

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 23, 2019**

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	N/A
Commissioner Cathy Gealy	Absent	Jace Hellman, Planner II	N/A
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	X	Doug Hanson, Planner I	X

6:00 pm – COMMISSION MEETING

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

Call to Order and Roll Call

1. CONSENT AGENDA

Meeting Minutes for July 9, 2019.

Findings of Fact and Conclusions of Law For 19-06-SN (Sign) & 19-16-DR (Design Review) – Anchor Baptist Church Monument Sign

Findings of Fact and Conclusions of Law For 19-05-AN (Annexation) – Hansen Annexation

Findings of Fact and Conclusions of Law For 19-10-DR (Design Review) – Memory Ranch Pool House and Pool

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

2. NEW BUSINESS

19-21-DR (Design Review) - On behalf of Panda Express, Inc., CRM Architects & Planners requests approval of a design review for a new 2,381 (approximate) square-foot *Panda Express* restaurant, including landscaping, lighting and a parking lot, within Ashton Estates subdivision No. 1, lot 5 block 1, at 1311 North Jacksonmill Avenue, Kuna, Idaho 83634.

Sam Weiger: Chairman, commissioners for the record Sam Weiger, Planner I for the City of Kuna 751 W 4th ST. On behalf of Panda Express, Inc., CRM Architects & Planners requests approval of a design review for a new 2,381 (approximate) square-foot *Panda Express* restaurant, including landscaping, lighting and a parking lot, within Ashton Estates subdivision No. 1, lot 5 block 1, at 1311 North Jacksonmill Avenue, Kuna, Idaho 83634. The proposed trash enclosure was updated following packet submittal, and now complies with Kuna City Code, and was approved by J&M Sanitation. Therefore, staff would like to remove Condition #8 of the staff report. Staff has determined that this application complies with Title 5 and 6 of Kuna City Code; Idaho Code; and the Kuna Comprehensive Plan. Staff forwards a recommendation of approval for Case No. 19-21-DR to the Planning and Zoning Commission. I will now stand for any questions you may have. **Sabrina Durchee:** Chairman and members of the board, Sabrina Durchee, I am here on behalf of the applicant, I am with KM Engineering, 9233 W State Street, Boise, ID 83714. I want to make a few highlights for you. The applicant meets the C-1 zoning standard for neighborhood commercial and exceeds the required landscape and parking requirements. The applicant also wanted to note that they are currently working on the paperwork for the required cross-access agreement. That will be recorded prior to issuance of building permit. With that, we have reviewed the staff report and agree with the findings and conditions. We respectfully request approval this evening for our application. **C/Young:** This brings up Commission discussion. Landscape-wise, I don't

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, July 23, 2019

have any issues with the landscaping. It looks complete and complies with Code. **C/Hennis:** I think there's plenty of parking and a nice layout. I like the building.

Commissioner Hennis motions to approve Case No. 19-21-DR with the conditions as outlined in the staff report; With the suggestion from staff to remove Condition No. 8 of the staff report; Commissioner Damron seconds, all aye and motion carried 3-0.

19-15-DR (Design Review) Modification – Downtown Tabby; On behalf of Downtown Tabby, Inc, Stephen Miller requests design review approval for proposed additions and modifications to the *Downtown Tabby* commercial building. The subject site is located at 239 W. 4th St., Kuna, ID 83634 (APN# R5070000375).

Sam Weiger: Chairman, commissioners for the record Sam Weiger, Planner I for the City of Kuna 751 W 4th St. The applicant is seeking Design Review approval for additions and modifications to the commercial building. The applicant proposes to add a porch cover, replace existing fencing and modify the building color swatches for the *Downtown Tabby* commercial building at 239 W. 4th St. Staff has determined that this application complies with Title 5 of Kuna City Code; Idaho Code; and the Kuna Comprehensive Plan. Staff forwards a recommendation of approval for Case No. 19-15-DR to the Planning and Zoning Commission. I will now stand for any questions you may have. **C/Young:** Are there any issues with the parking and expanding out front in terms of the number of stalls? I wasn't quite sure based on the plan that was there. **Sam Weiger:** Chairman Young, I did review the parking and also spoke with Paul Stevens, the City Engineer regarding the feasibility of the parking, and he as well as myself, found that the parking was satisfactory. **Sharon Halpern:** Sharon Halpern, 239 W 4th Street. We respectfully ask that you approve our request. **C/Hennis:** It's a nice improvement there to dress up the front. The issue with it is, as long as parking is good, it works for me. **C/Young:** It will be a nice addition to what's there.

Commissioner Hennis motions to approve Case No. 19-15-DR Modification with the conditions as outlined in the staff report; Commissioner Damron seconds, all aye and motion carried 3-0.

3. PUBLIC HEARING

19-03-SUP (Special Use Permit) – Johns In-Home Salon; The applicants, Will and Ali Johns, seek approval for a Special Use Permit in order to operate an in-home salon at 1143 East Yankee Basin Road, Kuna, ID 83634 (APN: R3280931190).

