

**CITY OF KUNA  
PLANNING & ZONING COMMISSION**

**MEETING MINUTES  
Tuesday, June 27, 2017**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	Absent	Trevor Kesner, Planner II	X
Commissioner Stephen Damron	X	Jace Hellman, Planner I	X
Commissioner John Laraway	Absent		

**6:00 pm – COMMISSION MEETING & PUBLIC HEARING**

Chairman Young called the meeting to order at **6:00 pm**.

**Call to Order and Roll Call**

**1. CONSENT AGENDA**

- a) Planning and Zoning Commission meeting minutes for June 13, 2017.
- b) **16-04-S** (Subdivision) and **16-19-DRC** (Subdivision Design Review): Troost Family Living Trust, Jaylen Walker with AllTerra Consulting – *Findings of Fact and Conclusions of Law*.

*Commissioner Hennis motions to approve the consent agenda; Commissioner Damron Seconds, all aye and motion carried 3-0.*

**2. NEW BUSINESS**

- a) **17-12-DR** (Design Review) – Ridley’s Family Center No. 2 (landscaping buffers): Applicant requests approval for new landscape buffering adjacent to Deer Flat Road and future Sailer Place ahead of the future Ridley’s Family Center No. 2, commercial subdivision.

*Chairman Lee Young recuses himself from this hearing*

**Eric Anderson:** Landscape architect for CSHQA. The project is essentially streetscapes along sailer place and Deer Flat Road. We have been working with Troy the city planner and other staff to make sure that all the requirements of street trees and shrubs are accounted for, and that’s essentially all of the project.

**C/Hennis:** Thank you, do you have any questions? Okay Staff? **Troy Behunin:** good evening commissioners just for the record, Troy Behunin Planner 3, Kuna Planning and Zoning Department. I appreciate Eric Andersons efforts and all of his hard work with what we have been doing with this landscape Design Review. We do recognize that this putting the pony in front of the cart. Typically, the landscape buffering doesn’t take place or get installed until the final plat is approve and moving forward. The owner of the property would like to jump out in front of that and make it more presentable. Staff has been through numerous conversations with Jeff Ward and Eric Anderson and some of the other players on the applicant side in order to make sure that everything is being adhered to, and that the landscaping ordinance is being followed. We’ve actually done a very good job, and they have put a lot of effort, and a lot of man hours in

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and they have come up with something that is really nice for the area and it will do exactly what the owner is thinking it will do. It will beautify the area while its under construction and it will start to say hello we are here, pay attention to us. They have done everything we have asked them to and provided numerous documents and renditions and we have gone back and forth and they have been really nice to work with. I have no concerns and I will stand for any questions that you might have for us. **C/Hennis:** Stephen do you have any? **C/Damron:** Not at this time. **C/Hennis:** I've got one question, in your staff analysis it remarked that gravel is not an acceptable ground cover in a C-1 zone, has that been resolved with the applicant? **Troy Behunin:** We resolved that, it can be used as a decorative item, meaning it can be used, but it just can't be the dominate landscape feature. We don't want to drive out there and see 50 Percent gravel and 10 percent trees, and the rest grass. **C/Hennis:** Okay, so something like a perma bark can be used? **Troy Behunin:** Yeah. **C/Hennis:** as long as you guys have worked it out, then that's not relevant in the analysis. **Troy Behunin:** Not really, it was just put there as boiler plate reminder that gravel may be used, it just can't be the dominate. **C/Hennis:** On their plans they have accounted for the required trees and shrubs and those accurate to the city's requirements? **Troy Behunin:** They do exceed in some of the categories. **C/Hennis:** Okay, I have no more questions thank you. I think it looks good. **C/Damron:** I like the idea of a buffer in there. I think it looks pretty good.

*Commissioner Damron motions to approve Case No. 17-12-DR for Ridley's Family Center No. 2 (landscape buffers) with the conditions outlined in the staff report and testimony; Commissioner Hennis Seconds, all aye and motion carried 3-0.*

- b) **17-11-DR** (Design Review) – Patagonia Pool House: Taylor Merrill with Arbor Ridge, LLC seeks Design Review approval from the Planning and Zoning Commission (acting as Design Review Committee) for a pool and pool house, accompanying landscape, lighting and parking lot, within the Patagonia Subdivision (Future Lot 1 Block 5).

**Amanda Bidwell:** neUdesign architecture the address is 725 E 2<sup>nd</sup> street in Meridian Idaho. So, what I have designed is one of the amenities for the Patagonia neighborhood. It is a pool facility and we worked closely with a local pool designer to do the pool area and I designed the building, it has a male and female restroom facility and then it has a pool equipment and storage room. On the outside of the building we looked at some the houses going up in the neighborhood and used similar materials and color pallets to make it match and then we also worked with troy and Jace to get landscaping figured out and the number of parking spots that are required. **C/Young:** Okay, are there any questions for the applicant at this time? **C/Hennis:** Just one question on the fence, you indicated rod iron fence, are there no actual gates for entry outside of through the pool house. **Amanda Bidwell:** So, there is the main entry through the pool house and there is a separate one off to the westside. **C/Hennis:** And that is going to be a self-closing gate? **Amanda Bidwell:** Yeah. **C/Hennis:** Okay, that's all I can think of. **C/Damron:** What's the depth of that pool? **Amanda Bidwell:** it ranges from 4 to 6 feet and then that bowl that comes off the top is a beach entry. **C/Damron:** So, it is ADA compliant, that beach entry? **Amanda Bidwell:** It is. **C/Damron:** it is. **C/Young:** Okay, any other questions? We will have staff come forward.

