

# Kuna Planning & Zoning Commission

## February 13, 2007

**NOTE:** *These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.*

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### Those present:

Chairman Brian Stewart, Vice Chairman Justin Touchstone, Commissioners Gary O'Dell and David Case. Planning and Zoning Director Diana Sanders, Attorney Randy Grove, Planner 2 Lisa Bachman, Planner Tech Shawna Whitehead, and Planner Tech Tracy Rushlow.

Commissioner Kerfoot was absent.

The Kuna Planning & Zoning meeting was called to order by Chairman Stewart at 7:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Chairman Brian Stewart introduced new Commissioner David Case.

<b>OLD BUSINESS</b>
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None

<b>NEW BUSINESS</b>
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Commissioner Gary O'dell asked to be recused because he owns property in the area of proposed Child Care Center.

1. **PUBLIC HEARING / 06-15-ZC/ 06-14-DA / 06-10-SUP / LASTING IMPRESSIONS CHILD CARE CENTER / 321 W. 4<sup>TH</sup> ST. & 310 W. 4<sup>TH</sup> ST.**
2. **06-12-DR / LASTING IMPRESSIONS CHILD CARE CENTER / 321 W. 4<sup>TH</sup> ST. & 310 W. 4<sup>TH</sup> ST.**

Lisa Bachman presented the application. The proposed project consists of two separate sites. At 321 West 4<sup>th</sup> Street, the applicant is proposing a special use and design review to change the use from a church to a child care center and special event hall (banquet facility). The site is currently zoned CBD and is located north of the Shell gas station and Taco Time. City code requires design review approval to change a use in a commercial district, and requires special use approval for a daycare in all zoning districts. The proposed hours of operation for the special even hall (banquet facility) are Monday through Friday from 6:30 p.m. to 10:00 p.m. and Saturday from 7:00 a.m. to 10:00 p.m., and Sundays after 2:00 p.m. At 310 West 4<sup>h</sup> Street, the applicant is proposing to rezone the site from R-6 (Medium Density Residential) to CBD (Central Business District) to construct a parking lot to provide parking for the proposed daycare located across the street. City code requires a property to be zoned commercial for a parking lot. As such, the applicant has submitted a request for rezone, development agreement and design review.

### APPLICANT PRESENTATION:

The applicant, Sheryl Kerbs, purchased the facility to enhance the community with the child care center and the banquet hall. She wants to make sure kids get a good education and she plans to do some tutoring for after school kids. She also wants to provide some Tae Kwan Do, gymnastics

and dance classes. She chose to keep the banquet hall the same because of the theater seating. When you enter on the lower level there is a security key pad to keep people out who do not belong. There is also a computer lab, staff room, preschool classroom, pre-kindergarten classroom, lunchroom, playroom, and infant rooms. The restrooms are handicapped accessible.

**CHAIRMAN DISCUSSION:**

Commissioner Case wanted to hear more details on the banquet room. He wanted to know if the banquet room is on the upper level or lower level and where the theater seating is located. He was curious about the square footage for the child care center and about the available parking. He sees 9 available spaces and a drop off area in the front. Vice Chairman Touchstone wanted to know if there was a path of travel for handicapped people to get to the building. He also wanted the pickup and drop off explained to him and he wanted the amount of parking spaces verified to him. Chairman Stewart wanted to know how the parking was laid out, if it was perpendicular or parallel, and wanted to clarify how traffic would exit the building. Vice Chairman Touchstone wanted to know if they were proposing a trash receptacle. He also wanted to propose some landscaping near Avenue B and 4<sup>th</sup> Street in the corner. He thought a vinyl fence would be the best choice. He wondered how many workers would be there at one time. Chairman Stewart thought that a benefit of this proposal would be that most uses would be at different times of the day so maybe the parking issue wouldn't be such a big deal. He did wonder if there was any way to get a cross walk located in the area. Diana Sanders said they could probably work with ACHD to get one approved.

Chairman Stewart opened the public hearing at 7:28 p.m.

**APPLICANT RESPONSE:**

The applicant had Daniel McMullen come forward to talk about the parking issues. He said that the parking has been worked out with ACHD and with the Planning and Zoning. ACHD is requiring paving around the building and to have curb and gutters installed. They are also required to put in a light. The applicant stated that the property has a little area where parents can drive in to pick up and drop off kids. The applicant says that there are 8 to 10 spaces in the front area and that there is perpendicular parking available. The garbage can that they are going to use is a small one on wheels. She did talk to J&M Sanitation and they can give them another small one to use. There will also be a handicapped ramp put inside the church. The drainage problem is going to be fixed by the parking lot. The applicant said that the number of staff would depend on the number of children enrolling.

**SUPPORT:** None

**NEUTRAL:** Elizabeth Gillman, 322 West 4<sup>th</sup> Street. She has lived there since March of 1994. There have been drainage issues from the church into her property where water puddles at her house. Her vegetable garden is right by the proposed parking site and she is especially concerned that the drainage will affect her garden. She has been promised curbs, gutters, and sidewalks but has yet to see any thing done. She backs into her driveway because of the difficulty getting out if she doesn't, and is very concerned with speeding being an issue in that area. She thinks the daycare is a great idea.

