

**Kuna Planning & Zoning Commission Meeting
April 28, 2010**

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 David Case, Commissioner Stan Sanders, Commissioner Curt James, Commissioner Stephanie Wierschem, Director Steve Hasson, City Attorney Richard Johnson, Planner II Troy Behunin, Planner Maranda Obray and Planner Tracy Rushlow,

Absent: Vice Chairman Carl Trautman

The Kuna Planning & Zoning meeting was called to order by Chairman Case at 6:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Consent Agenda

Vice Chairman Trautman opened the meeting at 6:02 pm

Consent Agenda:

Planning and Zoning minutes:
April 24 , 2010

Facts and Findings and Conclusions of Law

10-03-SUP Kuna Elementary School No. #3.

10-03-ZOA Text Amendment of KCC 6-2-4 (Final Plat Process), KCC 6-4-2 (Required Public Improvements) and KCC 6-4-3 (Financial Guarantee).

Commissioner Sanders motions to approve consent agenda from April 14, 2010; Commissioner Wierschem seconds, all approve motion carries.

OLD BUSINESS

None

NEW BUSINESS

A. 10-04-SUP (Special Use Permit) / 10-01-ZC (Rezone) / 10-02-DA (Development Agreement) Planner Maranda Obray presented the application. The land is presently zoned M-1 (Industrial) zone designation, which does not permit church related uses; however, the Applicant has requested a rezone of the property to the C-3 (Service Business District) zone. A church is allowed in the C-3 zone through a special use permit.

As a first step in the process, the Applicant was subject to a design review approval. The review was necessary in order for the Calvary Chapel of Kuna to reside within the existing building. The site consists of approximately 1.634 acres; of which .976 acres is occupied by the building.

The Applicant intends to lease a portion of the building to the Calvary Chapel of Kuna, whose fellowship includes the following activities, Sunday morning worship services, with simultaneous Sunday School for children and youths; mid-week Bible study on Wednesday night; a ladies' study

on Thursday night; and Pure Word, a substance-abuse rehabilitation Bible study on Tuesday evenings.

The church intends to unite with the other Christian Churches of Kuna in local fellowship outreach pursuits; such as; "Community Dinners" and "Community Outreach Christmas Store", all of which will be provided offsite. There is significant social benefit to the community from this outreach effort, for example: the "Community Dinners" held last summer in the park, fed an average of over 75 people and the "Community Outreach Christmas Store served nearly 50 needy families with free gifts for children and adults.

Calvary Chapel intends to lease half of the building space, 3,776.5 square feet (based off submitted plans), until their fellowship grows. They plan to expand the space as needed. Currently, the church is proposing to have as many as 100 people (including children) at a given service. The remainder of the building is unoccupied and is available for lease. If another business enterprise locates in the remainder of the building that action may trigger another design review and depending on the type of operation. The site is building and fire code classified as A-3. The A-3 classification limits occupancy to a maximum 300 occupants without the installation of sprinklers. A limiting occupancy factor is parking; according to City code, a church shall provide one parking space per five (5) church attendants. The Pastor intends to address this occupancy constraint by providing multiple services as may be necessary to assure he stays within the confines of the City's zoning, building and fire standards.

Onsite parking consists of 17 standard parking spaces, with 1 van accessible ADA compliant space. Kuna city code 5-9-3: D requires one parking space per 5 seats for church use. Thus, the Applicant will need to provide additional parking to accommodate church needs. Staff estimates a total of 26 spaces and 2 ADA van accessible spaces. The Applicant intends to address this deficiency by striping the south parking lot with additional parking spaces necessary to accommodate City identified parking need. The fencing is chain link with slats, and we are requesting that the slats be removed. The reason why that is this is a corner and it is sight obscuring. We also request that there be a right in and right out for the driveways. The driveway to the east we wish to have as a right in and the driveway to the west as a right out. This will help with the issue of sight obstruction as it is on that corner.

Rezoning the site triggers Kuna City code requirements related to roadway, landscaping and parking. The site's landscaping will need to be brought up to Kuna City code; and noting, the current landscape does not meet City standards for the street buffer located along the roadway abutting the site. Likewise, internally, the landscape does not meet City code. Luker Road is designated as a minor collector roadway; requiring a minimum 20-foot wide landscape buffer. Shortline Road is a local roadway, currently improved with a 5-foot landscaped buffer. Accordingly, the Applicant will need to increase the site's landscape vegetation density called out in Kuna City code 5-17-14. The need to address landscaping along Luker Road will not attend to at this time.