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**Jace Hellman:** Chairman, commissioners for the record my name is Jace Hellman, Planner I for the City of Kuna 751 W 4<sup>th</sup> ST. The application before you tonight is seeking Design Review approval for a pool and pool house with accompanying landscape within the future phase 2 of the Patagonia subdivision. The site will eventually be Lot 1 Block 5. This project will include one pool, a pool deck, and a pool house with restrooms and storage facilities. Vehicle access to the site will be made available from East Hubbard Road during the future construction of Patagonia Subdivision phase 2. The Property as it sits now is vacant, within city limits, and currently zoned R-6. The site's vegetation has been cleared and earth work for future development is underway. Staff has determined that the applicant has submitted all the necessary documents. They have shown to be very willing to work with staff throughout this process as well. The application is in general conformance with the Kuna City Code Title 5, Chapter 4, (the Design Review Ordinance) and Title 5, Chapter 17, The Landscaping Ordinance. One last note, one of the renderings in your packet include a large sign that says Patagonia. The applicant and their representative and decided against placing the depicted sign on the building. In the future if they decide to add the sign, a separate design review will be needed. I believe I have included a rendering that shows the building without the sign. I will now stand for any questions. **C/Young:** Are there any questions for staff? **C/Hennis:** Not that I can think of right now. **C/Young:** Okay thank you. Now that brings up our discussion. **C/Hennis:** It seems pretty straight forward. **C/Young:** It does, the colors are conforming with what I have seen out there. The structures are not overbearing. The rooflines breakup, the materials vary. **C/Damron:** Well landscaped around the edges it looks like. **C/Hennis:** Photometrics even provided, it looks like we have good lighting. **C/Young:** are there any other thoughts that you can think of? **C/Hennis:** I can't think of anything.

*Commissioner Hennis motions to approve Case No. 17-11-DR (Design Review) for Patagonia Pool House with the conditions outlined in the staff report and testimony; Commissioner Damron Seconds, all aye and motion carried 3-0.*

**3. PUBLIC HEARING**

- a) **17-03-SUP** (Special Use Permit): BRS Architects representing Smoky Mountain Pizzeria Grill Requests Special Use Permit approval to operate a full-service bar within the newly proposed Smoky Mountain Pizzeria Grill restaurant to be located at 1011 N. Meridian Road, on Lot 2, Block 1, within the Ensign Commercial subdivision.

**Dan Todd:** Hi I am Dan Todd, I am the president of Smoky Mountain Pizzeria grill restaurants. We will be located at 1011 N Meridian Road. I am here tonight requesting special use permit approval to operate a full-service bar within the newly propose restaurant at that address. **C/Young:** Okay, are there any questions for the applicant. **C/Hennis:** It looks pretty straight forward. **Trevor Kesner:** Chairman, Commissioners, as the applicant has stated, the application before you is for a special use permit to operate a full-service bar within the previously approved design review for the Smoky Mountain Pizza restaurant at the last meeting. The City of Kuna requires a special use permit to operate a full-service bar, as long as it is not within 300 ft. of place of worship or a school, which this not. I will stand for any questions you may have for this. **C/Young:** Okay. **C/Damron:** Do they already have their liquor license for that? **Trevor Kesner:** That I would have to defer to the applicant. I know they have them at other locations, I don't know if that carries for the corporation? **Dan Todd:** Liquor licenses are issued individually, and we

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need to go through this process first and then we can apply once a premise is established. **Trevor Kesner:** I would like to introduce one exhibit for this because it was a late arrival from Idaho Transportation Department. They had comments that arrived late. **C/Young:** let the record show that this is exhibit C8. **C/Hennis:** I have no other questions. **C/Young:** okay, Thank you. I will go ahead and open up the public testimony at 6:17 and I don't see anybody signed up, is there anybody here that would like to sign up to testify. Okay, seeing none I will go ahead and close the public testimony at 6:18. That brings up our discussion. **C/Hennis:** It seems pretty straight forward, you can't have a full-service restaurant without the bar. It is not in a neighborhood so.

*Commissioner Hennis motions to approve Case No. 17-03-SUP (Special Use Permit) for the Smoky Mountain Pizzeria with the conditions outlined in the staff report and testimony; Commissioner Damron Seconds, all aye and motion carried 3-0.*

- b) **17-04-SUP** (Special Use Permit) and **17-10-DR** (Design Review) – KJ's Superstore: A Special Use Permit (SUP) and Design Review (DR) request from RADIX Construction Inc. to construct a new convenience store, fuel stations and car wash. The site is located at 1565 East Deer Flat Road, Kuna, ID 83634.

**Carlo Cante:** I am with RADIX construction, we are the selected design builders. We represent Hansen and Hansen LLP. Our proposed project involves an approximate 2-acre site. At the southwest corner of the intersection of Deer Flat and Meridian Road. Our proposed project involves a convenience store that will be 5700 square feet, a car wash that will be approximately 5300 square feet and a fuel pump station to accommodate the convenience store. We have been working with Mr. Hellman in providing the required documents for the design review and at this point we are ready to proceed with construction documents and seek approval in honoring that. **C/Young:** any questions for the applicant at this point? **C/Hennis:** none that I can think of, the information is pretty much here. **C/Damron:** That concrete wall barrier that in the Ridley's parking lot that on the north side, are you going to fence the top of that for safety concerns: **Carlo Cante:** I am not sure if we have that yet, since we are in the design development process, but we will look at that and see if there is a fence that will be going on it, but at the present time I do not believe we have one. **C/Damron:** Okay. **C/Hennis:** I don't have any further questions. **C/Young:** None at this time? Okay, thank you. Then we will have Jace come forward.

