



BEFORE THE ADA COUNTY PLANNING & ZONING COMMISSION

In re:
Application of TS SB LLC
Project No. 201503799 CU-MSP

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FINDINGS OF FACT

If any of these Findings of Fact are deemed Conclusions of Law, they are incorporated into the Conclusions of Law section.

- A. The Commission finds that this application is comprised of:
1. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
 2. All other information contained in Ada County Development Services File for Project #201503799 CU-MSP.
- B. As to procedural items, the Commission finds the following:
1. In accordance with Section(s) 8-6-3A/8-7-3A2/8-7-4A1 of the Ada County Code, the applicant completed a pre-application conference with the director prior to the submittal of the application on December 2, 2014.
 2. In accordance with Section 8-7A-3 of the Ada County Code, the applicant held a neighborhood meeting on August 26, 2015.
 3. On October 21, 2015, Development Services accepted Project #201503799 CU-MSP and scheduled it for public hearing before the Ada County Planning and Zoning Commission on December 10, 2015.
 4. On October 23, 2015 staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached.
 5. On October 27, 2015 property owners within 300 feet of the site were notified of the hearing by mail. Legal notice of the Commission's hearing was published in The Idaho Statesman on November 24, 2015 Notices of the public hearing were posted on the property on or before November 30, 2015 and a certification sign posting was submitted to the director on or before December 2, 2015.
- C. As to the project description, the Commission finds the following:
1. PROPOSED USES
The site will be used for a self-service storage facility.
 2. PROPOSED STRUCTURES

552 storage units (93,885 sq. ft.), 64 covered RV parking units and a 525 sq. ft. office building.

3. PROPOSED SITE IMPROVEMENTS

Paving of site; drainage improvements; and landscaping.

D. As to the site description, the Commission finds the following:

1. PARCEL NUMBER AND LOCATION

The parcel number is R5793840340 and R5793840330 and is located at 6400 S. Maple Grove Road.

2. OWNERSHIP

The parcel is owned by TS SB LLC.

3. SITE CHARACTERISTICS

Property size: The property is 6.14 assessed acres.

Existing structures: None.

Existing vegetation: Existing vegetation consists of dry grasses.

Slope: <0-2% slopes at the site.

Irrigation: Pressurized irrigation available.

Drainage: All drainage will be retained on site.

Views: Open views in all directions.

Other Opportunities and/or Constraints. N/A

E. As to current land use and zoning, the Commission finds the following:

The property is zoned Limited Office (LO) and is vacant ground.

F. As to surrounding land use and zoning, the Commission finds the following:

North: The property to the north is zoned C-1 and is vacant land.

South: The property to the south is zoned RSW with a communications equipment building (Quest).

East: The land use to the east is zoned R6 with single-family dwellings within Moonridge Sub. #12.

West: The land use to the west is zoned R12 and R6 with condos within Charter Pointe Village and Charter Pointe Village 4-Plex Condos Sub.

G. As to services, the Commission finds the following:

Access Street and Designation: South Maple Grove, a minor arterial.

Fire Protection: Whitney Fire District

Sewage Disposal: Municipal sewer

Water Service: United Water

Irrigation District: Boise Project Board of Control, New York Irrigation District and Boise-Kuna/New York Irrigation District

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

201503799 CU-MSP

TS SB LLC

Drainage District: None

H. As to the applicable law, the Commission finds the following:

This section details the comp plan goals, objectives and policies; the zoning ordinance regulations; and other applicable standards regarding development of the subject property.

1. The Commission finds Article 8-3C of the Ada County Code is applicable because the site lies within the Southwest Planning Area Overlay District.

8-3C-3: STANDARDS:

A. All new development, excluding existing principal permitted single-family detached dwellings, shall be served by a community water system and municipal wastewater collection and treatment facility.

The Commission finds that the proposed development will be serviced by United Water and Boise City Sewer.

B. For principal permitted single-family detached dwellings, the maximum net density for individual wastewater treatment systems shall be 1 dwelling unit per 2.5 acres, provided the Central District Health Department determines the project site is not in a high groundwater area. If the Central District Health Department determines the project site is in a high groundwater area, the maximum net density for individual wastewater treatment systems shall be 1 dwelling unit per 5 acres.

