

**Kuna Planning & Zoning Commission Meeting
October 14, 2008**

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.*

Those present:

Vice Chairman Holly Kerfoot, Commissioner Wierschem, Commissioner Carl Trautman, City Attorney Randy Grove, Zoning Director Steve Hasson, Planner II Troy Behunin, and Planner Tech I Tracy Rushlow.

Absent: Chairman Justin Touchstone, Commissioner David Case

The Kuna Planning & Zoning meeting was called to order by Vice Chairman Kerfoot at 7:10 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Consent Agenda

Planning and Zoning minutes:
September 30, 2008

Facts and Finding and Conclusions of Law for:

08-01-S (Subdivision) / 08-15-DA (Development Agreement) – **Willow Glenn Subdivision Phases 3 and 4**

Vice Chairman Kerfoot motions to approve consent agenda with corrections to minutes that include:

Commissioner Wierschem name is misspelled on page 2 and correction to page 2, Chairman Touchstone is the one who asked “Commissioner Touchstone: is every thing on one floor?” not Commissioner Trautman as first stated.

Commissioner Trautman seconds, all approve, motion carries.

OLD BUSINESS

Public Hearing: 08-10-SUP (Special Use Permit) – Naoma Babbitt: Loving Kids

Daycare: Planner Tech Tracy Rushlow presented the application. Property owner, Naoma Babbitt, at 1410 W Wheat Street is interesting in opening a home daycare within her residence and is requesting approval of a Special Use Permit to do so. Ms. Babbitt feels she can offer a valuable service to her community by providing child care service. Her home has adequate parking and access; neighbors are all aware of her interest in establishing a daycare within her residence.

Ms. Babbitt wishes to provide a daycare that will accommodate up to six (6) children depending on age and she wishes to provide home child care in order to provide more personal attention, love and guidance in a small family setting not found in larger centers.

This application was tabled on September 30, 2008 so Ms. Babbitt could decide if she wished to explore the group child care so she could care for more children after she found out that her two children may count towards the total of children she is allowed to care for. After confirming with Deborah Allen from Health and Welfare and receiving Idaho State Statue 39-1109d, revised 4-29-08, it states: “Each child on the premises, except the licensee’s own children over five (5) years of age, shall count as one (1) child for the purposes of computing a child-staff ratio;” Ms Babbitt has decided to stay with the original

application and care for the six children which includes her two year old but excludes the seven year old. The applicant also has smoke detectors in all rooms but the bathrooms and the gates in the fenced yard are locked with padlocks.

Applicant Naoma Babbitt 1410 W Wheat St. I really don't have anything else to add.

Open Public Hearing at 7:16pm

Oppose: none

Support: none

Neutral: none

Close public hearing at 7:17pm

Discussion:

Commissioner Wierschem: what about parking? How much and where is the parking for the parents to drop off the children?

Applicant: There are 4 onsite and 2 off site parking.

Commissioner Trautman: It states in the staff report under standard conditions "g" that no on-street parking is allowed.

Applicant: That's fine; I will make sure that they park in the driveway area.

Vice Chairman Kerfoot motions to approve 08-10-SUP, Special Use for Naoma Babbitt with the following conditions:

- Meet all staff and agency requirements.

Commissioner Trautman seconds, all approve, motion carries.

NEW BUSINESS

Public Hearing: Public Hearing: 08-08-ZC/ 08-18-DA/ Re-zone and Development Agreement/ Blacks Creek LTD. The applicant is requesting to rezone the property located at 987 E Kuna Road from R-6, Medium Resident to C-1, Light Commercial. The rezone is subject to a development agreement.

Applicant: Tom Nicholson, Meridian ID 83634, I own the property. The property has been in the family for many years, it use to be a old sheep camp for many years, but it has not been used in many years. Walgreens approached me and that was the start of the application, which is why we decided to change it to commercial.

Kevin Shreeve: Kuna ID: The application is for a rezone for commercial purposes. There are no particular plans, just a rezone, and we tried to have some latitude and since we have no definite plans and I believe that we have a good balance that will allow the developer some latitude but also protects the City.

Planner Director Hasson: We have gone back and forth with Kevin and I believe that we have struck a balance for both the developer and the City. And depending on how it develops we want to have consistency and without knowledge of what exactly will go in there we do not want to encumber it to much without knowing exactly what is going in there or it may chase a way a developer and an opportunity for Kuna. It is ideally located for businesses.

Commissioner Trautman: is there a particular reason why you choose to go with the C-1 verses a C-2 or CBD?

Applicant: in discussion with Steve we felt that a C-1 would give us the best latitude to serve the intended purpose of the developments that we were looking at to develop for that property.

Planner Director Hasson: C-1 is probably the widest range of uses for commercial that we have. It is neighborhood commercial. And any thing that goes in there commercially will have to go through Design Review.

Commissioner Trautman: I also noticed there is an additional access toward the middle of the property, and looks like staff is allowing that access.

