

**CITY OF KUNA  
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES  
Tuesday, October 14, 2014**

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PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Vice-Chairman Stephanie Wierschem	X	Troy Behunin, Planner II	<i>Absent</i>
Commissioner Dana Hennis	<i>Absent</i>	Trevor Kesner, Planning Technician	X
Commissioner Cathy Gealy	X		
Commissioner Joan Gay	X		

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

Chairman Young called the meeting to order at **6:02 p.m.**

**Call to Order and Roll Call**

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**1. CONSENT AGENDA**

- a. Approval of the Planning and Zoning Commission Meeting Minutes for August 12th, 2014

*Commissioner Gealy motioned to approve consent agenda;  
Commissioner Wierschem seconds, all aye and motioned carried 4-0.*

**2. NEW BUSINESS:**

- a. **14-05-AN** (Annexation), **14-04-DA** (Development Agreement), **14-03-S** (Subdivision) and **14-06-DR** (Design Review); Patagonia Subdivision – Westpark Company, Inc. : Applicant requests annexation, subdivision and design review approval for a new residential subdivision with 470 residential lots and 18 common lots over 150 +/- acres near the northwest corner of Meridian and Hubbard Roads.

*Commissioner Gealy motioned to table this item to be heard at the October 28<sup>th</sup>, 2014 regular Planning and Zoning Commission meeting;  
Commissioner Wierschem seconds, all aye and motioned carried 4-0.*

**3. PUBLIC HEARING**

- a. **14-01-SUP** (Special Use Permit): A request by Jayme Huckins to operate a Daycare/Group Child Care, In-Home. The site is located at 2578 N. Destiny Avenue in the Greyhawk Subdivision, Kuna, Idaho.

T. Kesner: Good evening commissioners. For the record, my name is Trevor Kesner, Planner with the City of Kuna, 763 W. Avalon, Kuna. Before you tonight is a special use application from Jayme Huckins proposing

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group childcare in her home. In accordance with titles for zoning districts and definitions of the City of Kuna, the proposed use requires obtaining a special use permit. The applicant wishes to acquire approval of a group childcare SUP in order to obtain proper licensing to have up to twelve (12) children in her home on a regularly scheduled basis. That would be from Monday through Saturday from 6:30 a.m. to 6:30 p.m. The site is zoned R-6 medium residential. The existing home sits on 0.181 acres. The neighborhood meeting was held on the subject property. The applicant provided written notice to all property owners within a three hundred (300) foot radius. The notice was sent to all applicable agencies on September 12<sup>th</sup>. It was also published in the Kuna-Melba newspaper twice on September 24<sup>th</sup> and October 1<sup>st</sup>.

This commission has the authority to approve or deny this SUP application. The public noticing requirements were met; public hearings were conducted within the guidelines applicable by Idaho state code and city ordinances and the applicant is here tonight to provide any additional information you might seek. With that, staff will stand for any questions you may have.

C/Young: Ok, any questions for staff?

C/Gealy: I have nothing.

C/Wierschem: I do quickly. Under item C for the exhibits, I want to just get clarification on exhibit B-4? The date behind that is what?

T. Kesner: Exhibit B-4, the date is 2013. That needs to be corrected to 2014.

C/Wierschem: Ok, and so the month is incorrect as well?

T. Kesner: The month is also incorrect, that is actually October 1<sup>st</sup>.

C/Wierschem: Because I'm looking at exhibit B-4 and I believe the date on that was September the 15<sup>th</sup>? Is on the review sheet?

T. Kesner: September 18<sup>th</sup>, so that is a typo and we'll have that fixed in the findings of fact.

C/Wierschem: Ok, I just wanted clarification on that so it wasn't a year and a half old.

T. Kesner: Thank you for pointing that out.

C/Wierschem: Thank you. I have no further questions.

C/Young: Ok.

C/Gay: (to Commission president Young)... is this a good time to ask?

C/Young: Yep

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C/Gay: I have a question. I just wondered what effect, if any, the statement from the CC&R's, the Homeowner's Association; what affect does that have on our approval or non-approval?