**Jace Hellman:** Chairman, commissioners for the record my name is Jace Hellman, Planner I for the City of Kuna 751 W 4<sup>th</sup> ST. The application before you is seeking a Special use Permit and Design Review Approval for KJs Superstore gas station located at 1565 E Deer Flat Road. Design Review approval is necessary for the proposed Convenience Store and Car Wash, and with the addition fuel sales, under Kuna City Code a Special Use Permit is required. The applicant has also provided us with the board of materials for your viewing. Access is proposed as a right-in/right-out only, curb return type driveway accessing Deer Flat Road from the site, located 348-feet west of State Highway 69. Full access to the site off Deer Flat Road would not meet ACHD or City Access Management standards and therefore, Per ACHD the applicant will be required to install a 6-inch concrete median in Deer Flat Road from State Highway 69/Meridian Road to the west. It should be constructed a minimum of 75-feet beyond the edge of the driveway, which would prevent westbound turning from the driveway approach location. Access will also be available from North Abstein Lane. All drainage will be retained on site through landscaping areas and catch basins with

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seepage beds. These proposed seepage beds would be located under the asphalt driveway. I have provided for you tonight comments from both Idaho Transportation Department and Boise Project Board of Control who submitted comments after you received your packet. the applicant is aware of these submittals and agrees follow the requirements of put forth by these agencies. Staff has determined that the applicant has submitted all the necessary documents and all noticing requirements have been met. They have shown to be very willing to work with staff throughout this process as well. Staff finds that the proposed building, landscaping, parking and lighting are all in substantial conformance with Kuna City Code, specifically title 5 and forwards a recommendation of approval. One last note, signage is not a part of this design review. A separate design review for all signage on site will be required at a future date. I will now stand for any questions. **C/Young:** Okay, any questions for staff? **C/Damron:** Can you state to me again the reason we can't have an egress or an ingress on Deer Flat Road. **Jace Hellman:** Yes, it is ACHD's policy there within a certain amount feet from a full access, so right in right out is the only thing that would fit their access management standards and the six-inch median will act as a prohibitor. **C/Damron:** I noticed from ACHD, it seems that they didn't consider traffic flow on Deer Flat during peak hours trying to get in and out of the one access, right there on Deer Flat Road. Looking at the site there is no way we can access through an easement to try and mitigate some of the traffic. **C/Hennis:** it is on the west side of the development, page 189, it shows us an access on the back side of here. Jace I am not sure if this is question for you or the applicant, the elevations show a darker red stucco, but the stucco shown on the board is a bright red, do you know which one it is actually? **Jace Hellman:** I would have to defer to the applicant for that. **Carlo Cante:** our design emphasis is to try and go with the elevations and the renderings that were submitted so the end result will be a darker red. **C/Hennis:** Okay perfect, thank you. **C/Young:** Okay, are there any other questions for staff. **C/Hennis:** I do not believe so. **C/Young:** No? okay Thank you. Then I will go ahead and open the public testimony at 6:27 and seeing nobody signed up to testify, I will ask if there is anybody in attendance would like to sign up to testify? **Teresa Perry:** this comment is actually not just for this project but for your other projects that are on tonight's agenda as well. And that is, please take into consideration that you have four corners that are wanting to develop all at the same time, and you have us little land owners that enjoy our space that enjoy our space and we would just really appreciate some hardcore thinking before you approve everything. That is pretty much what I wanted to say, it is pretty hard for living in Kuna for so long. Your approving everything, I think that's my frustration. **C/Hennis and C/Young:** Thank you. **C/Young:** Okay, then is there anybody else that did not, that would like to. Seeing none, if there is anything the applicant would like to say in rebuttal to that? We will go ahead and close the public testimony at 6:29. Then that leads to our discussion which is specific to this parcel, and specific to this application in an area that is already zoned C-1 for this project, its design review for this one, which is all that we can discuss at this point. As far as the design review and special use permit for the gas station there. That location really lends itself to a C-store. As the design review piece goes, I think they have done good job on the elevations. And again, as we talked about on the other project, the varying materials and some richer colors and so the layout and landscaping seem to be incompliance with what I've seen. **C/Hennis:** No, I agree, I think this is what this corner has been intended and design for, for the last few years. It's going to be a good service for what they need in that location. **C/Damron:** there really is not much else we can do with it besides convenience for people coming in and out of town. And the elevations look good. The building the facia on it looks like Ridley's and the others in the area so it matches. **C/Young:** I have one last question for the applicant, as far as mechanical equipment, where is that being placed. **Carlo Cante:** our original application had split systems, but after

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evaluating the budget and going through the design development we have agreed to go with some roof top units, so what we did is we extended the parapet so we could block the visual effects of those units. **C/Young:** Okay, so you did a line of sight and the parapet units will screen all of that? Okay thank you.

*Commissioner Hennis motions to approve Case No. 17-04-SUP (Special Use Permit) and 17-10-DR (Design Review) for KJs Superstore with the conditions outlined in the staff report and testimony; Commissioner Damron Seconds, all aye and motion carried 3-0.*

- c) **17-03-S** (Subdivision), **17-03-ZC** (Rezone) and **17-06-DR** (Design Review) – Deserthawk No. 4 Preliminary Plat: B&A Engineers representing Endurance Holdings, LLC requests preliminary plat, rezone and design review approval for an approximately 9.43-acre parcel within an existing agricultural (Ag) zone to a medium density residential (R6) designation, and subdivide the parcel into 34 residential building lots and seven (7) common lots. The site is located approximately 2500 feet south of the intersection of West Avalon Street and South Ten Mile Road on the southeast corner (SEC) of South Ten Mile Road and West Sunbeam Street, and is addressed as 874 S. Ten Mile Rd., Kuna, Idaho. **-Staff is requesting this item be tabled to the July 13<sup>th</sup>, 2017 Special Planning & Zoning Commission hearing.**