Applicant: that access has always been there and it may change location, and will probably change.

Commissioner Trautman: I was looking at the commercial development to the west and they do not have a direct access, and was wondering about consistency.

Planner Director Hasson: We want to limit the access, but this is nine acres and is going to have lots of development, it is existing already and will be utilize. If I thought that this should not be there, I would be the first to let you know as I am not keen on a lot of driveways.

Applicant: The property owner is in negotiations with a business to locate there and the access may change to meet their needs. It will serve as access for the whole property.

Open Public hearing at: 7:34pm

Oppose:none

Support: none

Neutral: none

Close Public hearing at: 7:35pm

Discussion:

Vice Chairman Kerfoot: I would like some clarification on some issues. How does this relate to the Highway 69 overlay? Does the overlay just go to the curve?

Planner Director Hasson: It is a little bit complicated. It is not just Highway 69, but it is actually stated it is not just Highway 69 but wraps around the corner to Orchard. Do we employ the entire overlay on Avalon or do you take in to account that the speed limit goes from 55 mph to 35 mph. Part of the overlay is for access management which is important. When you are going 55 mph it is very important but not as important when you are going 35 mph. There is no frontage road connection. What we are trying to do is look at the Highway 69 connection that is important, the sidewalk, the landscape buffer, but when it came to access management controls roadways, frontage road, we just didn't see how those would apply there. Common sense and just doing something because it says so but does not have any reality does not make sense. This is a hybrid. This will set the tone on how we use the overlay on Avalon.

Vice Chairman Kerfoot: I guess my question is I realize that the speed limit is 35mph, but trying to get out of the salon Lefflers and take the left into the City is difficult, this with additional traffic will make it even worse. Is there going to be lights there, what other kind of traffic control?

Planner Director Hasson: At sometime there will be a light at Kay Street, and there will be crosswalks.

Planner II Behunin: This property retreats further back from the centerline of Avalon than the property from the west property by 25 feet. So it goes from 65 feet of centerline on the Nicholson property to 40 feet from centerline on the Young property. A forth coming application has proposed a solution for the sidewalk problem. And it has been addressed when crossing the road from the property across Avalon also.

Commissioner Trautman: It says that ACHD is not supportive of the direct access to Avalon. Is the scenic byway and the overlay the same thing and are there any additional requirements?

Planner Director Hasson: ACHD may not be but we are. The scenic byway is more Swan Falls and there are no additional requirements for the scenic byway. We are trying to protect the integrity of the Highway 69 landscape overlay. Idaho Power wants to put in the large power pole along Avalon and create an impact there. We are trying to do this right and make a good entrance impression. I have integrated a few things into this application. One is the landscape application and two: the displacement of any power lines in the front of this property.

Commissioner Trautman: There are a lot of recommendations from the City Engineer in the report. I feel pretty strongly that those requirements should be incorporated into the development agreement.

Planner Director Hasson: What those requirements are is the standard fair engineer requirements that the City needs. He includes those so that when the property develops there will be no surprises

and the developer knows what they are required to do when they develop. And they are poised to be deployed when they are developed.

Vice Chairman Kerfoot: They are listed under the standard conditions of approval. Do we know about the property on the other side where those homes are?

Planner Director Hasson: My understanding is that there is a sign out front that says for sale and can be zoned commercial, but there are no plans that we are aware of. If they were to convert to commercial, there are obligations that they will have to follow.

Commissioner Wierschem: So is this for a rezone and development agreement only?

Planner Director Hasson: Yes. A development agreement is crafted on rezones and annexations. The development agreement is crafted so that when they develop they will have to amend the development agreement when more is known on what is going to be developed. We had to be careful so that we did not over do it and condition them to death before they have even developed.

Vice Chairman Kerfoot: Do we have to put in anything extra having to do with the overlay district? I realize that this area is the transitional area, but the overlay is still in force, but is there anything else that needs to be said? The access point is the big stickler.

Planner Director Hasson: No. The overlay needs to be there with respect for the landscaping, noise continuation, and sidewalk. Going the 35 mph gives a different standard than the 55 mph. You don't want any more than you have to but, it is already existing and in use. In discussions with ITD, they are comfortable with these conditions.

Vice Chairman Kerfoot: I still have a bit of problem with access on Avalon. That is the main reason for the overlay. I realize that the speed limit is 35mph, but I believe that this is a sticking point.

Planner Director Hasson: For one thing this is a permitted access, it has been there since Moses, and two it aligns more or less with the Bank of the Cascades across the street. If you look in the context of Highway 69 you would want it extinguished, but if you look at in the context of Avalon and whether or not it will create a traffic delay or conflict, I just don't see it. And there is some kind of language in there that if it would impose some kind of safety hazard it would be looked at again in terms of whether it should stay or go.

Commissioner Trautman: It could be conditioned to be a right-in/ right-out. It has a process to go through still so that could be addressed then. By approving this zoning change with staff and agency requirements and recommendations, it will allow this access? And they will need to improve Kay Street and that access point to the east also?

