

**Kuna Planning & Zoning Commission Meeting  
June 10, 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, Commissioner Stephanie Wierschem, Commissioner Holly Kerfoot, Planning & Zoning Director Steve Hasson Attorney Randy Grove, Planner Tech I Maranda Schindel, and Planner Tech I Tracy Rushlow.

Absent: Vice-Chairman Justin Touchstone, Commissioner David Case

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

<b>Consent Agenda</b>
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Commissioner Case motioned to approve the consent agenda of:  
Planning and Zoning minutes

Facts and Finding and Conclusions of Law for:

- Waters Edge/ Laketown Subdivision – Preliminary Plat
- Lisa and Dale Whitney 08-08-AN (Annexation) / 08-04-ZC (Rezone) / 08-09-DA (Development Agreement)
- Dennis and Tracy Vander Stelt – 08-09-AN (Annexation)/ 08-12-DA (Development Agreement)/ 08-03-LLA (Lot Line Adjustment)
- KSP Idaho – 08-10-AN (Annexation)/ 08-11-DA (Development Agreement):
- 08-04-ZOA, Septic Tank/System Zoning Ordinance Amendment
- 08-01-CPA – Amendment to the City of Kuna Future Land Use Map

Approved:

- 08-02-TE Time Extension for Sailor Shore Meadows Sub
- 08-03-TE Time Extension for Sera Sole Subdivision

Chairman Stewart seconds, all approve, motion carries.

<b>OLD BUSINESS</b>
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**Crimson Point Pool and Clubhouse** 08-03-SUP (Special Use Permit) 08-05-DR (Design Review)

Chairman Stewart: There is only one member of the Commission that heard the original testimony, and a decision was not made on the Special Use as the applicant requested that it be heard and a decision be made at the same time as the Design Review that was determined to be done. Randy what do we do?

City Attorney Randy Grove: The minutes pretty well stated the testimony given on that night, so I suggest that you reopen the public hearing after reviewing the minutes and the other information before you and make a decision.

Chairman Stewart: Ok. We will have a ten minute break so we can review this information, reopen the public hearing to hear any new testimony and make a decision tonight.

Planner Tech Tracy Rushlow presented the project. The applicant had applied for a special use permit for the use of a clubhouse and pool. The only component that was not covered was the elevations and colors of the building. Included in the staff report is the colors and elevations. The

exterior of the building will be Latte colored stucco with Sable colored trim made out of hardi siding and/or tile from tile boarding. There will be non-structural wood accents. The doors and wood accents will be Yankee Barn in color.

Applicant Jon Foster, Project Manager, JLJ Enterprises Inc, 1560 S. Carol St., Meridian, Idaho 83642. I was not here when Jim gave the presentation on the pool and clubhouse. I'm here for the Design Review portion of the project. The clubhouse will be stucco, not flat, but with bump outs and the color will be a light sable color. The accents will be wood trim colored Yankee Barn, a reddish brown. The concrete will be grey, no color added for the sidewalks, but the area around the pool will be colored, most likely tan, so it will not get too hot. The fence surrounding the pool will be a 6 foot wrought iron, not the kind with spikes, but flat on top, with bars running across every so many feet. The parking lot will have curb and gutter and drainage will be on site. The tot lot will have playground equipment for the 5-12 age groups with sand around it and it will be ADA compatible. It is a pretty nice setup. The landscaping plan provides trees, shrubs and grass and will look good when it is all complete.

Open Public Hearing at 8:15 pm

Support Carrie Avery: Crenshaw, Kuna ID. I am in favor of this. We have waited three years for the pool and we are excited for it to finally be a reality instead of just talk.

Oppose-none

Neutral-none

Close Public Hearing at 8:17

Discussion:

Chairman Stewart: Does staff have a copy of what the tot lot looks like and is it ADA compatible?

Steve Hasson, Planner Director: We have not seen a copy of the tot lot equipment and the City has some requirements that we want that equipment to meet to be safe for the children, like ADA, and safety ratings.

Commissioner Wierschem: Where does it show the six (6') foot wrought iron fence? On my copy it shows a four (4') fence?

Applicant: It shows four (4') foot, but it is going to be a six (6') foot fence.

Commissioner Kerfoot: The highlighted areas in the staff report as to what was discussed as far as issues such as the signage for pool rules and when he brought up cameras for security, we discussed what we thought needed to be done to ensure privacy and that is included. The other areas are the design review which we are looking at now. Is there any thing that you think that we need to discuss? I think that they need to submit the tot lot plans to staff so that they can be reviewed to make sure that they meet the standards the City wants and make the change where it is says four (4') foot wrought iron fence and change it to six (6') foot wrought iron fence.

Commissioner Kerfoot motions to approve the Special Use Permit and Design Review with the following changes in conditions:

- 1.3.2: Change to six foot (6') wrought iron fence around pool area.
- Add 1.16.1: Tot lot-Submit plans to be reviewed by staff to ensure they meet City Standards for playground equipment.
- Meet all staff and agency conditions and requirements.

Commissioner Wierschem seconds, all approve, motion carries.

