

**Kuna Planning & Zoning Commission Meeting
October 28, 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:

Chairman Justin Touchstone, Commissioner David Case Vice Chairman Holly Kerfoot, Commissioner Wierschem, Commissioner Carl Trautman, City Attorney Randy Grove, Zoning Director Steve Hasson, Planner II Troy Behunin, Planner Maranda Schindel and Planner Tracy Rushlow.

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:
October 14, 2008

Facts and Finding and Conclusions of Law for:

08-10-SUP (Special Use Permit) – **Naoma Babbitt: Loving Kids Daycare**
08-08-ZC/ 08-18-DA/ Re-zone and Development Agreement/ Blacks Creek LTD

Vice Chairman Kerfoot motions to approve consent agenda with corrections to minutes that include: Inputting Commissioner Wierschem motioning and Commissioner Trautman second to adjourn at 9:00pm

Commissioner Trautman seconds, all approve, motion carries. Chairman Touchstone and Commissioner Case abstained from voting as they were absent at the October 14, 2008 meeting.

OLD BUSINESS

NEW BUSINESS

Commissioner Case motions to amend the agenda and table Napa Vineyards Subdivision Phases 1-9: File Nos. 07-05-AN/ 07-09-S/ 07-07-DA (Annexation, Subdivision and Development Agreement) until November 25, 2008 due to not all agency comments in.
Vice Chairman Kerfoot seconds, all approve, motion carries.

Public Hearing: 08-09-DA/ Development agreement amendment. Whitney. Planner Maranda Schindel presented the application. The applicant submitted a design review application to make for the required site improvements to be brought up to code. The applicants provided additional parking

to reach the minimum number required by KCC 5-9-3, improving the parking to 5 parking spaces with 1 ADA space including a handicap ramp leading up to the building. The applicant was also asked to place a fence along the western property abutting Linder Road so as to provide screening to the neighboring resident to the west.

Staff has reviewed and determined the application to be processed through Administrative Decision approving the application on October 7, 2008.

With the required site improvements made, the development agreement has to be amended to reflect those changes. While making changes to the agreement, Staff found confusing language that will also be amended so as to avoid additional confusion in the future. Upon amending the development agreement, another public hearing process is required.

Applicant: Lisa Whitney, 1530 W. Hubbard Rd., Meridian, Idaho 83634. I have nothing to add.

Open Public Hearing at: 7:14pm

Support: None

Oppose: None

Neutral: None

Close Public Hearing at 7:14pm

Discussion:

Commissioner Wierschem: was the posting done for this? In the other reports there are dates, but I don't see anything for this application?

Staff: Yes the posting was done, in a regular report it shows the posting, there is no report for this one, but the posting and notification was done.

Commissioner Case: What do you mean by solid fence exactly?

Staff: It has to be solid vinyl, masonry, brick, and stone, or something of that nature, no wood or chain link with slats.

Vice Chairman Kerfoot motions recommends forwarding for approval to City Council file # 08-09-DA/ Development agreement amendment as presented.

Commissioner Case seconds motions, all approve, and motion carries.

Public Hearing: 08-05-ZOA: Development Agreements: Planner Director Hasson presented the text amendment. At present, the zoning associated with an annexation or other types of rezones are subject to a development agreement. The determination that a development agreement should be a part of a land use application is made on a case by case basis. Staff's view is that an annexation rezone or other type of rezone land use application of any size or complexity should be complemented by a development agreement.

Kuna City Code advises that in the circumstance where a development agreement is warranted, the applicant should provide a **concept plan** along with the rezone or the initial zone at time of annexation (see KCC 5-14-3).

Recently, staff and City Council had a discussion about the significance of a conceptual site plan as part of a rezone or the initial zoning at time of annexation.

Staff is of the view that just as a development agreement is not warranted with every rezone that requiring the construction of a conceptual site plan with every development agreement is not warranted in every instance; rather it should be left to staff to determine the necessity for a concept plan on a case by case basis.

The reason that staff is of this persuasion that the determination to require a conceptual site plan should be on a case by case basis is that frequently a person seeking a rezone, and especially associated with a commercial or mixed use land application - is not sure how they intend to develop the property.