Planner Director Hasson: Yes. But it will not be moved much further than where it is now because it would cause conflict with the entrances off of Kay and the road to the east. Yes they will have to.

Vice Chairman Kerfoot: There is language in here about conflicting interpretations. And the stricter interpretations or assessments shall bind. Is ACHD the stricter?

Planner Director Hasson: I don't know. It depends. They put things in that this is there standard but when push comes to shove they change to which way the wind is blowing.

Commissioner Trautman: This property is not in the LID and sounds like there is a provision in there that allows them to assess for there connections to the treatment plan?

Planner Director Hasson: Correct. We have a LID, and they have so many connections per acre. Some of those have put those connections in the bank, but everyone else has to pay for those connections. So when properties develop they will have to connect to public services.

Vice Chairman Kerfoot: I still have a bit of problem with the access management. On one side of the street, the Bank of the Cascades, Paul's and the gas station have access to Avalon, but on the opposite side of the street they do not. We were reluctant when the Bank of the Cascades with the entrance they had.

Planner II Behunin: The access management is always a concern. But they already have and have had that existing three access. One on Kay, Avalon in the middle and the drive to the far east where the houses are. Whatever goes on this property, it will be before you again. There are other management control policies that you will be able to use when you know what commercial development that comes in. They will have to have a traffic impact study done.

Vice Chairman Kerfoot: Is there any ways we can go forward with this and limit the access on to Kay and the far east one? We don't know what is going in there, what the plans are for that intersection in the future. There are a lot of what if's.

Commissioner Wierschem: Will the comp plan be done before this comes back to us?

Staff: No this will be coming before you sometime soon, before the end of the year, whereas the comp plan will be some time after February.

Commissioner Trautman: In using common sense point of view, it seems like that the integrity of that overlay has already been breached to this point. I am struggling with the same issues myself. I think with the precedence being set with the Bank of the Cascades right-in/ right-out and maybe make it a compromise.

Commissioner Wierschem: after the problem with the property on Deer Flat and Highway 69, I do not want to go that route again. I would like for the property owner to do what they want with the property, but I also want to do what I need to do or stated, but safety is always a concern and that is what is important for the community. Do we need to address that access point or is that something that will be addressed later?

Planner Director Hasson: They have that access point now. But it is your call. I am famous for access control. I do not like a lot of accesses, and all things considered I am comfortable with this access. If I was not, I would shut it off in a heartbeat. With the traffic slowing down to 35mph, and if more congestion is evident, it will slow down even more.

Planner Behunin II: There are some traffic or calming controls in place now. It is not as noticeable because of the open fields but when buildings go up, it slows down. Where Walgreens is coming in the right-of-way goes from 65 feet to 40 feet. It sits further back than the Java Juice store that sits there now on the south west corner directly west of this property. That's not going to change because that building is already there and built.

Commissioner Trautman: Is there any way or do we even want to pull back the Highway 69 overlay?

Planner II Behunin: We are not asking to pull it back, just an exception for a part of it, which concerns the access. Everything else applies like the 30 foot buffer and the sidewalk. They already have 2 deeded accesses now on Avalon from ITD; they have been granted 2, but they are only using 1. The property is long enough to accommodate this.

Planner Director Hasson: They have been granted the driveway access, but it does not mean that you can extinguish the driveway access if it causes a traffic conflict and there is another driveway access. They will have a roadway access on the east side and the west side and the one in the middle that will accommodate all of the property so there is no need for another one.

Commissioner Trautman: Just so you know I will probably approve this rezone and access because I see a distinct difference between Highway 69 and Avalon, and I understand the code, but I think it is more for 69 than this commercial district on Avalon.

Vice Chairman Kerfoot: makes a motion to **recommend approval** of File #08-08-ZC/ 08-18-DA/ Re-zone and Development Agreement/ Blacks Creek LTD from R-6 to C-1 to the Kuna City Council with the following conditions:

- Meet all site specific and standard conditions and all staff and agency requirements.

Commissioner Trautman seconds, all approve, motion carries.

REPORTS

Planner Director Hasson: We have signed you for the American Planning Association. They have books, online classes, etc as you wanted more education. This should help and as budget allows you can take some of these classes or order books to help. I appreciate all the hard work that you do.

City Attorney Grove: none

CHAIRMAN DISCUSSION

Vice Chairman Kerfoot: Can you go over the meeting schedule again?

Staff: The second and third Wednesday are the meetings with CRSA, the second Wednesday is the joint meeting and the third is the Steering Committee. It looks like in November there will be no meetings as there are schedule conflicts. But I believe in December the meetings are still scheduled.

ADJOURNMENT

Commissioner Wierschem motions to adjourn the meeting at 9:00 pm
Commissioner Traurman seconds, all approve, motion carries.

Justin Touchstone, Chairman

ATTEST:

Tracy Rushlow Planner Technician