T. Kesner: This political body is the deciding body for SUP applications. The applicant has complied with Kuna City Code. The City does not enforce nor have the power to enforce homeowner's association CC&R's.

C/Gay: Ok.

C/Young: Any additional questions for staff?

C/Wierschem: I have none.

C/Young: Alright. Thank you Trevor. We'll go ahead and open the public hearing and we'll ask the applicant to step forward.

(To applicant) Hi. Is there anything that you would like to add to what staff has said so far?

Jayme Huckins: No.

C/Young: Ok, I do have a question for you. On the property, what type of play equipment is there in the backyard? Is there a trampoline or anything like that?

Jayme Huckins: There is a trampoline, but we've purchased an enclosure for it. So its mesh, but none of the kids from the daycare go on that trampoline, only my children that live in the home, go on there.

C/Young: Ok.

Jayme Huckins: Because I signed a liability for everyone in the daycare. Letting them know that I had a trampoline, like these papers, they'll have to sign that. So I have to get everyone's permission before they're allowed to participate on the trampoline

C/Young: Ok.

Jayme Huckins: Which my homeowners association recommended... I mean my homeowners insurance recommended that. As well as neighborhood children, I have to have a signed letter from their parents letting them know that I have a trampoline in the back yard and it can be dangerous.

C/Young: Alright, and have you taken any steps to make sure that the children in the daycare can't access that?

Jayme Huckins: Yes, we have security on the door, so like there's a little light, a little thing that attaches to the window, so anytime the sliding glass door opens, it sets an alarm off, and so we don't let them outside unless they make that request. And then there is a community park that we also take them to instead of the play equipment and trampoline in the yard. It's within walking distance.

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C/Young: Ok. And when you had the neighborhood meeting, were there any other concerns brought up by the neighbors within the radius?

Jayme Huckins: No, there were not concerns during the meeting, no.

C/Young: Alright, does anyone else have any other questions for the applicant at this point?

C/Wierschem: I do. I didn't see in here, the type of fence that's along the perimeter and then also, it states a gate at one entrance?

Jayme Huckins: There are two gates on the fence.

C/Wierschem: Ok.

Jayme Huckins: And the fence is vinyl, and it's a wood fence from the back neighbor.

C/Wierschem: And what type of safety...

Jayme Huckins: There are two (2) padlocks on each gate.

C/Wierschem: So, when you say padlock, is that a key padlock or ...?

Jayme Huckins: It's a combination code.

C/Wierschem: Has that been presented to the fire department for safety?

Jayme Huckins: Well, there's one side is padlocked and one side is not. They were in the backyard. The only reason why that one side is locked is like; I didn't want them to touch any of the lawnmower equipment or anything like that. So, the other side does not have lock, like attached to it, so anyone can leave and go if they want to. And like I said, they're not... they are being supervised while they are outside. But no one could reach up that high to open the gate. Only an adult would be able to or a very tall child.

C/Wierschem: So if I was on the outside, could I get through that gate?

Jayme Huckins: Yes, you could.

C/Wierschem: Ok. So, has there been any discussion about safety...

Jayme Huckins: No, because I had the padlock on it and the fire department came out and he said, "So what if there is a fire and you don't know that code? How are you going to get out?" So, I took that padlock off of the gate and we would only be able to keep it on one gate. So I had both padlocks on there because a lot of my

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children's friends were going back there so there were padlocks on there. But then he required me to remove the padlock because if a fire happened, that was the only exit that had something wrong with it.

C/Wierschem: Did he recommend anything else for the gate to keep it secure so people, neighborhood kids or someone could come along and let the other kids out?

Jayme Huckins: Well, yeah he asked me to remove the little string that was on there so no one could pull it down. And that was it.

C/Wierschem: Ok.

Jayme Huckins: His concern was more for people being able to get out if there was a fire, rather than someone getting in.

C/Wierschem: Right. Ok. Thank you.

C/Young: Ok, does anyone else have any questions for the applicant?