Often they are annexing into the City or otherwise rezoning their land to gain an entitlement related to density or sewer and water commitment. Often someone desiring a commercial or mixed use designation is relying on the marketplace to further determine how the land should be developed. Accordingly, there is a likelihood that a proposed commercial or mixed use concept plan will not correspond to what is developed and the requirement for a conceptual site plan may be a futile exercise.

Case in point: the 78 acre land parcel located at the southwest corner of Highway 69 and Deer Flat known as Profile Ridge had a conceptual site plan approved along with the land use applications. Since that time there have been continual changes to the plan reflecting the changing market place.

Therefore, staff is offering the following text amendments for your consideration.

A development agreement shall be in the form required by the zoning director. No agreement shall be accepted by the zoning director which does not include the following, with the possible exception of a concept plan.

A concept plan of the project may be required depending on the scope and complexity of the proposed development as determined by planning staff to be developed on the parcel. If required, the concept plan shall include:

1. A description of the density allowed or sought and the uses intended.
- ~~2. Maximum height, size, and location of any structures on the property.~~
2. Total property dimensions, a legend, existing or planned streets, driveway location(s), location of existing structures to remain, placement, size and height of proposed structures, proposed landscape areas, parking placement and configuration, site traffic circulation, placement of onsite retention detention of stormwater drainage, sewer and water connection points, easements, setbacks, irrigation systems, significant natural features and other items as requested.

Chairman Touchstone: I understand what are saying and I agree that something needs to be done, but what guidelines are you going to use to determine if a site /concept plan is needed? I think that it needs to be spelled out and there be some guidelines. When and if staff changes, there needs to be some consistent set of guidelines so that everyone is treated fairly.

Planner Director Hasson: Well there are several considerations such as size, the placement such as major intersections on arterials/major collectors, and maybe multiuse.

Open Public Hearing at 7:35 pm
Support: none
Oppose: none
Neutral: none

Close Public Hearing at 7:35pm

Discussion:

Commissioner Case: I think that we need to have more specific as to the guidelines as to who will needs a concept plan and who does not so as not to foster the idea of playing favorites. Definitely the placement on major intersections, size, and mixed use are a few guidelines that need to be there. I am sure that there may be a few others that might come in to play.

Chairman Touchstone: Definitely lot size; say less than 5 acres, placement such as corner lots on arterial and major collector roads, maybe change in use, mixed use and maybe even the district overlay are some that should be used as the criteria for a concept plan.

Planner Director Hasson: If you like we can table this until the next meeting and I will put in some language that gives criteria for determining when a concept plan is required.

Chairman Touchstone motions to table 08-05-ZOA: Development Agreements until November 25, 2008,
Vice Chairman Kerfoot seconds, all approve and motion carries.

Public Hearing: Public Hearing: 08-08-SUP, Special Use/LDS Church. Planner Tracy Rushlow presented the project. This property is located on the corner of Ten Mile and Columbia and was recently annexed and rezone in the City of Kuna to a C-1. The applicants are seeking a special use permit in order to construct a 16,558 square foot church.

Kuna City code requires that churches in any zone have a special use permit. Since this project is located in a commercial zone it is required to go through Design Review, which took place on September 25, 2008.

The purposed building will be used primarily on Sunday's to accommodate up to 300 occupants. The building is designed to fit in with surrounding light commercial and residential architecture. The brick façade will be Pacific clay in color and will encompass the entire building with relief to the brick patterns, black fiberglass roofing and white or neutral vinyl and /or metal trim, doors, windows and steeple. There will be a storage building/trash enclosure constructed to match the main building in the north east corner designed in the same manner as the main building. Based on the review of the application staff recommends approval subject to conditions and recommendations.

Commissioner Case: On the Design Review, was the right-in, right-out discussed on Columbia? Were the concerns that we brought up here brought up at that meeting as well?

Planner II Behunin: I believe that there was petition for full access on Columbia. And some of the same concerns were also brought up about traffic and access.

Chairman Touchstone: Correct me if I am wrong, but is not the access on Columbia to be a shared access in the future when the property to the east develops?

Planner Director Hasson: Yes, I put that in to keep driveway access down to a minimum especially that close to the intersection of Ten Mile and Columbia.

Commissioner Case: I know that ACHD has restrictions on access to main roads that close to the intersection, do we have a restriction?

Planner Director Hasson, yes, on that type of road it is 440 feet from the intersection before they are allowed a driveway access.