*Commissioner Damron motions that 17-03-S (Subdivision), 17-03-ZC (Rezone) and 17-06-DR (Design Review) for Deserthawk No. 4 Preliminary Plat be tabled until the July 13<sup>th</sup> meeting. Commissioner Hennis Seconds, all aye and motion carried 3-0.*

- d) **17-04-ZC** (Rezone) and **17-04-S** (Subdivision) – Ashton Estates Preliminary Plat: Applicant, Kirsti Grabo with KM Engineering, requests approval for a zone change for approximately 19.86 acres to C-1, and 34.76 acres to R-6 Medium Density Residential. Applicant also proposes a preliminary plat for a residential and commercial subdivision. The subject site is located on the southeast corner (SEC) of Meridian and Deer Flat Roads. **-Staff is requesting this item be tabled to the July 13<sup>th</sup>, 2017 Special Planning & Zoning Commission hearing.**

*Commissioner Hennis motions that 17-04-ZC (Rezone) and 17-04-S (Subdivision) for Ashton Estates be tabled until the July 13<sup>th</sup> meeting. Commissioner Damron Seconds, all aye and motion carried 3-0.*

- e) **16-11-AN** (Annexation) – Kolo, LLC (Logan Patten); Jay Walker with AllTerra Consulting, on behalf of Logan Patten with Kolo, LLC, request's approval to annex approximately 11.41 acres into Kuna City limits with a C-1 zone (Neighborhood Commercial), is consistent with the Comprehensive Plan Map. The subject property is located on the north-east corner (NEC) of Meridian and Deer Flat Roads.

**Jay Walker:** my name is Jay Walker I am at 849, East State street in Eagle Idaho. We appreciate all that staff has done, and the time and energy that they have expanded on this great projects behalf. I represent Kolo, LLC and the Honor, Logan Patton, and before you have your packet, and I have also created a presentation for the property it has some unique characteristics and by working with troy and staff we feel that we are coming in with an annexation, zoning included with that in C-1 that fits nice in Kuna's plans. We seek annexation, 16-11-AN and proposed C-1 zoning approval for the approximate 10.21 acres located in the Kuna City Impact area. Both parcels, are to be annexed are both with the impact area and

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C-1 zoning is consistent with Kuna's comprehensive plan and future land use map. We meet the cities desires there that they have planned for and adopted. A lot of effort and energy has been expended by the owner and the team that he has assemble. We have a very comprehensive topo and boundary map, identifying everything and the characteristics that exist out on site. We are in the process as well as upgrading that topo to an alto survey to make sure we have all of the necessary easements. It is a unique property in that it has two major arterials on either side of it. It is somewhat of gateway to the City of Kuna. There are currently two older farm homes and some dilapidated out buildings and the owner is in the process of cleaning those up. This will significantly change the entry to appearance to Kuna's district here. We have met and discussed in the Gordon law days before he left, a lot of the main utility characteristics of this property including sewer, water and pressurized irrigation. We have also taken some time briefly with Antonio and we will work with him in preparation for a preliminary plat presentation to you in the future. As you can see most of the utilities are stubbed just across the corner from our property near Ridley's near the commercial development. We have worked extensively with Ashton Estates and Winfield on options of sharing that cost efficiently and collectively conveying those utility stubs to the property and we are excited to work with and work with staff and engineering to make sure that is done efficiently and cost effectively. We don't want to bore cut 69 any more than we have to. Beyond the main utility coordination and studies that we have preliminarily done. we conducted a phase one geotechnical study of the same property. We have also done a phase 1 environmental site assessment. And rightfully stated in your report by troy there is nothing alarming that had been generated from those two reports. Everything that has been reported we can address and conform to code and standards that the city has requested. We have also, even though not necessary for the application before you, have conducted a transportation traffic impact study. Kittleson and John Ringert have assisted us in the process. We have had several follow up meetings with ITD and notes and follow up responses have come from them, in association with your packet today. We have also received a staff report from ACHD regarding access points and use and improvements along deer flat, most of which we are in agreement of and are continuing to work with them on access constraints and exact locations that will be presented to you in a near time on a preliminary plat application process. Utility meetings with adjacent developers as I've said have occurred and the owner has extensively worked with the irrigation district Boise project on small alternatives dealing the Kuna cannel, and whether to leave that open as an amenity to the development which we will seek the public's input to see what they desire or tile it in an efficient way across the site. We have multiple layout that we are showing. These are all conceptual. Here is one of those with a large residential component in the northeast parcel, and on the hard corner over here in this area we would have retail commercial use of varying degrees, similar to what you've been presented with here tonight, by previous applications and SUPs. The next slide shows another variation of what we are considering as a layout with a little more office, commercial use. You may ask what does that office commercial entail, well there is daycares, and those operations that occur from the 9-5 typical work day, leaving evenings we are looking at sensitivity to maybe the residential folks and seeing if family dwelling unit located directly North, there is however a great buffer, that I will show you in some of our preliminary landscape layouts. We've got an access road that provides access for those residents that provides a large buffer and a transitioning effect to what we will present on the hard corner. Consideration there without holding anybody's feet to the fire, we have coffee shops, restaurants. We have a C-store, a gas station with very agreeable access, especially to and from commuting traffic. Again, some higher density residential component to the west in a transitional phase. On the last layout, we considered maybe an anchor, maybe