The undeveloped portion of the site .524 acres, will remain undeveloped for the foreseeable future. At some future date, the undeveloped portion of the property may be utilized for additional parking and landscaping; however, no specific land use decisions have been made at this time. Staff is suggesting the undeveloped area be cleaned of debris and graded level with barricades installed between the parking lot and the undeveloped area to halt its use for parking purposes.

The Applicant is recommending conditions relating to the undeveloped portion of the property, be applied at time of future land use development. Staff is suggesting any further development activity would trigger an improving of this area.

Chairman Case; In going from an M-1 to a C-3, I am concern that we might field complaints of noise and smell and that type of things, what is the staffs thoughts on that?

Staff: there is not much of a difference in an M-1 and a C-3 uses, but more of a diverse type of uses. Most would have to have a Special Use, and any new commercial will trigger at least Design Review so we will be able to monitor the uses somewhat. I do not see it as a problem. For example, Best Bath is just using the building as offices now.

Commissioner James: It says that it is in alignment with the comp plan but then it says in a different spot that the future land use map will need to be modified to accommodate this land use action. To me that means it is not in alignment.

Staff: The map will have to be amended but regarding all other aspects of the plan they are in alignment; such as the use going in, landscaping, streets that sort of things.

Commissioner James: Can we put some sort of condition on the special use where we re-evaluate after a certain period of time? Right now there are not really any other businesses of industrial nature in there, but in the future that may change and I don't want to go there and have all kinds of problems. Like if it gets heavier industrial uses in there is there a percentage that it can reach and then it triggers a re-evaluation of that special use permit?

Staff: You can put a sunset clause on the special use which will go away at that time and you can also have it re-evaluated at a different time in the future. But the special use stays with the land, and once granted here it will stay with the property, so even if this Church does not stay, it does not prevent another from going in and using the building for the same thing.

Applicant: John Brand, 14064 W Tallon Creek Boise, Working with staff, they have been very accommodating in getting the special use and the rezone done. I don't have anything to really say, they have pretty much spelled it out and I do not have any problems with the staff report and conditions.

Open Public Hearing at 6:17

Neutral: none

Oppose: none

Support: none

Close Public Hearing at 6:18

Chairman Discussion:

Commissioner Sanders: I have no questions.

Commissioner James: I would like to get your feel on the changes to the comp plan future land use map. I feel like we are back tracking a bit and this is a little bit out of alignment and the ink is barely dry and we are waffling on the comp plan.

Chairman Case: My only concern is that folks come back in a couple years down the line is some other use came in that is designed for that use that made noise or smells, like Best Bath. I just to go on record that I do not have any problems with the Church going in, but you need to realize that this use is for industry and when it does grow there may be things that you may consider undesirable, but that is what that area is zoned for, and I don't want someone to come back in 5 years later and complaining about the smells and noise.

Commissioner Wierschem: So your recommendation is for a right in and a right out is that listed somewhere in the staff report as I could not find it in the staff report?

Staff: No that is something that we talked about, it was brought up in Design Review, but it was never made a condition. We just feel that in the public's safety it would be best if there was a right in on the east driveway and a right out on the west driveway. And there is no stop sign there and there is a corner and with the park across the street, it would be in the best interest of safety and even if they remove the slats from the chain link, I am not sure that is still enough vision to see.

Chairman Case: Is that something that we can condition?

Planner Director Hasson: That is for ACHD to make a decision on. We will let them know that is something that we would like them to look at. They did not comment on that issue.

Motion

Commissioner Wierschem recommends approval of 10-04-SUP (Special Use) and forwards recommendation of approval to City Council for 10-01-ZC (Rezone) / 10-02-DA (Development Agreement) with the following conditions:

- *Meet all Staff and Government Agency requirements and recommendations*

Commissioner Sanders seconds, vote is 2-1 with Commissioner James the dissenting vote. Motion passes.

