

**Kuna Planning & Zoning Commission Meeting
August 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.*

Those present:

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

Absent:

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

Consent Agenda

Commissioner Kerfoot motioned to approve the consent agenda, Commissioner Case seconds, all approve, and motion carries.

Planning and Zoning minutes:
July 29, 2008

Facts and Finding and Conclusions of Law for:

M-7 Development: Annexation, Development Agreement, 08-06-AN/ 08-03-ZC/ 08-07-DA

Time Extension: 08-05-TE Seasons Creek Estates Preliminary Plat

OLD BUSINESS

Elect new Vice Chairman for Planning and Zoning:

Commissioner Case nominated Commissioner Kerfoot, Commissioner Wierschem, seconded the motion.

Commissioner Kerfoot: I would be happy to accept, but I need to let everyone know that I may be moving out of the area in a couple of months and will have to resign at that time. There is a good chance that I will be moving to the Fruitland, Idaho, and Ontario, Oregon area.

Chairman Touchstone accepted the motion, all approve, motion passed. Commissioner Kerfoot is now the new Vice Chairman of Planning and Zoning.

NEW BUSINESS

A. Introducing new Planner II Troy Behunin: Planner Director Steve Hasson introduced new Planning and Zoning Planner II.

B. 08-09-SUP: Sunshine Preschool: Planner Maranda Schindel presented the application. Property owner, Ms. Cortez, who resides at 2344 W. Cerulean Dr. which is located within the Crimson Point Subdivision, desires to open a preschool in of her residence and is requesting a Special Use Permit under the City of Kuna's Group Child Care Home zoning definition. Ms. Cortez has pre-schooled her children for the past three years, and would like

to offer her services to those living within the neighborhood. Her home is located on a public road with adequate parking and access. The neighbors are aware of her interest in establishing a preschool within her residence and such support that action. Ms. Cortez's desire is to provide a preschool that will accommodate up to twelve (12) children throughout the day, aging from 3-5 years old. Ms. Cortez will be providing a three-course curriculum: these being, School Fundamentals, Life Skills, and Life Science.

Applicant: Joy Cortez, 2344 Cerculean Dr Kuna, I want to be able to teach preschoolers in my home in a small, loving atmosphere. I have preschoolers myself and I looked into preschool programs for them. The only programs available were in larger institutions.

Commissioner Kerfoot: Is there some kind of certification process that is needed for preschool?

Planner Director Hasson: Since this is a small non-commercial setting, there is only the child care certification process through health and welfare. If it was a accredit school then there would be a whole different set of standards but that is not the case here.

Commissioner Case: Where are you planning to do the parking for the drop offs?

Applicant: It is kinda hard to explain. I live right next to Crimson Point School and there is a wide drop off lane right to the front and over a little. It is where they drop of the children for school now. My hours will be after the elementary school starts so the traffic will not interfere or cause problems with the school traffic.

Chairman Touchstone: I want to make it a condition that cars that pick up and drops off the children will not block adjoining driveways to help keep the neighbors happy.

Open Public Hearing: 7:30pm

Neutral: none

Oppose: none

Support: none

Close Public hearing at : 7:30pm

Discussion:

Commissioner Kerfoot: In our code does it differentiate between child care and preschool?

Planner Maranda Schindel: We do not show a difference in our code. Since the applicant has less than 12 children we put it under group child care qualifications, since that was the closest code that fit. We did not want to put in public school as it does not meet the qualifications' of a school.

Commissioner Case: Some preschools have a certified curriculum, Idaho does not require it, and they use it as a marketing tool in order to attract clientele. I rather see them provide a preschool atmosphere where they are teaching the children than just watching the children.

Also I am letting the Chairman know that I am abstaining from voting on this issue due to my position that I have in this type of business.

Commissioner Trauman: Is there anything in the code restricting how many preschool or daycares may be in a neighborhood?

Planner Director Hasson: No, as long as they can meet the requirements there are no restrictions. And these kinds of daycare and preschools are a blessing as they provide an adequate place for parents to take their children when it is hard to find daycare.

Commissioner Kerfoot motions to approve 08-09-SUP: Sunshine Preschool with the following conditions:

- Meet all staff and agency requirements.
- Add "H", The adjoining driveways will not be blocked by cars dropping off or picking up children.

Commissioner Trautman seconds, approved, Commissioner Case abstains from voting, motion carries.

C. 08-12-AN/ 08-14-DA/ 08-04-LLA – Annexation, Zoning upon Annexation, Development Agreement and Lot Line Adjustment (It should be noted that the lot line adjustment land use action will be decided by City Council if the Planning and Zoning Commission forwards an approval of recommendation on the noted land use matters to the City council).