C/Wierschem: I don't.

C/Young: Ok, thank you. I'll call up people that have signed up to testify. I have listed in favor, a Christina Pyle? And if you could just state your name and address for the record?

Christina Pyle: My name is Christina Pyle, address is 456 W. Boise, Kuna, Idaho.

C/Young: Well, I saw you had it listed as wanting to testify so...

Christina Pyle: Oh, well I probably shouldn't have...

C/Young: You were just listed as being in favor of this?

Christina Pyle: Yeah, I guess I can say that everything looks legit. I've been there right after they inspected and she has all the tags and everything she needs so, I don't see why not. Thank you.

C/Young: Ok, thank you. And I see that there are no other people signed up either in favor, neutral or in opposition. Is there anyone here that has not signed up that would like to testify? Alright, please step forward and state your name and address for the record. And please sign in as to whether you are in favor, neutral or otherwise.

Clay Burnham: Oh, ok. Want me to do that right now or?

C/Young: Sure, you can do that while...

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C/Gealy: We can wait a minute for you.

C/Young: Thank you very much and if you'll just state your name and address for the record.

Clay Burnham: My name is Clay Burnham; 2656 N. Destiny Avenue. I'm just going to read the HOA requirements for Greyhawk, I don't know if you guys are familiar with those. It's page 9, Section 4.5: A trade or business may be conducted in or from any building lot by an owner or occupant so long as (a) the existence or operation of the business activity is not apparent or detectible by sight, sound or smell from the exterior of the dwelling on the building lot; (b) the business activity conforms to all zoning requirements; (c) the business activity does not involve persons coming onto the building lot who do not own or occupy the building lot; (d) the business activity does not increase the liability or casualty insurance obligation or premium of the association; and (e) the business activity does not constitute a nuisance or hazardous or offensive use, as may be determined in the sole discretion of the board.

That's main thing I'm concerned about is the increased traffic and possible increased children that are going to be in and around that home that are liable or could get injured on the premises. So I would say that I'm opposed to there being a daycare there that could hold a good amount of children. It could change the neighborhood drastically. That'll be it.

C/Young: Ok, thank you. Is there anything the applicant would like to say in response to these concerns?

Jayme Huckins: I definitely understand, as far as more children being in the neighborhood being a nuisance or being loud. A lot of neighbors have actually talked to about how I do have a lot of children. I have four myself; I'm not looking to have as many as twelve (12) children in my home, I'm just looking to be able to stay with my children and not have to go back to work and be able to provide for them.

Right now I'm watching my family's children, which is legal through the zoning laws and the state is actually paying me to watch those children and you don't have to be licensed for it. I decided to get licensed for it because my cousin is needing help and he's not deemed family because it has to be like a niece or a nephew. I do take care of the children. They're not running around wild in the neighborhood, they're being watched. I have a 3600 square foot home. They're being watched and they're being watched inside the home. As far as dropping-off and picking-up and the extra traffic involved? I only watch three (3) families so there are only three (3) cars and to me, that's not very much traffic.

C/Young: What is the average time that they drop-off and pick-up?

Jayme Huckins: Like five (5) minutes.

C/Young: Right, but I mean, what time of day?

Jayme Huckins: From like 8:30 to 9:30 and then obviously when the kids get home, like the school bus. So a lot of the kids aren't even actually in my home, they're at school. One of the kids is an after-school child that will be riding the bus and coming on the bus, so there's no picking-up or dropping-off. And then there would be one pick-up around 5:30 for about five (5) minutes.

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C/Young: Ok. Well alright, thank you. And with that, we'll close the public testimony at 6:20 p.m.

T. Kesner: Chairman Young, one clarification I wanted to make. Again, Trevor Kesner, Planner with the City of Kuna. Exhibit B-6 is an email from Central District Health Department stating that they have no *obligations* to the application. I received an email from CDHD yesterday clarifying that they have no *objections* to the application and not *obligations*. I just wanted to clarify that.

C/Young: Alright, thank you. So, to me it all seems pretty straight-forward as far as the use permit goes. The fire department has done their inspections...