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a bigger box retail that has expressed some interest in the area and agreeable parking and parking lot islands and those types of applications agreeable to that with perimeter smaller retail commercial, and still the office retail transition from the single-family dwelling units to the North. Trying to be very sensitive. In this next slide is more of the green up concept. Not showing any access, we have had limited conversations. We did hold our neighborhood meeting, and those who were noticed, some showed up and we did have conversations mostly with them and making sure we transition very carefully with them closely and buffer through trees and landscape agreeable to other areas and typical to nice commercial areas that are agreeable to staff and to the residents of the community of Kuna. So, the development and design features on the next slide, the access features of circulation are very good for the development including emergency vehicles. This will account for improvements to Deer Flat and Meridian Road. Sewer and water and PI available west across Meridian Road. We are looking at efficient connection with neighbors. We have looked at canal considerations, both open and tiles options. We will work carefully with Boise Project and Irrigation districts and the great open space to fit the development plan, working with the city for pathway. We will have a regional pathway connection, connectivity will be worked out with staff, we are agreeable with that, and look forward to sprucing that up and creating an amenity for the community. Our storm drain design will be a standard collection, conveyance and treatment on site, we will make sure we are agreeable to code and standard design criteria of the City of Kuna, surrounding area and ACHD. A new creation of business, commercial to meeting the growing city of Kuna's needs. There was an expressed desire for that from community members. Street lighting and the parking lighting will be designed and nice in an upscale fashion for this area as well, and an accommodation for upscale care for any of the landscaping and pathway. So, in summary, this center has had a comprehensive review, we know a lot about the property and have extended effort in getting to know it. It will be a wonderful addition and amenity to the community it is located overlay district and adjacent to the Kuna, transportation and commercial corridor just as you have lined out in your comp plan and in your land use future. Adjacent to two adjacent arterials is mentioned. It lies within Kuna's city limits and complies with Kuna's Comp Plan and Future Land Use Plan. The C-1 Commercial zoning is compatible to adjacent, other commercial development and uses and desires of Kuna Residents for nearby services. It will clean out an older farm building and delapidated parcel for a nicer looking gateway into the City of Kuna. Compatible with surrounding uses and will transition and buffer the areas to the north and it's going to be a new commercial use providing good tax bases for the city. With that I will stand for questions and work with staff. We would ask your approval of this annexation. **C/Hennis:** I cannot think of anything right now. It is just for the annexation. **C/Young:** That is what I was going to say, that this is strictly an annexation, nothing else proposed here is on the table. **C/Hennis:** but thank you for all of the information about what your intentions are with the property, that makes it a lot easier for to know what we will be looking at in the future. So, thank you for your diligent work. **C/Young:** okay thank you, we will have troy come on up.

**Troy Behunin:** for the record, Troy Behunin, Planner 3, Kuna Planning and Zoning Department, 751 W 4<sup>th</sup> St. I also have a late entry from Idaho Transportation department, they sent this last Friday, and I was out of the office last Friday, and we are perplexed why this so tardy in reaching our office, but it is what it is. I stand before you tonight to let you know that the applicant representing Kolo, LLC, Jay Walker has worked with Staff, considerably over the last six months in order to get to the public hearing tonight. They held their neighborhood meeting and they've submitted everything that we had asked them to do. They have also submitted some sketch plans of their future plans that are in your packet, and hopefully you

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have had a chance to review the packet, everything except of course the ITD report. All of the notifications have been properly held and posted, the site was posted, letters were sent out to landowners within the 300-foot radius, in fact we extended that radius just a little bit, and we did run an ad in the paper in the public hearing section to advertise for tonight's hearing. As the applicant did state this area is designated as a commercial corner according to the 2008-2009 comprehensive plan map. They are asking for something that is in complete concert with that map. Staff is pleased to hear that they are considering all options for the pathway that does cross through, diagonally through the site from southeast to northwest. We are excited to hear that they are contemplating a pathway as a part their plan. Staff has a raised eyebrow with the access because this is the overlay district, and that stretches one quarter mile east and west of the centerline on the highway. As they are proposing two different access points within the overlay district, both ACHD and ITD are going to have some sort of jurisdiction on this project. Staff would recommend that even though it may be temporary system, that they do get the access that they are proposing until the warrants for safety have been met, and ITD is worried about the connections and that ACHD might be concerned, or that City Council might be concerned and that at some point that those would be restricted to a right in, right out only. But again, that is something that a traffic impact study will indicate. They are the traffic experts and ACHD will give its consideration to that Traffic impact study as well as ITD. You will notice that on the Idaho Transportation Department comment letter, item number five, it does indicate that ITD will require a Traffic Impact Study. ACHD has not requested one, or not required one, ITD has. That will come with preliminary plat when we move forward at some point. Tonight's hearing is just for the annexation. At some point the applicant will bring in a preliminary plat to divide up the land and create parcels, but that is a later time, and that is when the traffic impact study will be required. And as you heard from Jay, they are aware of that and they are in the middle of its preparation are nearing its completion. Other than that staff will just stand for any comments or questions you might have. It does follow our comprehensive plan and it is on the transportation corridor, and city council has stated many times that it is an entry corridor and is meant for business, which they are proposing. **C/Damron:** Troy, the road spacing they are stating here is does that post that signal will that be a 35 mile an hour zone? Is that what they are stating? **Troy Behunin:** you mean from comment number 4? **C/Damron:** Yeah from comment number 4. **Troy Behunin:** that is an IDAPA rule, I couldn't tell you. They are not saying it will be, but I think they are just doing that for design consideration. They are considering a reduction in speed limit. To move it north. Well before the Kuna Curve. This is tricky parcel, within the overlay district we like to have backage road within 600 feet because the overlay district code, strictly dictates that access is only given at the mid mile and the full mile and that those are both signalized. However due to the small nature of the project they do not have access to the mid mile in either direction. State law requires that each parcel be required at least some frontage allowance. You can't be land locked. **C/Hennis:** Right but that's a parcel stated, the residential requirements be far different than commercial requirement, so. **Troy Behunin:** there would certainly be stacking difference between the two, I am not a traffic engineer, but I do know they differ, I just do not know how much. The stacking distance required for Winfield springs which is directly west of this project is going to have a far different traffic impact study than the gas station that you heard just a few minutes ago and from this one. **C/Young:** Then again, the traffic impact study that hasn't been done yet will give direction, as well as ACHD in the future, but what we are really looking at tonight is the annexation, and then as the process continues the traffic impact studies, the neighborhood meetings, the preliminary plat and the design reviews and the neighborhood input on everything all comes at a later date, this is just strictly for annexation, only. **C/Hennis:** that is