In April of 2006 David and Lydia Durrant annexed a 34.5 acre parcel of land into Kuna that had been part of a 45.58 parcel of land in Ada County. The Durrant's initiated this land use action to accommodate the City of Kuna in it's effort to construct a City sewer treatment plant. The portion of land that was annexed into the City was zoned Agricultural, which use provides limited development opportunity. The 11.27 acre that remained in the County is zoned RR (Rural Residential, with a ten acre minimum). The annexation caused a violation of the County's land use development rules, which require land divisions to front on public streets and occur through lot split or subdivision procedure and noting that neither of these criteria was satisfied. Accordingly, this land use action, is in part is intended to cure this land division conflict. The applicant intends to annex the 11.27 acre parcel into the City and cure the conflict by consolidating the separated parcel through a record of survey process that legally describes the 45.5 acreage as a single parcel complemented by a lot line adjustment in accordance with City code 5-16-3. When the land was separated; two or more land parcels were created; thus the consolidation of this land will also necessitate the assignment of a new parcel number.

As a separate land use action, the Durrant's are splitting a 5.77 acre lot from a 74.83 parcel of land. The 74.83 parcel is located in Ada County but is contiguous to land in the City and is identified on the City's comprehensive land use map. The City assumes that the land is eligible for division through lot split, but the applicant must confirm the split opportunity or proceed through the subdivision process. The 5.77 acre of land that is to be divided from the 74.83 acre parcel will be annexed into Kuna through the Category "A" procedure process noted in Idaho Statute Title 50, Chapter 2 (50-222). The land will be annexed into the City for the purpose of constructing a LDS Church on the site located at the North East corner of Ten Mile Road and West Columbia Road. Both of these roads serve, or will serve, an arterial functionality, so access management control will be an important consideration in the evaluation of driveway entrances and internal site circulation. The annexation is subject to a development agreement. The land will be zoned C-1(Light Commercial). A Church requires a special use permit in a C-1 zone and a commercial use is also subject to design review. The special use permit and site design will occur as part of another land use action.

Applicant: Jo Larson 400 S. Main St. Payette, ID. 83661, we are representing the Church of Jesus Christ of Latter Day Saints. We concur with the staff and the staff report. The lot line adjustment is to rectify an illegal lot. We are annexing the corner in at Columbia and Ten Mile to build a church. We will be coming back in for a Design Review and Special Use.

Lot one will be annexed into the City and is where the church is going to be, lot 2 will stay in the county, lot three is already in the City and lot four is the lot that will go through annexation and lot line adjustment to make it all one lot with lot three so that it is no longer a non-conforming lot.

Open Public Hearing: 7:52 pm

Support: none

Neutral: none

Oppose: none

Close Public Hearing at 7:52 pm

Discussion:

Commissioner Case: These roads are going to be major roads and that is my only concern besides design review but that is another issue. My concern with the entrance off of Columbia across traffic, it will be a concern for vehicles trying to get across traffic. The issues I have is I would like to see a right-in, right-out on Columbia also. To me this is a safety issue, look at Highway 69 and all the accidents.

Staff: there is going to be a right-in, right-out on Ten Mile and a full access on Columbia for driveways.

Planner Director Hasson: ACHD does access management, but the special use permit comes to you and you can modify that standard. The access will have to be as far away as possible from the intersection and may have to have a shared driveway with their adjoining neighbor.

Commissioner Kerfoot: Are we going to do an overlay with Ten Mile like we have on Highway 69?

Planner Director Hasson: This is going to be another presentation corridor and I believe that this road should also have an overlay district. With the interchange going in we might want to look seriously and be poised to know how we are going to treat this presentation street.

Chairman Touchstone: Maybe some deceleration lane on Ten Mile to help slow the traffic down.

Commissioner Kerfoot move to recommend to City Council for approval 08-12-AN/ 08-14-DA annexation and development agreement with zone changes of Lot 1 from RR in Ada County to C-1 in City of Kuna and Lot 4 from RR IN Ada County to "A" in the City of Kuna with the following conditions:

- o Meet all staff and agency requirements.

Commissioner Case seconds, all approve, motion carries.

REPORTS

Planner Director Hasson: I have provided some information about the annexation. It shows that in four years the City has increased in size about 4 times.

City Attorney Grove: We are in the process of drafting the decision of adopting the facts and findings and conclusions of law for Best Bath there were a few changes, not significant, just trying to shore up some conditions that were a little weak. Whether there is going to be further appeal is not known they have 28 days from the date of Council's decision to appeal. I have not seen nor

has the a law suit been served to the City. From my understanding Best Bath filed this suit as a precaution because the statutes of limitations were being close to running out. And I gathered this was not intended to actually be filed against the City, the lawsuit was filed to preserve their claims.

CHAIRMAN DISCUSSION

Chairman Touchstone: some clarification Commissioner Case on why you will vote for a school issue but not a Preschool/Daycare.

Commissioner Case: Because I am in the business of operating a daycare/preschool and do not want to cause a conflict of interest where it does not with me being on the school board.

Commissioner Kerfoot. So where we at are on the Ten Mile overlay?

Planner Director Hasson: It is just a discussion right now with CRSA in the comp plan and steering committee. We have established an overlay for Highway 69, and should we have one for Kuna Mora, Ten Mile, and McDermott. Right now it is in just the planning and discussion stages and nothing concrete.

ADJOURNMENT

Commissioner Case motions to adjourn the meeting at 8:35 pm

Commissioner Kerfoot seconds, all approve, motion carries.

Justin Touchstone, Chairman

ATTEST:

Tracy Rushlow Planner Technician