**OPPOSE:** Stan Sanders, 250 West 4<sup>th</sup> Street. He is not opposed to the preschool but he is opposed to the rezone. He doesn't want to see any more commercial lots in that area. He is worried about his rights as a homeowner.

Chairman Stewart closed the public hearing at 7:45 p.m.

## **CHAIRMAN DISCUSSION**

The Chairman and Commissioners discussed the parking issue and the trash receptacle. Chairman Stewart said that if there are small trash cans with wheels on them, kept in a fenced area it was fine with him. He talked about a notched area in the fence where the trash cans can be kept. These cans would not be located on the parking side and would be screened from the alley and Main Street. Chairman Stewart understands the concern of Mr. Sanders because it does jeopardize neighborhood from a residential standpoint. Commissioner Case wanted to know if there was going to be a wood fence that surrounds the entire parking area. He agreed with Vice Chairman Touchstone that vinyl fencing looks better and lasts longer. He wondered if there is enough parking for what is being proposed. Chairman Stewart says he is struggling with the parking because it is in the CBD District and he doesn't know if he should be lenient or not.

## **MOTION:**

Vice Chairman Touchstone moved to recommend approval to City Council for 06-15-ZC & 06-14-DA with the following conditions:

- Meet all staff and agency requirements.
- Obtain a fence permit.
- 3.1.7 Development Agreement to be amended to state the following: Developer shall construct a 6-foot tall vinyl fence on the east, west and north property lines of the site.

Commissioner Case seconded the motion, and it passed unanimously.

## **MOTION:**

Vice Chairman Touchstone moved to approve 06-12-DR & 06-10-SUP with the following conditions:

- Applicant shall provide 12 parking spaces total with 9 spaces in the parking lot site to the north, and work with ACHD to provide 3 spaces within the right-of-way on Avenue B.
- Provide a 6-foot tall trash enclosure located on the southwest corner of the daycare site to the south. The gate shall contain chain link with privacy slats. The enclosure shall be large enough for a dumpster.
- Provide additional landscaping in the northeast corner of 321 West 4<sup>th</sup> Street where the existing concrete is located.
- Meet all staff and agency requirements.

Commissioner David Case seconded the motion, and it passed unanimously.

## **3. PUBLIC HEARING / 06-12-SUP / SPECIAL USE FOR SCHOOL IN BUILDING IN RESIDENTIAL ZONE / DEERFLAT**

Lisa Bachman presented the application. The applicant is requesting Special Use for permission to lease classroom space to Falcon Ridge Charter School for High School classrooms. The building is currently under construction for a church with after school programs. The church site will be developed for functional classrooms. They will have use of bathrooms; break room and gym access from the classrooms. For Design Review, applicant wants to add an addition of approximately 1050 square feet on the already proposed two story church for use as a Kids Church and Youth services.

**APPLICANT PRESENTATION:**

The applicant, Stan Johnson, said that he was proposing a special use to lease classroom space for the Falcon Ridge Charter School and they are proposing a design review for an addition.

**CHAIRMAN DISCUSSION:**

Chairman Stewart asked what the addition consisted of. Chairman Stewart asked if there were any elevators and he wanted to know where the buses are going to pick up and drop off. Commissioner O'dell asked about the lease and how long they were proposing the special use for.

Chairman Stewart opened the public hearing at 8:43 p.m.

**APPLICANT RESPONSE:**

The applicant said that the addition is one story and will match the existing structure with siding and roofing. The applicant said there would be a maximum of 60 students and buses are going to be available. There is adequate room to turn the buses around. The applicant said the buses could be located wherever the Chairman and Commissioners designated. The applicant said that the lease was 24 months.

**SUPPORTS:** None

**NEUTRAL:** None

**OPPOSES:** None

Chairman Stewart closed the public hearing at 8:43 p.m.

**MOTION:**

Commissioner O'dell moved to recommend approval of 06-12-SUP / Special Use for School in Building in a Residential Zone located on Deerflat and 07-01-DR / Kuna Life Center Addition / located on Deerflat with the following conditions:

- Meet all staff and agency requirements.
- Provide a bus lane on the north side of the building for use during school hours. The bus lane needs to be marked with signage stating "no parking". May use roll out signs.
- Coordinate the expiration of the Special Use Permit with the expiration of the lease for classroom space for Falcon Ridge Charter School. Maximum of two (2) years from the date of signed lease.

Vice Chairman Touchstone seconded, and the motion passed unanimously.

Chairman Stewart called a 5 minute recess.

**5. PUBLIC HEARING / 06-14-ZC / 06-13-DA / 06-16-S / IRON GATE SUB / 1093 SOUTH SCHOOL STREET :**

Diana Sanders presented the application. The applicant is requesting preliminary plat and rezone approval with a Development Agreement for 31 single-family lots on approximately 9.58-acres. The site is located at 1093 S. School Street. The site was recently annexed into the City of Kuna with an Agricultural zone and will be participating in the Local Improvement District for the new wastewater treatment plant. Subdivision access will be via School Street. Proposed amenities include a common 1.037-acre park area and pedestrian areas with a paved pathway along the Mora Drain Easement.