The Commission finds that as conditioned the proposed development shall submit a drainage plan and will be subject to the drainage requirements of the Ada County Engineer.

C. If an individual wastewater treatment system fails, as determined by the Central District Health Department, the property owner shall connect to a municipal wastewater collection and treatment system, if it is reasonably available. If a municipal wastewater collection and treatment system is not reasonably available, then the existing individual wastewater treatment system may be replaced with a system approved by the Central District Health Department.

The Commission finds that the applicant has indicated that they will connect to sewer for the project.

D. Creeks, streambeds, and riparian areas within new Southwest Community development shall be left in a natural state, not channeled, and kept free of any obstructions to water flows, excluding any necessary road and/or public service crossings.

The Commission finds that the property abuts an irrigation ditch and vacant land to the north. The ditch is contained on the northern property and will be required to address it when development occurs.

2. The Commission finds **Section 8-4E** is applicable because the applicant has submitted a Master Site Plan. The Commission finds the application complies with Section 8-4E-5: Required Findings because:

A. *The master site plan complies with this title and the applicable comprehensive plan;*

The Commission finds that the master site plan complies with the Ada County Zoning Ordinance as outlined in the required findings herein and the conditions of approval attached as Exhibit A.

The Commission finds that the site is located in the Boise Area of Impact. According to the applicable Boise Comprehensive Plan, the property is designated as Mixed-Use within the Neighborhood Activity Center 1, which is suitable for a self-serve storage facility. The City of Boise submitted comments stating that they have no objections to the proposed self-serve storage facility and the project is in compliance with the Boise Comprehensive Plan. The Commission finds that this project complies with the Boise Comprehensive Plan.

As allowed in Section 8-4I-6-M, any signs not regulated in this title shall be considered under the conditional use process and the applicant has included the proposed Pylon sign and a wall sign as part of the conditional use. The sign face for the pylon sign will be 6' wide by 10' high on a 14' pole. The overall height of the sign is 20' tall. The sign will be illuminated with 800 M.A. Fluorescent Lamps. The wall sign will have letter 2" high by 21' long located along the north building elevation of the project.

B. The applicant has submitted a natural features analysis (subsection 8-4E-4D of this article) identifying constraints presented by such natural features, and the proposed development sufficiently addresses such features;

The Commissioners find that the applicant is not required to submit a natural features analysis, as per ACC8-4E-3 because the natural features analysis was completed from a previous approved master site plan.

C. The proposed landscaping meets the requirements of article F of this chapter;

The Commission finds that the applicant has submitted a landscape plan from a licensed landscape design professional. The applicant is proposing an alternate landscape plan.

The eastern property line borders a residential development. There is an existing six (6) foot vinyl fence of the residential properties. The applicant is proposing within a portion of the twenty (20) foot setback, a drain rock infiltration basin for storm drainage from the storage buildings. The landscaping will contain trees and rock mulch ground cover.

The southern property abuts Qwest Communications within the Southwest Community Residential (RSW) District. The applicant is proposing a drain rock infiltration basin for storm drainage from the storage buildings within Phase II. The applicant is proposing to coordinate landscaping with the adjacent property owner when the adjacent property is developed.

The northern property abuts Neighborhood Commercial (C1) District. The applicant is proposing a drain rock infiltration basin for storm drainage from the storage buildings. The applicant is proposing to coordinate landscaping with the adjacent property owner when the adjacent property is developed.

D. The proposed parking and loading spaces meet the requirements of article G of this chapter;

The Commission finds that the applicant has submitted a parking plan which will meet the requirements of article G of Chapter 4. The required number of parking spaces for a self-serve storage facility is one (1) per entrance to the site, thus one (1) parking space will need to be provided to the site. There are three emergency access only entrances to the site for emergency vehicles.

The Commission also finds that as conditioned, one (1) ADA accessible parking spaces will be provided as required under the International Building Code.

E. The proposed lighting plan meets the requirements of article H of this chapter;

The Commission finds that the as submitted the lighting plan complies with Article 8-4H.

F. The proposed master site plan complies with the applicable design and dimensional standards of chapters 2 and 3 of this title;

The Commission finds that the property will comply with the required setbacks concerning the self-serve storage facility.