Chairman Touchstone: on the right-in, right-out was there a pork chop design discussed to keep it right-in, right-out so they can not go across traffic?

Planner II Behunin: I don't believe that the pork chop design was specifically discussed, but there was talk on making sure that it was a right-in, right-out only.

Applicant: Jo Larson, Payette ID, I listened and took in to consideration that concerns that you had. I have talked with ACHD about different designs about the right-in- right-out; they recommended we wait to do a design on the right-in, right-out for when the road was improved with the roundabout.

Chairman Touchstone: Have you thought about a deceleration lane on Ten Mile Road, I am concerned about traffic?

Applicant: We wanted to see what suggestions you had, do you want a turn lane or a deceleration lane, we were leaning more to the turn lane for about 2 car lengths, but we are open to discussion.

Commissioner Case: I want to discuss the driveway on Columbia. This is important as Columbia will be just as busy as Ten Mile and I am looking at safety. With five lanes in the future, when you have a old lady trying to make a left hand turn from Columbia across traffic and getting T-boned and hurt, I was just wondering is the reason for that full access is because of the shared driveway and the restrictions of access on Columbia. Because if they are going to have the round-about, there is nothing to stop them from going down to the roundabout and making a right-hand turn and avoiding that problem. I understand wanting access for both directions, but with the roundabout it will eliminates that need. This is not going to hold me up on voting this, but I want to go on record that I feel that this is a safety issue and I want it be known that I have this problem with it being a full access driveway as I feel that it is a safety issue.

Chairman Touchstone: I guess it comes down to does it hinder the site to have only right-in, right-outs? The hand tying part is we just don't know when they are going to develop these roads.

Applicant: I don't see that as an issue, and in speaking with ACHD, they don't have any clear decisions on when they are going to improve the roads in that area.

Open Public hearing at 8:08pm

Neutral: none

Oppose: none

Support: none

Close Public Hearing at 8:08pm

Discussion:

Commissioner Case: The right-in, right-out is not going to stop me on this application, and with no real idea on when road improvement is going to happen it is pretty difficult to plan anything thing. I like the project and it is good for the community so I don't have any objections, I just want to go on record about the safety issue of the full access driveway on Columbia.

Chairman Touchstone: I think that the one condition of approval that I would like to see is a turn lane designed on Ten Mile and a design for the right-in, right-out so they can not go across traffic.

Chairman Touchstone: I motion to approve 08-08-SUP, Special Use/LDS Church with the following conditions:

- Applicant work with ACHD to design a right-in, right-out with space for turning traffic on Ten Mile Road.
- Meet all staff and agency requirements.

Commissioner Case seconds, all approve, motion carries.

REPORTS

Planner Director Hasson: none, other than there will be several text amendments coming your way soon to clear up a lot of ambiguous language.

City Attorney Grove: none

CHAIRMAN DISCUSSION

Chairman Touchstone, I think that we need to concentrate on Ten Mile as the next overlay district with the interchange going in; I feel that it will need attention sooner than later.

Commissioner Wierschem, can we get the minutes from Design Review? I feel that it would help us since we do not have contact with them, and it would help to see if the issues that we have they have discussed have been addressed with by them also.

Commissioner Wierschem: I was wondering about the trees that were cut down by Indian Creek, they were on school property, does any one know about that? One of those trees was old and a large one that looked good and they cut it down.

Planner Director Hasson: I know a little a bit about it, I know that there were some complaints about undesirable activity going on down along Indian Creek behind the school itself on school property, and the Sheriffs department wanted it clean up.

Commissioner Wierschem, Which is fine, but they left the brush and cut down the trees, I don't see any logic in that. One of the trees was right in the middle of the playground and it ws a nice old tree that seemed to be in great health.

Commissioner Case, I was not at that meeting, but that property is school property and they had discussions with the Sheriffs department about cleaning that area up to help get rid of the unwanted activity back there, and I understand that cleaning out the brush and making it more open to help cut down on the unwanted activity, but I don't know why they cut down the trees. You would need to contact the district office for that.

Planner II Behunin: You would have to ask the school district, maybe Lane Saxton would know.

ADJOURNMENT

Commissioner Case motions to adjourn the meeting at 8:30 pm

Commissioner Trautman seconds, all approve, motion carries.

Justin Touchstone, Chairman

ATTEST:

Tracy Rushlow Planner Technician