next to Bi Mart on the North is proposed to be an access easement.

6.2 Idaho Transportation Department (ITD)

- A. In preliminary comments on the project ITD stated that due to the projects proximity to Meridian Road/Hwy 69, ITD requested a Traffic Impact Study (TIS) be provided, as well as a Right-of-Way Encroachment Application & Permit be submitted due to the sites direct access to Hwy 69 (E Profile Lane).
- B. Based on ITD's TIS review, it has been determined no direct mitigations, mitigation funding, or additional right-of-way dedication is required; however, if required by civil plans, a permit shall be acquired prior to performing any work within ITD right-of-way.

6.3 Dimensional Standards & Site Layout

- A. The entire multi-family complex is to be constructed on one (1) lot totaling 10.52 acres or 458,448 SF, which well exceeds the R-20 minimum lot size found in Kuna City Code ([KCC 5-3-3](#)).
- B. Most of the multi-family structures are proposed to be located around the perimeter of the site while two (2) structures and the clubhouse are proposed near the center. Per Kuna City Code ([KCC 5-3-3](#)), the max allowable height in an R-20 zone is 40 FT; as the multi-family structures total 39 FT in height, they meet this requirement.
- C. A total of eight (8) trash enclosures are dispersed throughout the complex and are set into landscape areas.

6.3 Pathways & Trails Master Plan

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

6.4 Floor Plan & Elevations

- A. There are four (4) types of units proposed in each three-story structure with the overall structure totaling approximately 25,893 SF (including fire riser room & exterior halls). Proposed units are 1 bed/1 bath, 2 bed/1 bath, 2 bed/2 bath, or 3 bed/2bath and range from 736 SF to 1227 SF.
- B. Each multi-family structures facade is proposed to offer brick veneer, various siding and stucco, earth toned colors, and a glazing accent color. The two major openings at the stairwells, the patio's/balconies for each unit, the changes in building façade, and the variety in the roofline. These assortments of colors, materials, and facades provides a break in each elevations expanse thus providing a pleasing exterior aesthetic.

6.5 Parking

- A. Per [KCC 5-9-3\(A.2\)](#), three (3) standard stalls are required per unit which totals 576 stalls. Upon staff review of the provided site plan, 12 ADA stalls have been provided with 10 of those being covered, and 564 standard stalls have been provided with 183 of those being covered.
- B. Upon review, staff finds the proposed open and covered parking to be compliant with [KCC 5-9](#).

6.6 Landscaping

- A. An eight (8) FT irrigated and landscaped planter strip and five (5) FT sidewalk, then a 20 FT landscape buffer is proposed to run the length of the N Sailer Avenue frontage.

- B. Landscaping is proposed around each structure, as well as five (5) FT sidewalks, thus providing pedestrian safety.
- C. The proposed clubhouse, pool, and deck, two (2) open sod areas, planting borders, and five (5) foot sidewalks provides substantial open space area at approximately 14,785 SF.

6.7 Fencing

- A. No fencing has been identified on the submitted landscape plan nor is perimeter fencing required.
- B. Staff notes there is no fencing type identified around the pool area but assumes it will be installed to meet life, safety, and liability requirements; the Developer will be required to provide fencing details to staff for review and approval.

6.8 J&M Sanitation

- A. Upon review of the submitted site plan, J&M notes the trash enclosure dimensions shall be 18 FT x 12 FT in order to be compliant with the table found in [KCC 5-5-6](#).
- B. Applicant is required to submit trash enclosure details to staff for review and approval.

6.9 Kuna Rural Fire District (KRFD)

- A. KRFD has provided their support for this application with general conditions; final approval will be subject to satisfactory plan reviews.

6.10 Boise Project Board of Control (BPBC)

- A. No BPBC facilities have been identified within the project boundaries.