Sam Weiger: Chairman, commissioners for the record Sam Weiger, Planner I, City of Kuna 751 W 4th ST. The applicants, Will and Ali Johns, seek approval for a Special Use Permit in order to operate an in-home salon at 1143 East Yankee Basin Road, Kuna, ID 83634. The City Attorney, Mr. Bill Gigray, provided comments in regards to Exhibit C3, the letter received from the Greyhawk HOA. Mr. Gigray explained in Exhibit C4 that the in-home salon is in conformance with KCC 5-6-3 as well as Idaho Code 67-6512, Additionally, he establishes that the Covenants Conditions and Restrictions of the Greyhawk subdivision are not enforceable by the City of Kuna, therefore the responsibility of any issue that arises after the acceptance, conditional acceptance or denial of the special use permit will be a civil matter between the Greyhawk Homeowner's Association and the applicant. The City Engineer submitted his comments this afternoon, which you should have on your desks as a late exhibit, B-1. Property owners within 400 feet of the property were notified, a notice was printed in the Kuna Melba News and the subject property was posted with a sign. Staff has determined that this application generally complies with Kuna City Code, the goals and objectives of the Kuna Comprehensive plan and Idaho State Code. I will stand for any questions. **C/Young:** Going back to the attorney's memo, he also mentioned that we should verify if there were any conditions from when the Greyhawk Subdivision was platted or approved that said to include the Covenants, Conditions, and Restrictions. This isn't very typical, but Mr. Gigray suggested verifying that. **Sam Weiger:** Chairman Young, that was reviewed and verified by staff. There was nothing that would be an issue here. **Will Johns:** Will Johns, 1143 East Yankee Basin Drive,

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 23, 2019**

Kuna, Idaho. From the beginning, this process was to be in compliance with Idaho State Board of Cosmetology. That states that you cannot do any in-home services without being a licensed establishment. For the purpose of this, my wife who does friends' hair or families' hair, just close people close to us, was not technically in compliance with the Idaho State Board of Cosmetology. The whole purpose of this was to create a licensed establishment so we can be within the bounds of that so that my wife's license doesn't become revoked. This is not some big operation, this is not open to public, there is no advertising, there are no signs, no public walk-ins, none of that, strictly people who are family and friends. We have done all that the City has asked, we've sent a letter to everyone within 400 feet of us. We had no opposition in the neighborhood meeting, and nobody opposed that, including both of our neighbors to the left and to right who have lived next to us for a year. We ask that you approve our request this evening. I'll stand for questions. **C/Damron:** What do you expect future the clientele to be from what you have right now? **Will Johns:** We don't expect it to grow. My wife over the last few years, she's been doing this for about four to five years, and she's maybe seen four to five people, maybe at a maximum seven per week total. We've never had more than one person at our house at a time. At a maximum basis, we'll get 10 per week. We're not looking to grow this. My wife has three boys at home so she's a full-time mom. This isn't something where we're performing 40-80 hours a week or an extreme amount of time. **C/Hennis:** In the packet, it seems like you're adding a door. The photos appear that the door is already existing. Has the door already been put in? **Will Johns:** In this case, in the beginning, not knowing the process of this, I pulled a building permit for this door before I knew about the special use permit. We've now gone back and got that. **C/Hennis:** It does have a light for access lighting, correct? **Will Johns:** Yes. **C/Damron:** With this permit, and looking at the City Engineer's report, will we have to do a study to see how much water there is? **Sam Weiger:** Commissioner, since that came in this afternoon, I can go back and do further review on that. There was no indication from him that a study was needed, but I go back and look at that if needed. **C/Hennis:** It does state in here that based on the applicant's testimony that it may be negligible. **C/Damron:** They'd be the one to look at it. **C/Young:** I'll open the public testimony at 6:18. **Rebecca Hurley:** Rebecca Hurley, 2657 N. Greenville, Kuna, ID 83634. I am appearing today in support of Mr. and Mrs. Johns' permit application for a home-based hair salon. As a neighbor of the Johns', I have been impressed by their fortitude and demeanor during this permit process. I believe Mr. and Mrs. Johns have adequately demonstrated to their neighbors that their business plan permits them to do a hair salon. It would not bring any more traffic or cause a threat to this community. We emphatically support approval of this home-based business and respectfully request that you approve the application. **Keven Thompson:** Keven Thompson, 1167 East Yankee Basin, Kuna, ID 83634. I live east of the Johns and I'm in favor of it. I don't see any increased traffic for this, and it's truly just an in-home hobby more or less. It's not really a business. It's just for family and close friends. I don't see any issue with that. **C/Young:** I'll close the public testimony at 6:22, which leads to Commission discussion. **C/Damron:** It is in compliance, and the neighbors like it and don't mind it. **C/Young:** I know that in the past, we've approved these without any issues that I know of. They all seem to maintain low traffic volume and do what their intent is. **C/Hennis:** I am looking over the Greyhawk response, and I don't necessarily see how they can cover not having anybody, that is not an owner, be on the property. **C/Young:** Again, the CC&R's are not in our per view. **C/Hennis:** Everything else is in compliance, I don't see why it would be an issue. **C/Damron:** Sam cleared it up, so our City decision wouldn't be in conflict with the CC&Rs.

Commissioner Hennis motions to recommend approval of Case No. 19-03-SUP with the conditions as outlined in the staff report; Commissioner Damron seconds, all aye and motion carried 3-0.

4. COMMISSION REPORTS

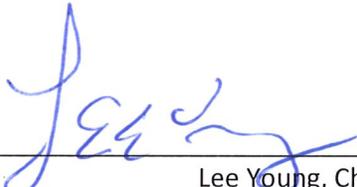
Wendy Howell: We have a new planner, Doug Hanson. I'll let him introduce himself. **Doug Hanson:** I'm Doug Hanson, I'm from southern California, went to Montana State and lived in Bozeman for five years. Then I moved to Boise, got my MPA and just started here on July 8.

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, July 23, 2019**

5. ADJOURNMENT

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



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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