

**Kuna Planning & Zoning Commission Special Meeting  
February 26, 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.*

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**Those present:**

Chairman Brian Stewart, Vice-Chairman Justin Touchstone, Commissioner David Case, Commissioner Stephanie Wierschem, Planning & Zoning Director Steve Hasson, Attorney Randy Grove, Planner II Stacey Yarrington, Planner Tech I Maranda Schindel, Planner Tech I Tracy Rushlow.

Commissioner Holly 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.

<b>Consent Agenda</b>
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Approve minutes for Planning and Zoning Commission meetings on February 12, 2008 and Facts and Findings and Conclusions of Law from Audroc National LLC, 07-10-ZC, Rezone, 07-17-DA, Chad Queen, 07-13-ZC, Rezone, 07-16-DA

Vice Chairman Touchstone motion to approve minutes of February 12, 2008, and facts and findings and conclusions of law for Audroc National LLC, 07-10-ZC, Rezone, 07-17-DA, Chad Queen, 07-13-ZC, Rezone, 07-16-DA

Chairmand Stewart second, all approve, motion carried. Commissioners Case and Wierschem abstained from voting as were absent from previous meeting.

<b>OLD BUSINESS</b>
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**Public Meeting/Hearing: Cement Falls Subdivision Lot 1 & 2 Block 2 - 07-03-DR (Design Review) / 07-09-DA (Development Agreement) tabled from 2-12-08.**

Planner Technician Maranda present the project. The applicant is requesting a design review with development agreement to construct two (2) commercial buildings located on lot 1 & 2, block 2 in the Cement Falls Subdivision off Wythe Creek Ct. and Kay Street. Previously the applicant sought and received approval for a commercial subdivision. The two lots in question are part of that subdivision. The lots have all the supplementary infrastructure, curb, gutter, sidewalks, roadways, etc. the land was also rezoned from residential R-4 to commercial C-3. A development agreement accompanied the rezone. The Commission and Council requested the development agreement be amended at time of development and the buildings are subject to design review. Applicant wishes to provide more retail and / or office buildings for lease to the community.

Applicant: Mike Young, Boise ID. I have brought in three more color schemes for building #2. I tried to add some warmer colors as requested. Personally I like the original color schemes. I went to some of the other businesses in the area and showed them the drawings. I have submitted letters from them to you expressing there opinions, which were all favorable for the original color scheme submitted.

Chairman Stewart: If you had to choose one of the new color schemes present which would you say would be the one you liked the best?

Applicant: Well I liked the original one but Elevation C would be the next. Actually I like them all or I would not have submitted them.

Reopen public hearing at 7:10 pm.

Sam Johnston, Blackcat Road, Kuna, I liked the original colors, and I believed it would of fit in together. It would have made a statement that we don't want every building looking like cookie

cutter cut outs or Hubble homes downtown. The Young's have pride in Kuna and their community and it reflects in their buildings that they have put up. And with these new additions it will improve not detract from that image that they have presented.

Randy Maker: S. Pencil, Kuna ID; I run Freedom Fitness and I like the original rendition of the colors and style. It made it more modern and opened up the area. It is something different and I feel that it would draw attention in, so people would wonder what was in it, draw them back to it and that would benefit the other business in the other buildings as well.

Close Public Hearing at 7:18pm

Discussion:

Chairman Stewart: still stands with the concern of the original colors making the building look to industrial and not business friendly.

Commissioner Case: I like Elevation C the best. The colors seem to blend good and I like the style.

Commissioner Wierschem: I like Elevation B better from a woman's point of view. The red is to overpowering. Red is a dominant-power color and I feel that it is intimidating to most women.

Vice Chairman Touchstone: I like elevation C, it is warmer.

Commissioner Case motions to approve file #07-03-DR with elevation C and to change the Development Agreement and staff report to reflect the color changes.

Vice Chairman Touchstone seconds.

Chairman Stewart approves

Commissioner Wierschem: opposes.

Motion Carries.

Motion to approve File #07-03-DR and to recommend File # 07-09-DA to City Council with the Following Conditions:

On February 26, 2008, the Planning & Zoning Commission **approved** File #07-03-DR with the following conditions:

- Section C: 1. Development Agreement: 3.1.5: 1-8: (and throughout Staff Report)
  - Staff will modify to show the approved details for Elevation C.
- Add 3.1.5.12: All Trash Enclosures will meet City Code and J & M Sanitation requirements.
  - 3.1.5.12.1: Two, 3-sided 5-foot tall durable cement walls with stucco, painted to match each building.
  - 3.1.5.12.2: Metal gates to match each roof color, non-transparent with locking latch, to match the same height as the required 3-sides.
- Meet all Staff and Agency requirements and recommendations.

And Recommend for approval to City Council / 07-09-DA (Development Agreement). With the changes made to the development agreement as follows:

- Section C: 1. Development Agreement: 3.1.5: 1-8: (and throughout Staff Report)
  - Staff will modify to show the approved details for Elevation C.
- Add 3.1.5.12: All Trash Enclosures will meet City Code and J & M Sanitation requirements.
  - 3.1.5.12.1: Two, 3-sided 5-foot tall durable cement walls with stucco, painted to match each building.
  - 3.1.5.12.2: Metal gates to match each roof color, non-transparent with locking latch, to match the same height as the required 3-sides

<b>NEW BUSINESS</b>
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**Amend Agenda:** Commissioner Case motions to amend agenda and table file # **Mellin Properties** 08-01-AN (Annexation), 08-01(DA, Development Agreement) until March 11, 2008. Chairman Stewart seconds, all approve.