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true, but one of the concerns I got is, what it is being annexed at zone wise. For instance, the entry that they have on their proposed layout roughly that leads onto meridian, does that comply with the 660 feet from the corner? **Troy Behunin:** It does not. **C/Hennis:** So, this canal is going to create an issue, even within this 660-foot window, so ideally there really is no access there. **Troy Behunin:** Not at the policy stated requirement, no there is not. There is no way for this parcel to actually comply with the policy. **C/Damron:** Its land locked is what you're saying? **Troy Behunin:** Yeah, unless other considerations are given and other mitigating factors are considered and implemented. **C/Hennis:** Right but by putting a different use in here...**Troy Behunin:** They wouldn't meet even if it was residential...**C/Hennis:** No but you're only anticipating one or two cars coming out of there...**Troy Behunin:** well if you're talking about one house on each parcel, you're still taking about ASHTO, ASHTO states 10 vehicle trips per home, per day. **C/Hennis:** Right but that's still different than servicing retail establishments. **Troy Behunin:** Yeah you are right. **C/Hennis:** Okay. **C/Damron:** I think Deer Flat was due to be constructed in 2025, widened I think that's what we figured out on this last one right here. Not until 2025. **Troy Behunin:** There is a lot of design considerations that have to be given lots of brain power because it can't meet, there is no way for it to meet the policy standard. You can't deny somebody a right to develop based on that, there has to be a way to mitigate those concerns, otherwise you are facing a takings. **C/Hennis:** Well right, but mitigating them to allow to put a house in versus one two three four five retail establishments is a different battle, I mean bending the rules is one thing, to allow somebody to access his parcel, it's another to have him build a bunch of commercial buildings on it. **Troy Behunin:** and that's what the traffic impact study is going to relay that information, and a preliminary plat, when it does come in, uses will probably be known more than what they are right now, and the configuration may be different then what we see tonight. **C/Hennis:** I've got nothing further. **C/Young:** Okay, anything further? Okay, Thank you Troy. Then we will go ahead and open the public testimony at 7:06 and I don't see anybody signed up to testify, is there anybody who hasn't signed up who would like to sign up?

**David Andris:** I live at 1928 East Deer Flat Road; my property borders this property for large part of it. We had a neighborhood meeting, I am guessing it was over a year ago, we met with Mr. Patton and somebody else. There was a lot of opposition to the residential going in there because of how much they were going to put in there, and the traffic that was going to be on this road, and now you even make that a lot worse with the opposite side of the road you have 50 acres there that will be high-density homes. Deer Flat can't happen that amount of volume. I have an entrance that is located right on the edge of my property, that borders that property. I would there would be some kind of width that I would have to have with my entrance. I don't think they can put an entrance within so many feet of mine, I'm not sure but I wouldn't think they would be able to. My first concern is that when you have neighborhood meeting, I would think that it would have to be within some period of time, relatively close to when you come to Planning and Zoning to present something. I am guessing this has been over a year since we meet with them. Like I said, in that meeting, we met with Mr. Patton, there was great opposition, a lot of people at the meeting, a lot of opposition to residential and multifamily type housing. Mr. Logan assured us that afterword's that he was going to back away and not go down that route, so I am very disappointed tonight to see that is still in the plan. There may be a lot of older homes, older buildings on that property. We have lived in that house for over twenty years, my house isn't depilated, it's not old. But depending on what they do it could have a direct impact on the value of my home, and I do not want to see my home devalued based on what they don't know what they are doing yet. There are problems with entrances, I guess I don't see the

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problem with the property being landlocked, its only landlocked, once they change the zoning. Once they change the zoning, that's when all the entrances requirements change for the entrances into those properties. Right now, that property has access it has access to Meridian Road, it has access to Deer Flat Road. It is only changing the zoning that is changing those requirements. Based on what I've read and studied on it, so highly disappointed with the change of what's gone on/ I've tried to contact Mr. Logan after the meeting that we had a couple times and he would not return my phone calls, even though he gave me his number and said call with any questions you might have. He was not willing and when Mr. Walker Stated he was looking forward to working with the neighbors, it is really hard to believe anything that we are hearing right now from them, I think I speak for the rest of the neighbors, who border this. They don't have a plan of what they want to go in there. When we had the neighborhood meeting they had on multifamily, they had on a restaurant, they had on a coffee shop, they had on office buildings and a gas station and that's all on ten acres. So, it seems to me that there needs to be some type of plan that goes in here. **C/Young:** Okay, well thank you. I am sorry there is a time frame, as you heard the timer. **David Andris:** Can I ask a question as far as later on will there be another meeting for the requirements as far as lighting, landscaping, all those other things, will there be another meeting after this for those requirements. **C/Young:** if this is approved, as an annexation and zone change, anything that goes in, a preliminary plat, there will be a neighborhood meeting for and when there is a design review, there will be different meetings where the public will have their opportunity to, in another public hearing like this as well, give their opinions and their concerns. **David Andris:** so, is there some kind of time frame between the neighborhood meeting, and when they come to present to planning and zoning? **Troy Behunin:** The applicant actually held the meeting on August 22<sup>nd</sup> so it wasn't well over a year ago and the time frame is only from when they hold meeting to when they make application. It does not dictate that it has to held within a certain time before it gets to the meeting. **David Andris:** So, it's been 11 months, it's been such a long time that I can't even remember exactly when it was. Thank you. **C/Young:** Okay Thank you. I will just ask one more time, is there anyone else who has not signed up that would like to testify?