8-5-3.108: **STORAGE FACILITY, SELF-SERVICE:**

A. Storage Facility, Self-Service: Specific standards for storage facilities, self-service, shall be as follows:

1. Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited.

The Commission finds that as conditioned storage areas shall not be used as dwellings or a place of business. Also, as conditioned, no manufacturing or sales from or at a self-service storage facility is allowed.

2. The maximum size of individual storage areas shall be five hundred (500) square feet.

The Commission finds that as conditioned the maximum size of the individual storage area is five (500) square feet.

3. The distance between structures shall be designed to allow a twelve foot (12') travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked (9 foot width) at the entrance to their storage areas.

The Commission finds that a twenty-five (25) foot travel lane is identified on the Master Site Plan submitted October 21, 2015, which complies with the required emergency vehicle requirements.

4. The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from public view. Fencing materials shall complement the exterior building materials.

The Commission finds that the storage facility is completely walled and screened from public view. There are two emergency exits only along Maple Grove Road and one emergency exit only on the north east and south east property line.

5. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty feet (20') of a residential district unless a six foot (6') sound reduction wall is provided.

The Commission finds that as identified on the Master Site Plan submitted on October 21, 2015, there is a twenty (20) foot setback on the eastern property line abutting Moonridge Subdivision #12. A drain rock infiltration basin is proposed along with trees, the building wall, and an existing vinyl fence. There is a sound reduction wall proposed along the southern property line, which is within the Southwest Community Residential (RSW) District. The property to the north is located in the Limited Office (LO) District and the Neighborhood Commercial (C1) District.

6. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

The Commission finds that as conditioned the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

7. Storage of any hazardous materials as defined by title 40 code of federal regulations part 261, or subsequent amendments thereto, shall be prohibited.

The Commission finds that as conditioned, no storage of hazardous materials is allowed.

3. The Commission finds **Article 8-5B-5** is applicable.

A. The proposed use is not detrimental to the public health, safety, or welfare;

The Commission finds that the proposed use is not detrimental to the public health, safety, or welfare. Further, the Commission finds that The Ada County Building Official will require a building permit and plans including a complete code analysis from a licensed architect; The Ada County Engineer will require a drainage study and plan be submitted, documentation from the local fire district for final construction, compliance with EPA, and a final inspection; ACHD has commented on the applicant's proposal; and Boise City Public Works Department is requiring a waiver of the current sewer extension policy and connecting to the existing City Sewer, and Boise City Council recommendations of approval be adopted.

B. The proposed use shall not create undue adverse impacts on surrounding properties;

The Commission finds that no evidence has been submitted that the proposed use will create adverse impacts on surrounding properties. No neighbors have submitted comments in favor or against the proposed self-service storage facility.

C. The proposed use is consistent with the applicable comprehensive plan;

The Commission finds the proposed use is consistent with the Boise City Comprehensive Plan.

D. The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in Chapter 5 of this Title;

The Commission finds that the proposed use is in compliance with the Limited Office (LO) district and meets the specific use standards found at 8-5-3-108. As evidenced by the applicant's submittal the hours of operation limited to 7:00 A.M. to 10:00 P.M., due to the residential districts abutting the property.

E. The proposed use complies with all applicable County ordinances;

The Commission finds that the application is in compliance with all County ordinances.

F. The proposed use complies with all applicable State and Federal regulations;

The Commission finds that the proposed use complies with all applicable State and Federal regulations. No evidence has been submitted to indicate any adverse impacts to any state of federal regulations.

G. The proposed use and facilities shall not impede the normal development of surrounding property; and

The Commission finds that the proposed use shall not impede the normal development of the surrounding property. No evidence has been submitted to indicate that the surrounding property will be adversely impacted.

H. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use.

The Commission finds that adequate parking and traffic circulation shall be provided for the proposed use. The Commission further finds that Boise City Public Works has recommended that central sanitary sewer is required, a drainage plan must be submitted and approved by Ada County, and City Council recommendations of approval must be adopted.