**Public Hearing: Chad and Marisa Queen** 07-13-DR (Design Review)

Planner Technician Tracy Rushlow present the project. The applicant is requesting the opportunity to install a canopy, sidewalk, and paved parking on an existing building at 368 E Avalon and a shared driveway with the adjoining property at 392 E Avalon. The applicant is proposing a light office at this location. This request is being reviewed according to Kuna City Code 5-4-2 which requires all new commercial and commercial remodeling of buildings to be subject to the City's design review process. The colors will match the existing building.

Applicant: Chad Queen 473 E Bay Owl Drive: We wanted to improve the business so it did not look like a tract home and more like a business, that is why we want to put up the canopy and sidewalk and parking. The driveway and parking will be a regurgitate asphalt product that is temporary until Audroc is ready to complete that stage which will be permanent at that time. But this will control the dust and comply with the dust free ordinance and can be paved over without having to be torn up.

Chairman Stewart motions to approve file # 07-13-DR, with the following conditions:

- Meet all staff and agency requirements.

Commissioner Case seconds, all approve, motion carries.

## REPORTS

**Planner Director Hasson:** The PUD is finally done, after many months of working on and getting input from the public as well as some professional people. It should be here before you soon. We are in the early stages of negation of a contract with CRSA for the Comp Plan. Osprey Ridge is moving forward as well and there may be another 400 acres just to the north of Osprey Ridge who want to make a application

**City Attorney Grove:** The City has adopted a transfer plan for EDU's for the LID, and I have been attending some legislation sessions about annexation at the state house.

## CHAIRMAN DISCUSSION

Chairman Stewart; I have some issues I would like cleared up regarding the Redcliff Development. I would like an understanding about the comment made to disregard the recommendation of Planning and Zoning regarding Profile Ridge to the City Council?

Planning Director Hasson, I apologize if it came out that way that was not my intention. The emphasis was on design review and that's how it played out, there were four or five things that kept coming up, and they had to do with design review, not the land use application that was before you and in looking that over, those are things that could set the stage for court that would be grounds for an appeal as this application before you was a land use application and not Design Review. I respect and value your opinions and maybe I should have said something, got you on track as far as that it was a land use application and not design review, but I believe in you and your opinions and I did not want to make you think that what you had to say was not important.

Chairman Stewart; I guess we were wondering why that came up in Council, when we look to you for council, and we got a lot of nods and such from you and I understand your concern about the design review issues we touched upon.

Planner Director Hasson: One thing I do want to do is to make sure all of us, me, staff, City Council, and Planning and Zoning Commission has adequate information about land use planning. There is so much changing so quickly and it is necessary to try and keep up with it.

Chairman Stewart: I felt some concern from some of the other commissioners. I would encourage all staff, we are not trained, when we are up here making decisions if there is something where we are crossing boundaries, that's where we ask for some caution, then we can make our decisions.

Planner Director Hasson: I need to be careful because you are an independent body and when I look over the planning codes and such there are many broad applications of its use. Most of our codes are common sense stuff and we just need to apply those common sense things to our codes and I just ask that we use common sense when we make those decisions.

Chairman Stewart: Thank you, we appreciate your opinion, we just don't want to read about it later we would rather hear from your first, and just say caution you are heading down a dangerous path and then let us make our decisions.

Commissioner Case: Two things, when we approve these business with design review and sit and that one year time frame is up for improvements and they are still sitting and have not done any thing and then there is all of a sudden a flurry in the last minute and then they come in and request a time extension where are we at with that. I notice a couple who have done that and what are your thoughts on that where we can put some more teeth on getting them to comply.

Director Planer Hasson: I am a free market frame of mind and the you have to do this by a date certain, there is a lot of risk, and I like to believe that these folks come in the door and get the approval and they make the commitments and are going to do all that, and the market is a healthy place, and most of them start the improvements, and best some will not be quite done and ask for an improvement. If the market isn't healthy you will see a lot of this, they get the approval, do some small thing before the year is up to give them a alibi and it's the market place saying it is not the right time. Some of these developers have done the things required because they are more solvent than others.

Commissioner Case: My follow up is somebody coming in and they want to start a business and come before us with a design review, with the understanding they will start the business within a year, with the understanding that it is going to be palatable to the community and is going to look nice, it seems to be a function that we are here for. But yet some of these people who have started these business with the promise of going to fix these things with the contingents that they are going to get a special use permit or license and what I am seeing is they are not doing anything and are still continued to operate there businesses. Not necessary a developer, but someone who walks in and says I want to start this business and within a year I promise that these things will get fixed and will look nice for the community and it does not get done.

Chairman Stewart: I am going to stand on his soapbox and say the same thing. I have seen properties that I have review from 3 years ago that have not fixed. If it is a financial issues why do not have the finances in place, all other developers have to.

Planner Director Hasson: There seems to be a cavalier attitude and I can't help to think it is part of the cultural where they think I don't have to really do this and I know that is what the rules are but we do not have to do that. And the point is we have to start with somebody, even though they say why me. Slow but certainly we are doing code enforcement and it is getting there.

Commissioner Case: The other thing is Linder Street at some point was going to get expanded from Boise Street and up with the improvements what is happening there.

Planner Director Hasson: It is the plans, I not sure when but I can find out when that is going to be planned for from ACHD.

Chairman Stewart: What about the Charter School on Ten Mile have they come in for a extension or anything, they were suppose to do something by now with the temporary classrooms and such,

that project came on when I first sat up here three years ago and that is something that staff needs to look into and report back.

<b>ADJOURNMENT</b>
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Chairman Stewart moves to adjourn the meeting at 8:50 pm  
Commissioner Case seconds, all agree meeting adjourned.

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Brian Stewart, P & Z Chairman

ATTEST:

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Tracy Rushlow  
Planner Technician