

# Kuna Planning & Zoning Commission

## June 26, 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, Commissioner Holly Kerfoot, Commissioner David Case and Commissioner Stephanie Wierschem, Attorney Randy Grove, and Planner Tech Tracy Rushlow and Maranda Schindel.

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.

## OLD BUSINESS

**A. PUBLIC HEARING / 07-01-ZOA / ZONING ORDINANCE AMENDMENT / COMMON DRIVEWAYS / PRIVATE STREETS / Tabled to July 10, 2007**

**B. NOT PUBLIC HEARING – ALREADY CLOSED – COMMISSION DISCUSSION & DECISION ONLY / PUD ORDINANCE / Tabled to July 10, 2007**

Chairman Stewart motioned. Vice Chairman Touchstone seconded the motion and it was unanimous

## NEW BUSINESS

### 1 . PUBLIC HEARING: 07-08-ZC/ 07-09-DA/DON YOUNG CONSTRUCTION

Maranda Schindel presented the application. The applicant is requesting a Rezone from R-4 ( Low density single family) to a C-3 (Business district for highway and service businesses only). The site is located at Wythe Creek and Kay Street.

#### **APPLICANT PRESENTATION:**

The applicant, Mike Young, Kuna ID, introduced himself and said that his proposed Rezone is to correct a problem when the land was first subdivided, lots were not correctly sized and layout was off. The lots will be used for light commercial use, and he has started the design review process and showed drawings of what the buildings will look like.

#### **CHAIRMAN DISCUSSION:**

Vice Chairman Touchstone asked the applicant if he had a problem waiting to do the Development Agreement when the Design Review comes in and at time of development.

Applicant responded he had no problem with this.

Chairman Stewart opened the public hearing at 7:18 p.m.

**SUPPORT:** None

**NEUTRAL:** None

**OPPOSE:** None

Chairman Stewart closed the public hearing at 7:19 p.m.

**APPLICANT RESPONSE:**

None

**CHAIRMAN DISCUSSION:**

None

**MOTION:**

- Vice Chairman Touchstone moved to recommend approval to City Council of 7-08-ZC with condition that the applicant submit a Development Agreement at time of Development and Design Review.
- Meet all staff recommendations

Commissioner Kerfoot seconded, and the motion passed unanimously.

**2. PUBLIC HEARING: 07-07-ZC SWAN FALLS STORAGE.**

Applicant not present, requested to have it tabled until July 10, 2007

Chairman Stewart motion to table to July 10, 2007, Commissioner Case second and the motion passed unanimously.

**REPORTS**

**PLANNING & ZONING DIRECTOR:**

**CITY ATTORNEY RANDY GROVE:** Hopefully will have a signed contract with JUB Engineering for Lisa Bachmans services by Wednesday morning. Has a meeting with the Mayor to go over the last minute changes. The Mayor also has had interviews with several people for the Director position in Planning and Zoning and has someone in mind who he thinks will be a good candidate. Since this position is appointed it will have to go before the City Council and hopefully this could happen soon.

**MINUTES**

**June 12, 2007 Kuna Planning & Zoning Commission Meeting Minutes:**

Commissioner Kerfoot moved to approve the Planning and Zoning Commission meeting minutes for June 12, 2007 with the following changes, on page 3 of 6 change out Chairman Stewart to Vice Chairman Touchstone.

Vice Chairman Touchstone seconded the motion and it passed unanimously.

**FINDINGS OF FACTS/CONCLUSIONS OF LAW**

**1. PUBLIC HEARING / 07-01-SUP Shipley Family Child Care**

Vice Chairman Touchstone moved to approve the findings of facts and conclusions of law.

Commissioner Wierschem remarked that she drove by and there appears to be a pool in the backyard was there something that can be done or was it too late. Chairman Stewart said it was too late since the case already had been heard. Commissioner Kerfoot seconded the motion and it passed unanimously. Chairman Stewart and Commissioner Case reclused from the vote.

**2. PUBLIC HEARING /07-07-AN New Beginnings Christian Church**

Vice Chairman Touchstone moved to approve the findings of facts and conclusions of law, Commissioner Kerfoot seconded the motion and it passed unanimously. Chairman Stewart and Commissioner Case reclude from the vote.

**3. NOT A PUBLIC HEARING/07-11-S / 07-02-ZC / 07-01-DA / Sanctuary Subdivision:**

Vice Chairman Touchstone moved to approve the findings of facts and conclusions of law, Commissioner Kerfoot seconded the motion and it passed unanimously. Chairman Stewart and Commissioner Case reclude from the vote.

**CHAIRMAN DISCUSSION**

Chairman Stewart wanted to know who was going to be at the July 10 P&Z meeting, Vice Chairman Touchstone and Commissioner Case said they would not be able to be there. Commissioner Kerfoot asked about commercial buildings and the elevations and what do we have in place to make sure that they look like they all fit in and not a bunch of hodge podge mess. Chairman Stewart responded that's what Design Review is for and the Commission can look at what's in the neighborhood and surrounding area and make recommendations on the building and what it looks like as far as materials used.

Commissioner Kerfoot asked how we make sure our town keeps looking good and not just a bunch of building thrown in; make it more correspondingly with each other.

Chairman Stewart responded that the Commission has the ability to ask the Developer to make changes if something doesn't fit in but as long as it complies with the City Code they can't force them to change but we can ask to change. Commissioner Kerfoot asked about keeping packets, do they need to keep them forever, throw them away, burn them or what? City Attorney Randy Grove said if they make notes on them that helped make a decision on the project they should keep them because they are now public record, but otherwise they can throw them away if they wish to if there is no notes or anything that they based their decision on. Chairman Stewart asked do they need to keep the notes where they asked the developer questions and answers? Randy responded only if those questions and answers were used to make a decision on that project.

Commissioner Case asked about who do the enforcing on these projects, like a Design Review say like a fence is not complete after a year goes by. Randy said it depends on which jurisdiction it falls under. Some will come under the Building Inspector and other the Planning and Zoning Department. Planner Technician Tracy Rushlow responded that on most projects we have a checklist and they will not be able to receive building permits or Certificate of Occupancy until most of those items are completed or they have bonded for those items. Commissioner Case asked what about a swimming pool for say the special use for daycare, it is a safety issue and not brought up or informed when the case came before us can we rescind a decision if the terms are not met. Randy said since Planning and Zoning is the Decision Body they can make a decision to have the applicant come back, give them a conditional use where it is time limited and will expire if terms not met. Chairman Touchstone said from now on we need to have a copy of the State License for daycare and make sure the Central District Health sheet is in the packets before they receive them so they can make sure that they have completed all the necessary items for Special Use for Daycare.

Randy said if they do go by the property they need to disclose that that they have made a stop and looked at the property or inspection. Vice Chairman Touchstone said it

benefits you and the applicant if you can go look at the property, it shows that you have seen what they are proposing. Randy said that it is not always a good idea because there could be the danger of being biased and not give a fair and unbiased decision. Commissioner Kerfoot said that with home daycares there was a problem a while back and that's why they are looking closer at them. Randy responded that a lot of them didn't even know that they had to go through the process until they found out they needed a business license and then found out that they had to go through Planning and Zoning and a Special Use Permit.

## ADJOURNMENT

Vice Chairman Touchstone moved to adjourn the meeting.

Commissioner Case seconded the motion and it passed unanimously.

Chairman Stewart adjourned the meeting at 8:00 p.m.

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Brian Stewart, P & Z Chairman

ATTEST:

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Tracy Rushlow  
Planner Technician