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

1. The Commission concludes that file #201503799 CU-MSP complies with the Boise City Comprehensive Plan.
2. The Commission concludes that file #201503799 CU-MSP complies with Article 8-2C of the Ada County Code.
3. The Commission concludes that file #201503799 CU-MSP complies with Article 8-3C of the Ada County Code.
4. The Commission concludes that file #2015037 CU-MSP complies with Article 8-5-3.108 of the Ada County Code.
5. The Commission concludes that file #201503799 CU-MSP complies with Article 8-5B of the Ada County Code
6. The Commission concludes that file #201503799 CU-MSP complies with Article 8-5B-5 of the Ada County Code.

ORDER

Based upon the Findings of Fact and Conclusions of Law contained in this Staff Report, the Commission approves File #201503799 CU-MSP subject to the Conditions of Approval attached as Exhibit A.

DATED this _____ day of _____, 2015.

By: _____
John Seidl, Chairman
Ada County Planning and Zoning Commission

ATTEST:

Mark A. Perfect, Secretary

EXHIBIT A

CONDITIONS OF APPROVAL

REQUIRED ACTIONS. The following list details the tasks that must be completed before the approval of *File #201503799 CU-MSP* will be considered final. The applicant and/or owner have until twenty four (24) months of the written decision to complete the Required Actions and to obtain a zoning certificate. If a building permit is required, the zoning certificate shall be issued with the building permit. This approval shall become void if a valid zoning certificate has not been issued by that date. Site improvements are not allowed until the zoning certificate has been issued.

1. The applicant and/or owner shall obtain written approval of the development site plan and/or use from the agencies noted below. All site improvements are prohibited prior to approval of these agencies.
 - a) The Whitney Fire Department must approve all fire flow requirements and/or building plans.
 - b) The County Engineer must approve a surface drainage run-off plan. Please contact the County Engineer at 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. If required by the Ada County Building Code as set forth in Title 7, Chapter 2, of the Ada County Code, the applicant and/or owner shall obtain a building permit prior to commencing any development. Please contact the County Building Official at 287-7900 for fee and application information. The design and construction of the development shall comply with the approved and stamped master site plan and the Ada County Code.
3. The applicant and/or owner shall obtain written verification from ACHD that they have approved the construction of the driveway cuts and that all their conditions of approval are met. The verification must be on agency letterhead referring to the approved use.
4. Once construction is complete, the applicant shall request a zoning compliance inspection from the Development Services Department. Staff will check for compliance with the approved master site plan. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
5. A Certificate of Occupancy will be issued when all of the above conditions have been met. In the event conditions cannot be met by the desired date of occupancy, the owner and/or applicant may request a surety agreement in lieu of completing the improvements. See Title 8, Chapter 4, Article K of the Ada County Code for the terms and regulations of surety agreements.

TERMS OF APPROVAL. The following terms must be complied with at all times or your approval may be revoked.

6. A zoning certificate and/or a building permit may not be issued until 15 days after the Commission issued the written decision on the proposed development. In the event the decision of the Commission is appealed, the building permit may not be issued until the appeal is resolved in favor of the proposed development. See Section 8-7-7 of the Ada County Code for more information on appeals.
7. The property must be managed and maintained consistent with the standard regulations in Title 8, Chapter 4, Article A of the Ada County Code. Please note that this Article contains specific regulations regarding the accumulation of junk, atmospheric emissions,

EXHIBIT A

- construction sites, hazardous material storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.
8. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
 9. Any lighting on the site shall comply with the lighting regulations in Title 8, Chapter 4, Article H, of the Ada County Code.
 10. The use must comply with the specific use standards for Storage Facility; Self-Serve in Section 8-5-3-108 of the Ada County Code.
 11. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.
 12. Upon sale or transfer of an approved conditional use, and if the approved use requires a license to operate, the subsequent property owner or operator must provide evidence of proper licensing to the director.
 13. No irrigation and/or drainage water shall be impeded by any construction on site.
 14. Install the signage as shown on the approved master site plan.
 15. Any fencing on the site shall comply with the fencing regulations in Section 8-5-3-44 of the Ada County Code.
 16. All utilities shall be placed underground in a utility corridor or easement.
 17. This conditional use permit/master site plan may be revoked for violation of any of the conditions of approval or upon the violation of the regulations of any local, state, or federal agency.
 18. Hours of operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10) P.M.
 19. Storage of any hazardous materials as defined by Title 40 CFR, Part 261, or subsequent amendments thereto shall be prohibited.