<b>NEW BUSINESS</b>
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**A. A. Public Hearing: 08-04-SUP VICKI JARIVS Group Home Daycare.** Planner Tech Tracy Rushlow presented the project. The applicant is interested in opening a group daycare (seven to twelve children) within her residence and is requesting approval of a Special Use Permit to do so. Vicki has many years of experience in child care and feels that she can offer a valuable service to her community. Her home is located on a corner lot within a cul-de-sac with adequate parking and access. Staff recommends approval of this application with a maximum of eight (8) children and subject to conditions and recommendations listed in the staff report.

Applicant: Vicki Jarvis 1028 N Pyrite Place, I wish to open a group daycare. I would like to care for about 8 children. I previously had a group daycare for about 8 years in Virginia. I believe that I can provide more personal attention, love and guidance in a small family setting not found in larger daycare centers.

I have put locks on the inside of my outside gates with a key hanging on the garage in case there is a fire and we need to get out; I have a child safety door fixture on the door leading to the garage so it can not be opened by the kids. I have deadbolts on all outside doors and a door chime on the front. If we are outside, I have requested that the parents who decide to come by and pick up their children call me, I have my cell on at all times and a cordless phones so they can meet the children in the house and not outside.

I have a certain area that is designated for my dog, so the children are not playing in a dirty area. I do not have a pool and if the children want water sports it will be with a sprinkler.

I have a parent handbook that I give out and it has some rules that I ask them to go by.

I would like to have parent's night out, where once a month the parents can drop the kids of in the evening and they can go out by themselves.

I have talked to Mr. Johnston and appreciate his concerns. There are several different ways the parents can take to come to my house and not travel past Mr. Johnston's house. I don't consider this a commercial business and I have tried to address all of his concerns.

Open Public Hearing at 7:30 pm

Support: Ralph Johnson, 1028 W Nugget, Kuna. The only concerns that I have is the traffic on the road that goes by my house. And according to the dictionary it states commercial as "operating for profit". I don't want this to make way for other commercial uses in a residential area. Our CCR's states no commercial operations can take place. But other than that I have no issues with the children.

Neutral-none

Oppose-none

Close public hearing at 7:35pm

Discussion:

Chairman Stewart: I can see where he might be concerned about the special use and it being commercial. If the applicant sold the property, as most special uses go with the land this could be an issue.

Staff: Under Standard Conditions, D, it states that the permit shall follow the application and is non transferable with the property so that issue has been taken into consideration.

Commissioner Kerfoot: This property has more parking than others and there are several ways in and out, so I don't think that traffic is going to be much of an issue.

Commissioner Wierschem: Do you have a copy of the ACHD report and understand the thing about the impact fee?

Applicant Vicki Jarvis: I have two reports or letters. The one you have and then the one they sent me saying I owed money for impact of traffic. I plan to appeal the decision. At first they wanted to charge me \$3000, but I talked them down to \$1900 because I don't use my whole house for daycare and the formula they use is for a daycare center where there is over 100 children, and my own children use over half of the house. I had a hard time filling out the application because I was not asking for a building permit and I already have a certificate of occupancy and I wasn't sure exactly what they wanted as most of the application did not apply to me or the situation.

Commissioner Wierschem: It says not to issue a building permit or certificate of occupancy unless the impact fee has been assessed and paid; does this apply to the Special Use permit also?

Planner Director Steve Hasson: This does not concern us; it is between the applicant and ACHD. I e-mailed them to explain about the difference in the levels of daycares that we have, and what they have is geared for daycare centers where there are 80-150 children, not 6-12; but they were not receptive and I think they are trying to find ways to get more revenue. So, no it does not apply to the Special Use Permit.

Applicant Vicki Jarvis: Actually I asked them what if the special permit was not issued and I paid the money, do I get my money back, and he said not to pay until the special use permit was issued because it was complicated to get the money refunded.

Chairman Stewart: Well I think that home daycares are better than the centers, as the kids get better and more personal attention and are more flexible where it comes to accommodating the parents.

Commissioner Kerfoot motions to approve the special use permit with the following conditions:

- Meet all staff and agency standard and specific conditions as written in the staff report.

Commissioner Wierschem seconds, all approve, motion carries.

## **B. M-7 Developments / Victor Clark 08-06-AN (Annexation) / 08-03-ZC (Rezone) / 08-07-DA (Development Agreement Public Hearing):**

Staff has requested that this be taken off of the agenda.

Chairman Stewart motions to remove 08-06-AN, 08-03-ZC and 08-07DA be removed from the agenda.

Commissioner Kerfoot seconds, all approve, motions carries.

## REPORTS

**Planner Director Hasson:** Just a few things. Tomorrow night we have a joint meeting with CRSA which will be the first of several work sessions with dialogue about the comp plan. And there was a nice article in the Statesman about Kuna and how progressive we are.

**City Attorney Grove:** There was an appeal for the Best Bath decision to City Council. It will be on the first open Tuesday available which will be July 22, 2008. We went in front of the Supreme Court last Friday on the Black Labrador, if you remember it was an annexation, lot split with a septic

system that was denied in 2006. We will have a decision sometime within the next two months on that.

**CHAIRMAN DISCUSSION**

No discussion

**ADJOURNMENT**

Chairman Stewart adjourn the meeting at 9:15 pm

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Brian Stewart, Chairman

ATTEST:

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Tracy Rushlow Planner Technician