6.11 Boise-Kuna Irrigation District (BKID)

- A. BKID has determined the project is within their boundaries and is entitled to water; said water rights are subject to annexation into the Kuna Municipal Irrigation System (KMIS)

6.12 Public Works

- A. Public Works staff has provided support for this project as the Applicant is in possession of approximately 186 prepaid EDU's of the estimated 193 EDU's needed.
- B. Currently, the Danskin Sewer Basin has limited capacity, and the remaining available EDU's will be distributed on a first-come-first-serve basis in accordance with Resolution R90-2022.
- C. The Applicant will be required to upsize approximately 1,800 FT of gravity sewer line to a diameter supported by sewer modeling.

6.13 Comprehensive Plan

- A. Goal Area 3: Kuna's land uses will support a desirable, distinctive, and well-designed community.
 - 1. Objective 3.A.: Ensure community design directs growth and implement sustainable land use patterns.
 - Policy 3.A.1.b.: Concentrate commercial and Mixed Use areas along main entryway corridors, and reserve areas for...

- Policy 3.A.1.d.: Use design standards such as facades, streetscaping, building orientation, setbacks, buffers, and parking requirements to encourage pedestrian-friendly environments and improve connectivity.
2. Objective 3.D.: Encourage development of housing options and strong neighborhoods.
 - Policy 3.D.1.a.: Encourage preservation and development of housing that meets demands for household sizes, lifestyles, and settings.
 - Policy 3.D.1.c.: Encourage preservation and development of housing that meets demand for all economic segments, including rental and owner-occupied options for households earning less than 120% area median income.
 3. Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity, and programming.
 - Policy 3.D.2.b.: In urban and suburban residential areas, encourage development of neighborhood-serving Mixed Use and commercial activity centers that allow residents to play, shop, eat, and interact with neighbors without leaving their neighborhood....
 4. Objective 3.G.: Respect and protect private property rights.
 - Policy 3.G.1.b.: Ensure city land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

***Analysis:** The Comprehensive Plan Future Land Use Map (FLUM) designates Meridian Road/Hwy 69 as the city’s main entryway corridor with a commercial frontage fading back into a Mixed Use; development of this project adjacent to the existing Ridley’s commercial area meets the intent of the Mixed Use designation. The location of this project also provides its future residents the ability to access most necessities by providing grocery, dining, household, and pet items within walking distance. By establishing the Design Review Overlay District found in [KCC 5-4](#), it ensures new and re-development within the city maintains a cohesive appearance while providing an eye-pleasing aesthetic for residents. The development of apartments provides residents additional opportunity to find a home type which suits their family and needs; additionally, not all individuals wish to own and maintain a traditional single-family property. Kuna has maintained a 0% occupancy rate since 2017, which includes single-family and multi-family options alike; as such, work force or affordable housing continues to be in high demand thus making this project sorely needed. By an application process being consistently followed by staff, it provides individuals to obtain knowledge on development requirements before investing in said development which in turn provides the information needed to design the best project for the location.*

- B.** Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.
1. Objective 4.A.: Use overlay districts to create Mixed Use entryway corridors with strong character and managed access.
 2. Objective 4.D.1.: Encourage expansion and continuation of section line roads.
 - Policy 4.D.1.a.: Extend and expand section line roads as growth occurs.

***Analysis:** Though the city does not yet have a public transportation route, it is in the works with additional agencies and once said routes are operational, they will be centered to major commercial and community areas like those found along Meridian Road/Hwy 69. By providing agency transmittals to all known and affected agencies, it provides the Ada County Highway District and Idaho Transportation Department to apply their policies to the project; these policies provide for closing/opening ingress/egress locations to ensure safety, as well as ensuring consistent vehicle and pedestrian amenities that increase safety. The*

extension of section line roads provides a consistent grid layout throughout Ada County; this project will be extending a section of N Sailer Avenue.

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

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-15-DR, including the Comprehensive Plan, Kuna City Code, Staff's Memorandum, the exhibits, and testimony during the meeting, the Commission hereby *Approves/Conditionally Approves/Denies* Case No. 23-15-DR, a request to construct a 192 unit multi-family apartment complex.