B. 10-04-ZOA Text Amendment: KCC 1-14 (Decision Making Land Use Authority and Process by Application; KCC 5-1-6-2 (Meanings of Terms and Words); KCC 5-3-2 (Official Schedule of District Regulations) presented by Steven Hasson, Planner Director. This is for proposed text amendments, there are more than one. There are three different text amendments. The first of the three is for Decision Making Land Use Authority and Process by Application. We have not had an authority tree to show who the deciding body on what action is to be taken. The decision tree is a summary list of the actions that the City shall take in administration of this title, the body responsible for the action, and reference to the process under which the action shall be taken. In the case of concurrent applications requiring action from more than one decision making body, the applications shall be combined and the City Council shall be the deciding body with the Planning and Zoning Commission the recommending body. This action would not impose upon the Planning and Zoning Commission the need to recommend development outcomes where the presently are not a recommending authority. The thing that this does, and it is from City Council, is they are frustrated when applications come to them, where a piece of it has already been decided, but it can't really go anywhere without the rest of the applications, which need to be decided by City Council. They want to be able to decide all of the applications in this instance since they are all tied together. It will take some decisions from you, but only the ones where they are bundled with other applications as one. Like the applications tonight for the Church. When this passes, you will be just a recommending body on the Special Use permit not the deciding body. But if it is just a Special Use, you will still be the deciding body. They do not want you to think that they are taking away any of your powers, they are just trying to streamline the process and make it easier for all with just one deciding body with multiple applications at the same time going through.

The next one has to do with the Meanings of Terms and Words. Recently, Kuna was advised that we have to do emission testing. We had some individuals who wanted to setup an emission testing site, they were denied, but Council decided that it would be helpful if we had vehicle emission testing including in our meanings of terms and words. And to follow that up we had to include it in the Official Schedule of District Regulations so it can be allowed in uses or special used permitted in certain categories. Also in the Official Schedule of District Regulations, a person wanted us to entertain a farmers market on public land, and we feel that a farmers market is a good thing for the community, so there should not be a lot of regulatory hurdles for that action. What we have done is

amended the table on the farmers market, it is permitted in a lot of zones. It was to make it a lot easier to have a farmers market in the downtown area.

Commissioner Sanders; what is the definition of a farmers market?

Staff: under meanings of terms and word it is defined as “ Farmers Market: A building or open area in which stalls or sales area are set aside, rented, or otherwise provided for use by individuals, tenants, or businesses engaged in the sale of vegetables, fruits or other agricultural products.”

Commissioner James: How did you get the definition of vehicle emission testing? Is there a definition in Ada County? There is one typo in preformed it should be performed.

Staff; we took Meridian and Boise definitions and merged them; then Steve tweaked it to what he felt was an adequate definition.

Commissioner Wierschem, I feel that the process is kind of backwards, like the cart before the horse. Like tonight the special use, stopped here but the rezone moved forward.

Staff: The reason that they are in conjunction with each other is that if you would spread them out it could take months longer, the rezone can take 4-6 months then you would have to have the special use and that would take another 60-90 days so something that they could do in 4-6 months is now taking about a 9-12 months if you separate them.

Open Public Hearing at 6:59

Neutral: none

Oppose: none

Support: none

Close Public Hearing at 6:59

Commission Discussion:

Chairman Case: I think that the underlying thing is what is going to move this process forward and smoothly. I don't see it as an authority problem, I see this as it makes sense that these all run together as a bundle and one decision is made. It is more of a concern that things are processed smoothly and cover all the bases and the law.

Commissioner James: I agree, especially if the land use applications are dependent on each other, which make more sense to move them forward to have one deciding body.

Commissioner Wierschem; I just don't want this to slow down the process.

Commissioner Sanders: Since I have been a part of this committee, we have worked together well and we have caught things that may have gotten through, so I do not see this as a problem, we will still be able to catch issues that may have gone un-noticed before. We are still the recommending body on most things so I do not see us losing anything. I think that this will help with applications like the application we had tonight.

Chairman Case: One of the things that this Commission is for is to take some of the burden off of City Council, and I fell that we do that as a recommended body, we are able to fine tune a lot of applications.

Motion:

Commissioner James forwards recommendation of approval to City Council for: KCC 1-14 (Decision Making Land Use Authority and Process by Application; KCC 5-1-6-2 (Meanings of Terms and Words); KCC 5-3-2 (Official Schedule of District Regulations) with the following conditions:

- *Meet all Staff and Government Agency requirements and recommendations*

Commissioner Wierschem seconds, all approve, motions carries.

REPORTS

Planner Director Steve Hasson: Just a note that we are doing well in the building permit department. The handout I gave you is from the Saturday's newspaper and it shows how well we are doing compared to the rest of the Treasure Valley.

City Attorney Richard Johnson: none

CHAIRMAN DISCUSSION

No discussion:

ADJOURNMENT

Chairman Case motions to adjourn at 7:15
Commissioner Wierschem seconds, all approve, motion carries.

David Case, Chairman

ATTEST:

Tracy Rushlow, Planner