

**KUNA PLANNING AND ZONING COMMISSION MEETING
AGENDA
July 22, 2009**

**KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON
6:00 p.m. – REGULAR COMMISSION MEETING**

1. CALL TO ORDER AND ROLL CALL

Chairman David Case
Commissioner Stephanie Wierschem
Vice Chairman Carl Trautman
Commissioner Stan Sanders
Commissioner Curt James

2. CONSENT AGENDA:

Minutes: June 24, 2009

Facts and Findings, Conclusions of Law:

3. Old Business: 09-01-VAC-MESSMER-Tabled from June 24, 2009

The applicant is requesting a right-of-way vacation for approximately 1,813 square feet of land adjacent to the property located at 270 S Orchard Avenue. The piece of land that the applicant wishes to vacate is an un-opened, un-improved portion of South Orchard Avenue right-of-way lying south of the proposed Indian Creek Street. Indian Creek Street is also un-opened and un-improved.

The applicant has contacted the City as well as ACHD in an effort to identify any future transportation plans that interfere with the vacation proposal. ACHD has indicated that there are no immediate plans to improve, or extend either Orchard Ave or Indian Creek Street and has no objection for the land owner to purchase the small part of the unopened right of way. City staff believe that South Orchard Avenue will not extend southward across Indian Creek at some future date.

4. NEW BUSINESS:

A.09-14-RZ/ 09-14-DA; Rezone and Development Agreement: Vito and Monica

Rosati: The applicant is requesting to rezone the property located at 350 S School Ave from A, Agricultural, to R-4, Medium Residential. The rezone is subject to a development agreement.

The current property has a 35 year old dwelling that is currently going through an upgrade and update to energy saving enhancement inside and out. The current zoning is not in compliance with Kuna City Code hence the rezone. New residences are not allowed in an Agricultural zone.

The applicant is also requesting a lot split to accompany the rezone for the purpose of selling the new parcel to a family member to build a new residence in there pursuit of rehabilitating and enhancing the property.

*Lot Splits are determined by City Council only. It is included in this staff report so Planning and Zoning is aware of the land use action.

B. 09-02-SUP (Special Use Permit) – Kuna Commercial Mall

The Developer was approved for construction of a multi-tenant commercial building in January of 2006; however, Kuna City Code (KCC) states see **KCC 5-12-1: D:** *“Expiration of Zoning Permit: If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; said permit shall be revoked by the Director; and written notice thereof shall be given to the persons affected. (Ord. 570, 6-11-2001).* A Special Use Permit and Design Review are both zoning permits and they have expired and Mr. Wylie was advised he would have to submit a new application.

Accordingly, the Developer has resubmitted the plans in substantially the same format as before. The Developer is requesting design review approval for a 3,750 square foot commercial building to provide a multi-tenant retail building with drive-through window. The building has three (3) potentially separate spaces within the building, seventeen (17) parking spaces and one (1) drive-through use. This is to be considered speculative development. The architect shows the exterior as rock and stucco and has screened the mechanical units by way of a roof parapet. The exterior lighting has been constructed comply with City's requirements.

5. REPORTS:

P & Z DIRECTOR / STEVE HASSON
CITY ATTORNEY / RANDY GROVE

6. CHAIRMAN/ COMMISSIONER DISCUSSION

7. ADJOURNMENT