C/Wierschem: And I'm sorry Trevor, I was looking through our packet and I didn't see the follow-up letter from the fire department where they had done the inspection. I saw the letter, exhibit B-5 saying that they would be doing the inspection and letting her know what they would be looking for as well as a fee. Did we get a response from them?

T. Kesner: The applicant has thirty (30) days after the hearing to furnish planning and zoning with the recommendations of the fire department, so we have not yet...

Jayne Huckins: I have that. I can email that now.

C/Wierschem: Ok. Thank you.

C/Young: Ok. Thanks.

So, I understand the concerns with the neighborhood association and as Trevor had mentioned, unfortunately, there's nothing that the Planning and Zoning Commission can do as far as enforcing or doing anything with CC&R's; it's a civil matter and it's nothing that we can address as far as applying the CC&R's. As long as they're (applicant) are meeting the city codes and procedures, there is really nothing we can do as far as CC&R's go.

And is there anything else from anyone?

C/Wierschem: I have nothing.

C/Young: Ok, then I'll stand for a motion.

*Commissioner Gealy motions to approve 14-01-SUP for a Daycare/Group Child Care, In-Home;*

C/Young: Is there a second? With conditions?

C/Gealy: Well, with the conditions of approval as outlined in the staff report.

C/Wierschem: to meet all staff and agency requirements.

*Commissioner Wierschem seconds, all aye and motioned carried 4-0.*

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C/Young: I wish you luck with your new business. Thank you very much.

C/Gealy: Thank you for reminding me.

C/Wierschem: Well, I was going to say it but I didn't want to detract from your motion.

C/Young: Ok. Next item, are there any department reports at this time?

**4. DEPARTMENT REPORTS:**

- a. Planning Director, Wendy Howell: I am assuming that my staff has let you know about a special meeting with the City Council on October 21<sup>st</sup>?

C/Young: Yes.

W. Howell: Good, because I was out ill. You didn't get it?

C/Wierschem: I don't know. I haven't checked. I've been up to here with doing report cards.

C/Gealy: And that's at 6:00 right?

W. Howell: It is at 6:00 and it is in the Planning and Zoning office.

C/Gealy: Ok.

W. Howell: As far as what's coming up, we'll have a design review of some 'shells' basically in front of Ridley's and obviously the subdivision which was tabled from tonight.

Wendy Howell briefed the Planning and Zoning Commission on building permits for the month of September, ten (10) of which were new homes.

C/Wierschem: I have a couple of questions, but they're not related to that. It's in regards to the McDonalds. Do we know where we're at on that? Will we see any building plans?

W. Howell: Yeah, they're already building.

C/Wierschem: Because I don't recall looking at the plans.

W. Howell: Design Review?

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C/Wierschem: Yeah. Maybe that was when I was gone. It could be because I was out there for a while.

W. Howell: It was brought before Design Review.

C/Wierschem: Were they going to have a 'play land' or indoor play ground area?

W. Howell: No, not initially.

C/Wierschem: Ok. I've had a few folks in the community that have asked. Alright thanks. That was my big 'what to know' tonight. You know, those little kids, that's what they dream about...McDonalds, day and night.

*\*\*laughter\*\**

C/Wierschem: I have nothing further. Do you have anything Trevor?

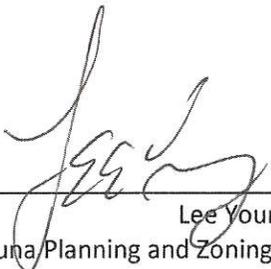
T.Kesner: No, nothing further.

**5. CHAIRMAN / COMMISSIONER DISCUSSION:**

- a. Some additional discussion took place regarding the time and place of the October 21<sup>st</sup> special meeting in the Planning offices. No changes were made.

**6. ADJOURNMENT:**

*Commissioner Wierschem motions to adjourn at 6:31 p.m.; Commissioner Gealy Seconds, all aye and motion carried 4-0.*

  
\_\_\_\_\_  
Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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