**Deborah Dawn:** 1920 East Lazy Deacon Lane, and I just more or less have a question, if because of the transportation issues and if you annex this property in tonight and there are transportation issues which deny the owner access and his plans for this. What happens to that annexed property? Does Kuna have oversight of that property or what impact of that property piece will occur. **C/Young:** I guess I don't fully understand your question...If this property is annexed and this does not go through. **Deborah Dawn:** if the transportation does not allow the access needed to put this project forward, who has oversight of an annexed piece of property in the community. **C/Young:** the traffic impact studies that will be done, that are in process the input of the impact study from Ada County highway district, ITD all have stakes in what happens on their specific roads, in this case ITD and ACHD kind of meet there Deer Flat and Meridian. They will all have their input and what controls they would want on this parcel. If they determine this won't work they might say we prefer that you have a right in right out access, they could say any merit of things , but without the traffic impact study, and without a specific plan, if you get passed the annexation and then the traffic impact study is done on a preliminary plat, a preliminary plat will show specifically what their intent for the property is, and then ITD and a traffic impact study and ACHD can comment on any specific one, but it is hard for an impact study to be done when there is not a specific this what we are going to do. It could be a number of this though. **Deborah Dawn:** So, will you not annex this portion of property into the city limits until you have that statement from the transportation department?

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**C/Young:** That is up for discussion at this point. After she signs in is there anybody else who would like to, then we can go ahead and sign in now so we don't have to keep starting and stopping the process. Teresa Perry: 2151 East Deer Flat Road. Since traffic seems to be a very important part of this, I contacted ACHD about a month ago. Regarding the speed limit on Deer Flat road because it is actually crazy what Deer Flat Road has become that stretch to highway 69. So, I have an idea, it probably won't work, but I might as well voice it and that is, why can't you let the traffic impact study be done before you annex this property in, to make a decision on whether or not what can be done on that property or Ashton Estates or whatever, to where all four of those corners can be all unified together as one, where ACHD comes together, ITD comes together, all four corners come together and they say this is what is going to work. Why couldn't something be done like that. I don't know city government, I don't know laws or anything like that. It is just my opinion and I would like an explanation on that. **C/Young:** Okay, Thank you. Okay, then I don't see anybody else signed up to testify, ill please have the applicant come forward if there is anything you would like to add to your previous. **Jay Walker:** 849 East State Street, Eagle Idaho. I appreciate the public comment and I will clarify I was not at the public neighborhood meeting so I used we very loosely, it was not me at that point. I appreciate the concerns on the, and I will reiterate these are major arterials, these are not local streets. They have been designed accordingly and are in the CIPs in both ACHD and the STIP the state-wide transportation improvement plan for ITD to accommodate the use that the city has planned for in their comp plan the future land use map in the comp plan, and we will work hand in hand with ACHD and ITD to ensure that transportation is appropriately accommodated through our designs, that is part of the process. I understand the public's view of maybe a traffic impact study being required, but at this point to expend the dollar and also not have the preliminary plat pinned down it would be quite Ludacris and maybe a black crystal ball to do a traffic impact study at this point and the precedence has been set and the process of the City is in place per code with the three other corners and some the developing corners that have set the precedence on this process and we will agree to follow the process and the precedence that have been set. As far as transportation speeds, and traffic speeds and queuing the addressing of the future 2025, or 30 or 2035, improvements to the intersections or those corridors, or segments of road on Deer Flat or Highway 69, and we are aware of those and the CIPs and so are the agencies, and they have stated their review letters and even though like Troy said, they came very late we still received those and we will react to them during the preliminary plat process and that application process fine tuning the draft, transportation impact study by kittleson, completed we will adjust that accordingly. They will line out the right of ways that need to be dedicated and those are all impact fee eligible, because they are CIT and Arterial within the infrastructure and the classification of their functional classification map. We will account for that and work closely to make sure there is no gridlock and no adverse as much as we can on one quarter of a full four corner intersection, we will do our part. Thank you for those comments as far as David's other comments, I believe the quality in which we are planning this project, I don't know if we will impact the value of his home. It seems like I would hope that it would appreciate his value and create something of an amenity and draw additional interest if he ever decided to sell. And residential density that has not been set. We have I think consistent with what Mr. Patton has told him, there is not nearly as much residential density and higher density residential that we are considering on this, we are still fine tuning that and we don't have that nailed down yet. There will be a design review meeting, just like you expressed and a lot of that will be vetted in those proper meeting venues and I stand for any additional questions, thank you for your time, appreciate being here, really excited about this project, really excited about this corner it's a great use for a good exposed corner