**APPLICANT PRESENTATION:**

The applicant, Joe Canning, from B & A Engineers introduced himself and said that he was proposing a 9 ½ acre parcel from the current agricultural zone to a proposed zone of R-6. The current comprehensive plan supports medium to high density residential or 4 to 6 dwelling units per acre. This project will be single family homes with 3.2 dwelling units per acre. There will be 31 homes and 6 open spaces. The east side of the project is School Avenue that has a slight incline and the West side is the Mora Drain. It is a unique horseshoe shaped project where they will be required to put a sewer line in. The larger lots will be located along the drain side. The city engineer is requiring a sewer stub from the property on the southwest side.

**CHAIRMAN DISCUSSION:**

Commissioner O'dell wanted to know what size the homes would be.

**APPLICANT RESPONSE:**

The applicant had the developer, Dale Albertson come forward and he said that the house sizes are 2000 and 3000 square feet homes. They wouldn't be less than 1300 square feet. The wrought iron fence is proposed near School Street on the right of way behind the sidewalk.

Vice Chairman Stewart opened the public hearing at 9:19 p.m.

**SUPPORTS:** None

**NEUTRAL:** None

**OPPOSES:** None

Chairman Stewart closed the public hearing at 9:19 p.m.

**CHAIRMAN DISCUSSION:**

The Chairman and Commissioners discussed the fencing in the subdivision. Chairman Stewart thought it was a great plan to have open areas available from people's backyards. They talked about what they could do or what the developer could do to prevent people from fencing their backyards.

Chairman Stewart re-opened the public hearing at 9:28 p.m.

**APPLICANT RESPONSE:**

The developer, Dale Albertson, came forward again and said that they would prefer not to have fencing on School Street but they need some kind of right of way fencing in the 20' foot buffer.

Chairman Stewart closed the public hearing at 9:32 p.m.

**MOTION:**

Vice Chairman Touchstone moved to recommend approval to City Council of / 06-14-ZC / 06-13-DA / 06-16-S / IRON GATE SUB / 1093 S. School Street with the following conditions:

- Meet all staff and agency requirements.
- Work with City Engineer for a sewer stub location.
- 3.1.2 Wording changed from open vision to wrought iron.
- 3.1.3 Construct a wrought iron fence along School Street in the 20' landscaped buffer.

Commissioner Case seconded, and the motion passed unanimously.

## REPORTS

**CITY ATTORNEY RANDY GROVE:** Randy Grove wanted to give a hearty welcome to new Commissioner David Case.

**PLANNING & ZONING DIRECTOR DIANA SANDERS:** Diana Sanders also welcomed the new Commissioner David Case and introduced Planner Tech Tracy Rushlow.

## MINUTES

### **January 23, 2007 Kuna Planning & Zoning Commission Meeting Minutes:**

Commissioner O'dell moved to approve the Planning and Zoning Commission meeting minutes for January 23, 2007.

Vice Chairman Touchstone seconded the motion and it passed unanimously.

### **January 30, 2007 Kuna Planning & Zoning Commission Meeting Minutes:**

Chairman Stewart asked to be recused because he was absent from the January 30, 2007 meeting. Commissioner O'dell moved to approve the Planning and Zoning Commission meeting minutes for January 30, 2007.

Vice Chairman Touchstone seconded the motion and it passed unanimously.

## FINDINGS OF FACTS/CONCLUSIONS OF LAW

Chairman Stewart asked to be recused because he was absent from the January 30, 2007 meeting.

### **06-09-DR / LARRY HANSEN / SANDSTONE PLAZA**

Vice Chairman Touchstone moved to approve. Commissioner O'dell seconded the motion and it passed unanimously.

### **06-17-AN / MILLER**

Vice Chairman Touchstone moved to approve. Commissioner O'dell seconded the motion and it passed unanimously.

### **RECONSIDERATION / HUBBLE HOMES / 06-09-SUP / 1059 S. SARAH / TEMPORARY OFFICE**

Vice Chairman Touchstone moved to approve. Commissioner O'dell seconded the motion and it passed unanimously.

## CHAIRMAN DISCUSSION

- Some discussion about when the PUD information was going to be available and when we would put it on the agenda to talk about.
- Some discussion about parking issues in the CBD. Commissioner O'dell wanted to talk about the parking issue and felt that we didn't waver on Sandstone Plaza and what Larry Hansen had to do so why were we so lenient with the Baptist Church. He felt that there wasn't enough parking available for what the Baptist Church had proposed so why did the Commissioners let it go. Vice Chairman Touchstone agreed whole heartedly and said that the parking really needed to be looked into.

## ADJOURNMENT

Commissioner David Case moved to adjourn the meeting.

Vice Chairman Touchstone seconded the motion and it passed unanimously.

Chairman Stewart adjourned the meeting at 10:20 p.m.

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Brian Stewart, P & Z Chairman

ATTEST:

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Shawna Whitehead  
Planner Tech