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

- 7.1** Was a complete Design Review application submitted and does the application contain all necessary requirements listed in [KCC Title 5-10](#)?
- A.** The Applicant has submitted all required materials, and upon review, the application was considered complete by staff October 31, 2023. (+)
- 7.2** Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM)?
- A.** The subject site is designated as Commercial and the FLUM; however, the Kuna Apartments Preliminary Plat, Rezone, and Comprehensive Plan Map Amendment (Case Nos. 22-02-S, 22-03-ZC & 22-01-CPM) was approved January 3, 2023. Two (2) parcels resulted from this approval; Kuna Apartments with an R-20 zone, and a commercial lot with a C-1 zone. (+)
- 7.3** Does the proposed structure, design, mass, proportions, exterior materials, and relationship of openings comply with [KCC 5-4](#) and is the site appropriate for the proposed site selection?
- A.** Based on staff review, the proposed materials and finishes, the building's location and orientation on site, and overall design of the site is appropriate for the surrounding uses. (+)
- B.** Changes in material textures and colors, the patio/balconies for each unit, the various changes in façade, and the variety in the roofline are compliant with the intent of [KCC 5-4](#). (+)
- 7.4** Does the availability of existing and proposed public services and infrastructure accommodate the proposed development of the subject site?
- A.** The Applicant is in possession of 186 prepaid EDU's of the estimated 193 EDU's needed for the project; Applicant will also be upsizing approximately 1,800 FT of gravity sewer line at their expense, to a diameter determined by sewer modeling. (+)
- B.** As the project is adjacent to an existing commercial subdivision, and the Developer will be extending an existing roadway, the existing surface streets can support the proposed development. (+)
- C.** Based on ITD review, no mitigations, improvements, or additional right-of-way dedication is required. (+)

VIII COMMISSION'S PROPOSED ORDER OF DECISION

Based on the facts outlined in staff's report, documentation contained in the case file, and testimony received at the public meeting, the Commission *Approves/Conditionally Approves/Denies* Case No. 23-15-DR, subject to the following Conditions of Approval:

8.1 Staff Recommended Conditions

- A. Developer/Owner/Applicant shall submit trash enclosure details to staff for review and approval prior to submission of building permit application(s).
- B. The Final Plat for Kuna Apartments Subdivision shall be submitted and approved by City Council and the Final Plat mylar shall be signed by all required agencies and city departments prior to submission of building permit application(s).
- C. Per [KCC 5-4-13](#), approval of this Design Review application is valid for twelve (12) months, unless prior to the expiration date (12 months from signature of FCO's), construction/development is commenced and diligently pursued. Developer/Owner/Applicant may request Design Review approval extension from the Director.

8.2 Transportation

Developer/Owner/Applicant shall abide by ACHD Conditions of approval as listed in Exhibits [2.16](#) and [2.24](#), unless otherwise reviewed and approved by ACHD and city staff.

- A. If required per civil plans, Developer/Owner/Applicant shall acquire an access permit from ITD prior to performing any work within the right-of-way.

8.3 Site Layout, Dimensional Standards and Parking: None

8.4 Landscape and Fencing

- A. Developer/Owner/Applicant shall submit pool area fencing details for review and approval prior to release of building permits.

8.5 Public Works

- A. Developer/Owner/Applicant shall upsize approximately 1,800 FT of gravity sewer line to a diameter determined by sewer modeling.
- B. As-built (record drawings) shall be provided to Public Works at the conclusion of all public facility construction project and are the responsibility of the Developers Engineer.
- C. Verified as-built (record drawings) are required prior to the Certificate of Occupancy being granted.

8.6 General

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - 1. The City Engineer shall approve the sewer connections.
 - 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or

excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.

3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties."
 4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
 5. The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 6. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
 7. All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B.** Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).
- C.** Compliance with [Idaho Code §31-3805](#) pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- D.** When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- E.** It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development.
- F.** The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the Commission, or seek amending them through Public Hearing processes.
- G.** Developer/Owner/Applicant shall submit to Planning and Zoning staff a formal request for an alternative surface within the RV storage facility which complies with Kuna City Code 5-9-2(D), prior to progressing to a City Council hearing date, as gravel surfaces are not permitted.
- H.** Owner/Developer/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- I.** Owner/Developer/Applicant shall comply with all local, state, and federal laws.

DATED this 13th day of February 2024.