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that you have identified in your comp plan land use. **C/Young:** Thank you, are there any other questions for the applicant. Okay thank you. With that ill close the public testimony at 7:23 which brings up our discussion for the annexation. In direct response to Ms. Perry's question on why the four corners don't go together. As applications come in to the city, the four corners don't come in at the same time. At this point they are coming in fairly closely and development doesn't always happen that way and we can't have development on one corner and say no we have to wait for plans from the other corners. It is also why there were traffic impact studies were done when the southwest corner was developed and the northwest corner when that comes in and the third on comes in the southeast corner, and now there will be a fourth impact study that will be done when this parcel comes up, it's a requirement by the agencies. And as those develop and as each corner develops its impact is done and then now that the other three are done and now that the other three are done, this traffic study will take into account the three corners, that's why they come in at different points to respond to your question. **C/Hennis:** Also, something to remember to. The reason we cannot do it this ahead of time, prior to a preliminary plat being filed is that they can't estimate what a quote corner is good for, what it is used for, they have to respond to what the proposed use is and what has to be changed or alter in the traffic or the direction of flow or whatever has to accommodate for traffic mitigations. So, you have to know what is going in to estimate the amount of trips going in. **C/Hennis:** quite frankly I have some real concerns about this site. According to what we just got from ITD today, I don't see, granted we just got done with our conversation with Troy, I don't see an access to prevent landlock but technically the street next to them doesn't conform to that. They are at 330 from the front face to meridian and they want roads at 660 feet. I can see for certain usage creating some variance for certain things, but I don't want to create a variance and have 14 different buildings services through that variance. But again, unfortunately this particular thing in front of us is just regarding the annexation. So, we don't know what they are doing yet, but I think it is going to create an issue on this property as we go. Whatever they are trying to do doesn't conform to the ITD. **C/Young:** Which I guess if it goes through as a C1 then as those impact studies are done and ITD gives their recommendation and ACHD does we again have the ability in this room to approve or deny and preliminary plat when that comes through based on all of those studies that are going to be done inconjunction with neighborhood meetings and another neighborhood input at well. **C/Damron:** The quandary I am looking at they have access now, but it is a single-family dwelling, if we leave it as it is, you can sell it as an 11-acre parcel for a single-family home. With the existing accesses from Deer Flat and Meridian Road. If you zone it as an R-6, no we are back to the same place we were. We are looking at highway access. So, it doesn't matter what it is zoned as, we are still looking at problems with highway access. So, if we zone it, that is up to ITD to say this isn't going to work or this is what we have to do. As a city planning board we have to look at that area and go what is that area in the comp plan designed for, you know it is design more or less for commercial use. It is not zoned yet, that is what we are here to do, but we are looking at if we zone it residential, everything comes up with the same problem. We have an access problem. One of the issues we are looking at it is we need to get it zoned we need to figure out what they want to do and then see what ITD has to say about it, any changes that need to be made. That will give us an idea if we have even the ability to put something through there. **C/Hennis:** here is another reason to. If we don't annex this the county has less restrictive requirement than we do as a City. We can't control what they do unless we annex this. At least with that we have some say with this. We have had that on a couple occasion were Ada county has done something different that we wouldn't have done. **C/Damron:** Yeah and we are far enough out where they may look at that and say oh that way out in Kuna and that's not going to affect

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us, and that does directly affect us and our growth plans. **C/Hennis:** I think that is a bigger worry. **C/Young:** As the comp plan goes it does, the location of the parcel with a C-1 zone does conform to the comp plan and everything going down that corridor. With all the reservations, there are with the traffic, it doesn't matter what the development is, is always one of the biggest concerns that people have and rightfully so. **C/Damron:** It's not a problem until is a problem for them. **C/Young:** my point is that I think that I am okay with a C-1 designation for this parcel, and our ability to vet the preliminary plat when it comes through with the input from all the agencies, with the traffic recommendations and see what some of those potential problems or abilities to rectify some of those problems are and you know as we have stated before we can always deny a preliminary plat if something does come through that doesn't work. But to me it conforms with what the cities growth pattern is and annexation is only. Which is what we are looking at for today's hearing. **C/Hennis:** I think we would be crazy not to at this point and not allow Ada County not to develop it. **C/Damron:** I think Dana is right, if we allow Ada County to develop it we don't know what is going to happen then in that plat of land and it wouldn't be under our control. **C/Hennis:** Yeah because they can go through and change it right now.

*Commissioner Hennis motions to approve 16-11-AN (Annexation) for Kolo, LLC (Logan Patten) and Jay Walker with AllTerra Consulting with the conditions outlined in the staff report and testimony; Commissioner Damron Seconds, all aye and motion carried 3-0.*

**C/Young:** Again, our motion was to approve the annexation, but as this process continues please know that your input is valued. **Member of the Audience:** It doesn't feel that way at all. At all. **C/Young:** I can understand your... but your input is and we will see you in here again and when there is something that is preliminary plat, then your voices will be heard again. We do hear it, and a lot of times it does not feel that way, but we do honestly listen and take it into consideration. We do thank you for taking your time to come and be a part of these hearings, it is very important. We thank you for that. Thank you and that motion did carry.

**4. COMMISSION DISCUSSION AND REPORTS**

We have taken on three new subdivisions in the last two or three weeks. We have pre-app for at least one more.

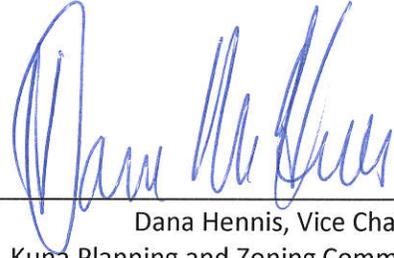
**5. ADJOURNMENT**

*Commissioner Hennis motions to adjourn; Commissioner Damron Seconds, all aye and motion carried 3-0.*

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Dana Hennis, Vice Chairman  
Kuna Planning and Zoning Commission

ATTEST:



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Wendy I. Howell, Planning and Zoning Director  
Kuna Planning and Zoning Department